TOWN OF OSOYOOS

ZONING BYLAW

BYLAW NO. 1395, 2024

CONSOLIDATED VERSION

Adopted September 24, 2024
Updated September 22, 2026

(CONSOLIDATED FOR CONVENIENCE PURPOSES ONLY)

Consolidated Version should be read in conjunction with the complete document.

ZONING BYLAW
NO. 1395, 2024

Town of Osoyoos Zoning Bylaw No. 1395, 2024

TABLE OF CONTENTS

Page

1.0 TITLE AND APPLICATION 2

2.0 TRANSITION 3

3.0 ADMINISTRATION 5

4.0 DEFINITIONS 6

5.0 CREATION OF ZONES 21

6.0 GENERAL REGULATIONS 23

6.1 Fences 23
6.2 Height Exemptions 23
6.3 Metal Storage Containers 24
6.4 Mobile Vendor 24
6.5 Prohibited Uses of Land, Buildings and Structures 24
6.6 Recreational Vehicles 24
6.7 Residential Density Calculation 25
6.8 Retaining Walls 25
6.9 Setback Exemptions 26
6.10 Solar Energy Systems 27
6.11 Uses Permitted in Every Zone 27
6.12 Visibility at Intersections 28
6.13 Waterfront Facilities 28

7.0 SPECIFIC USE REGULATIONS 30

7.1 Accessory Buildings and Structures 30
7.2 Accessory Dwellings 30
7.3 Bed and Breakfast Operations 30
7.4 Child Care Facility 31
7.5 Home Occupation 31
7.6 Retail Sales of Farm Products 32
7.7 Short Term Rental Accommodations .....

8.0 SUBDIVISION REGULATIONS 33

9.0 FLOODPLAIN REGULATIONS 35

10.0 VEHICLE PARKING & LOADING REGULATIONS 37

11.0 LOW DENSITY RESIDENTIAL ZONES 43
11.1 SMALL-SCALE MULIT-UNIT RESIDENTIAL (RS1) ZONE 43
11.2 RESIDENTIAL MANUFACTURED HOME PARK (RSM) ZONE 47

12.0 MEDIUM DENSITY RESIDENTIAL ZONES 49
12.1 MEDIUM DENSITY RESIDENTIAL ONE (RM1) ZONE 49

13.0 TOWN CENTRE ZONE 57
13.1 TOWN CENTRE (TC) ZONE 57

14.0 COMMERCIAL ZONES 60
14.1 HIGHWAY COMMERCIAL (C1) ZONE 60
14.2 NEIGHBOURHOOD COMMERCIAL (C2) ZONE 64
14.3 SERVICE COMMERCIAL ONE (CS1) ZONE 66
14.4 SERVICE COMMERCIAL TWO (CS2) ZONE 68

15.0 TOURIST COMMERCIAL ZONES 71
15.1 TOURIST COMMERCIAL (CT1) ZONE 71
15.2 CAMPGOUND COMMERCIAL (CT2) ZONE 73
15.3 MARINA COMMERCIAL (CT3) ZONE 75
15.4 RESORT COMMERCIAL (CT4) ZONE 76

16.0 INDUSTRIAL ZONES 78
16.1 GENERAL INDUSTRIAL (I1) ZONE 78

17.0 ADMINISTRATIVE & INSTITUTIONAL ZONES 82
17.1 ADMINISTRATIVE AND INSTITUTIONAL (AI) ZONE 82
17.2 AIRPORT (AP) ZONE 84

18.0 PARKS & NATURAL ENVIRONMENT ZONES 86
18.1 PARKS AND RECREATION (PR) ZONE 86
18.2 DESERT PARK EXHIBITION (DPE) ZONE 89
18.3 CONSERVATION AREA (CA) ZONE 90
18.4 OSOYOOS LAKE (W1) ZONE 91

19.0 AGRICULTURE ZONES 93
19.1 AGRICULTURE (AG) ZONE 93

20.0 COMPREHENSIVE DEVELOPMENT 95
20.1 LAKESHORE DRIVE COMPREHENSIVE DEVELOPMENT (CD1) ZONE 95

LIST OF SCHEDULES

Schedule ‘1’ – Zoning Text
Schedule ‘2’ – Zoning Maps
Schedule ‘3’ – Floodplain Maps

Town of Osoyoos
Zoning Bylaw No. 1395, 2024

A Bylaw to divide the Municipality into zones and regulate within the zones:

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1. the use of land, *buildings* and *structures*,
2. the density of the use of land, *buildings* and *structures*,
3. the siting, size and dimensions of:
   a) *buildings* and *structures*, and
   b) uses that are permitted on the land,
4. the shape, dimensions and area, including the establishment of maximum and minimum sizes of all *parcels* of land that may be created by subdivision,
5. the provision of off-street parking and loading spaces,
6. the provision of *screening* or landscaping,
7. floodplain regulations, and
8. other matters under provincial empowering enactments.

The Council of the Town of Osoyoos in Open Meeting Assembled, **ENACTS AS FOLLOWS:**

1.0 TITLE AND APPLICATION

1.1 Title

This Bylaw may be cited for all purposes as the “Town of Osoyoos Zoning Bylaw No. 1395, 2024”.

1.2 Application

This Bylaw applies to all land, including the surface of water, located within the Town of Osoyoos.

This Bylaw includes:

Schedule ‘1’ – Zoning Text

Schedule ‘2’ – Zoning Map

Schedule ‘3’ – Floodplain Maps

2.0 TRANSITION

The following bylaws, and all amendments thereto, are repealed:

- Town of Osoyoos Zoning Bylaw No. 1085, 1998; and
- Town of Osoyoos Foreshore and Lake Zoning Bylaw No. 1294, 2012.

Read a First and Second time, as amended, this 8th day of August, 2024.

Public Hearing held this 10th day of September 2024.

Read a Third time this 10th day of September 2024.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this 16th day of September 2024.

Original signed by Robert Bitte

for Minister of Transportation & Infrastructure

Adopted this 24th day of September, 2024.

Original signed by Mayor Sue McKortoff	*Original signed by Marg Coulson*
MAYOR	CORPORATE OFFICER

SCHEDULE ‘1’

Town of Osoyoos Zoning Bylaw No. 1395, 2024

3.0 ADMINISTRATION

3.1 Applicability

.1 Land or the surface of water must not be used, land shall not be subdivided and *buildings* or *structures* must not be constructed, altered, located or used except as specifically permitted in this Bylaw.

.2 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the *principal uses*.

.3 *Parcels* shall be consolidated prior to issuance of building permit where the proposed *building* would otherwise straddle the *parcel* line.

3.2 Enforcement

.1 In accordance with Section 16(2) of the *Community Charter*, the Chief Administrative Officer, or their delegate, or other officers or employees of the Town authorized by Council are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

3.3 Prohibitions and Penalties

.1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.

.2 Any person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding $50,000.00 and the costs of prosecution.

.3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

4.0 DEFINITIONS

In this Bylaw:

A

“accessory building or structure” means a detached *building* or *structure* located on the same *parcel* as the *principal building*, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the *principal building*;

“accessory dwelling” means a *dwelling unit* which is permitted as an *accessory use* in conjunction with a *principal use* and is not located within a *single detached dwelling*;

“accessory use” means a use which is subordinate, customarily incidental, and exclusively devoted to a *principal use* in existence on the same *parcel*;

“agriculture” means the use of land, *buildings* or *structures* for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or *farm products*, but excludes processing and *retail sales of farm products* and *cannabis production, indoor*. Agriculture includes *cannabis production, outdoor*, producing and rearing animals and *range grazing* of horses, cattle, sheep, and other *livestock*, *composting operation* and includes *apiculture* and *aquaculture*;

“agriculture, indoor” means the use of a *building* or *structure* for the growing, harvesting, cultivating, propagating, packing, storing and wholesaling of horticultural products, including but not limited to, vegetables, fruits, nuts and flowers, and *cannabis production, indoor*;

“airport” means any area of land and water to function as a facility for the arrival, departure, movement, or servicing of aircraft;

“alcohol production facility” means a brewery, cidery, distillery, meadery or *winery* that is licenced under the *Liquor Control and Licensing Act* to produce beer, cider, spirits, mead or wine;

“apartment building” means a *building* other than a *townhouse* containing three (3) or more *dwelling units*, each of which has its principal access from an entrance common to the dwellings;

“apiculture” means the keeping and raising in apiaries of honey bees for honey production, crop pollination, and bee stock production;

“aquaculture” means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or in human made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water;

“art gallery” means a *building* or part of a *building* where works of art, such as paintings, sculpture, pottery, glass or weaving are displayed for public viewing, sale or both;

“asphalt plant” means the processing and *manufacturing* of road paving materials from raw material and petroleum products;

“assembly” means a *building* or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a *church* and community hall

“attic” means the space between the underside of the roof sheathing and the top of the ceiling joists or floor joists of the storey immediately below where the vertical clear *height* does not exceed 1.5 metres;

B

“bed and breakfast operation” means an occupation conducted within a *principal dwelling unit*, by the residents of the *dwelling unit*, which provides sleeping accommodations to the traveling public and may include the provision of meals for those persons using the sleeping accommodations;

“boat launch” means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;

“boat lift” means a *structure* supported from the bottom of a lake, which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;

“building” means any *structure* consisting of a roof supported by walls or columns used or intended to be used for sheltering, accommodating or enclosing people, animals, goods, chattels or equipment;

C

“campground” means a *parcel* of land occupied and maintained for temporary accommodation of the traveling public in tents, *tourist cabins* or recreational vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an *office* as part of the permitted use but excludes *hotels*, *manufactured homes*, *manufactured home parks*, or *motels*;

“cannabis” means any plant of the genus cannabis; including:

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 also includes

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 production, indoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of *cannabis* inside a *structure*, as permitted by federal enactment, but excludes the growing of *cannabis* by an individual for their personal use and consumption, or *cannabis production, outdoor*;

“cannabis production, outdoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of *cannabis* outside in a field, as permitted by federal enactment, but excludes the growing of *cannabis* by an individual for their personal use and consumption, or *cannabis production, indoor*;

“cannabis products” means plant material from *cannabis* and any products that include *cannabis* or *cannabis* derivatives, intended for human use or consumption;

“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;

“child care facility” means a *building* or *structure* in which child care services are provided for children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

“church” means a *building* or *structure* used for religious worship or organized religious services and associated *accessory uses* which may include an auditorium, *child care facility* and one (1) *accessory dwelling*;

“civic facility” means a *building* or *structure* in which government services are provided to the public including but not limited to a government *office*, law court, health care centre or hospital, fire hall, library, ambulance or police station;

“commercial card-lock facility” means a premises used for the bulk storage and sale of petroleum products dispensed from pumps utilizing a card-lock or key-lock system, but excludes a *service station*;

“community care facility” means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A *community care facility* may or may not be licensed under the *Community Care and Assisted Living Act*;

“community sewer system” means a system of works owned operated and maintained by the Town of Osoyoos and which is established and operated for the collection, treatment and disposal of sanitary sewage and which serves more than one parcel, and for certainty excludes such system of works owned and operated by a strata corporation, private sewer utility or business corporation;

“community water system” means a water supply system owned, operated and maintained by the Town of Osoyoos, and for certainty excludes a water supply system owned and operated by a strata corporation, private water utility or business corporation.

“composting operation” means the entire area, *buildings*, and equipment used for the biological decomposition of organic materials, substances or objects under controlled circumstances in composting storage facilities and composting storage sites;

“concrete plant” means the processing, *manufacturing* and sale of concrete, and includes the accessory manufacture and sales of products made from concrete;

“conservation area” means land that is preserved and protected in a natural state, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Town of Osoyoos, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish, but excludes *indoor recreation* and *outdoor recreation*;

“construction supply centre” means the *retail* sale or wholesale of *building* material, fixtures, or hardware, garden furniture, construction and home improvement equipment or supplies, animal feed, farm supplies, and includes a lumber yard, building supply outlet, home improvement centre, and the accessory rental of home construction, maintenance or repair equipment;

“cooking facility” means facilities for the storage, preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or

wiring which, may be intended or used for the preparation or cooking of food, but excludes a *wet bar*;

"crawl space" means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear *height* less than 1.5 metres;

"cultural facility" means a *building* or *structure* used for artistic performances and the display of art and cultural artefacts, including but not limited to *art gallery*, community theatre and museum;

D

"derelict vehicle" includes a vehicle, except a farm vehicle, that is not displaying a current licence, pursuant to Provincial regulations, and which is not enclosed within a garage or *carport*;

"designated flood" means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate *watercourse* flow data available;

"designated flood level" means an observed or calculated water level attained by a *designated flood*, which is used in the calculation of the flood construction level;

"development" means any activity carried out in the process of clearing or preparing a site or constructing or erecting *structures*;

"dock" means an aquatic *structure* used for the purpose of mooring boats and for providing pedestrian access to and from the moored boats, but excludes the *moorage* of float planes, a *group* moorage *facility*, a strata *moorage* facility or a *marina*;

"duplex dwelling" means a *building* containing two *principal dwelling units* with each unit having an independent exterior entrance, but excludes a *secondary suite*;

"dwelling unit" means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of *cooking facilities* and which is designed to be used for living and sleeping purposes;

E

"eating and drinking establishment" means a *building* where prepared foods and beverages are offered for sale to the public for consumption within the premises or off the site and includes neighbourhood pubs, licensed restaurants, lounges, cafes, delicatessens, tea rooms, dining rooms, drive-in food services, refreshment stands and take-out restaurants but excludes *mobile vendor*;

"educational facility" means the use of land, *buildings* or *structures* for education, instruction and training and may include administration *offices* and dormitories to house students. Typical examples include but are not limited to elementary, middle and secondary schools, storefront schools, community colleges, universities, technical and vocational schools;

"equestrian centre" means the use of riding arenas, stables, training tracks and other *structures* that accommodate the activity of riding horses, and in which horses are sheltered and fed;

“exterior side parcel line” means any *parcel* line common to a *highway*, other than a *lane*, which is not a *front parcel line*;

F

“family” means one or more persons related by marriage, blood, common law, adoption or foster parenthood, and not more than five (5) unrelated persons sharing one *dwelling unit* typical of a single-family unit or other similar basic social unit;

“farm building” means a *building* or part thereof which is associated with and located on land devoted to the practice of *agriculture*, and used for the housing of equipment or *livestock*, or the production, storage, processing, marketing and selling of agricultural and horticultural produce or feeds;

“farm operation” means a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

“farm products” means commodities or goods that are produced from a *farm use*;

“farm use” means an occupation or use of land for agricultural purposes, including farming of land, plants and animals and any other similar activity designated as farm use by Provincial regulation, and includes a *farm operation*;

“fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or *screen* areas of land;

“finished grade” means the average finished ground level at the perimeter of a *building* or *structure*, excluding any localized mounds or depressions such as those for vehicle or pedestrian entrances;

“fleet service” means the use of a *parcel* for a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. Typical uses include but are not limited to taxi services, bus lines, storage of a fleet or rental vehicles, and messenger and courier services, but excludes a *freight terminal*;

“floodplain” means an area of land, whether flood-proofed or not, which is susceptible to flooding by a *watercourse*, lake or other body of water;

“floodplain setback” means the required minimum distance from the *natural boundary*, or other reference line of a *watercourse*, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain a floodway and to allow for potential land erosion;

“foreshore” means land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;

“freeboard” means a vertical distance added to a *designated flood level* used to establish a flood construction level;

“freight terminal” means premises used as an origin or destination point from which vehicles are dispatched for the delivery or pick-up of materials, goods and equipment and which may include warehouse space for the temporary storage of such materials, goods and equipment;

“front parcel line” means any *parcel* line common to a *parcel* and one *highway* other than a *lane*, provided that, where a *parcel* is contiguous to the intersection of two or more *highways*, the front *parcel* line is the shortest *parcel* line contiguous to one of the *highways*. Where a *parcel* is bisected by a *highway*, both *parcel* lines abutting the *highway* are considered to be *front parcel lines*;

“**funeral home”** means a *building* or part of a *building* wherein a licensed undertaker prepares human remains for interment and may include a chapel for funeral services (not including cremation);

G

“golf course” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include *buildings* necessary for the maintenance and administration of the golf course;

“gravel processing” means screening, sorting, crushing and storing of any earth material, but excludes subsequent *manufacturing* operations such as concrete and *asphalt plants*;

“greenhouse” means a *structure* covered with translucent material, and used for the purpose of growing plants, which is of sufficient size for persons to work within the *structure*;

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

- parking areas to a maximum floor area exclusion of 45.0 m^2, unless such parking is a *principal* use in which case no exclusion shall be permitted;
- a swimming pool;
- unenclosed front entry porches, balconies, decks, patios, terraces, courtyards or stairways; and
- *crawl spaces* or *attics*.

“group moorage facility” means one or more multi-berth *docks* providing communal *moorage* to an adjacent *apartment building, resort residential building*, *townhouse* or multi-*parcel residential development*, including a strata or shared interest *development*;

H

“habitable area” means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a *building* or *structure*, including a *manufactured home* or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

“height” means the vertical distance from the average finished grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, and to the mean level between the eaves and the highest point of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure;

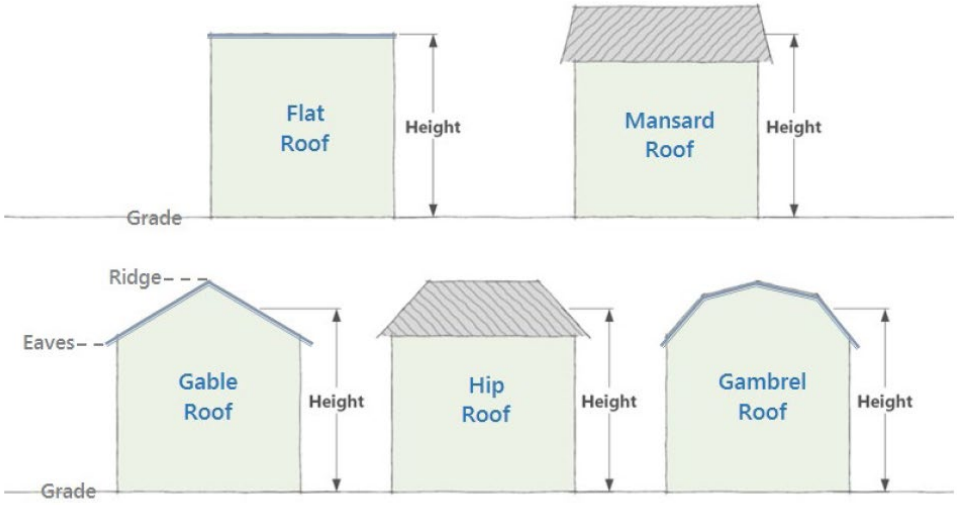


Figure 4.1: Examples of Roof Styles

"highway" includes a street, road, *lane*, bridge, viaduct or any other way open to public use other than a private right-of-way on private property;

"home occupation" means an occupation or profession that is accessory to the principal *residential* use of a *parcel* and may include home *offices*; studios; home workshops, and other similar uses;

"hooked parcel" means a *parcel* of which one portion is physically separated from the other portion by a *highway*, or by another *parcel*;

"hotel" means a *building* containing commercial guest *sleeping units*, and a lobby area for guest registration and access to the *sleeping units*, which may contain *accessory uses* such as a restaurant, licensed drinking facilities, accessory *retail* sales, and meeting rooms;

I

"indoor recreation" means a facility within an enclosed *building* intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;

"interior side parcel line" means a *parcel* line between two or more *parcels* other than the front, rear or *exterior side parcel line*;

K

"kennel" means the care of four (4) or more dogs, cats or other domestic animals or pets whether such animals are kept commercially for board, propagation, training, sale or for personal and private enjoyment;

L

“lane” means a *highway* that provides a secondary access to one or more *parcels* and is less than 8.0 metres in width;

“livestock” means horses, cattle, sheep, swine, llamas, *ratites*, goats, farmed game and other similar animals;

M

“manufactured home” means a *mobile home* or *modular home* normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but excludes travel trailers, *recreational vehicles*, park model *recreational vehicles* or campers;

“manufactured home park” means any parcel of land, upon which three (3) or more *manufactured homes* or *single detached dwellings* are located on individual *manufactured home* sites that are occupied exclusively for *residential* purposes on a rental basis. Includes all *buildings* and *structures* used or intended to be used as part of such *manufactured home park*;

“manufactured home space” means an area of land for the installation of one *manufactured home* with permissible additions and situated within a *manufactured home park*;

“manufacturing” means fabricating, processing, assembling and finishing of goods or materials as well as the processing of produce, meat or beverages but excludes the use, processing or production of hazardous wastes;

“marina” means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Accessory facilities for the sale of marine fuels and lubricants, eating and drinking establishment, boating accessory retail sales and wastewater pumping facilities may also be provided;

“metal storage container” means a purpose-designed metal cargo container for holding of goods, which is intended to be placed on a ship, truck or railcar;

“minimum parcel size” means the minimum area of a *parcel* of land that can be created by subdivision;

“mobile home” means a *manufactured home* which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

“mobile vendor” means a vehicle intended to be moved from location to location, for the purpose of offering for sale food or retail products;

“modular home” means a *manufactured home* which is certified as being constructed to the Canadian Standards Association A277 Standard and is designed to be moved once onto a permanent, full perimeter foundation;

“moorage” means the tying, fastening or securing of a boat or other watercraft to a *dock*;

“motel” means a *building* or *buildings* containing housekeeping and *sleeping units* each with an exterior entrance and designed to provide temporary accommodation for the travelling public and includes a bathroom facility and may include *cooking facilities*;

N

“natural boundary” means the visible high watermark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks, in vegetation, as well as in the nature of the soil itself;

“natural resource extraction” means the quarrying, sorting, screening, removal and off-site sale of sand, gravel, earth or mineralized rock found on or under a site and includes quarries, gravel pits, *gravel processing* and stripping of topsoil but excludes subsequent *manufacturing* operations such as concrete and *asphalt plants*;

O

“off-farm products” means *farm products* that are not grown, reared, raised or produced on the farm from which they are being sold;

“office” means a business premises or *building*, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

“outdoor market” means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, but excludes equestrian centres and *golf course*;

“outdoor storage” means the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent *structures*. Typical uses include but are not limited to vehicle or heavy equipment storage compounds; and the sale, rental and storage of metal shipping containers;

P

“panhandle” means any *parcel* with any of the *building* envelope situated directly behind another *parcel* so that its frontage is a relatively narrow strip of land which is an integral part of the *parcel*;

“parcel” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;

“parcel coverage” means the total horizontal area of *structures* measured to the outside of the exterior walls of the *buildings* and *structures* on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a *structure* with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

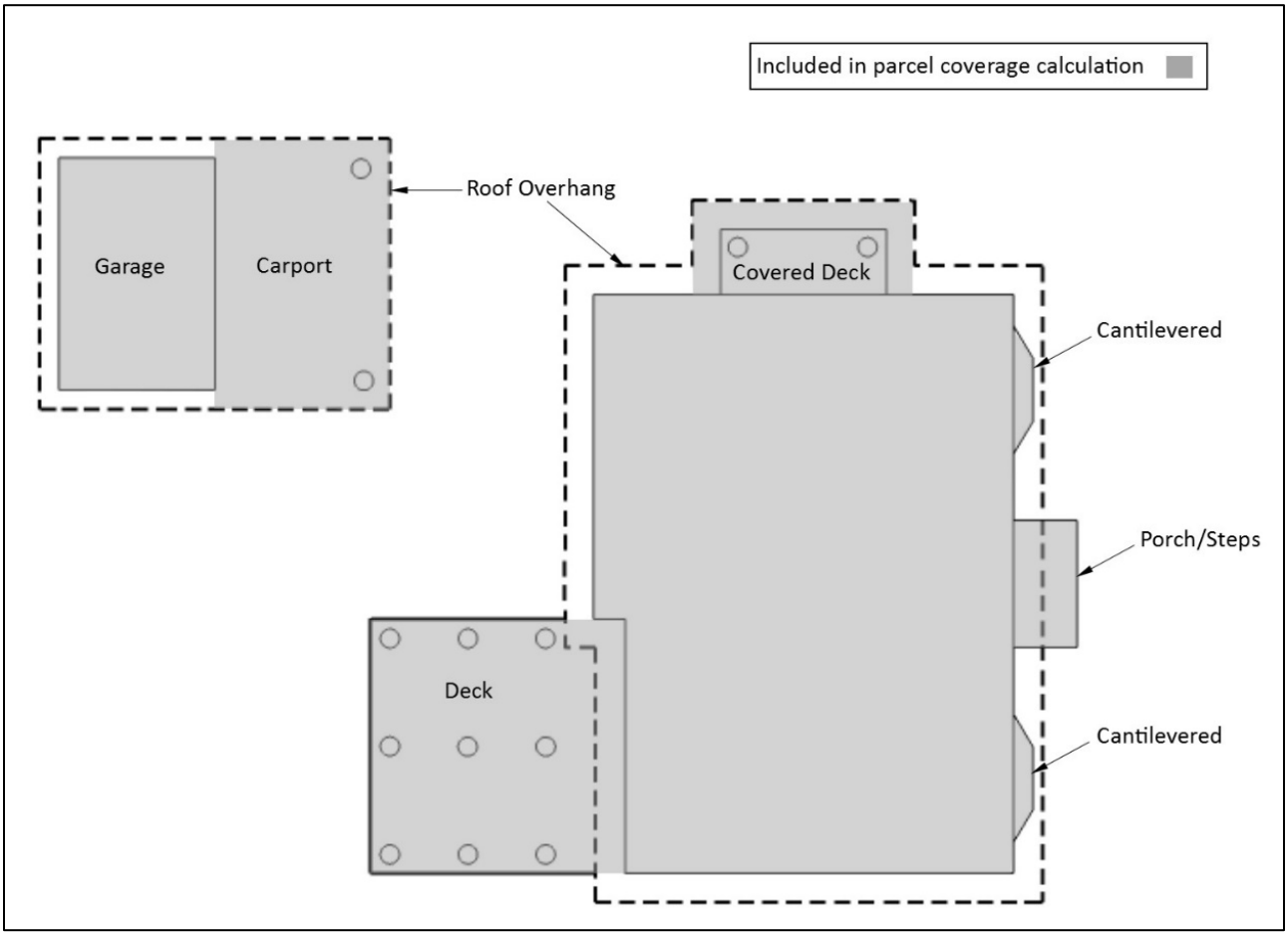


Figure 4.2 — Parcel Coverage Illustration

"parcel depth" means the mean horizontal distance between the *front parcel line* and *rear parcel line* of any *parcel*;

"parcel size" means the area of land within the boundaries of the lot but excludes an access strip associated with a *panhandle parcel*;

"parcel width" means the mean horizontal distance between the side *parcel* lines of any *parcel*;

"park" means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, *buildings* and *structures* consistent with the general purpose of public park land;

"personal service establishment" means a commercial service intended to serve the health, grooming, financial, recreational, athletic activities or related well-being of an individual;

"poultry" means domestic fowl and pigeons including any bird in captivity but excludes *ratites*;

"principal building" means the *buildings* and *structures* intended for the *principal use* of a *parcel*, as listed under the principal permitted uses of the applicable zone;

“principal dwelling unit” means a principal *residential dwelling unit* that is not a *secondary suite* or *accessory dwelling*.

“principal use” means the main purpose for which a *parcel*, *building* or *structure* is used;

“processed farm products” means *farm products* that have been transformed by biological or other means such as fermentation, cooking, butchering, canning, smoking or drying to increase their market value and convenience to the consumer, but excludes hot and cold food items sold for on-site consumption;

R

“ratites” means a bird having small or rudimentary wings and no keel to the breastbone, includes ostriches, emus, and rheas;

“rear parcel line” means the boundary of a *parcel* which lies the most opposite to the *front parcel line* and, where the property has only three *parcel* lines, the rear of the *parcel* is the point where of the two side *parcel* lines meet;

“recreational vehicle” means a vehicle designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, camper trailers, pick-up coaches, motorized campers, motorized homes, park model trailers and other similar vehicles, including vehicles constructed to the Canadian Standards Association Z240 RV and Z241 Standards, which provide temporary recreational accommodation for the traveling public;

“recycling materials depot and drop-off centre” means a *building* or *parcel* used for the collection, sorting, processing and temporary storage of recyclable materials including, but not limited to: cardboard, plastics, paper, metal, bottles and similar household goods or items returnable for deposit;

“residential” means the occupancy or use of a *dwelling unit* for the permanent domicile of a person or persons; or the occasional or seasonal occupancy of a *dwelling unit* as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, but excludes *short-term rental accommodation*;

“resort residential building” means an *apartment building* within which a *dwelling unit* may be used for a *residential* or *short-term rental accommodation* use and which may include accessory facilities such as *eating and drinking establishments*, banquet and convention rooms, recreation facilities and *personal service establishments* for the convenience of residents and guests;

“retail sales of farm products” means *retail* activity which is accessory to a *farm use* and which may include the sale of goods produced on that farm as permitted in a given zone and which includes *buildings* and *structures* necessary for the sale and storage;

“retail” means the sale of goods to the final consumer, excluding the sale of gasoline, heavy agricultural or industrial equipment, and excluding outdoor storage of any or any goods;

“retaining wall” means a *structure* or series of interdependent *structures* greater than 1.2 metres in *height* constructed to hold back, stabilize or support an earthen bank;

S

“salvage operation” means a place where old articles, waste or discarded material including but not limited to rubber tires, metal, plastics, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans, any other scrap or salvage including more than two *derelict vehicles*, are stored or kept, for private or commercial purposes;

“screen” means a *fence*, wall or hedge used as an enclosure and a visual barrier about all or part of a *parcel*, broken only for driveways and walkways;

“secondary suite” means a second *dwelling unit* that is located entirely within a *single detached dwelling* and that is clearly accessory to the *principal dwelling unit*, with direct access to the open air without passage through any portion of the *principal dwelling unit*;

“self-storage” means a self-contained *building* or group of *buildings* containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature;

“service industry establishment” means a business premises or *building*, where non-personal goods and services are provided, including: the repair or assembly of electronic devices, vehicles, trucks, boats or other machinery (including painting); tire sales and repair; household cleaning and repair; metal and woodworking; plumbing and heating sales; storage and repair;

“service station” means premises used principally for the *retail* sale of motor fuels, lubricating oils, propane and motor vehicle accessories, *retail* sales by way of vending machines and the servicing of motor vehicles, but excludes other *retail* sales, wholesale sales, or motor vehicle structural body repairs and painting;

“setback” means the horizontal minimum permitted distance measured at right angles to a *parcel* line, between the *parcel* line and a *building* or *structure*, or, in the case of *floodplain* or a *watercourse*, distance measured from the *natural boundary*, top of bank or other reference identified elsewhere in this Bylaw;

“setback, front” as illustrated in Figure 4.3, means the minimum required *setback* area between the side *parcel* lines extending from the *front parcel line* to the nearest wall or supporting member of a *building* or *structure*;

“setback, rear” as illustrated in Figure 4.3, means the area between the side *parcel* lines extending from the *rear parcel line* to the nearest wall or supporting member of a *building* or *structure*;

“setback, side” as illustrated in Figure 4.3, means the area of the *parcel* which extends from the front *setback* to the rear *setback*, between the side *parcel* line and the nearest wall or supporting member of a *building* or *structure*;

“short-term rental accommodation” means the use of a *residential dwelling unit* for the temporary commercial accommodation of paying guests for a period of less than one month, but excludes a *bed and breakfast operation*;

“sight triangle” means the area formed by intersecting *parcel* lines at a street corner and a line joining points on the *parcel* measured 6.0 metres from the point of intersection of the *parcel*;

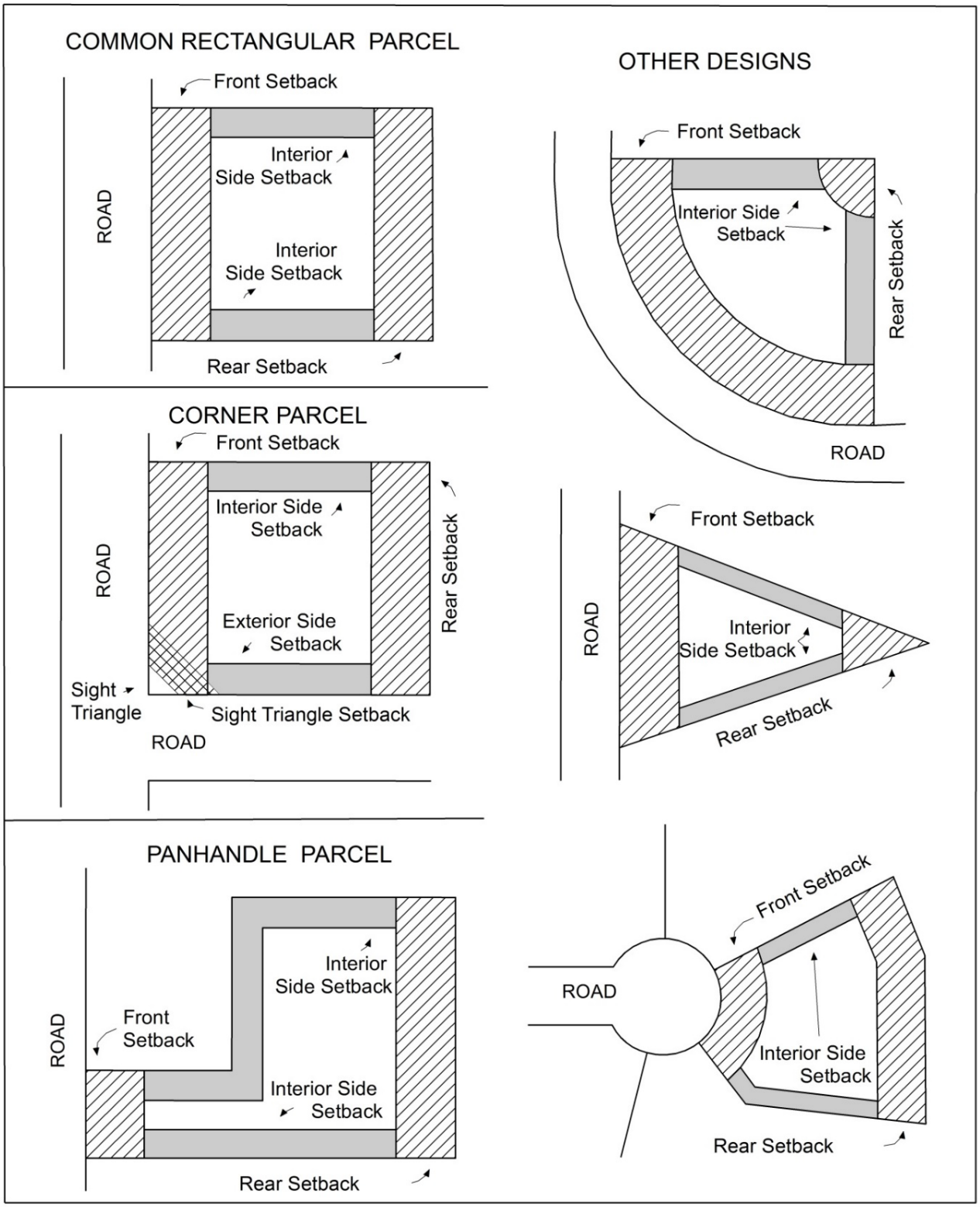


Figure 4.3 — Setback Areas

"single detached dwelling" means a detached *building* that contains one *dwelling unit* used for *residential* use by one *family* and may contain a *secondary suite* if permitted in the applicable zone, and includes a *modular home* but excludes a *mobile home*;

“sleeping unit” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but excludes *cooking facilities*;

“solar energy device” means a device designed to collect, store and distribute solar energy;

“solid screen” means a solid *fence* or wall used as an enclosure and a total visual barrier about all or part of a *parcel* and includes gates on all access points made of materials comparable to the *fence* or wall;

“standard dykes” means dykes built to a minimum crest elevation equal to the flood construction level, which meet standards of design and construction approved by the Province and which are maintained by an ongoing entity such as a local government body;

“stockyard” means a *building* or enclosure with pens or sheds for housing, buying, selling and auctioning *livestock*;

“storage and warehouse” means the storage and distribution of goods, wares, merchandise, substances, articles or things, whether or not the storage is contained in separately occupied, secured storage areas or lockers;

“structure” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, *retaining walls* and *manufactured home spaces*, but excludes *fences* under 2.0 metres in *height*, landscaping, paving and signs unless otherwise noted in this bylaw;

“swimming platform” means a floating *structure* used for recreational activities, such as swimming, diving, and sun bathing, but excludes *moorage*;

T

“tourist accommodation” means a *building* or *buildings* providing temporary accommodation for the travelling public, such as lodges, *motels*, *hotels*, inns, or hostels, which may include common public facilities, such as an *eating and drinking establishment*, gift shop; personal services, or spa; but does not include *short-term rental accommodation*, *recreational vehicles*, park model trailers or *mobile homes*;

“tourist cabin” means a detached *building* containing a maximum of one *sleeping unit*, and which may include washroom facilities, used exclusively to provide temporary accommodation for the travelling public;

“townhouse” means a *building* not more than three storeys high divided into three or more *dwelling units* located side by side under one roof with private entrances to each *dwelling unit* from the exterior of the *building* and with each *dwelling unit* sharing common walls;

U

“utility use” means the use of land for the establishment of facilities and associated appurtenances for the provision of water, sewer, electrical, natural gas, communication, fire protection and transportation; but excludes oil or gas storage tanks; power sub-stations; sewage treatment plants; *offices*; or public storage or maintenance and works yards;

V

“vehicle sales and rentals” means premises used for the sale, lease or hire of new or used vehicles, which may include accessory incidental maintenance services, storage, fueling, washing and sales of parts but excludes automobile body repair. For the purposes of this definition a “vehicle” includes automobiles, *recreational vehicles* (RV’s), boats, all-terrain vehicles (ATV’s), and motorcycles;

“veterinary establishment” means a use conducted for the care, treatment, or hospitalization of animals, birds and fish and may include grooming facilities and sales of accessory supplies, but excludes the keeping or boarding of animals not under care, treatment or hospitalisation;

W

“water-based recreation” means the use of water for *outdoor recreation* activities such as fishing, water skiing, boating, swimming, and diving;

“watercourse” includes any of the following: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook; or a ditch, spring or wetland that is connected by surface flow to a watercourse;

“wet bar” means an area within a *dwelling unit*, other than a *cooking facility*, that is not in a room with a natural gas or 220-volt electrical connection, and is used for the preparation of beverages. A wet bar includes no more than one (1) single sink, one (1) compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space;

“wholesale business” means an establishment acting as agents or brokers and buying merchandise for, or selling merchandise to *retail* users, industrial users, commercial users, institutional users or wholesale users; and

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

5.0 CREATION OF ZONES

5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Town of Osoyoos subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations. The headings below create categories of zones and represent all the zones under that heading:

ZONING TITLE	ABBREVIATION
Low Density Residential Zones	
Small-Scale Multi-Unit Residential	RS1
Residential Manufactured Home Park	RSM
Medium Density Residential Zones	
Medium Density Residential One	RM1
Town Centre Zones	
Town Centre	TC
Commercial Zones	
Highway Commercial	C1
Neighbourhood Commercial	C2
Service Commercial One	CS1
Service Commercial Two	CS2
Tourist Commercial Zones	
Tourist Commercial	CT1
Campground Commercial	CT2
Marina Commercial	CT3
Resort Commercial	CT4
Industrial Zones	
General Industrial	I1
Administrative and Institutional Zones	
Administrative and Institutional	AI
Airport	AP
Parks & Natural Environment Zones	
Parks and Recreation	PR
Desert Park Exhibition	DPE
Conservation Area	CA

Osoyoos Lake	W1
Agricultural Zones	
Agriculture	AG
Comprehensive Development Zones	
Lakeshore Drive Comprehensive Development	CD1

5.2 Definition of Zones

The area of each zone is defined by Schedule ‘2’.

5.3 Interpretation

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

5.4 Permitted Uses

In respect of each zone created under Section 5.1 of this Bylaw:

.1 the only uses permitted are those listed in respect of each zone under the heading “Permitted Uses” in Sections 11.0 to 20.0 of this Bylaw; and

.2 uses not listed in respect of a particular zone are prohibited.

5.5 Conditions of Use

On a particular site in a specified zone created under this Bylaw, the maximum permitted *parcel coverage*, *height* and density and the minimum required *setbacks* are set out in respect of each specified zone in the provisions found in Sections 11.0 to 20.0 of this Bylaw.

5.6 Parcels Divided by Zone Boundary

Where a *parcel* is included in more than one zone, the zone boundary as shown on the map accompanying and forming part of this Bylaw shall be deemed to be a *parcel* boundary for the purposes of determining applicable uses, *parcel size*, densities and/or regulations other than *building setbacks* contained in this Bylaw.

6.0 GENERAL REGULATIONS

6.1 Fences

The *height* of a *fence* shall be determined by measurement from the ground level, at the place on which the *fence* is to be located, to the top of the *fence*.

.1 No *fence* shall exceed 2.0 metres in *height* to the rear of a front *setback* or 1.2 metres in *height* in the front *setback* except:

a) in the Agriculture (AG) Zone all *fences* may be up to 2.0 metres in *height*, and in the Industrial zones all *fences* may be up to 3.0 metres in *height*;

b) in the case of a *fence* constructed on top of a *retaining wall*, the combined *height* of the *fence* and the *retaining wall* at the *parcel* line or within 1.2 metres of the *parcel* line shall not exceed 1.8 metres in *height*, as measured from the *finished grade* of the abutting higher *parcel*;

c) deer *fences* shall not be limited in *height*, provided such *fences* are constructed of material that permits visibility, such as wire mesh or wire strand, but excluding chain link; and

d) *fences* for ball *parks*, *golf courses* and tennis courts shall not be limited in *height*, provided such *fences* are constructed of materials that permit visibility, such as wire mesh.

.2 The use of barbed wire for fencing is prohibited within all zones, except the AG and M1 zones.

.3 The use of razor wire for fencing is prohibited within all zones.

.4 No fence shall be sited below the high water mark of Osoyoos Lake.

6.2 Height Exemptions

.1 No part of a *building* or *structure* shall extend beyond a *height* limit required by this Bylaw except the following minor projections on *buildings*:

a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.

b) roof mounted *solar energy devices* to a maximum of 1.0 meter above the maximum *height* allowed for the *building or structure* on which it is installed.

.2 Despite any other provisions of this Bylaw, for those lands situated between the paved surface of the Osoyoos Airport runway and Highway No. 3, and as shown shaded yellow on Figure 6.2.2, the maximum building or structure height shall be:

a) below a surface created using a 5 horizontal to 1 vertical slope projected from the edge of the airstrip which is measured as 30 meters from the centreline of the runway, and shall not exceed 13.0 meters; and

b) consistent with Transport Canada requirements for obstacle limitation surfaces.

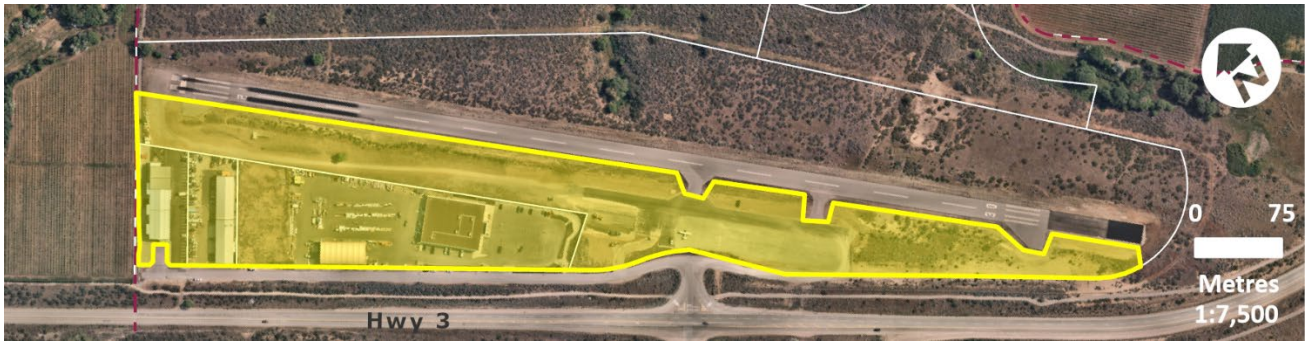


FIGURE 6.2.2

6.3 Metal Storage Containers

.1 The use of metal storage containers as accessory buildings or structures is permitted in the Agriculture (AG) and General Industrial (I1) zones in accordance with the following criteria:

a) the maximum number of *metal storage containers* shall not exceed two (2) per parcel and shall not be located between the principal building and any street frontage, except a lane;

b) the stacking of *metal storage containers* is prohibited; and

c) *metal storage containers* shall be sited in accordance with the regulations for the siting of accessory buildings or structures.

.2 *Metal storage containers* are prohibited in every other zone, except that one (1) metal storage container may be used for temporary storage during active construction only provided that a valid building permit has been issued authorizing the construction in relation to which the storage container is used, and the active construction is in accordance with the building permit.

6.4 Mobile Vendor

.1 A *mobile vendor* is permitted as an accessory building or structure in the Agriculture, Town Centre, Commercial, Tourist Commercial, Industrial and Parks and Recreation (PR) zones.

.2 despite Section 6.4.1, for parcels situated within the Agricultural Land Reserve (ALR), a “mobile vendor” is permitted only to the extent that a “non-farm use” approval from the Agricultural Land Commission (ALC) has been granted.

6.5 Prohibited Uses of Land, Buildings and Structures

.1 The use of land in contravention of the terms or conditions of a Temporary Use Permit that has been issued under Section 493 of the *Local Government Act* is prohibited.

.2 The *residential* use of a tent or a *recreational vehicle* is prohibited in all zones.

.3 The wrecking, salvage or storage of more than two *derelict vehicles* or the use of land as a *salvage operation* is prohibited in all zones except the General Industrial (I1) Zone.

.4 The use of land for the keeping of *poultry* or honeybee hives is prohibited in all zones except the Agriculture (AG) Zone.

6.6 Recreational Vehicles

.1 Only *recreational vehicles*, to a maximum of one (1), belonging to the owner or occupier of a principal *single detached dwelling* on a *parcel* may be stored or parked on the same *parcel*. Stored *recreational vehicles* shall not be connected to a sewage disposal system, water system or power source.

.2 Despite Section 6.6.1, a *recreational vehicle* may be maintained and occupied on a *parcel* during the construction of a new *single detached dwelling* on the same *parcel*, and for a period not exceeding two (2) years, subject to the following:

a) it is incidental to the construction of a principal *residential building*;

b) the *building* or *structure* must have a valid building permit;

c) it meets the siting regulations of the zone in which it is located; and

d) it is removed within thirty (30) days of the issuance of an Occupancy Permit for the principal *residential building*.

6.7 Residential Density Calculation

In zones where a maximum number of *residential* units per hectare is permitted, the density shall be determined as follows:

(permitted density ÷ 10,000) x *parcel* area = permitted number of units

The value of this product shall be rounded down to the nearest whole number of units.

6.8 Retaining Walls

1. the *height* of a *retaining wall* shall be determined by measurement from the lowest *finished grade* at the base of the *retaining wall* to the top of any part of the *retaining wall*.
2. the minimum horizontal distance between individual *retaining walls* on the same *parcel*, as measured from the outer face of each *retaining wall*, must not be less than the *height* of the lowest *retaining wall*.
3. *retaining walls* constructed closer than the *height* of the lowest *retaining wall* will collectively be considered a single *retaining wall* for the purposes of determining the *height* of a *retaining wall*.
4. no *retaining wall* shall exceed 2.0 metres in *height* except:

   a) in a required *setback* for a *front parcel line*, *side parcel line* or *rear parcel line* no *retaining wall* shall exceed 1.2 metres in *height*; and

   b) on a corner site contiguous to a *highway* intersection, no *retaining wall* is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 6.8.4(a), a *retaining wall* in a required *setback* for a *front parcel line*, *side parcel line* or *rear parcel line* may be 2.0 metres in *height* where the *finished grade* of the subject *parcel* at the base of the *retaining wall* is lower than the *finished grade* of the abutting *parcel* or *highway*.
6. despite sub-section 6.8.4(b), a *retaining wall* is permitted within 4.5 metres of a corner site contiguous to a *highway* intersection where the *finished grade* of the subject *parcel* at the base of the *retaining wall* is lower than the *finished grade* of the abutting *highway*, and provided no part of the *retaining wall* extends above the *finished grade* of the abutting *highway*.

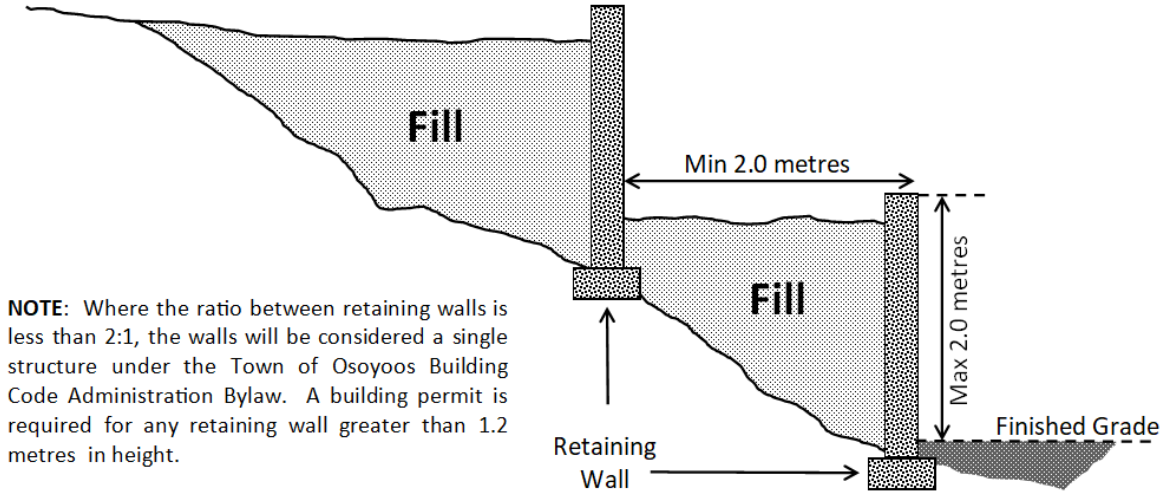


Figure 6.8.1 - Retaining Wall Illustration

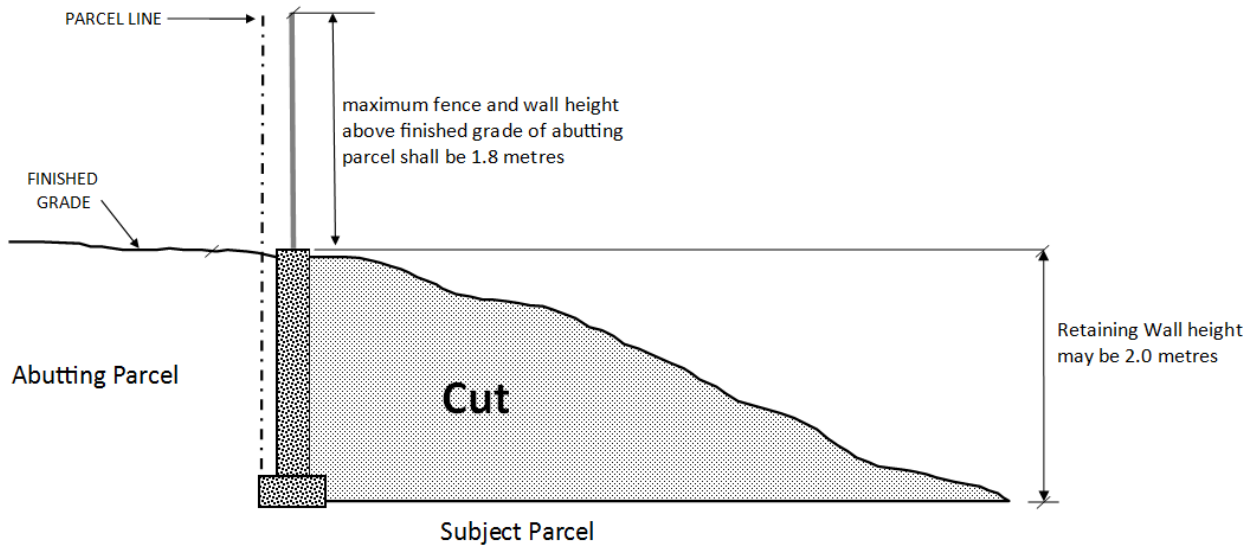


Figure 6.8.2 - Retaining Wall in a Setback Illustration

6.9 Setback Exemptions

.1 No part of any *building* or *structure* shall project into a *setback* required by this Bylaw except the following minor projections on *buildings*:

a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required *setbacks* to a maximum of 0.6 metres measured horizontally;

b) Unenclosed access ramps for physically disabled persons may project fully into required *setbacks*;

c) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally;

d) unenclosed stairwells, unsupported balconies, porches or canopies, may project no more than:

i) front *setback*: 1.5 metres, measured horizontally

ii) rear *setback*: 2.0 metres, measured horizontally

e) roof mounted *solar energy devices* to a maximum of 1.0 meter above the maximum *height* allowed for the *building or structure* on which it is installed; and

f) In no case shall a projection cross a *parcel* line.

.2 Freestanding clothes line poles, antennas, masts, utility poles, flagpoles, open roof pergolas and children's play equipment are permitted anywhere on a *parcel*.

.3 An unenclosed swimming pool constructed at *finished grade* (not above ground) shall be subject only to the following *setback* regulations:

a) not be located between a principal building and a *front parcel line*;

b) located a minimum 1.2 metre to a rear or *interior side parcel line*; and

c) located a minimum of 3.0 metres from an *exterior side parcel line*.

.4 A ground mounted solar energy system less than 1.2 metres in height may be sited on a parcel less than 0.25 ha in area and within a prescribed parcel line setback area.

6.10 Solar Energy Systems

.1 A solar energy system is permitted in the Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Tourist Commercial and Town Centre zones in accordance with the following criteria:

a) the device is attached to either a principal or accessory building or structure, and does not extend beyond the outermost edge of the roof;

b) it is in the form of a ground mounted system and does not exceed a height of 1.2 meters; and

c) despite sub-section b), in all other zones, a ground mounted system may be sited in accordance with the applicable maximum height and minimum parcel line setback requirements for accessory buildings and structures.

6.11 Uses Permitted in Every Zone

The following uses are permitted in every zone and are not subject to any minimum *parcel* area requirements of any zone:

.1 Government controlled, held or sanctioned *parks*, playfields and playgrounds open to the public;

.2 *utility uses*;

.3 roads and *lanes*;

.4 *conservation area*;

.5 fire halls, police stations, ambulance service uses, and similar emergency services;

.6 facilities permitted by provincial enactment for:

a) day care for no more than eight (8) persons in care, or

b) residence for no more than ten (10) persons, not more than six (6) of whom are persons in care.

.7 Provincial, municipal, and regional improvement district works for flood control.

6.12 Visibility at Intersections

.1 In all zones, no *fence*, landscaping, *retaining wall*, or other obstruction shall be erected or permitted at a *height* greater than 1.0 metre within a sight triangle, at or within a distance of 6.0 metres from the corner of the *parcel* at the intersection of the *highway*.

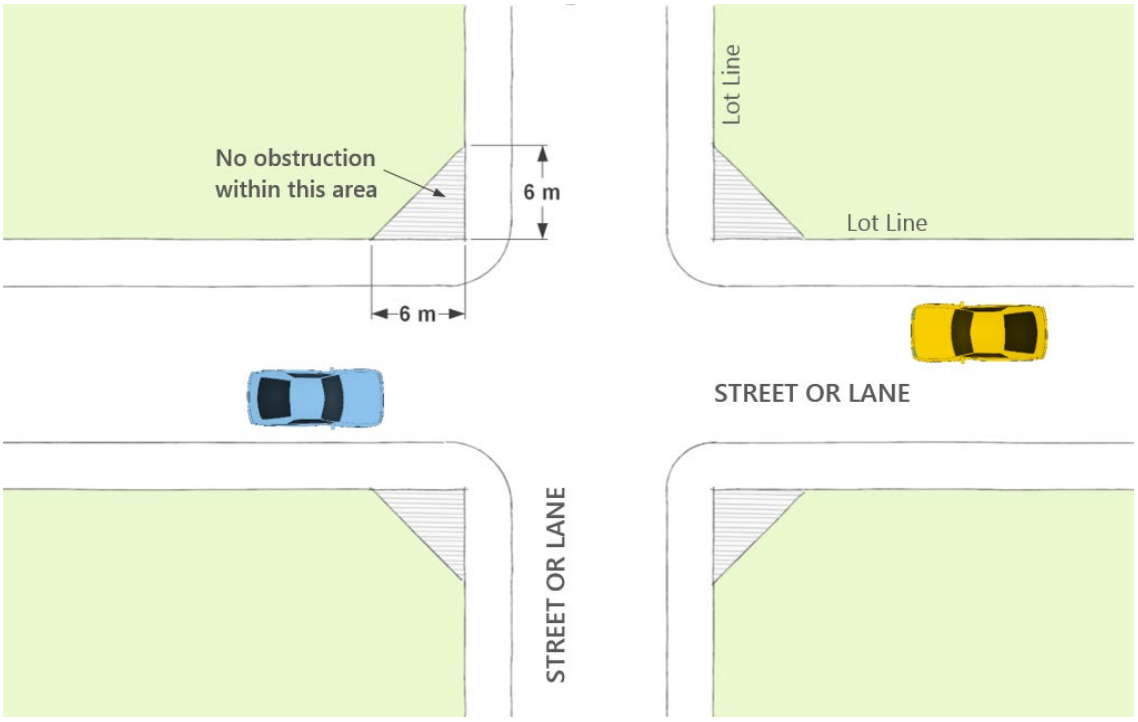


Figure 6.12 – Sight Triangle

6.13 Waterfront Facilities

Boat lifts, docks, *group moorage facilities* and *swimming platforms* may only be sited in the Osoyoos Lake (W1) Zone in accordance with the following:

.1 The following regulations apply to a *dock*:

a) the maximum number shall not exceed one (1) per upland *parcel*;

b) the maximum number of berths shall not exceed three (3);

c) the maximum surface area shall not exceed 24.0 m^2, excluding any walkway providing pedestrian access to or from a *dock*; and

d) the maximum width of a walkway shall not exceed 1.5 metres.

.2 The following regulations apply to a *group moorage facility*:

a) the maximum number shall not exceed one (1) per upland *parcel*;

b) the maximum number of berths shall not exceed one (1) berth for every two (2) residential units occurring on an adjacent upland *parcel*;

c) a permitted berth may be substituted on a one-to-one basis for a *boat lift*;

d) the maximum length a group moorage facility shall extend from the high water mark of Osoyoos Lake is 42.0 metres; and

e) the maximum width of a walkway shall not exceed 1.5 metres; and

f) an ‘L’ or ‘T’ shaped facility is permitted if the length of the structure which is parallel to the shoreline does not exceed:

i) 10.0 metres; or

ii) 50% of the width of the frontage of the upland parcel with the high water mark of Osoyoos Lake.

.3 The following regulations apply to a *swimming platform*:

a) the maximum number shall not exceed one (1) per upland *parcel*; and

b) the maximum surface area shall not exceed 10.0 m^2.

.4 Public access across the foreshore of Osoyoos Lake shall be maintained by providing either a level ground access, a walkway or stairs across a *dock* or *group moorage facility*.

.5 A *boat lift* shall either be attached directly to a *dock* or *group moorage facility*, or be sited within 0.5 metres of such a structure.

.6 A *boat lift, dock, group moorage facility or swimming platform* shall not involve:

a) fencing within the foreshore or within Osoyoos Lake;

b) covered structures; and

c) hot tubs.

7.0 SPECIFIC USE REGULATIONS

7.1 Accessory Buildings and Structures

.1 No *accessory building or structure* shall be used for residential occupancy or contain showers and bathtubs, bedrooms, sleeping facilities, cooking facilities, wet bars, balconies or decks.

.2 No *accessory building or structure* shall be situated on a *parcel* unless:

a) a *principal building* has already been erected on the same lot; or

b) a *principal building* will be erected simultaneously with the *accessory building or structure* on the same lot.

.3 An accessory structure is not to be situated between a front parcel line and a principal structure.

7.2 Accessory Dwellings

The following regulations apply to *accessory dwellings* where permitted as a use in this Bylaw:

.1 An *accessory dwelling* shall not be attached to a *principal building* containing one or more *dwelling units*.

.2 No *accessory dwelling* shall have a floor area greater than 125.0 m^2, unless otherwise specified.

.3 An *accessory dwelling* cannot be subdivided under the *Strata Property Act*.

.4 An *accessory dwelling* shall not be permitted on *parcels* less than 1.0 ha in area unless connected to a community sewer system.

.5 A parking space for an *accessory dwelling* shall not be provided in tandem with parking spaces provided for any other use on a *parcel*.

.6 In the Commercial, Tourist Commercial and Industrial zones, an *accessory dwelling*:

i) shall be located at the rear of a *building* on the ground floor, or above the first storey;

ii) shall have a separate entrance from the exterior of the *building* and shall not share a common hallway with commercial, tourist commercial or industrial uses; and

iii) despite section 7.2.4, may be permitted on a *parcel* less than 1.0 ha in area that is not connected to a community sewer system, if no other *dwelling unit* is situated on the *parcel*.

7.3 Bed and Breakfast Operations

A *bed and breakfast operation* is permitted where listed as a permitted use, provided that:

.1 it is located within one *principal dwelling unit* on the *parcel*;

.2 no more than eight (8) patrons shall be accommodated within the *dwelling unit*;

.3 no more than four (4) bedrooms shall be used for the *bed and breakfast operation*;

.4 no *cooking facilities* shall be provided for within the bedrooms intended for the *bed and breakfast operation*;

.5 no patron shall stay at the *bed and breakfast operation* for more than thirty (30) consecutive days with 30 days in between any subsequent stay; and

.6 only persons residing in the *principal dwelling unit* may carry on the *bed and breakfast operation* on the *parcel* occupied by the *principal dwelling unit*, and must be present on the property and residing in the *principal dwelling unit* during a patron's stay.

7.4 Child Care Facility

The following regulations apply to a *child care facility* use where permitted as a use in a Low Density Residential Zone in this Bylaw:

1. A *child care facility* is not permitted on a parcel with more than one (1) residential dwelling unit;
2. A *child care facility* shall be carried out within a *single detached dwelling*; and
3. The maximum number of child care facilities permitted per parcel is one (1).

7.5 Home Occupation

The following regulations apply to *home occupation* uses where permitted as a use in this Bylaw:

1. A *home occupation* shall not occupy more than 40% of the floor area of a *principal dwelling unit* to a maximum of 50.0 m^2.
2. A *home occupation* shall be carried out within the *principal dwelling unit*, or in an *accessory building or structure* where permitted in the particular zone, with no external storage of materials, containers or finished products.
3. No *retail* sales shall be permitted in a *home occupation*, except for:
   a) goods produced or made on the premises;
   b) telephone or internet sales or sales where the customer does not enter the premises;
   c) mail order sales;
   d) direct distributors where customers do not enter the premises; and
   e) sale of products directly related to the *home occupation*.
4. No vehicle exceeding 4,600 kg in vehicle weight and associated with or used in the conduct of a *home occupation* shall be parked or otherwise located outside of an unenclosed *building*.
5. Only persons residing in the *principal dwelling unit* may carry on the *home occupation* located on the *parcel* occupied by the *principal dwelling unit*.
6. One (1) vehicle parking space is required in addition to those required for the principal *single detached dwelling*.
7. A *home occupation* shall not involve:
   a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
   b) the *outdoor storage* of materials, vehicles and equipment associated with a contractor, trade or mobile service;
   c) the boarding, breeding or keeping of animals;

d) *cannabis production, indoor* and *cannabis production, outdoor*;

e) the salvage or repair of motor vehicles, boats, or other machinery; or

f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

7.6 Retail Sales of Farm Products

.1 Where *retail sales of farm products* is permitted in a zone, the *retail* sales area for *farm products* shall not exceed 100.0 m^2.

.2 For the purpose of calculating the area used for *retail* sales in a *building* or *structure*, the following shall be included:

a) aisles and other areas of circulation;

b) shelf and display space;

c) counter space for packaging and taking payment;

d) any area used for the service and consumption of hot and cold food items; and

Any *office* area, wholesale storage area, processing facility or parking area or driveway, whether used for *retail* sale or not, shall be excluded.

7.7 Short-Term Rental Accommodations

A *short-term rental accommodation* is permitted where listed as a permitted use, provided that:

1. the maximum number of patrons that may be accommodated within a dwelling unit shall not exceed two (2) per bedroom;
2. A *bed and breakfast operation* has not been licenced to occur on the parcel.
3. for parcels situated within the Agricultural Land Reserve (ALR), a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for the short-term rental accommodation use or the use is otherwise permitted under the *ALC Act* and regulations.

8.0 SUBDIVISION REGULATIONS

8.1 Minimum Parcel Size Exceptions for Subdivision

.1 *Minimum parcel size* for subdivision requirements of this Bylaw do not apply to:

a) the consolidation of existing *parcels* or the addition of closed streets to an existing *parcel*;

b) the alteration of lot lines between two or more *parcels* where:

i) no additional *parcels* are created upon completion of the alteration;

ii) the altered lot line does not infringe on the required *setbacks* for an existing *building* or *structure* located on a *parcel*;

iii) the alteration does not reduce the site area of the *parcels* involved to a size less than that of the smallest *parcel* that existed prior to the alteration.

c) the creation of a *parcel* for a "*utility service*" use, provided that the *parcel area* shall not be less than 140.0 m^2, and a statutory covenant under s. 219 of the *Land Title Act* is registered in favour of the Town of Osoyoos restricting its use to "*utility services*" and prohibiting exterior storage

d) a subdivision approved by the Agricultural Land Commission under its homesite severance policy.

e) *building* strata lots authorised pursuant to the *Strata Property Act*.

.2 An existing *parcel* that meets the present *minimum parcel size* requirements of this Bylaw must not, upon completion of a *parcel* line alteration, have a *parcel size* less than that required within the respective zone.

8.2 Minimum Parcel Width for Subdivision Exceptions

.1 Minimum *parcel width* for subdivision requirements of this Bylaw do not apply to:

a) the creation of a *parcel* within a residential zone for a "*utility service*" use, provided that the *parcel width* shall not be less than 7.5 metres, and a statutory covenant under s. 219 of the *Land Title Act* is registered in favour of the Town of Osoyoos restricting its use to "*utility services*" and prohibiting exterior storage.

8.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions

.1 The parcel size and dimension rules in this bylaw do not apply to designated access routes in a bare land strata plan.

.2 The minimum average *parcel size* is equal to the *minimum parcel size* for the designated zoning.

8.4 Minimum Servicing Requirements for New Parcels

.1 If a provision in this Bylaw establishes a minimum parcel size of less than 1.0 ha for a new parcel to be created by subdivision, that minimum parcel size only applies to a new parcel that will be connected to a community water system and a community sewer system.

8.5 Panhandle Parcels

.1 When a *parcel* is to be in the form of a *panhandle*, the access strip or *panhandle* shall not be included in the calculation of the area of the *parcel* for the purpose of determining compliance with a minimum *parcel* area requirement of this bylaw.

.2 Despite the minimum *parcel width* provisions for subdivision of this Bylaw, a *panhandle* lot may be created provided that the minimum *parcel width* of the panhandle is 8.0 metres and the maximum length of the panhandle is 20.0 metres.

.3 When a parcel is to be in the form of a *panhandle*, the minimum *parcel width* requirement shall be calculated for the width of the parcel fronting on the extension of the *panhandle*.

.4 No more than two (2) *panhandle parcels* may be created where the *panhandles* abut each other.

8.6 Hooked Parcels

.1 The subdivision of land to create a *hooked parcel* is prohibited.

9.0 FLOODPLAIN REGULATIONS

9.1 Floodplain Designation and Flood Construction Level

.1 The following land is designated as a *floodplain*:

a) the area shown as the 200 year *floodplain* for Osoyoos Lake on the floodplain maps attached as Schedule '3' to this Bylaw;

b) any land that is less than 1.5 metres above the *natural boundary* of any other *watercourse*.

.2 The flood construction level for land designated as a *floodplain* in section 9.1.1 is:

a) the 200 year flood levels shown on the provincial floodplain maps for the *floodplain* designated in section 9.1.1(a);

b) 3.0 metres above the *natural boundary* for the *floodplain* designated in section 9.1.1(b);

c) 1.5 metres above the *natural boundary* for the *floodplain* designated in section 9.1.1(c); and

d) Osoyoos Lake: 280.70 metres Geodetic Survey of Canada (GSC) datum.

9.2 Siting Buildings and Structures in Floodplains

Despite any other provisions of this Bylaw, no *building* or *structure* shall be located within:

.1 7.5 metres of the *natural boundary* of any lake, pond or marsh, or the top of bank where the bank is within 7.5 metres of the *natural boundary* of any lake, pond or marsh.

9.3 Floodplain Management Regulations

.1 No person shall place any structural support for a *habitable area* or fill required to support a *habitable area* on land within a *floodplain setback* area under Section 9.2;

.2 No person shall construct, reconstruct, move or extend a floor system or pad which supports a *habitable area*, such that the underside of the wooden floor system or the top of the pad or the ground surface on which it is located, is lower than the flood construction levels specified in Section 9.1 except as provided in Sections 9.3.3 and 9.3.4;

.3 Despite Section 9.3.2, the following *floodplain* management regulations apply:

a) For *Dwelling Units* in the Agricultural Land Reserve:

A *dwelling unit* on a parcel that is 8.0 hectares or greater in area and located within the Agricultural Land Reserve (ALR) shall be located with the underside of any wooden floor system, or the top of the pad of any *habitable area*, or in the case of a *manufactured home* the top of the pad or the ground surface on which it is located, no lower than:

i) 1.0 metre above the natural ground elevation taken at any point on the perimeter of the *building*; or

ii) the flood construction levels specified in Section 9.1, whichever is the lesser.

b) For Closed-Sided *Livestock Buildings*:

Closed-sided *livestock buildings* that are not behind *standard dykes* shall be located with the underside of any wooden floor system, or the top of the pad of any *habitable area*, or the ground surface on which it is located, no lower than:

i) 1.0 metre above the natural ground elevation, taken at any point on the perimeter of the *building*; or

ii) the flood construction levels specified in Section 9.1, whichever is lesser.

c) For Industrial *Buildings*:

Industrial *buildings*, other than the main electrical power system, must be located with the underside of any wooden floor system or the top of any pad of any *habitable area* or the ground surface on which it is located not lower than the flood construction levels specified in Section 9.1 minus *freeboard*. Main electrical switchgear shall not be lower than the flood construction level.

.4 The *floodplain* management regulations specified in Section 9.3.3 may be achieved by structural elevation of the *habitable area*, or by placing adequately compacted fill on which any *habitable area* is to be constructed or located, or by a combination of both structural elevation and fill.

.5 Where fill is used to meet the *floodplain* management regulations specified in Sections 9.3.2 and 9.3.3, the face of the fill slope must be adequately protected against erosion from flood flows, wave action, ice and other debris hazards.

.6 The following *developments* and uses are excluded from the requirements of the *floodplain* management regulations specified in Sections 9.3.2 and 9.3.3:

a) renovations, except structural, to existing *buildings* or *structures* that do not involve additions thereto;

b) that portion of a *building* or *structure* to be used as a *carport* or garage;

c) *farm buildings* other than *dwelling units* and closed-sided *livestock* housing;

d) closed-sided *livestock* housing behind *standard dykes*;

e) on-loading and off-loading facilities associated with water-oriented industries and portable sawmills.

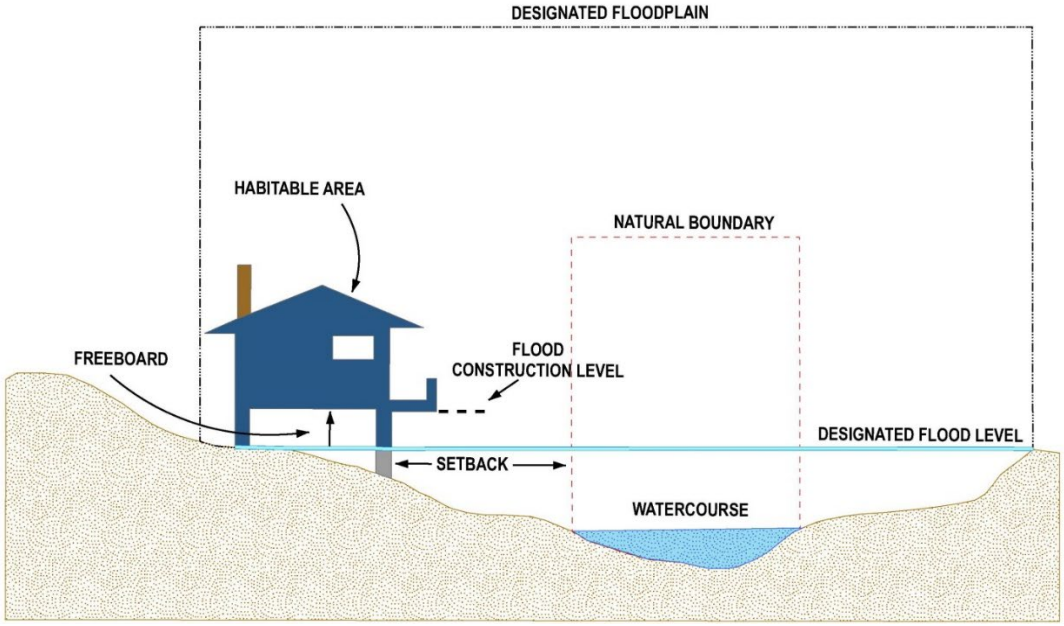


Figure 9 – Floodplain Illustration

10.0 VEHICLE PARKING & LOADING REGULATIONS

10.1 Basic Provisions

.1 Section 10.0 of this bylaw applies only to *highways* not subject to provincially controlled access regulations.

.2 Space for the off-street parking and loading of motor vehicles in respect of a class of a *building* or use under this Bylaw must be provided and maintained in accordance with the regulations of this Section.

.3 In any Residential zone, no vehicle or equipment having a gross vehicle weight in excess of 4,600 kg shall be parked or stored on a *parcel* unless stored such that the vehicle or equipment is entirely enclosed within a *building*, except a *recreational vehicle* belonging to the owner or occupier of the *principal dwelling unit* on a *parcel*.

10.2 Calculation of Off-Street Vehicle Parking Spaces

.1 The number of off-street parking and loading spaces for motor vehicles required for any use is calculated according to Tables 10.2.1 & 10.2.2 of this Bylaw.

.2 In reference to a *building* or use permitted under this Bylaw which is not specifically referred to in Tables 10.2.1 & 10.2.2, the number of off-street parking and loading spaces is calculated on the basis of the requirements for a similar class of *building* or use that is listed in Tables 10.2.1 & 10.2.2.

.3 Where the calculation of the required off-street parking or loading space results in a fraction, the required number of spaces shall be rounded down to the nearest whole number.

.4 Where more than one *building* or use is located on a *parcel*, the required number of off-street parking spaces shall be the sum of the requirements for each use, unless otherwise expressly provided for in this Bylaw.

.5 Where more than one standard may apply to a use, the standard requiring the greatest number of parking spaces shall be used.

.6 Where the calculation of the required off-street parking or loading space requires a determination of gross floor area, this shall include the floor area of all accessory *buildings* and *structures* (including basements), except where such *buildings* and *structures* are used for parking or mechanical purposes.

Table 10.2.1: Required Off-Street Vehicle Parking Spaces

USE	REQUIRED NUMBER OF SPACES
RESIDENTIAL	
accessory dwelling	1 per *dwelling unit*
apartment building or *townhouse*	1.5 per *dwelling unit*
bed and breakfast operation	1 per *sleeping unit*
duplex dwelling	1 per *dwelling unit*
manufactured home park	1 per *manufactured home*; and 1 per 5 *manufactured homes* for visitors
secondary suite	1 per *dwelling unit*
single detached dwelling	1 per *dwelling unit*

USE	REQUIRED NUMBER OF SPACES
COMMERCIAL	
alcohol production facility	1 per 30 m^2 of *gross floor area* of customer service area
campground	1 per camping space
eating and drinking establishment	1 per 4 seats; or 1 per 10 m^2 of customer service floor area, whichever is greater
golf course	2 per golf hole
indoor recreation	1 per 50.0 m^2 of *gross floor area*
outdoor recreation	25 per playing field
office	1 per 30.0 m^2 of *gross floor area*
personal service establishment	1 per 30.0 m^2 of *gross floor area*
resort residential building	1.5 per *dwelling unit*
retail	1 per 30.0 m^2 of *gross floor area*
service station	1 per 30.0 m^2 of *gross floor area*
Short-term rental accommodation	1 per *sleeping unit*
tourist accommodation	1 per *sleeping unit*
vehicle sales and rentals	1 per 70 m^2 of sales floor area; and 1 per service bay
veterinary establishment	1 per 30.0 m^2 of *gross floor area*
other commercial uses	1 per 40.0 m^2 of *gross floor area*
INDUSTRIAL	
manufacturing	1 per 200.0 m^2 of *gross floor area*
outdoor storage and *self-storage*	5 per business
storage and warehouse	1 per 200.0 m^2 of *gross floor area*
other industrial uses	1 per 200.0 m^2 of *gross floor area*
RURAL	
agri-tourism	4 per business
agri-tourism accommodation	1 per accommodation unit
packing, processing and storage of *farm products*	1 per 200.0 m^2 of *gross floor area*
retail sales of farm products	1 per 30.0 m^2 of *gross floor area*
MARINE	
boat launch	10 per ramp
marina	1 per 5.0 slips, berths or stalls; and 1 per employee
ADMINISTRATIVE & INSTITUTIONAL	
assembly	1 per 5 seats or 1 per 20 m^2 of assembly area, whichever is greater
child care facility	1 per employee

USE	REQUIRED NUMBER OF SPACES
community care facility	1 per 2 persons licenced occupancy
cultural facility	1 per 40.0 m^2 of *gross floor area*
educational facility	elementary school: 2 per classroom
	middle school: 2 per classroom
	secondary school: 3 per classroom
health care centres and hospitals	1 per 4 beds
other administrative and institutional uses	1 per 30.0 m^2 of *gross floor area*

Table 10.2.2: Required Off-Street Loading Spaces

USE	REQUIRED NUMBER OF SPACES
Commercial	1 per 2,500.0 m^2 *gross floor area*
Industrial	1 per 2,500.0 m^2 *gross floor area*
Institutional	1 per 3,000.0m^2 *gross floor area*

10.3 Design Standards for Off-Street Vehicle Parking and Loading Areas

.1 Vehicle Parking Space Standards

i) All parking areas shall be provided with adequate curbs, or wheel stops in order to retain all vehicles within the parking areas and to ensure that *fences*, *retaining walls*, landscaping and pedestrian paths as well as any *buildings* or *structures* are protected.

ii) All parking areas with four (4) or more parking spaces shall be surfaced with a permanent hard surface of asphalt; concrete; permeable or porous pavement, such as open-jointed pavers, turf or gravel grids or porous concrete or 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.

iii) All off-street loading spaces shall be clearly marked with the words “Loading space only” on the pavement or an adjoining wall face.

iv) Parking spaces for a *single detached dwelling* and a *home occupation* may be arranged in tandem such that one space is located behind the other space with a common or shared point of access to a *highway*.

.2 Vehicle Parking Space Dimensions

i) Dimensions for off-street parking and loading spaces shall satisfy the size requirements in Table 10.3 (Dimensions of Parking and Loading Spaces).

Table 10.3: Dimensions of Parking and Loading Spaces

TYPE OF PARKING SPACE	MINIMUM DIMENSIONS		
	Width	**Length**	***Height***
Standard Parking Space	2.7 m	6.0 m	2.2 m
Parallel Parking Space	2.7 m	7.0 m	2.2 m
Boat Launch Parking Space	3.0 m	9.0 m	2.2 m

Parking Space for Persons with Disabilities	3.7 m	6.0 m	2.75 m
Loading Space	3.0 m	9.0 m	4.0 m

ii) Where one or both sides of a parking space abut a wall or other barrier more than 0.15 metres high, an additional 0.3 metres width shall be provided to each abutting parking space on the side(s) adjacent to such a barrier.

iii) An off-street parking area shall be constructed to permit unobstructed access to and egress from each space at all times, except tandem spaces, as permitted at Section 7.2.5.

iv) Vehicle access to all parking spaces shall be provided by means of unobstructed manoeuvring aisles, each having widths not less than:

a) 7.3 metres, where parking spaces are located at 90 degrees to the manoeuvring aisle providing access to the space;

b) 5.2 metres, where parking spaces are located at 60 degrees to the manoeuvring aisle providing access to the space; or

c) 3.7 metres, where the parking spaces are located at 45 degrees or less to the manoeuvring aisle providing access to the space.

v) Where parking spaces are located at 60 degrees, or less to the maneuvering aisle, only one-way traffic is permitted in the maneuvering aisle.

vi) Despite Section 11.3.2(i), the minimum required off-street *parking space* dimensions in Table 10.3 may be reduced for up to 20% of the *parking spaces* to 2.4 metres wide and 5.0 metres long to accommodate small cars, provided that the spaces are clearly identified, grouped and signed for small car use only.

10.4 Location of Off-Street Vehicle Parking and Loading Spaces

.1 Off-street parking and loading spaces shall be located on the same *parcel* as the *building* or use they serve, except:

i) in the Town Centre (TC) Zone, required *parking spaces* may be located on a separate *parcel* (the “parking parcel”) provided that:

a) the parking parcel is situated within 200.0 metres of the *building* or use requiring the parking;

b) a covenant under s.219 of the *Land Title Act* is registered against the title of the parking parcel, in favour of the Town, to ensure that the parking area is used only for *parking spaces* for the *building* or use requiring the parking; and

c) an easement is registered against the title of the parking parcel in favour of the owner of the *parcel* on which the *building* requiring the parking is located, ensuring that the parking area is available for parking.

.2 Despite sub-section .1, off-street loading spaces shall be located on the same *parcel* as the *building* or use they serve, but not within a required front or side parcel line setback area or within 7.5 metres of any point where two highways intersect.

10.5 Payment In Lieu of Off-Street Vehicle Parking Spaces

.1 Where a property is developed within the Town Centre (TC) Zone, a partial or total reduction of on-site parking requirements is permitted if the owner pays $10,000.00 per *parking space* required but not provided into the Town's collective parking fund.

.2 Where a change of use occurs within the TC Zone such that Table 10.2.1 requires additional parking spaces to those already provided, a partial or total reduction of on-site parking requirements is permitted if the owner pays $10,000.00 per parking space required but not provided into the Town's collective parking fund.

.3 Payment in Lieu of parking is payable at the time when a Building Permit is issued for the building or structure that is being put to the use that requires the parking space specified at Table 10.2.1, or where no Building Permit is required, the use that requires the parking space specified at Table 10.2.1 is granted a business licence.

10.6 Off-Street Vehicle Parking Exemptions

.1 Despite Table 10.2 (Required Off-Street Vehicle Parking), the minimum number of required off-street vehicle parking spaces within the areas shown on Figure 10.6 (Downtown Parking Area) shall be as follows:

i) for an apartment building or townhouse use shall be 1.0 per dwelling unit on a parcel situated within the area shown shaded yellow;

ii) no off-street parking spaces shall be required for a change of use or alteration of a building lawfully constructed prior to September 24, 2024, on a parcel within the area enclosed by the black dashed line, provided there is no increase in gross floor area; and

iii) despite sub-section 10.6.1(ii), no off-street parking space that existed as of September 24, 2024, may be removed, repurposed, or rendered unusable.

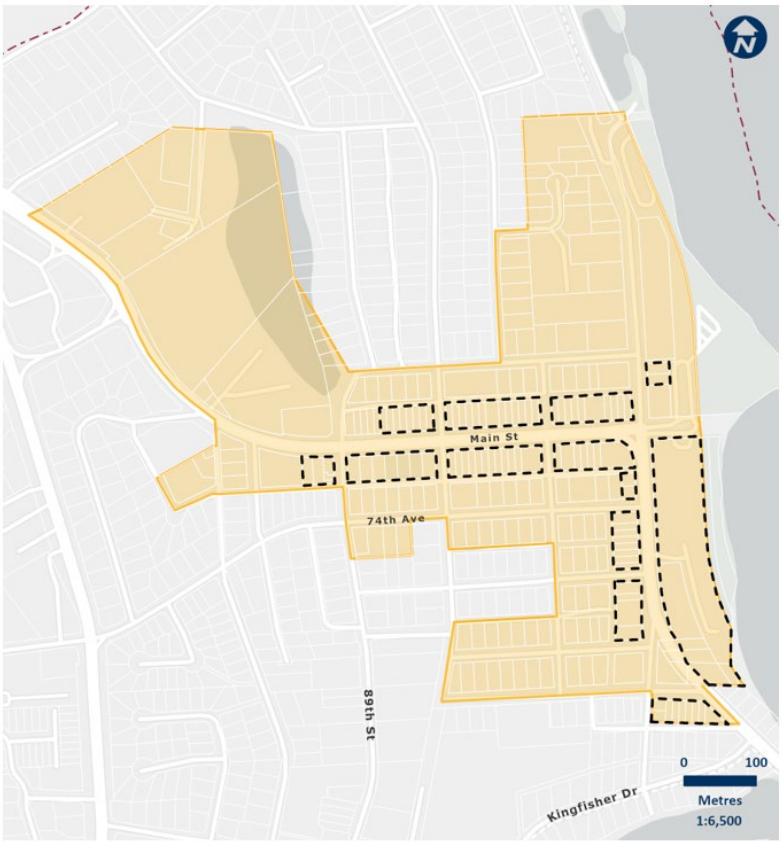


Figure 10.6 – Downtown Parking Area

10.7 Accessible Parking Space Requirements

.1 Accessible *parking spaces* shall be:

i) Designated as accessible *parking space* using appropriate signage.

ii) Included in the calculation of the applicable minimum parking requirement.

iii) A minimum of 3.7 metres in width and have a depth of no less than 6.0 metres perpendicular to the aisle.

iv) the portion of the required *parking spaces* to be provided as accessible *parking spaces* shall be calculated in accordance with Table 11.7 of this bylaw.

Table 10.7: Required Off-Street Accessible Parking Spaces

REQUIRED NUMBER OF SPACES	REQUIRED NUMBER OF ACCESSSIBLE PARKING SPACES
1-9	0
10-49	1
50-99	2
100-199	3
over 200	3 spaces plus one space per 100 required

10.8 Electrical Vehicle Charging Infrastructure

.1 For a *single detached dwelling*, *duplex dwelling* or a *townhouse*, a minimum of one (1) *parking space* per *dwelling* unit shall be provided with a power outlet capable of accommodating an electric vehicle charger.

.2 For an *apartment building* or mixed-use *residential* building, 100% of residential *parking spaces* shall be provided with a power outlet capable of accommodating an electric vehicle charger.

.3 *Accessory dwellings*, *secondary suites* and visitor *parking spaces* are exempt from the requirements of sub-section 10.8.1 & 10.8.2.

.4 The following regulations apply to non-residential uses:

i) 20% of the total number of parking spaces constructed for commercial uses in a commercial zone shall be provided with a power outlet capable of accommodating an electric vehicle charger.

ii) 5% of the total number of parking spaces constructed for industrial uses in an industrial zone shall be provided with a power outlet capable of accommodating an electric vehicle charger.

11.0 LOW DENSITY RESIDENTIAL ZONES

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

11.1.1 Permitted Uses:

Principal Uses:

a) *child care facility*, subject to Section 7.4;

b) *duplex dwelling*;

c) *single detached dwelling*;

Accessory Uses:

d) *accessory building or structure*, subject to Section 7.1;

e) *accessory dwelling*, subject to Section 7.2;

f) *bed and breakfast operation*, subject to Section 7.3;

g) *home occupation*, subject to Section 7.5;

h) *secondary suite*; And

i) *short*-term rental accommodation, subject to Section 7.7.

11.1.2 Minimum Parcel Size for Subdivision:

a) 225.0 m^2 for the purpose of subdivision of *duplex dwellings* under the *Strata Property Act*, subject to Section 8.0; or

b) 1,000 m^2, subject to Section 8.0.

11.1.3 Minimum Parcel Width for Subdivision:

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

11.1.4 Maximum Number of Dwellings Permitted Per Parcel:

a) two (2) *dwelling units*, provided that both *dwelling units* are located in one (1) *residential building*; or

b) one (1) *secondary suite* in a *single detached dwelling*; or

c) one (1) *accessory dwelling* on the same parcel as one (1) *single detached dwelling*.

11.1.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i) *Front parcel line*	3.0 metres
ii) *Rear parcel line*	2.0 metres
iii) *Interior side parcel line*	1.2 metres
iv) *Exterior side parcel line*	3.0 metres

b) *Accessory building or structure*:

i) *Front parcel line*	3.0 metres

ii) *Rear parcel line* 2.0 metres

iii) *Interior side parcel line* 1.2 metres

iv) *Exterior side parcel line* 3.0 metres

c) Despite Section 11.1.5(a)(iii), in the case of a side-by-side duplex being subdivided for the purposes of creating individual ownership, an *interior side parcel line* setback between dwelling units shall not be required, provided the property line follows the centre line of the common property wall.

11.1.6 Maximum Height:

a) No *building* shall exceed a *height* of 11.0 metres;

b) No *accessory building or structure* shall exceed a *height* of 4.5 metres;

c) Despite sub-section 16.2.6(b), an accessory dwelling shall not exceed a height of 8.0 metres.

11.1.7 Maximum Parcel Coverage:

a) 50%

11.1.8 Small-Scale Multi-Unit Residential Site Specific (RS1s) Regulations:

a) in the case of land described as Strata Lots 1-37, Strata Plan KAS2452, District Lot 2450s, SDYD (9410 115th Street), and shown shaded yellow on Figure 11.1.8(a):

i) the following *principal use* shall be permitted on the land in addition to the permitted uses listed in Section 11.1.1:

.1 *mobile home*.

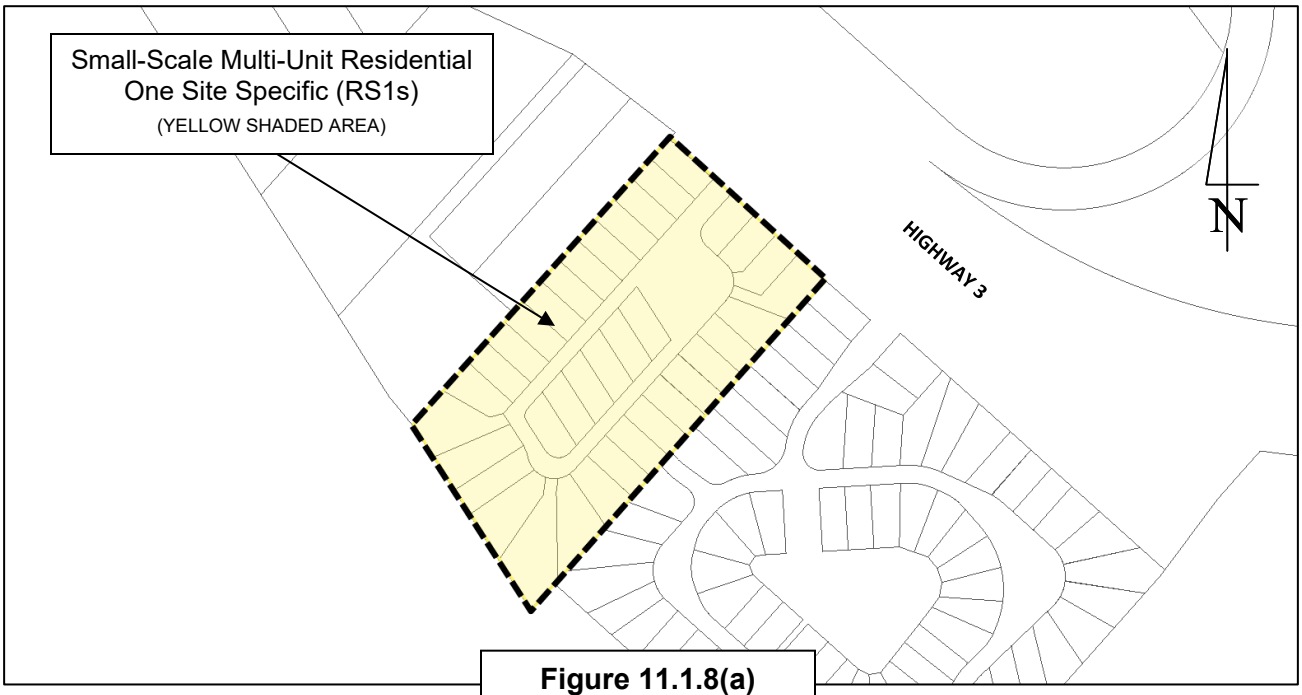


Figure 11.1.8(a)

b) in the case of land described as Lot A, District Lot 100, SDYD, Plan 40584, and shown yellow on Figure 11.1.8(b):

i) despite Section 11.1.2(b), the minimum parcel size for subdivision shall be 665 m2, subject to servicing requirements.

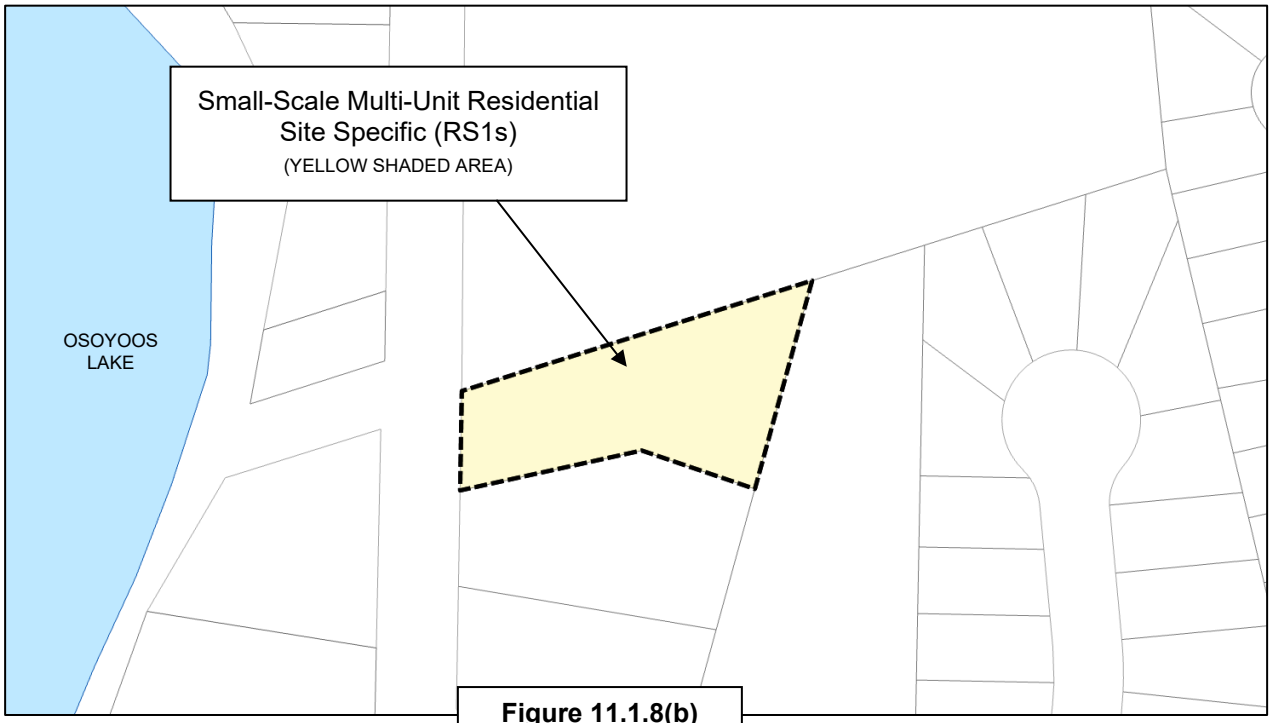
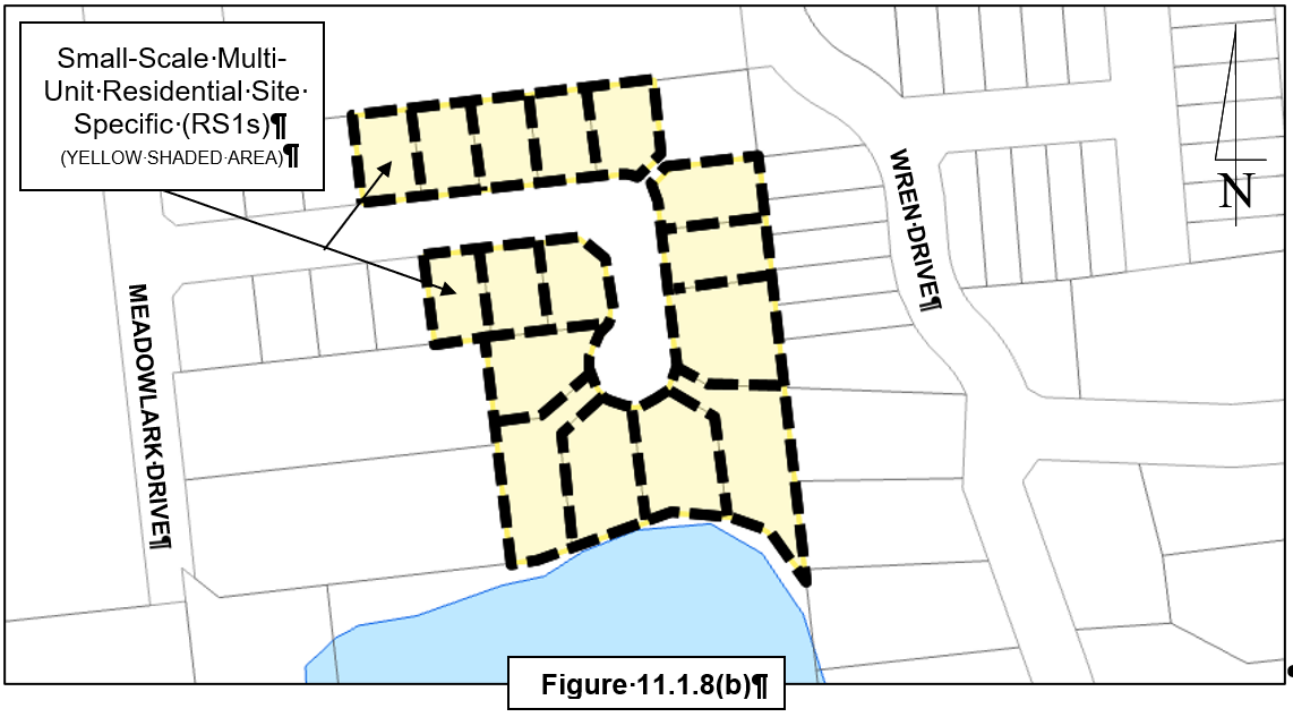


Figure 11.1.8(b)

b) in the case of land shown shaded yellow on Figure 11.1.8(b):

i) despite sub-section 11.1.7(a), the maximum parcel coverage shall be 53%.



Figure·11.1.8(b)¶

11.2 RESIDENTIAL MANUFACTURED HOME PARK (RSM) ZONE

11.2.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *manufactured home park*;

b) *manufactured home*;

c) *modular home*;

<u>*Accessory Uses*</u>:

d) *accessory building or structure*, subject to Section 7.1;

e) *home occupation*, subject to Section 7.5;

f) *single detached dwelling*.

11.2.2 Minimum Parcel Size for Subdivision:

a) 1.0 ha for *manufactured home park*, subject to Section 8.0; and

b) 350.0 m^2 for each *manufactured home space*, subject to Section 8.0.

11.2.3 Minimum Parcel Width for Subdivision:

a) 35.0 metres for *manufactured home park*, subject to Section 8.0; within which:

   i) a minimum of 12.0 metres shall be provided for each *manufactured home space* abutting an internal road; and

   ii) a minimum of 6.0 metres shall be provided for each *manufactured home space* abutting a cul-de-sac.

11.2.4 Maximum Number of Dwellings Permitted Per Manufactured Home Space:

a) one (1) *manufactured home* per *manufactured home space*; and

b) one (1) *single detached dwelling* permitted per *manufactured home park*.

11.2.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	4.5 metres
ii)	*Rear parcel line*	4.5 metres
iii)	*Interior side parcel line*	4.5 metres
iv)	*Exterior side parcel line*	4.5 metres

b) *Setbacks* within each *manufactured home space* boundary for *buildings* and *structures* (subject to Section 11.2.5(a)):

i)	Front boundary line	3.0 metres
ii)	Rear boundary line	1.5 metres
iii)	Interior boundary line	1.5 metres
iv)	Exterior boundary line	3.0 metres

c) *Setbacks* within each *manufactured home space* boundary for an *accessory building or structure* (subject to Section 11.2.5(a)):

i)	Front boundary line	4.5 metres
ii)	Rear boundary line	1.0 metres
iii)	Interior boundary line	1.0 metres
iv)	Exterior boundary line	3.0 metres

11.2.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 7.0 metres;

b) No *accessory building or structure* shall exceed a *height* of 4.5 metres.

11.2.7 Maximum Manufactured Home Space Coverage:

a) 45%

11.2.8 Residential Manufactured Home Park Site Specific (RSMs) Regulations:

a) Not applicable.

12.0 MEDIUM DENSITY RESIDENTIAL ZONES

12.1 MEDIUM DENSITY RESIDENTIAL ONE (RM1) ZONE

12.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *apartment building*;

b) *community care facility*;

c) *townhouse*;

<u>*Accessory Uses*</u>:

d) *accessory building or structure*, subject to Section 7.1; and

e) *home occupation*, subject to Section 7.5.

12.1.2 Minimum Parcel Size for Subdivision:

a) 1,000.0 m^2, subject to Section 8.0.

12.1.3 Minimum Parcel Width for Subdivision:

a) 30.0 metres, subject to Section 8.0.

12.1.4 Maximum Density:

a) 75.0 *dwelling units* per hectare

12.1.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	4.5 metres
ii)	*Rear parcel line*	4.5 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

a) *Accessory building or structure*:

i)	*Front parcel line*	7.5 metres
ii)	*Rear parcel line*	1.0 metres
iii)	*Interior side parcel line*	1.0 metres
iv)	*Exterior side parcel line*	4.5 metres

b) Despite 12.1.6(a) and (b) internal *parcel* lines for a strata subdivision are subject to Section 6.10.

12.1.6 Maximum Height:

b) No *building* shall exceed a *height* of 15.0 metres.

12.1.7 Maximum Parcel Coverage:

a) 50%

12.1.8 Medium Density Residential One Site Specific (RM1s) Regulations:

a) in the case of land at 8000 Vedette Drive and shown shaded yellow on Figure 12.1.8(a):

i) the following accessory use shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:

.1 *secondary suite*.

ii) despite Section 12.1.4, the number of principal dwelling units is 50 and the number of secondary suites is 28.

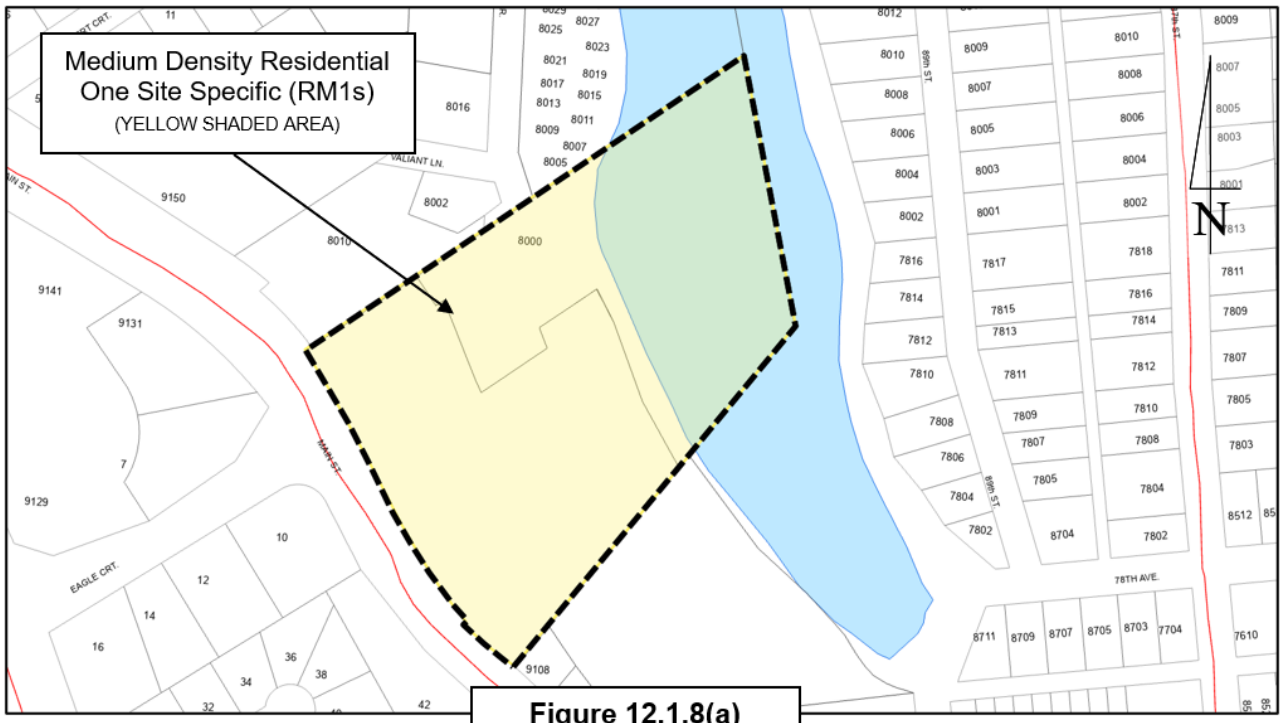


Figure 12.1.8(a)

b) in the case of land described as Lot B, Plan EPP124165, District Lot 2450s, SDYD (89th Street), and shown shaded yellow on Figure 12.1.8(b):

i) despite Section 12.1.4, the maximum density shall not exceed 140 units per hectare.

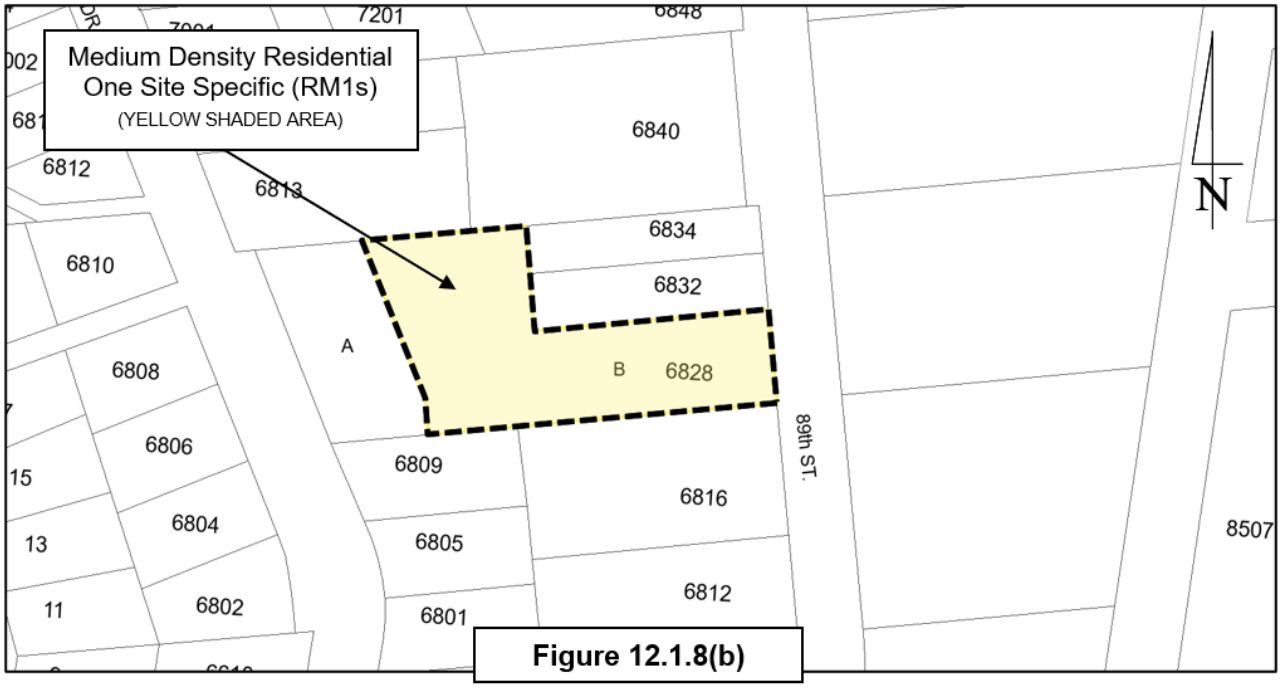


Figure 12.1.8(b)

c) in the case of land described as Block 748, Plan KAP2450, District Lot 2450s, SDYD, Except Plan 28741 (7808 Spartan Drive), and shown shaded yellow on Figure 12.1.8(c):

i) despite Section 12.1.4, the maximum density shall not exceed 112 units per hectare.

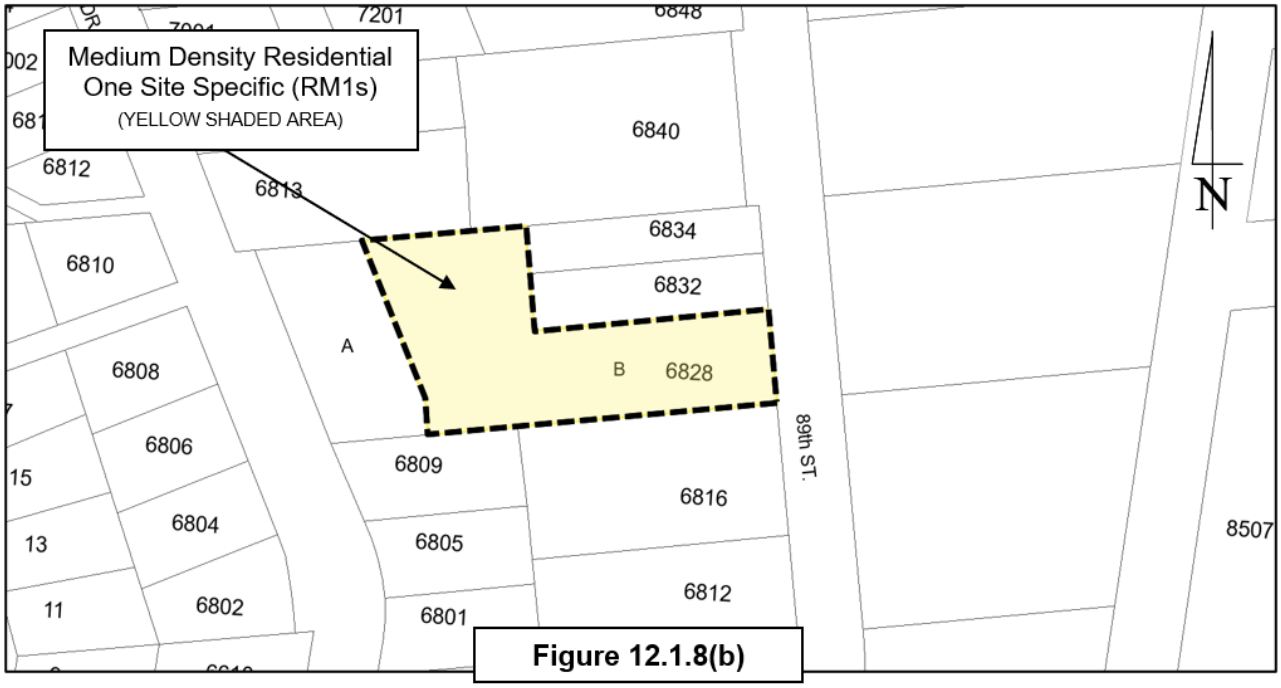


Figure 12.1.8(b)

d) in the case of land described as Lot 1, Plan EPP121434, District Lot 41, SDYD (8000 Cottonwood Drive), and shown shaded yellow on Figure 12.1.8(d):

i) despite Section 12.1.6, the maximum height of an *apartment building* comprising no more 36 *dwelling units* shall not exceed 24.0 metres.

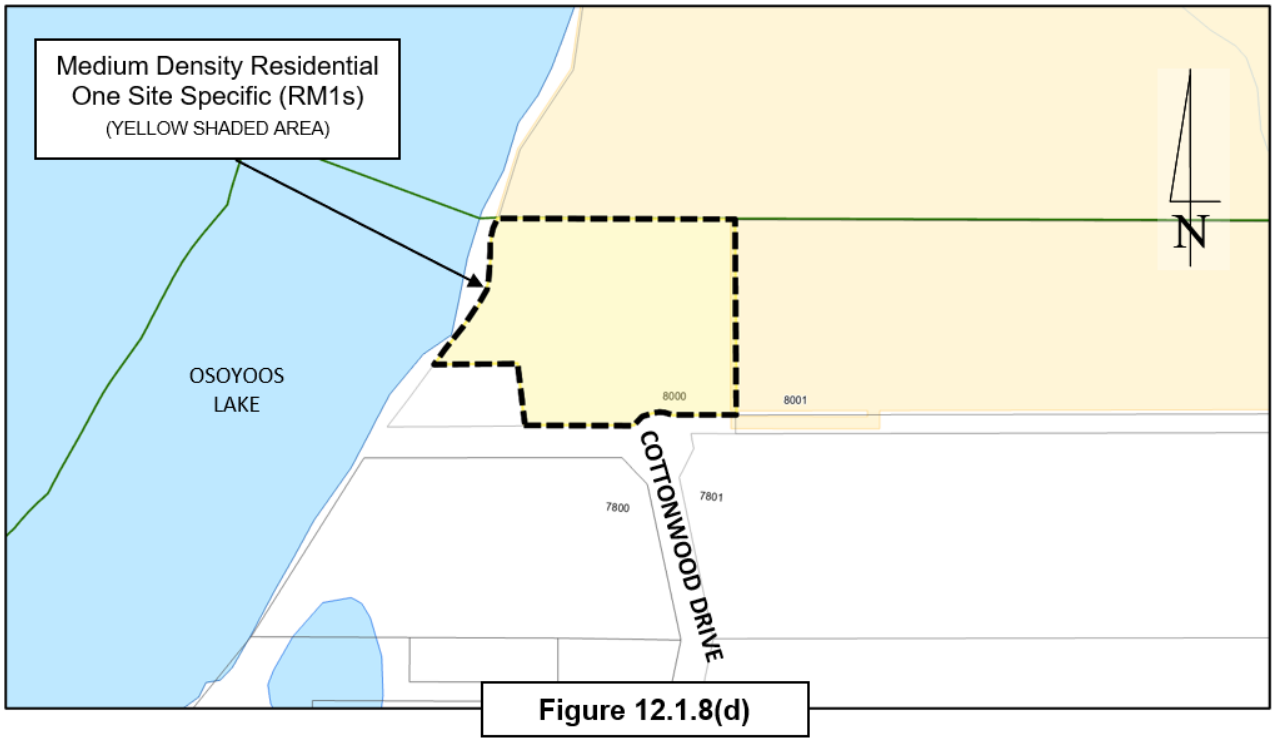


Figure 12.1.8(d)

e) in the case of land described as Lot A, District Lot 2450S, SDYD, Plan 30111 (4601 97th Street), and shown shaded yellow on Figure 12.1.8(e):

i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:

.1 *duplex dwelling*.

ii) the following accessory use shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:

.1 *secondary suite.*

iii) despite Section 12.1.4, the maximum density is 75.0 dwelling units per hectare, and there shall be no more than one (1) *duplex dwelling*.

iv) despite Section 4.0, a *secondary suite* may be located within a *duplex dwelling* or a *townhouse*.

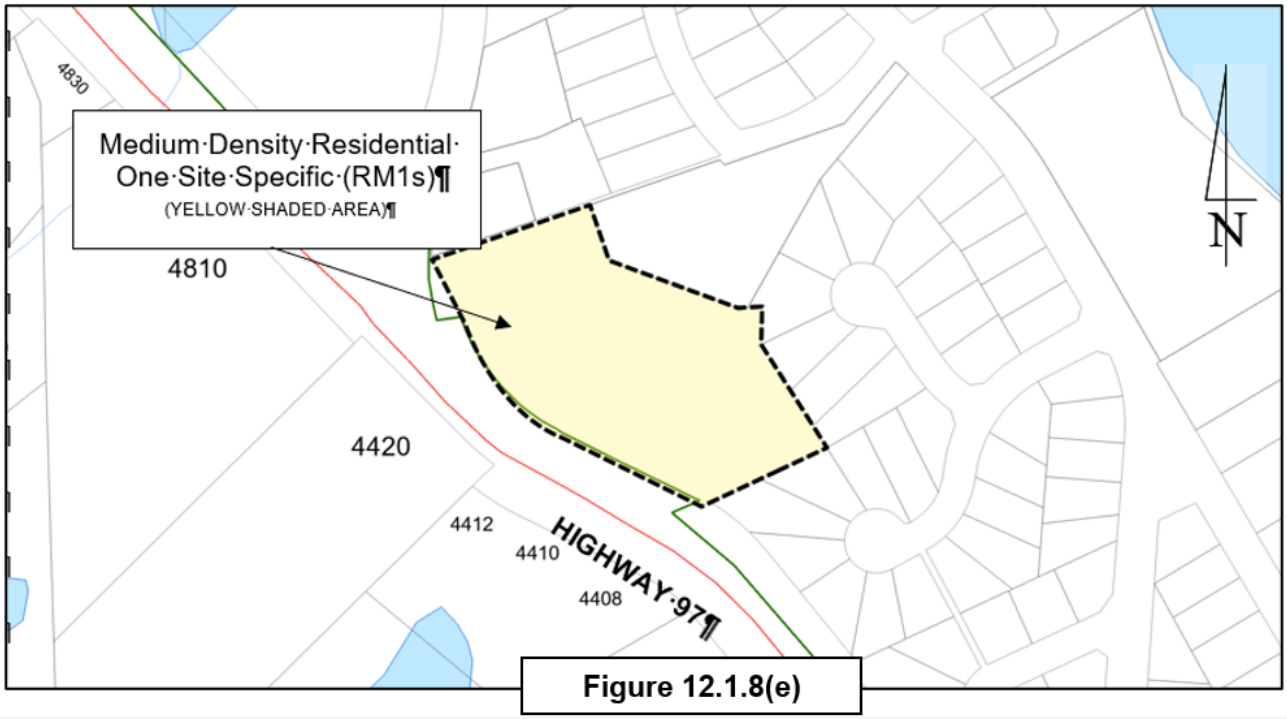


Figure 12.1.8(e)

a. in the case of land described as Lots 1 & 2, District Lot 41, SDYD, Plan KAP 32397 (6819 & 9821 Cottonwood Drive), and shown shaded yellow on Figure 12,1,8(f):

i) despite Section 12,1,4(a), a parcel of a land area of approximately 2,452 m^2 is permitted 19 dwelling units.

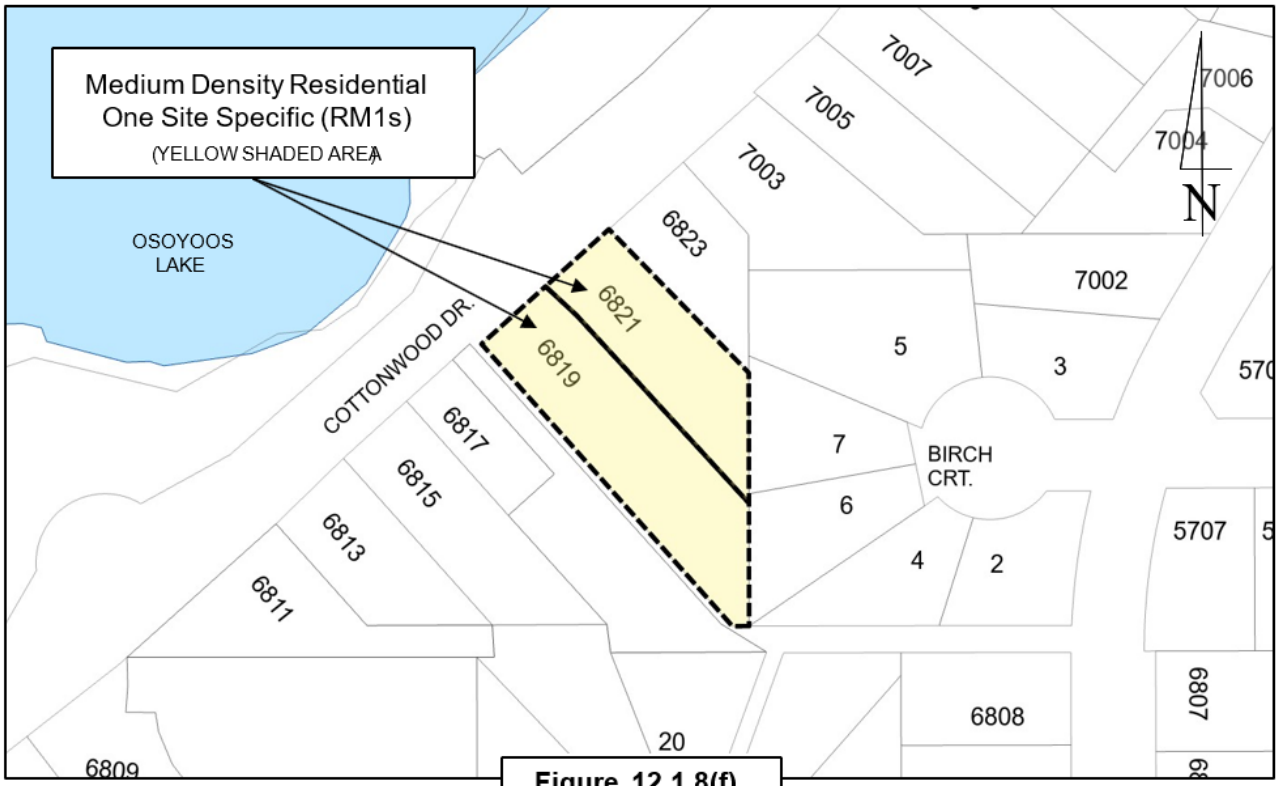


Figure 12.1.8(f)

g) in the case of land described as Lot A, Plan EPP115813, District Lot 43, SDYD (5601 Lakeshore Drive), and shown yellow on Figure 12.1.8(g):

i) despite Section 12.1.4(a), the maximum density shall not exceed 87.0 *dwelling units* per hectare to a total of 24 *dwelling units* per parcel.

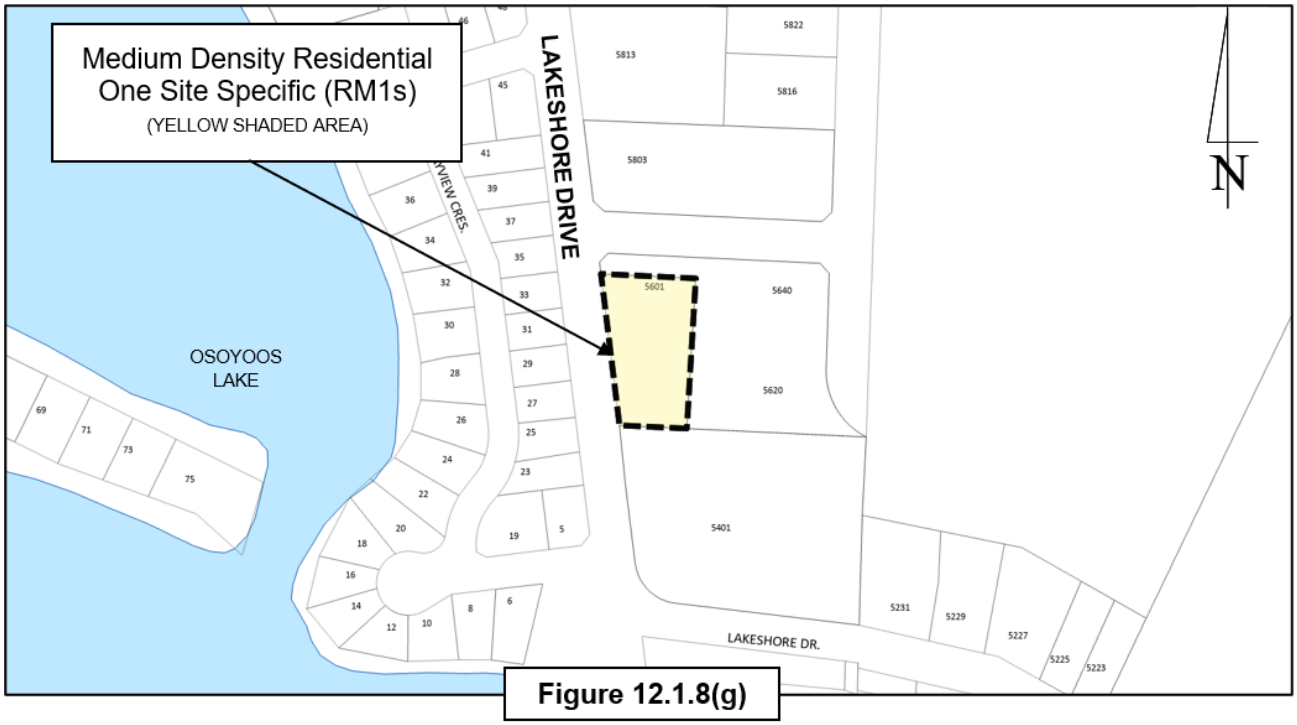


Figure 12.1.8(g)

13.0 TOWN CENTRE ZONE

13.1 TOWN CENTRE (TC) ZONE

13.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *alcohol production facility*;

b) *apartment building*, subject to Section 13.1.8;

c) *assembly*;

d) *child care facility*;

e) *civic facility*;

f) *community care facility*;

g) *cultural facility*;

h) *eating and drinking establishment*;

i) *educational facility*;

j) *indoor recreation*;

k) *office*;

l) *outdoor market*;

m) *personal service establishment*;

n) *retail*;

o) *tourist accommodation*;

p) *townhouse*, subject to Section 13.1.8;

<u>*Accessory Uses*</u>:

q) *accessory building or structure*, subject to Section 7.1;

r) *home occupation*, subject to Section 7.5.

13.1.2 Minimum Parcel Size for Subdivision:

a) 1,000.0 m^2, subject to Section 8.0.

13.1.3 Minimum Parcel Width for Subdivision:

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

13.1.4 Minimum Density:

a) 40 *dwelling units* per hectare

13.1.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i) *Front parcel line* 0.0 metres

ii)	*Rear parcel line*	3.0 metres
iii)	*Interior side parcel line*	0.0 metres
iv)	*Exterior side parcel line*	0.0 metres

b) *Accessory building or structure*:

i)	*Front parcel line*	0.0 metres
ii)	*Rear parcel line*	3.0 metres
iii)	*Interior side parcel line*	0.0 metres
iv)	*Exterior side parcel line*	0.0 metres

13.1.6 Maximum Height:

a) No *building* shall exceed a *height* of 15.0 metres.

13.1.7 Maximum Parcel Coverage:

a) 100%

13.1.8 Conditions of Use:

a) The residential use of the ground floor of a *building* fronting Main Street is prohibited.

b) *dwelling units* located in the same *building* as a commercial use shall have separate entrances from the exterior of the *building* and shall not share a common hallway with a commercial use.

13.1.9 Town Centre Site Specific (TCs) Regulations:

a) in the case of land described as Lot C, Plan KAP36920, District Lot 2450s, SDYD (8147 Main Street), and shown shaded yellow on Figure 13.1.9(a):

i) the following *principal use* shall be permitted on the land in addition to the permitted uses listed in Section 13.1.1:

.1 *service industry establishment*.

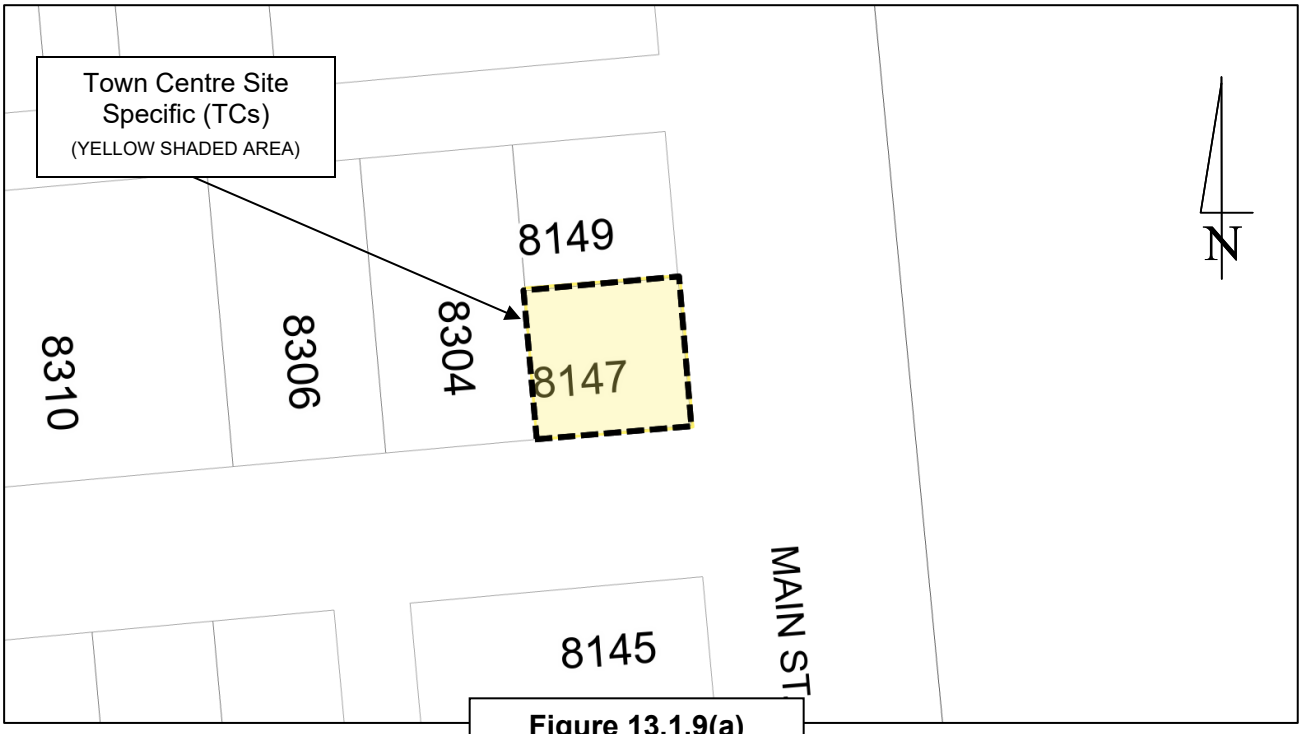


Figure 13.1.9(a)

14.0 COMMERCIAL ZONES

14.1 HIGHWAY COMMERCIAL (C1) ZONE

14.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *alcohol production facility*;

b) *apartment building*, subject to Section 14.1.9;

c) *child care facility;*

d) *eating and drinking establishment*;

e) *indoor recreation*;

f) *office*;

g) *outdoor market*;

h) *personal service establishment*;

i) *recycling materials depot and drop-off centre*;

j) *retail*;

k) *tourist accommodation*;

l) *townhouse*, subject to Section 14.1.9;

m) *vehicle sales and rentals*;

<u>*Accessory Uses*</u>:

n) *accessory building or structure*, subject to Section 7.1;

o) *bed and breakfast operation*, subject to Section 7.3;

p) *dwelling units*, subject to Section 14.2.9; and

q) *home occupation*, subject to Section 7.5.

14.1.2 Minimum Parcel Size for Subdivision:

a) 1,000.0 m^2, subject to Section 8.0.

14.1.3 Minimum Parcel Width for Subdivision:

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

14.1.4 Maximum Density:

a) 60 *dwelling units* per ha

14.1.5 Minimum Density:

a) 40 *dwelling units* per ha

14.1.6 Minimum Setbacks:

a) *Buildings* and *structures*:

i) *Front parcel line* 6.0 metres

ii) *Rear parcel line* 6.0 metres

iii) *Interior side parcel line* 3.0 metres

iv) *Exterior side parcel line* 4.5 metres

b) Fuel distribution pumps, storage tanks or devices situated above ground:

i) *Front parcel line* 6.0 metres

ii) *Rear parcel line* 6.0 metres

iii) *Interior side parcel line* 3.0 metres

iv) *Exterior side parcel line* 4.5 metres

14.1.7 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 12.0 metres.

14.1.8 Maximum Parcel Coverage:

a) 80%

14.1.9 Conditions of Use:

a) the residential use of the ground floor of a *building* fronting Main Street is prohibited and *dwelling units* shall be located above the *first storey* of any *building* with a frontage to Main Street.

b) *dwelling units* shall have separate entrances from the exterior of the *building* and shall not share a common hallway with any commercial uses.

c) *accessory dwellings* are limited to a maximum of one (1) per *parcel*.

14.1.10 Highway Commercial Site Specific (C1s) Regulations:

a) in the case of land described as Lot 1, Plan KAP91440, District Lot 43, SDYD (6301 Main Street), and shown shaded yellow on Figure 14.1.10(a):

i) despite Section 14.1.4, the maximum density shall not exceed 85 units per hectare.

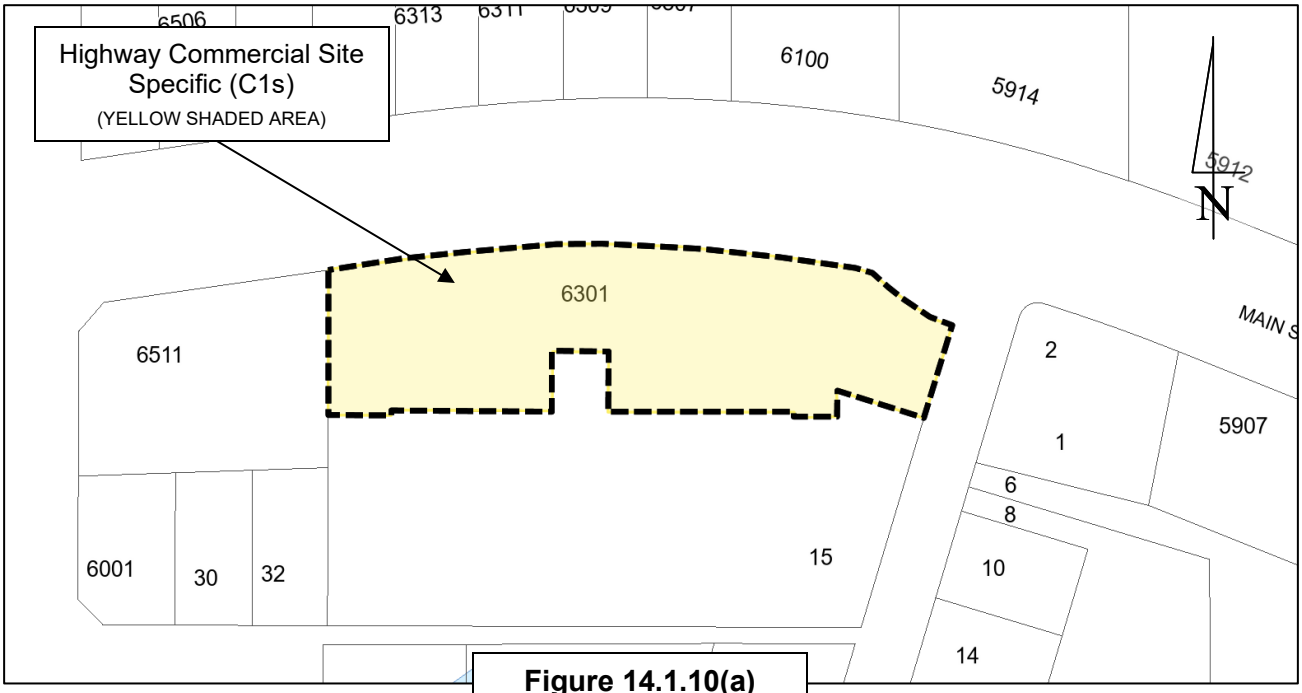


Figure 14.1.10(a)

b) in the case of land described as Plan KAP10406B, District Lot 40, SDYD, Portion of Plan 2501 (6901 Main Street), and shown shaded yellow on Figure 14.1.10(b):

i) the following *principal use* shall be permitted on the land in addition to the permitted uses listed in Section 14.1.1:

.1 “outdoor storage”.

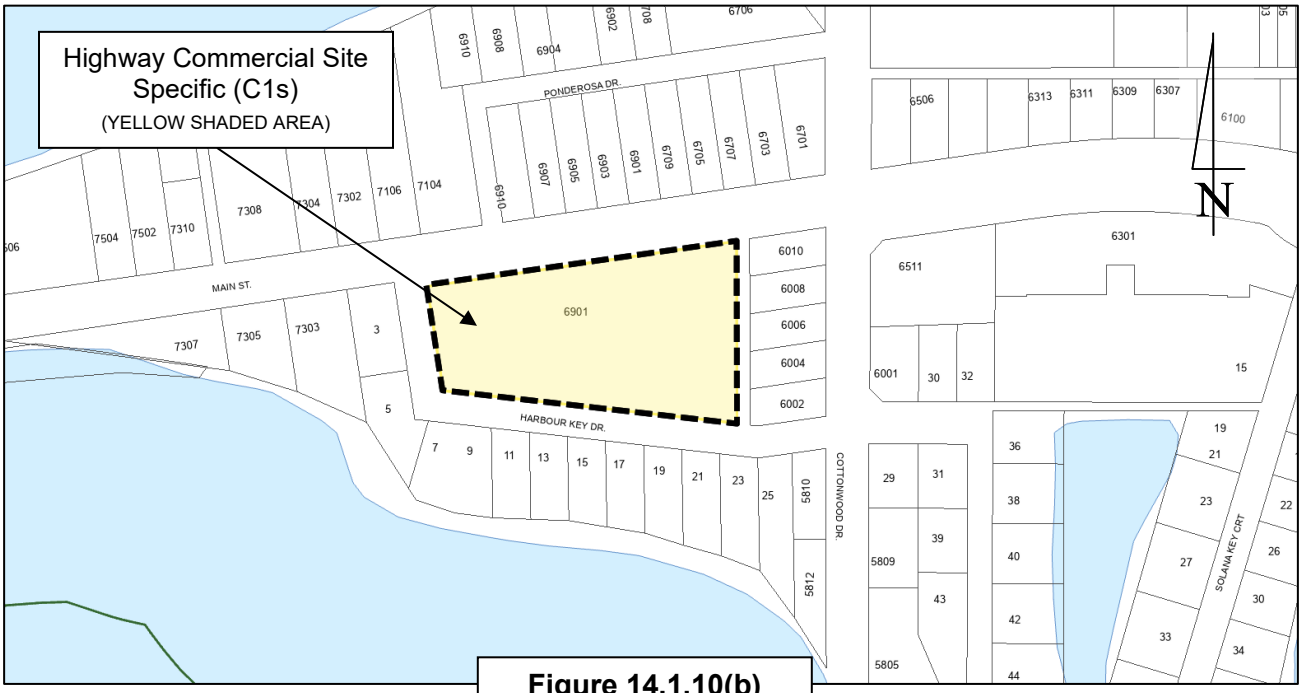


Figure 14.1.10(b)

14.2 NEIGHBOURHOOD COMMERCIAL (C2) ZONE

14.2.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *apartment building*, subject to Section 14.2.9;

b) *child care facility;*

c) *eating and drinking establishment*;

d) *office*;

e) *personal service establishment*;

f) *retail*;

g) *townhouse*, subject to Section 14.2.9;

<u>*Accessory Uses*</u>:

h) *accessory building or structure*, subject to Section 7.1;

i) *bed and breakfast operation*, subject to Section 7.3; and

j) *home occupation*, subject to Section 7.5.

14.2.2 Minimum Parcel Size for Subdivision:

a) 1,000.0 m^2, subject to Section 8.0.

14.2.3 Minimum Parcel Width for Subdivision:

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

14.2.4 Maximum Density:

a) 75 *dwelling units* per ha

14.2.5 Minimum Density:

a) 40 *dwelling units* per ha

14.2.6 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

14.2.7 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 12.0 metres;

b) No *accessory building or structure* shall exceed a *height* of 4.5 metres.

14.2.8 Maximum Parcel Coverage:

a) 80%

14.2.9 Conditions of Use:

a) *dwelling units* located in the same *building* as a commercial use shall have separate entrances from the exterior of the *building* and shall not share a common hallway with a commercial use.

14.2.10 Neighbourhood Commercial Site Specific (C2s) Regulations:

a) Not applicable

14.3 SERVICE COMMERCIAL ONE (CS1) ZONE

14.3.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) car wash;

b) *retail*;

c) *service industry establishment*;

d) *service station*;

e) *vehicle sales and rentals*;

<u>*Accessory Uses*</u>:

f) *accessory building or structure*, subject to Section 7.1; and

g) *eating and drinking establishment*.

14.3.2 Minimum Parcel Size for Subdivision:

a) 1,000 m^2, subject to Section 8.0.

14.3.3 Minimum Parcel Width for Subdivision:

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

14.3.4 Maximum Number of Dwellings Permitted Per Parcel:

a) Not applicable.

14.3.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	7.5 metres
ii)	*Rear parcel line*	7.5 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

b) Fuel distribution pumps, storage tanks or devices situated above ground:

i)	*Front parcel line*	7.5 metres
ii)	*Rear parcel line*	7.5 metres
iii)	*Interior side parcel line*	4.5 metres
iv)	*Exterior side parcel line*	4.5 metres

14.3.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 7.5 metres;

b) No *accessory building or structure* shall exceed a *height* of 4.5 metres.

14.3.7 Maximum Parcel Coverage:

a) 35%

14.3.8 Service Commercial Site Specific (CS1s) Regulations:

a) Not applicable.

14.4 SERVICE COMMERCIAL TWO (CS2) ZONE

14.4.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *alcohol production facility*;

b) car wash;

c) *construction supply centre*;

d) *fleet services*;

e) *food and beverage processing*;

f) *manufacturing*, provided the use is entirely contained within a *building*;

g) *recycling materials depot and drop-off centre*;

h) *service industry establishment*;

i) *self-storage*;

j) *vehicle sales and rentals*;

k) *veterinary establishment*;

l) *wholesale business*;

<u>*Accessory Uses*</u>:

m) *accessory building or structure*, subject to Section 7.1;

n) *accessory dwelling*, subject to Section 7.2; and

o) *eating and drinking establishment*; and

p) *retail*.

14.4.2 Minimum Parcel Size for Subdivision:

a) 1,000 m^2, subject to Section 8.0.

14.4.3 Minimum Parcel Width for Subdivision:

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

14.4.4 Maximum Number of Dwellings Permitted Per Parcel:

a) one (1) *accessory dwelling*.

14.4.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

14.4.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 13.0 metres;

b) No *accessory building or structure* shall exceed a *height* of 5.0 metres.

14.4.7 Maximum Parcel Coverage:

a) 40%

14.4.8 Service Commercial Two Site Specific (CS2s) Regulations:

a) in the case of land described as Strata Lots 1-7, Plan EPS7380, District Lot 2450S, SDYD (32 Empire Street), and shown shaded yellow on Figure 14.4.8(a):

i) the following *principal uses* shall be permitted on the land in addition to the permitted uses listed in Section 14.4.1:

.1 *personal service establishment*; and

.2 *office.*

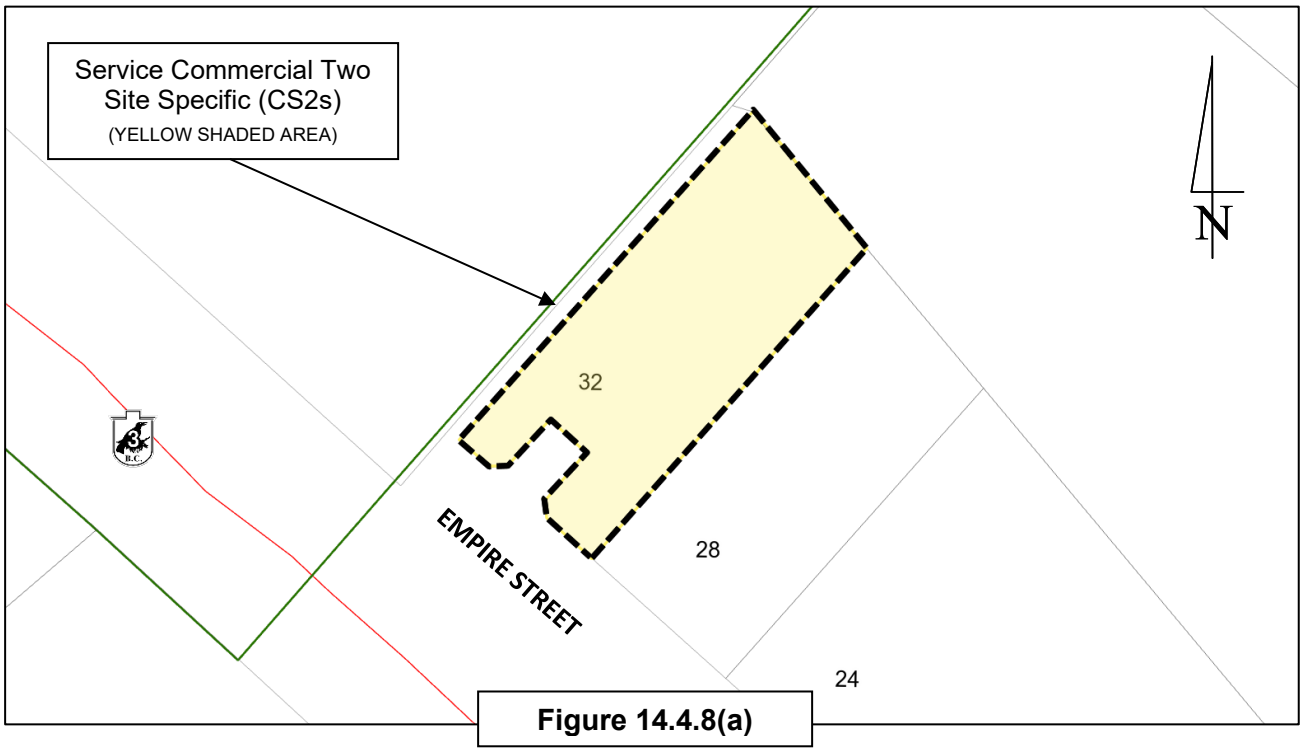


Figure 14.4.8(a)

b) in the case of land described as Lot 1, Plan KAP23385, District Lot 43, SDYD (6008 51st Street), and shown shaded yellow on Figure 14.4.8(b):

i) the following *principal use* shall be permitted on the land in addition to the permitted uses listed in Section 14.4.1:

.1 *outdoor storage* of boats, but no other types of equipment, goods or materials.

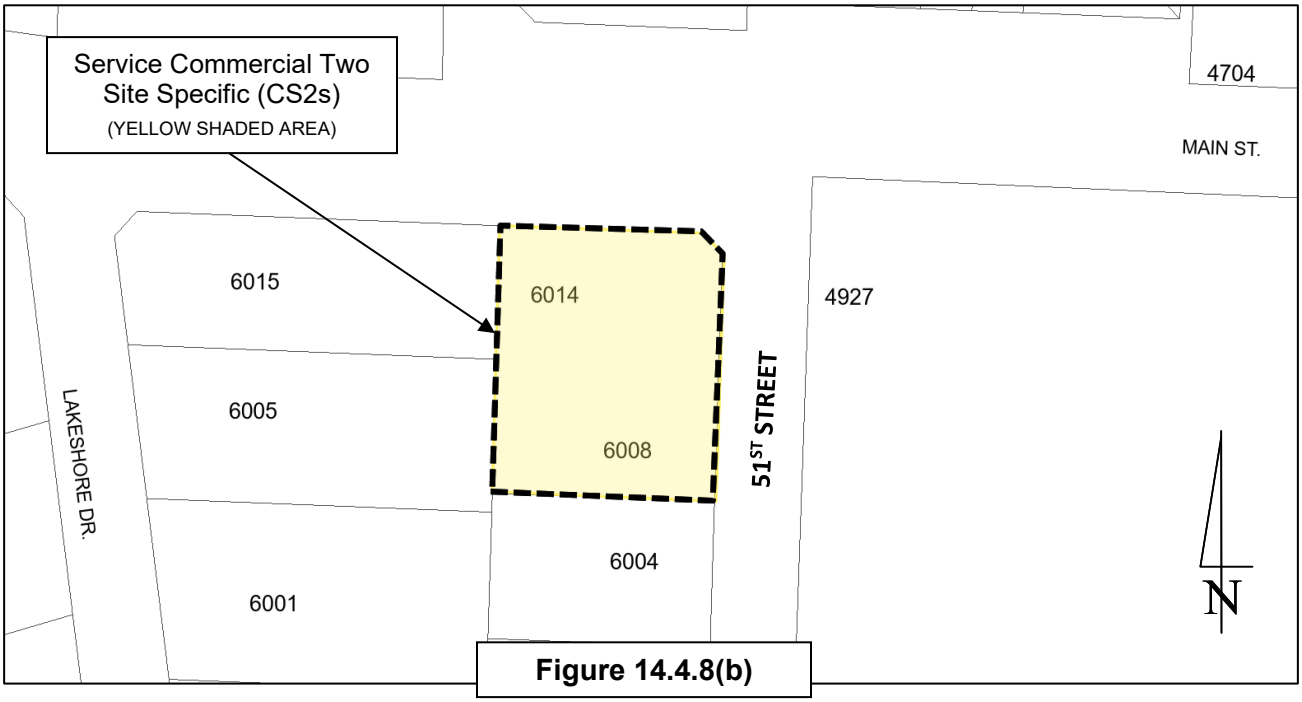


Figure 14.4.8(b)

15.0 TOURIST COMMERCIAL ZONES

15.1 TOURIST COMMERCIAL (CT1) ZONE

15.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *alcohol production facility*;

b) *eating and drinking establishment*;

c) *indoor recreation*;

d) *outdoor recreation*;

e) *tourist accommodation*;

<u>*Accessory Uses*</u>:

f) *accessory building or structure*, subject to Section 7.1;

g) *accessory dwelling*, subject to Section 7.2;

h) *office*;

i) *personal service establishment*, not to exceed 200.0 m^2 in *gross floor area*; and

j) *retail*, not to exceed 250.0 m^2 in *gross floor area*.

15.1.2 Minimum Parcel Size for Subdivision:

a) 1,000.0 m^2, subject to Section 8.0.

15.1.3 Minimum Parcel Width for Subdivision:

a) Not less than 25% of *parcel depth*.

15.1.4 Maximum Number of Dwellings Permitted Per Parcel:

a) one (1) *accessory dwelling*.

15.1.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

b) *Accessory building or structure*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

15.1.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 13.0 metres.

15.1.7 Maximum Parcel Coverage:

a) 35%

15.1.8 Tourist Commercial Site Specific (CT1s) Regulations:

a) Not applicable.

15.2 CAMPGROUND COMMERCIAL (CT2) ZONE

15.2.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *campground*;

<u>*Accessory Uses*</u>:

b) *accessory building or structure*, subject to Section 7.1;

c) *accessory dwelling*, subject to Section 7.2;

d) *eating and drinking establishment*;

e) *indoor recreation*; and

f) *retail*, not to exceed 250.0 m^2 in *gross floor area*.

15.2.2 Minimum Parcel Size for Subdivision:

a) 0.5 ha, subject to Section 8.0.

15.2.3 Minimum Parcel Width for Subdivision:

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

15.2.4 Maximum Number of Dwellings Permitted Per Parcel:

a) one (1) *accessory dwelling*.

15.2.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	3.0 metres
iii)	*Interior side parcel line*	1.0 metres
iv)	*Exterior side parcel line*	4.5 metres

15.2.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 10.0 metres;

b) despite Section 15.2.6(a), a *tourist cabin* may not exceed a *height* of 5.0 metres.

15.2.7 Maximum Parcel Coverage:

a) 20%

15.2.8 General Regulations:

a) the minimum area on which a *campground* use may be undertaken shall be 2.0 ha;

b) the maximum number of campground units per hectare shall not exceed 75;

c) not more than 25% of all campground units within a *campground* shall be used for the placement of *tourist cabins*; and

d) a *tourist cabin* may not have a *gross floor area* exceeding 30.0 m^2, and despite the definition of gross floor area, the gross floor area of a tourist cabin includes additions such as covered patios and covered or uncovered decks.

e) no person shall occupy a campground in a recreational vehicle or tent for any period greater than three (3) consecutive months, nor for a total of more than 182 days in any calendar year.

15.2.9 Campground Commercial Site Specific (CT2s) Regulations:

a) Not applicable

15.3 MARINA COMMERCIAL (CT3) ZONE

15.4.1 Permitted Uses:

Principal Uses:

a) *marina*;

Accessory Uses:

b) *accessory building or structure*, subject to Section 7.1; and

c) *accessory dwelling*, subject to Section 7.2.

15.4.2 Minimum Parcel Size for Subdivision:

a) 2,500 m^2, subject to Section 8.0.

15.4.3 Minimum Parcel Width for Subdivision:

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

15.4.4 Maximum Number of Dwellings Permitted Per Parcel:

a) one (1) *accessory dwelling*.

15.4.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	6.0 metres
iv)	*Exterior side parcel line*	6.0 metres

15.4.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 10.0 metres; and

b) No *accessory building or structure* shall exceed a *height* of 5.0 metres.

15.4.7 Maximum Parcel Coverage:

a) 30%

15.4.8 Marina Commercial Site Specific (CT3s) Regulations:

a) Not applicable

15.4 RESORT COMMERCIAL (CT4) ZONE

15.4.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *resort residential building*;

<u>*Accessory Uses*</u>:

b) *accessory building or structure*, subject to Section 7.1;

c) *eating and drinking establishment*;

d) *indoor recreation*;

e) *outdoor recreation*; and

f) *retail*.

15.4.2 Minimum Parcel Size for Subdivision:

a) 1,000 m^2, subject to Section 8.0.

15.4.3 Minimum Parcel Width for Subdivision:

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

15.4.4 Maximum Number of Dwellings Permitted Per Parcel:

a) 75 dwelling units per hectare.

15.4.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	4.5 metres
ii)	*Rear parcel line*	4.5 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

15.4.6 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 15.0 metres; and

b) No *accessory building or structure* shall exceed a *height* of 5.0 metres.

15.4.7 Maximum Parcel Coverage:

a) 80%

15.4.8 Resort Commercial Site Specific (CT4s) Regulations:

a) in the case of land shown shaded yellow (4000 Lakeshore Drive) on Figure 15.4.8(a):

   i) despite Section 15.4.4, the maximum number of dwellings permitted per parcel is 85 units per hectare.

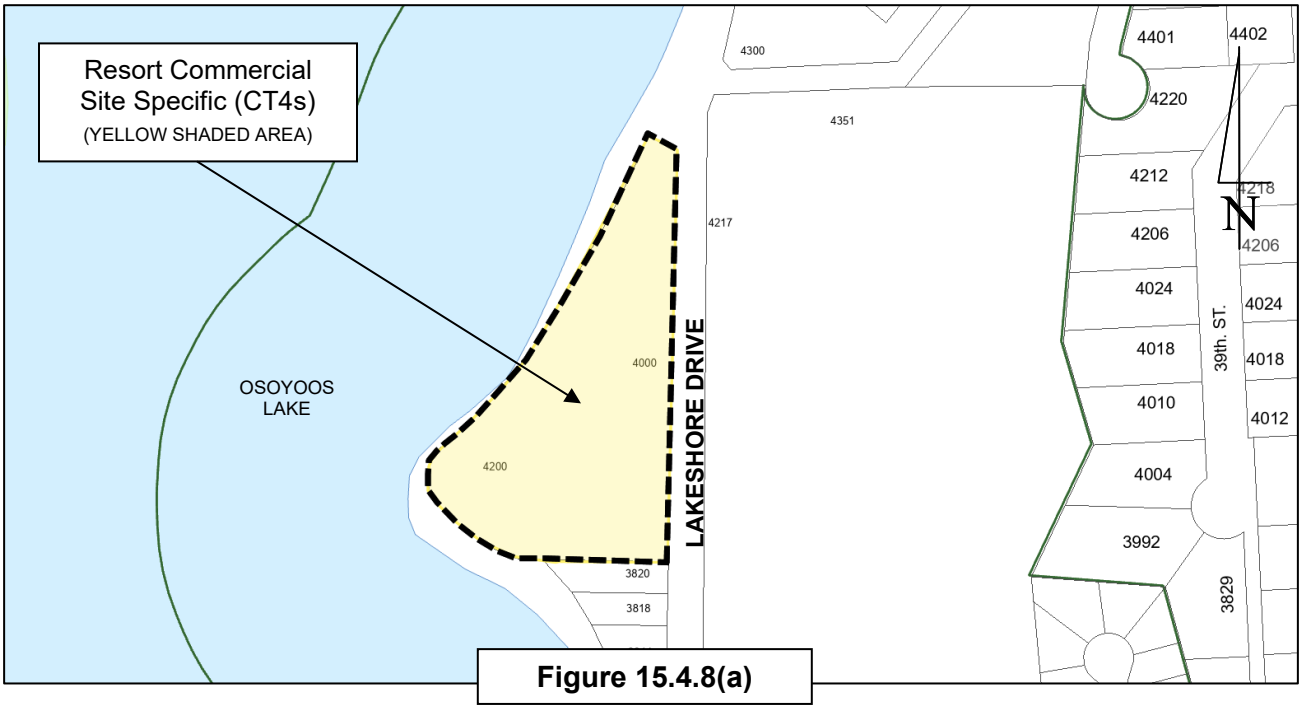


Figure 15.4.8(a)

16.0 INDUSTRIAL ZONES

16.1 GENERAL INDUSTRIAL (I1) ZONE

16.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *agriculture, indoor*;

b) *alcohol production facility;*

c) *construction supply centre*;

d) *fleet service*;

e) *kennel*;

f) *manufacturing*;

g) *outdoor storage*;

h) packing, processing and storage of *farm products*;

i) *recycling materials depot and drop-off centre*;

j) *salvage operation*;

k) *self-storage*;

l) *service industry establishment*;

m) *storage and warehouse*;

n) *vehicle sales and rentals*;

o) *veterinary establishment*;

p) *wholesale business*;

q) *public storage or maintenance and works yard*;

<u>*Accessory Uses*</u>:

r) *accessory building or structure*, subject to Section 7.1;

s) *accessory dwelling*, subject to Section 7.2;

t) *office*; and

u) *retail*.

16.1.2 Minimum Parcel Size for Subdivision:

a) 0.1 ha, subject to Section 8.0.

16.1.3 Minimum Parcel Width for Subdivision:

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

16.1.4 Maximum Number of Dwellings Permitted Per Parcel:

a) one (1) *accessory dwelling*.

16.1.5 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	3.0 metres
ii)	*Rear parcel line*	3.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	3.0 metres

b) *Accessory building or structure*:

i)	*Front parcel line*	3.0 metres
ii)	*Rear parcel line*	3.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	3.0 metres

16.1.6 Maximum Building Height:

a) No *building* or *structure* shall exceed a *height* of 15.0 metres.

16.1.7 Maximum Parcel Coverage:

a) 60%

16.1.8 General Industrial Site Specific (I1s) Regulations:

a) in the case of land shown shaded yellow on Figure 16.1.8(a):

i) the following *principal uses* are permitted on the land in addition to the permitted use listed in Section 16.1.1:

.1 *asphalt plant*;

.2 *concrete plant*; and

.3 *gravel processing*.

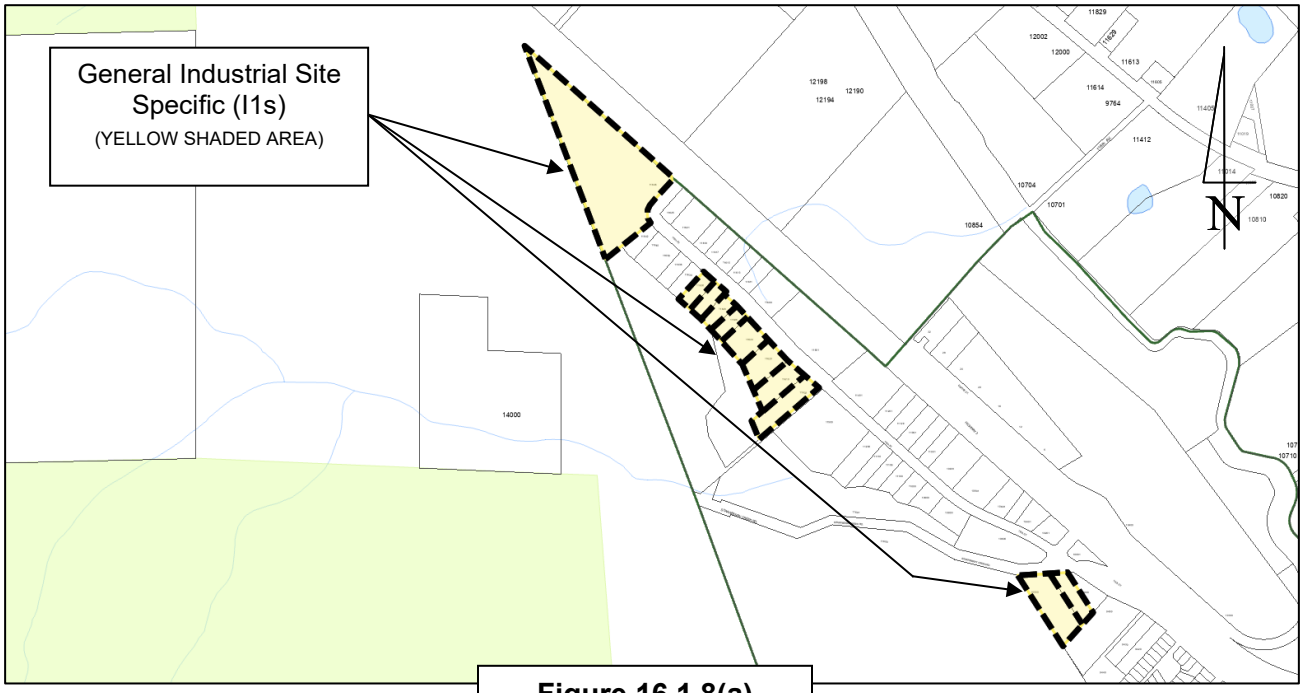


Figure 16.1.8(a)

b) in the case of land shown shaded yellow on Figure 16.1.8(b):

ii) the following *principal use* is permitted on the land in addition to the permitted uses listed in Section 16.1.1:

.1 *cultural facility*, which for the purpose of this sub-section, despite the definition in Section 4.0, means a building or structure used for the display of art and cultural artefacts limited to a museum.

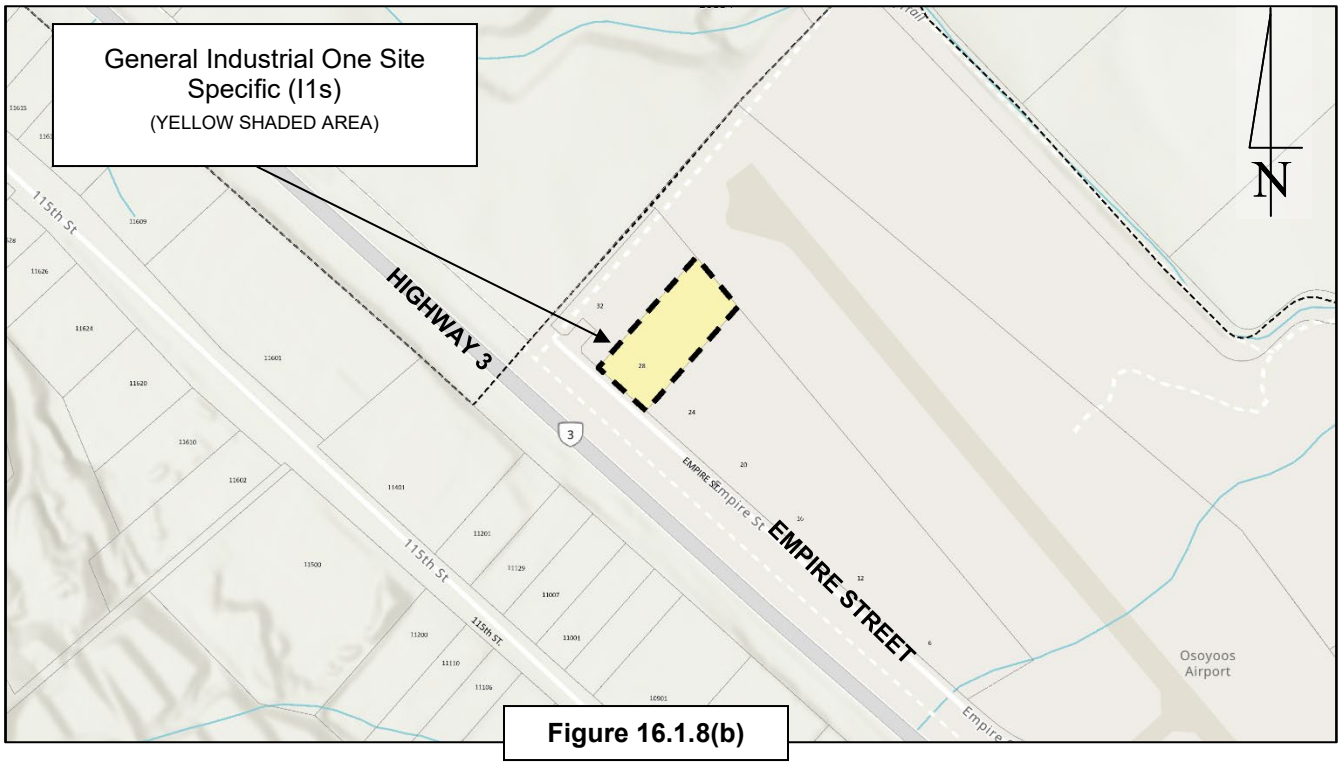


Figure 16.1.8(b)

17.0 ADMINISTRATIVE & INSTITUTIONAL ZONES

17.1 ADMINISTRATIVE AND INSTITUTIONAL (AI) ZONE

17.1.1 Permitted Uses:

Principal Uses:

a) *assembly*;

b) cemetery;

c) *child care facility/centre*;

d) *civic facility*;

e) *community care facility*;

f) *cultural facility*;

g) *educational facility*;

h) *funeral home*;

Accessory Uses:

i) *accessory building or structure*, subject to Section 7.1.

17.1.2 Minimum Parcel Size for Subdivision:

a) 1,000.0 m^2, subject to Section 8.0.

17.1.3 Minimum Parcel Width for Subdivision:

a) 30.0 metres

17.1.4 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

b) *Accessory building or structure*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

17.1.5 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 15.0 metres.

17.1.6 Maximum Parcel Coverage:

a) 40%

17.1.7 Administrative and Institutional Site Specific (AIs) Regulations:

a) Not applicable

17.2 AIRPORT (AP) ZONE

17.2.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *airport*;

<u>*Accessory Uses*</u>:

b) *accessory building or structure*, subject to Section 7.1.

c) aircraft maintenance and repair;

d) aircraft fuel sales;

e) aircraft sales;

f) aircraft storage;

g) dwelling unit;

h) eating and drinking establishment;

i) flight training school;

j) flying clubs;

k) offices; and

l) retail establishment, minor.

17.2.2 Minimum Parcel Size for Subdivision:

a) 1.0 ha, subject to Section 8.0.

17.2.3 Minimum Parcel Width for Subdivision:

a) 30.0 metres

17.2.4 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	3.0 metres

b) *Accessory building or structure*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	3.0 metres

17.2.5 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 10.0 metres

17.2.6 Maximum Parcel Coverage:

a) 40%

17.2.7 Airport Site Specific (APs) Regulations:

a) Not applicable

18.0 PARKS & NATURAL ENVIRONMENT ZONES

18.1 PARKS AND RECREATION (PR) ZONE

18.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *park*;

b) *outdoor recreation*;

c) cemetery;

<u>*Accessory Uses*</u>:

d) *accessory building or structure*, subject to Section 7.1;

e) carnivals, circuses and fairs;

f) community facilities;

g) interpretation centre;

h) public *moorage*; and

i) *indoor recreation*.

18.1.2 Minimum Parcel Size:

a) Not applicable

18.1.3 Minimum Parcel Width:

a) Not applicable

18.1.4 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	4.5 metres
iv)	*Exterior side parcel line*	4.5 metres

18.1.5 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 15.0 metres.

18.1.6 Maximum Parcel Coverage:

a) 25%

18.1.7 Parks and Recreation Site Specific (PRs) Regulations:

a) in the case of land described as Lot 763, Plan KAP2449, District Lot 2450S, SDYD (Lions Park), and shown shaded yellow on Figure 18.1.7(a):

i) the following *principal use* shall be permitted on the land in addition to the permitted uses listed in Section 18.1.1:

.1 “marina”.

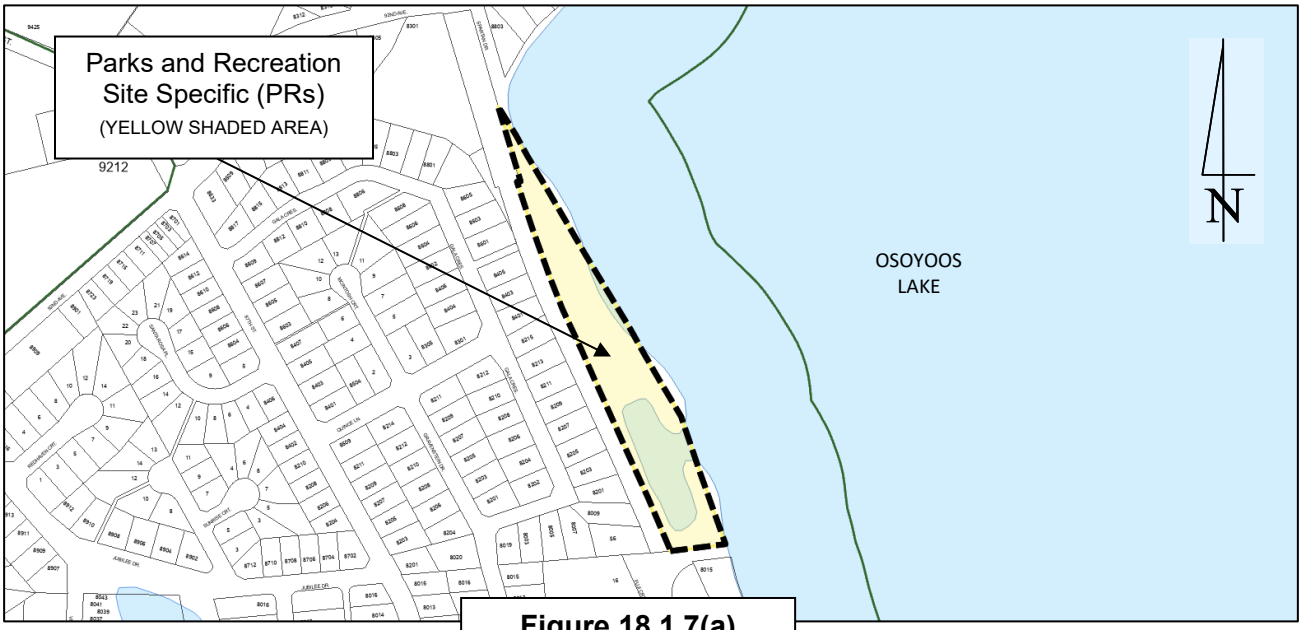


Figure 18.1.7(a)

b) in the case of land shown shaded yellow on Figure 18.1.7(b):

i) the following *principal use* shall be permitted on the land in addition to the permitted uses listed in Section 18.1.1:

.1 “golf course”.

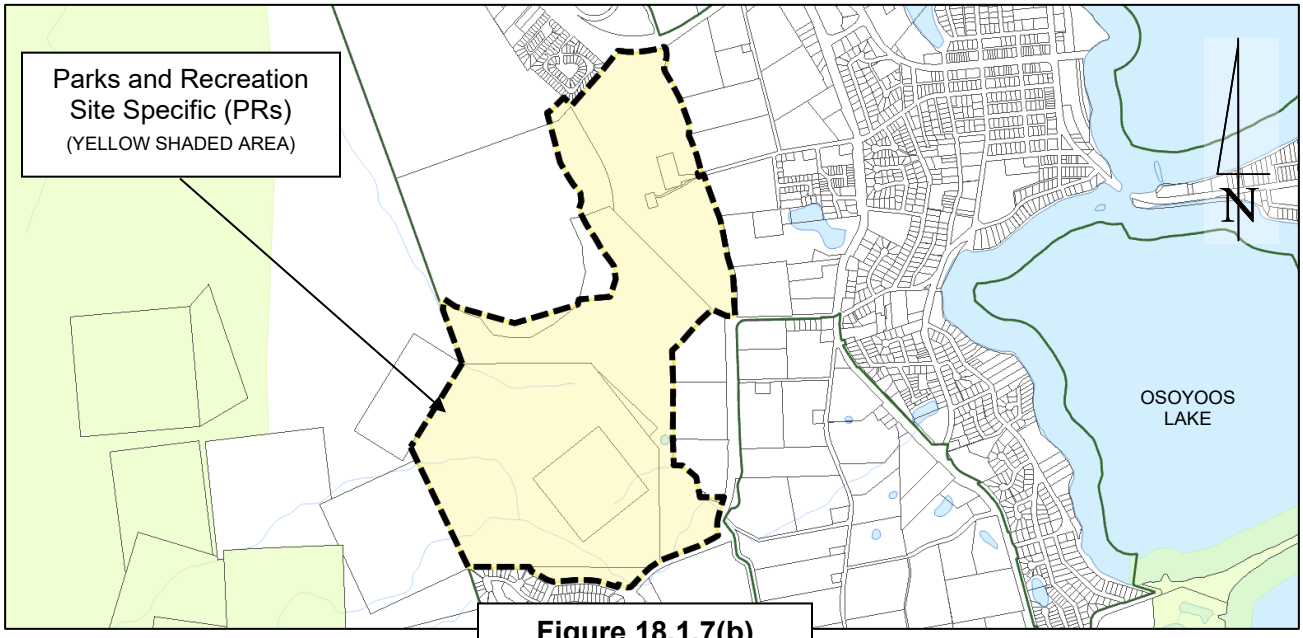


Figure 18.1.7(b)

18.2 DESERT PARK EXHIBITION (DPE) ZONE

18.2.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *equestrian centre*;

b) horse racing;

c) *indoor recreation*;

<u>*Accessory Uses*</u>:

d) *accessory building or structure*, subject to Section 7.1;

e) *campground*; and

f) *eating and drinking establishment*.

18.2.2 Minimum Parcel Size:

a) Not applicable

18.2.3 Minimum Parcel Width:

a) Not applicable

18.2.4 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	4.5 metres
iv)	*Exterior side parcel line*	4.5 metres

18.2.5 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 13.0 metres.

18.2.6 Maximum Parcel Coverage:

a) 25%

18.2.7 Desert Park Exhibition Site Specific (DPEs) Regulations:

a) Not applicable

18.3 CONSERVATION AREA (CA) ZONE

18.3.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *conservation area*;

<u>*Accessory Uses*</u>:

b) *accessory building or structure*, subject to Section 7.1; and

c) interpretation centre.

18.3.2 Minimum Parcel Size for Subdivision:

a) Not applicable

18.3.3 Minimum Parcel Width for Subdivision:

a) Not applicable

18.3.4 Minimum Setbacks:

a) *Buildings* and *structures*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	6.0 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

18.3.5 Maximum Height:

a) No *building* or *structure* shall exceed a *height* of 10.0 metres;

b) No *accessory building or structure* shall exceed a *height* of 4.5 metres.

18.3.6 Maximum Parcel Coverage:

a) 5%

18.3.7 Conservation Area Site Specific (CAs) Regulations:

a) Not applicable

18.4 OSOYOOS LAKE (W1) ZONE

18.4.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *boat launch*;

b) *boat lift*;

c) *dock*;

d) *group moorage facility*;

e) *swimming platform*; and

f) *water-based recreation*;

<u>*Accessory Uses*</u>:

g) Not applicable.

18.4.2 Minimum Parcel Size for Subdivision:

a) Not applicable

18.4.3 Minimum Parcel Width for Subdivision:

a) Not applicable

18.4.4 Maximum Number of Dwellings Permitted Per Parcel:

a) Not applicable

18.4.5 Minimum Setbacks:

a) A *dock*, *group moorage facility* or *swimming platform* shall be *setback*:

   i) 5.0 metres from the side *parcel* line boundaries of a *parcel* adjoining the *foreshore* of the lake, as projected onto the *foreshore* and water; or

   ii) 0.0 metres when a *dock, group moorage facility* or *swimming platform* is shared between two adjacent *parcels* and centered along side *parcel* line boundary, as projected onto the *foreshore* and water.

18.4.6 Maximum Height:

a) Not applicable

18.4.7 Maximum Parcel Coverage:

a) Not applicable

18.4.8 Osoyoos Lake Site Specific (W1s) Regulations:

a) in the case of an approximately 1.3 ha area of water adjoining the parcel of land described as Lot 1, Plan EPP121434, District Lot 41, SDYD (8000 Cottonwood Drive) and shown shaded yellow on Figure 18.4.8(a):

i) despite Section 6.13.2, the maximum number of berths permitted in a *group moorage facility* shall not exceed 60.

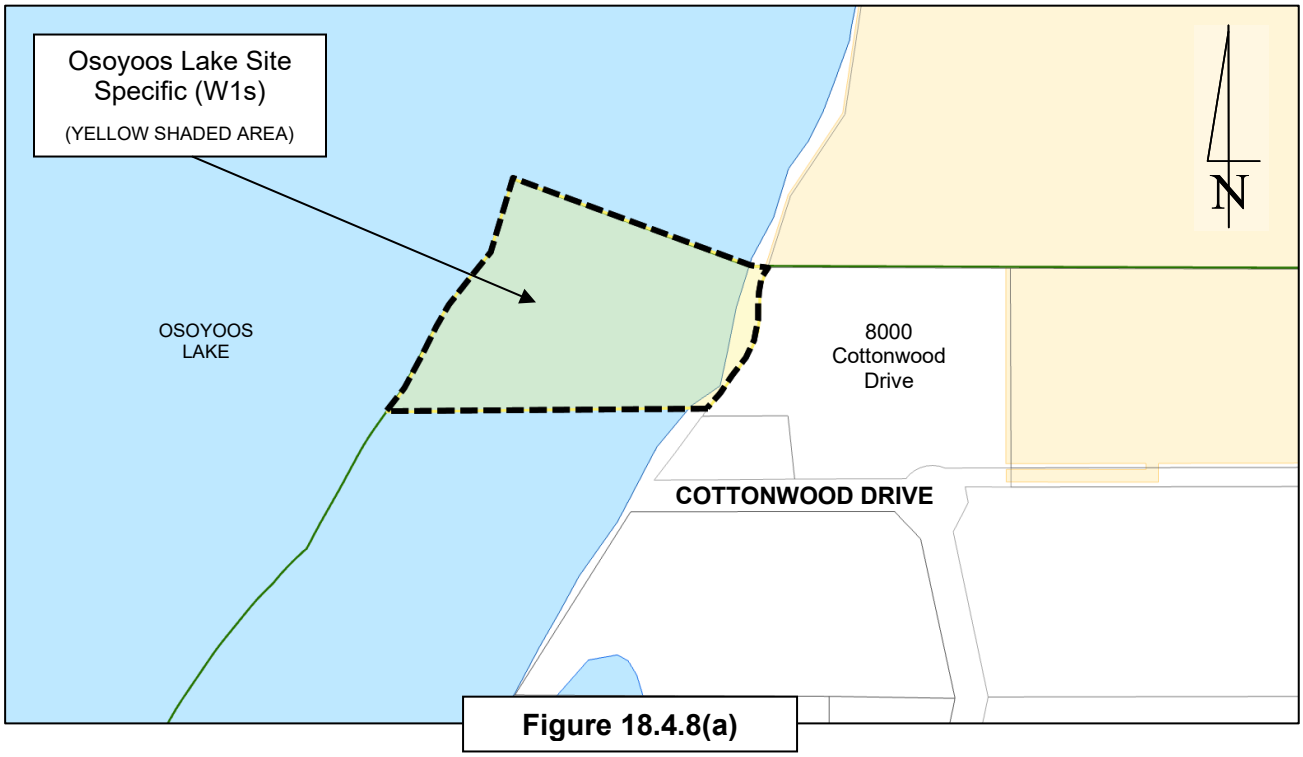


Figure 18.4.8(a)

19.0 AGRICULTURE ZONES

19.1 AGRICULTURE (AG) ZONE

19.1.1 Permitted Uses:

<u>*Principal Uses*</u>:

a) *agriculture*;

b) *alcohol production facility*, subject to Section 7.6;

c) *equestrian centre*;

d) packing, processing, and storage of *farm products*;

e) *single detached dwelling* or *mobile home*;

<u>*Accessory Uses*</u>:

f) *accessory building or structure*, subject to Section 7.1;

g) *accessory dwelling*, subject to Section 7.2;

h) *bed and breakfast operation*, subject to Section 7.3;

i) *home occupation*, subject to Section 7.5;

j) *retail sales of farm products*, subject to Section 7.6;

k) *secondary suite*, subject to Section;

l) *veterinary establishment*; And

m) *short-term rental accommodation*, subject to Section 7.7.

19.1.2 Minimum Parcel Size for Subdivision:

a) 4.0 ha, subject to Section 8.0.

19.1.3 Minimum Parcel Width for Subdivision:

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

19.1.4 Maximum Number of Dwellings Permitted Per Parcel:

a) one (1) *principal dwelling unit*; and

b) one (1) *secondary suite* or *accessory dwelling.*

19.1.5 Minimum Setbacks:

a) *Buildings* and *structures* on *parcels* 2,500 m^2 or greater:

i)	*Front parcel line*	7.5 metres
ii)	*Rear parcel line*	7.5 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	7.5 metres

b) *Buildings* or *structures* on *parcels* less than 2,500 m^2:

i) *Front parcel line* 7.5 metres

ii) *Rear parcel line* 7.5 metres

iii) *Interior side parcel line* 1.5 metres

iv) *Exterior side parcel line* 4.5 metres

c) *Accessory building or structure* on *parcels* less than 2,500 m^2:

i) *Front parcel line* 7.5 metres

ii) *Rear parcel line* 1.0 metres

iii) *Interior side parcel line* 1.0 metres

iv) *Exterior side parcel line* 4.5 metres

d) Despite Section 19.1.5(a), *livestock* shelters, *equestrian centres*, generator sheds, boilers or walls with fans, *greenhouses* and *cannabis production, indoor*:

i) *Front parcel line* 15.0 metres

ii) *Rear parcel line* 15.0 metres

iii) *Interior side parcel line* 15.0 metres

iv) *Exterior side parcel line* 15.0 metres

19.1.6 Maximum Height:

i. No *building* or *structure* shall exceed a *height* of 10.0 metres;

ii. despite Section 19.1.6(a), on *parcels* less than 2,500 m^2 in area, no *accessory building or structure* shall exceed a *height* of 4.5 metres.

19.1.7 Maximum Parcel Coverage:

a) 35% for *parcels* less than 2,500 m^2 in area;

b) 20% for *parcels* between 2,500 m^2 and 2.0 ha in area;

c) for *parcels* greater than 2.0 ha in area:

i) 10%; and

ii) 75% for a *greenhouse*.

19.1.8 Agriculture Site Specific (AGs) Regulations:

a) Not applicable

20.0 COMPREHENSIVE DEVELOPMENT

20.1 LAKESHORE DRIVE COMPREHENSIVE DEVELOPMENT (CD1) ZONE

20.1.1 Purpose:

The purpose of the Lakeshore Drive Comprehensive Development Zone (CD1) is to create comprehensive, site-specific land use regulations for the parcel located at 4217 Lakeshore Drive (legally described as Lot 12, Plan KAP1958, District Lot 100, SDYD, Except Plan Nos. 5238, 5684, 11709 & 33779) in order to provide for mixed-use (residential and commercial) development and a dedicated public park. Upon completion, it is envisioned that the zoning will transition to established zones that either contemplates or reasonably regulates the development.

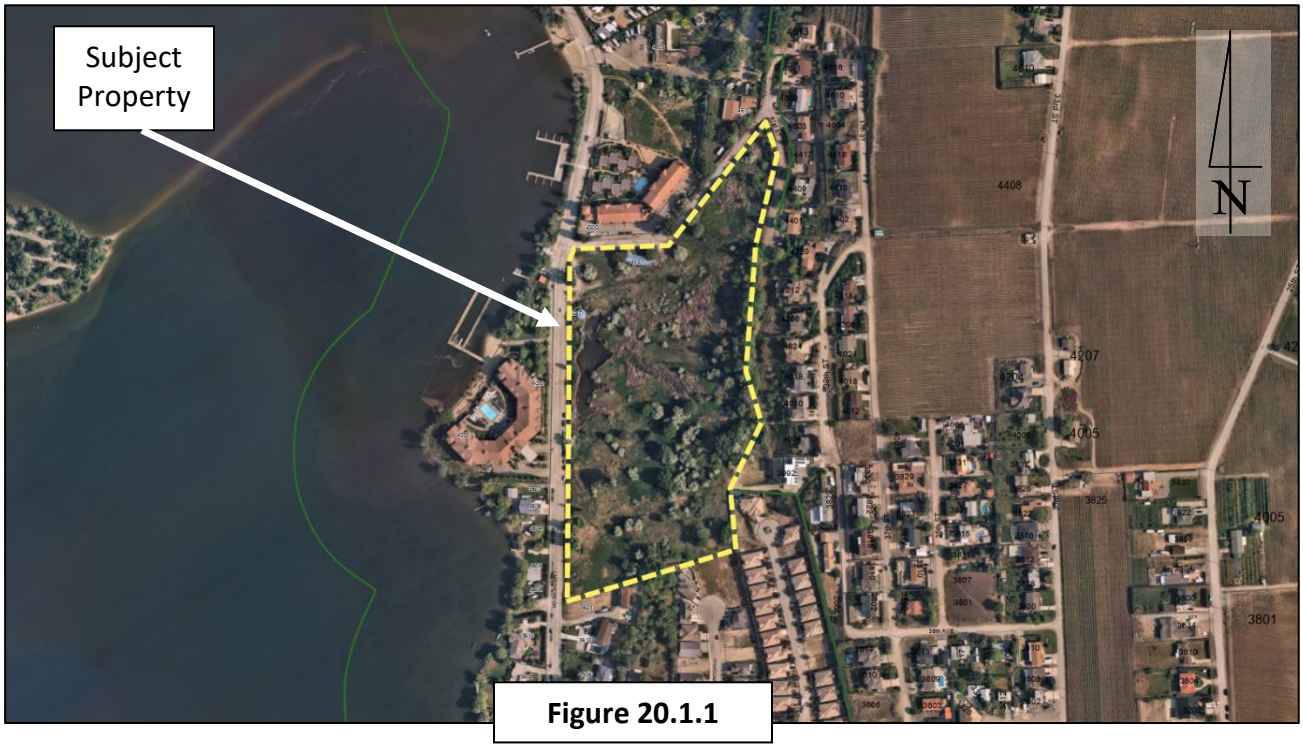


Figure 20.1.1

20.1.2 Permitted Uses

<u>*Principal Uses*</u>:

a) *apartment building*, subject to Section 20.1.11;

b) *duplex dwelling*, subject to Section 20.1.11;

c) *resort residential building*, subject to Section 20.1.11;

d) *single detached dwelling*, subject to Section 20.1.11;

e) *townhouse*, subject to Section 20.1.11;

<u>*Accessory Uses*</u>:

f) *accessory building and structure*, subject to Section 7.1;

g) *accessory dwelling*, subject to Section 7.2; and

h) *secondary suite*.

20.1.3 Minimum Parcel Size for Subdivision:

a) Not applicable

20.1.4 Minimum Setbacks:

a) *single detached dwelling* and *duplex dwellings*:

i)	*Front parcel line*	2.0 metres
ii)	*Rear parcel line*	1.5 metres
iii)	*Interior side parcel line*	1.2 metres
iv)	*Exterior side parcel line*	3.0 metres

b) *apartment buildings, townhouses* and *resort residential buildings*:

i)	*Front parcel line*	6.0 metres
ii)	*Rear parcel line*	4.5 metres
iii)	*Interior side parcel line*	3.0 metres
iv)	*Exterior side parcel line*	4.5 metres

c) *Accessory building or structure*:

i)	*Front parcel line*	2.0 metres
ii)	*Rear parcel line*	1.5 metres
iii)	*Interior side parcel line*	1.2 metres
iv)	*Exterior side parcel line*	3.0 metres

20.1.5 Maximum Height:

a) No *single detached dwelling* or *duplex dwelling* shall exceed a *height* of 11.0 metres;

b) No *apartment building* and *townhouse* shall exceed a *height* of 15.0 metres; and

c) No *accessory building or structure* shall exceed a *height* of 4.5 metres.

20.1.6 Maximum Parcel Coverage:

a) 40% for parcels less than 1,000 m^2 in area; and

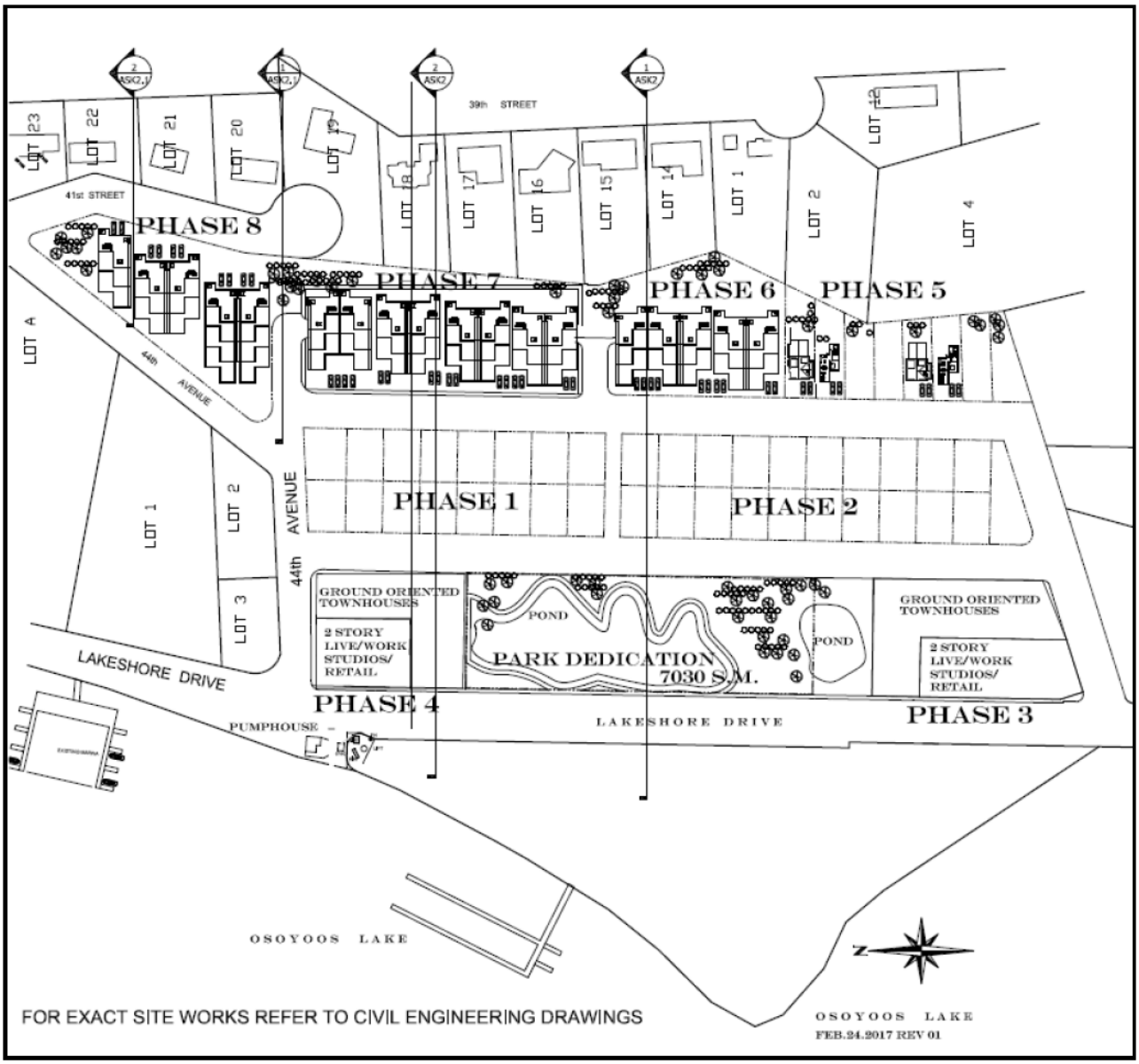
b) 50% for parcels 1,000 m^2 in area, or greater.

20.1.7 Site Development Plan

a) development of the subject property shall in accordance with the Plan included at Map 20.1.7 and phasing schedule established at Section 20.1.10;

b) despite sub-section 20.1.9(a), development of housing unit types on the subject property may deviate by no more than five (5) units of each type in each phase as shown on the Plan included at Map 20.1.7 and phasing schedule established at Section 20.1.8.

c) Any change that comprises a deviation of greater than five (5) units in any one Phase from the Plan included at Map 20.1.7 and phasing schedule established at Section 20.1.10 requires approval from the Town of Osoyoos Council in the form of an approved amendment bylaw.



Map 20.1.7 – Site Development Plan

20.1.8 Phased Development Schedule

a) The phased development of the subject property shall be in accordance with the following schedule:

Phases	Single Detached Dwellings	Duplex Dwellings	Terraced Townhomes		2-Storey Residential / Commercial Complex	
			Multi-Family	Resort Residential Building	Multi-Family	Resort Residential Building
Phase 1	8	16	-	-	-	-
Phase 2	14	14	-	-	-	-
Phase 3	-	-	-	-	20-24	10-12
Phase 4	-	-	-	-	20-24	10-12
Phase 5	8	-	-	-	-	-
Phase 6	-	-	15	5	-	-
Phase 7	-	-	28	8	-	-
Phase 8	-	-	15	5	-	-
Total	30	30	58	18	40-48	20-24
Site Total: 196-208 dwelling units which includes 38-42 short-term rental accommodation units.						

b) As a condition of subdivision approval for Phase 1 the applicant will complete the following:

   i) the installation, at their cost, of a sidewalk running along the complete frontage of their property on Lakeshore Drive, with a crosswalk across Lakeshore Drive from its intersection with 44th Avenue to connect with to the existing sidewalk on the other side of the road;

   ii) a riparian assessment of the watercourses (e.g. “ponds”) located on the subject property and shown Map 20.1.7 in order to survey their baseline ecological values and recommend protocols for their protection to be considered in storm water management design and operations; and

   iii) the donation of the lands as shown as “Park Dedication 7030 s.m.”, and comprising “ponds” and surrounding area on Map 20.1.7

c) As a condition of subdivision approval for Phase 4, the applicant will join the Town and the Ministry of Transportation and Infrastructure (MOTI) on agreement regarding the timing and scope of needed improvements required to the Highway 3 / Lakeshore intersection, including required cost sharing by the applicant to be paid as a condition of subsequent phased subdivision approval.

~ end of Schedule ‘1’ ~

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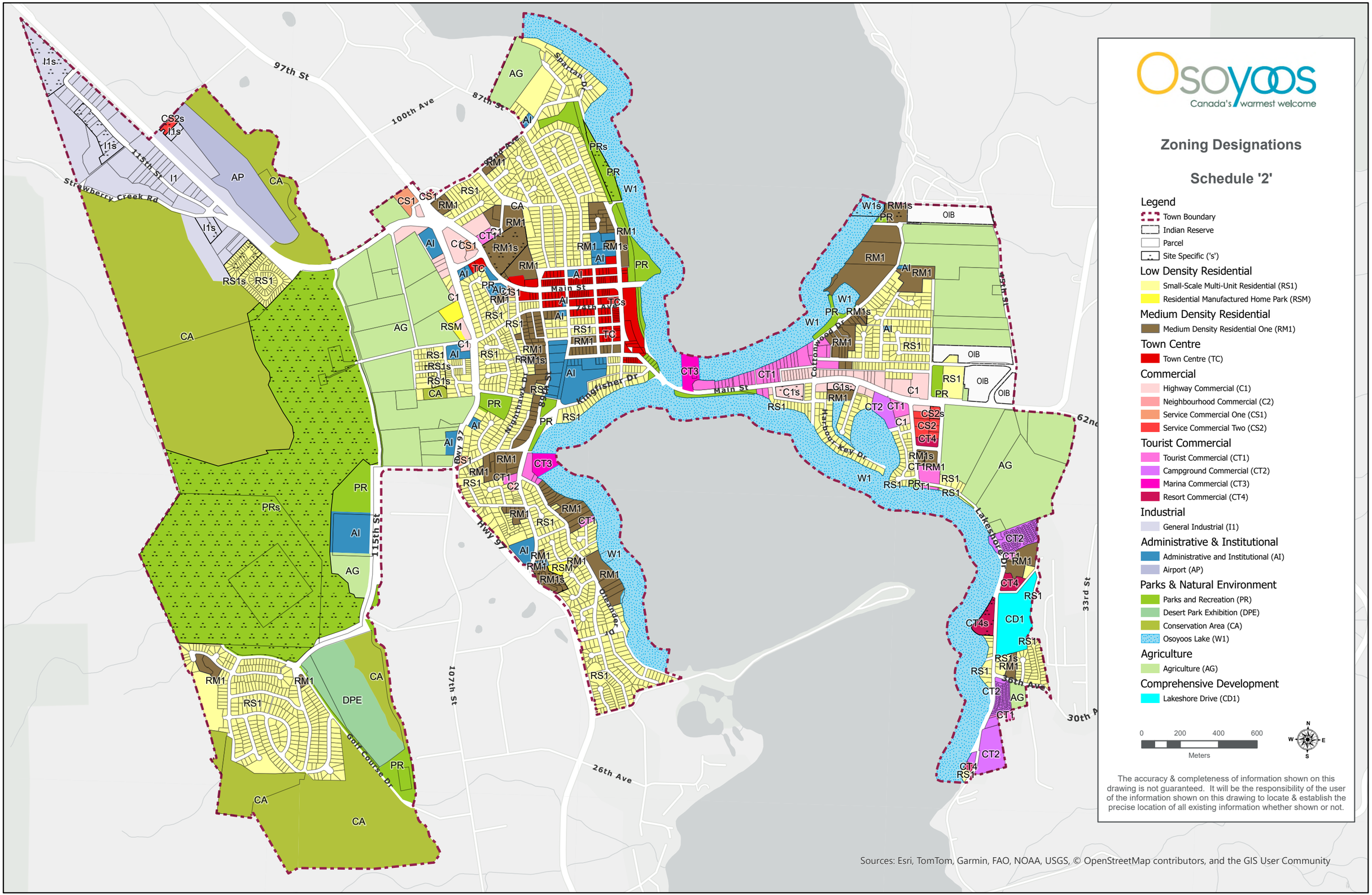

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General Notes:

1. The map delineates Flood Construction Level (FCL) extents under the design flood event. Mapping of Osoyoos Lake is based on the 200-year mid-century design event, adjusted to account for a 20% increase in discharge due to future climate change.

2. The Flood Construction Level (FCL) includes a freeboard allowance of 0.6m. It has been added to account for local variations in water level and uncertainty in the design event estimates.

3. The FCL includes an allowance for wind setup and wave runup based on co-occurrence of a seasonal 200-year wind event.

4. The floodplain limits have not been established on the ground by legal survey. The accuracy of the flood boundaries is limited by the LiDAR base mapping and orthophotography.

5. Users must note the dates of base mapping, aerial photography, ground surveys and issue of mapping relevant to dates of development in the map area. Subsequent developments or changes within the floodplain will affect flood levels and render site-specific map information obsolete. The floodplain limits are not delineated for side streams or tributaries.

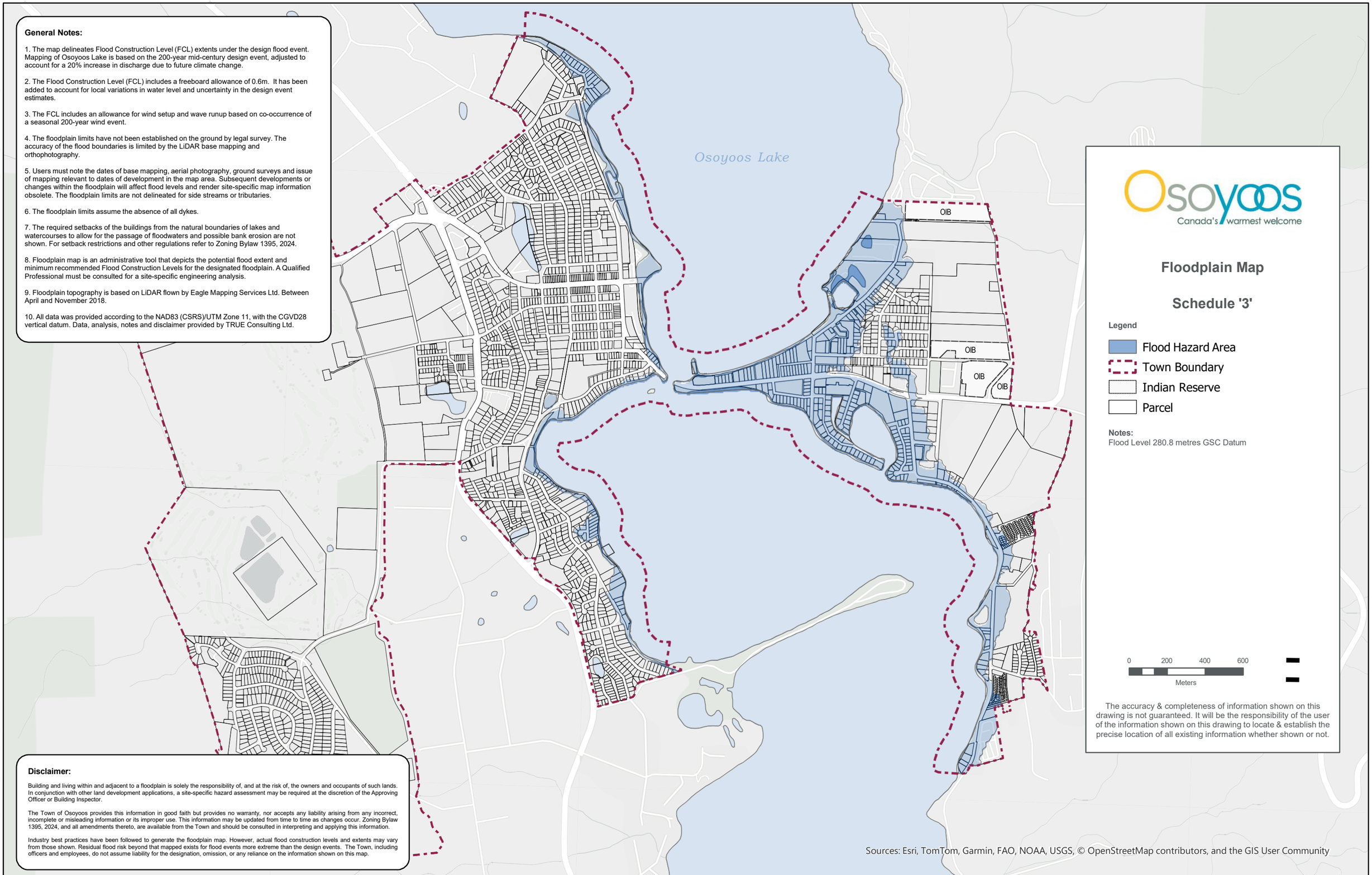
6. The floodplain limits assume the absence of all dykes.

7. The required setbacks of the buildings from the natural boundaries of lakes and watercourses to allow for the passage of floodwaters and possible bank erosion are not shown. For setback restrictions and other regulations refer to Zoning Bylaw 1395, 2024.

8. Floodplain map is an administrative tool that depicts the potential flood extent and minimum recommended Flood Construction Levels for the designated floodplain. A Qualified Professional must be consulted for a site-specific engineering analysis.

9. Floodplain topography is based on LiDAR flown by Eagle Mapping Services Ltd. Between April and November 2018.

10. All data was provided according to the NAD83 (CSRS)/UTM Zone 11, with the CGVD28 vertical datum. Data, analysis, notes and disclaimer provided by TRUE Consulting Ltd.



Disclaimer:

Building and living within and adjacent to a floodplain is solely the responsibility of, and at the risk of, the owners and occupants of such lands. In conjunction with other land development applications, a site-specific hazard assessment may be required at the discretion of the Approving Officer or Building Inspector.

The Town of Osoyoos provides this information in good faith but provides no warranty, nor accepts any liability arising from any incorrect, incomplete or misleading information or its improper use. This information may be updated from time to time as changes occur. Zoning Bylaw 1395, 2024, and all amendments thereto, are available from the Town and should be consulted in interpreting and applying this information.

Industry best practices have been followed to generate the floodplain map. However, actual flood construction levels and extents may vary from those shown. Residual flood risk beyond that mapped exists for flood events more extreme than the design events. The Town, including officers and employees, do not assume liability for the designation, omission, or any reliance on the information shown on this map.

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BYLAW NAME BYLAW AMENDMENTS		
BYLAW #	**AMENDMENT**	**DATE**
1395.02	Adding new sub-section 12,1,8(e)	Nov 12, 2024
1395.01	Adding new sub-section 12,1,8(f)	Feb. 25, 2025
1395.07	Adding new sub-section 11.1.8(b)	August 12, 2025
1395.04	Adding new Section 7.7 Short-Term Rental Accommodations	October 14, 2025
1395.06	Removing and Replacing Section 10.6 Off-Street Vehicle Parking Exemptions Remove and replace sub section 11.1.2 Add a new sub section 16.1.1(h) Removing and Replacing the first sentence of Section 6.3.1 (Metal Storage Containers)	November 12, 2025
1395.09	Adding new subsection g) under 12.1.8 (Medium Density Residential One Site Specific (RM1) Map being schedule 2 be amended	November 12, 2025
1395.11	Adding a new sub section 11.1.8(b) under Section 11.1	December 9, 2025
1395.12	Replace Table 10.7 in its entirety. Replacing sub section 12.1.8 (e) Adding new section 16.1.1 (b)	July 21, 2026
1395.13	Adding new sub section 16.1.8 (b)	September 22, 2026