

CITY OF KELOWNA
BYLAW NO. 11147
TA15-0005 - Section 16 - Public & Institutional Zones -
Dock Regulations

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 16 - Public & Institutional Zones, 16.6 W1 - Recreational Water Use** be amended by deleting Sub-Section **16.6.6 Other Regulations** in its entirety that reads:

"16.6.6 Other Regulations

- (a) No docks, boatlifts, shall be maintained, **used** or constructed beyond 40.0 m from the **natural boundary** of the upland parcel.
- (b) A maximum of one dock or **pier** shall be allowed for each waterfront property.
- (c) Docks and boatlifts must conform to the regulations outlined in Section 9.9, shall be approved by the Province of B.C. or by other designated approving agencies, shall be **used** for boat access purposes only, and no commercial or industrial activity or **use** shall take place thereon.
- (d) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.
- (e) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.
- (f) Camping is not permitted.
- (g) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9."

And replacing it with:

"16.6.6 Dock Regulations - Minor

The following regulations apply to a dock for one single-detached residential property or a shared dock between two single-detached residential properties, two bareland strata units, two multi-family units or two apartment hotel units:

- (a) The owner of the moorage facilities must be the owner of the upland property or be the holder of a Crown land residential lease for the upland property.
- (b) No docks, boatlifts, shall be maintained, used or constructed beyond 40.0 m from the natural boundary of the upland parcel.

- (c) Non-moorage uses such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- (d) The placement of fill, or the dredging of aquatic land, is not permitted. Natural habitat and shoreline processes shall not be altered.
- (e) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means.
- (f) Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- (g) Dock access ramps and walkways shall not exceed a width of 1.5m. Any other surface of the dock shall not exceed a width of 3.0m.
- (h) L or T shaped dock structures are permitted if the length of the structure which is parallel to the shoreline does not exceed the lesser of 10 m or one half the width of frontage of the upland parcel.
- (i) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 5.0m.
- (j) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 6.0 m where the adjacent property is a right-of-way beach access or is in a P3 zone.
- (k) No roof, overhead or covered structures shall be placed on the dock.
- (l) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.
- (m) No roof or covered structures shall be used, constructed, or maintained for boat lifts.
- (n) No overhead boat lift systems or mechanisms will be permitted.
- (o) Where a dock is shared, and constructed in front of abutting properties sharing the dock, the dock can be constructed on or across the common property boundaries. In such an instance, the minimum side yard setback between those two properties would be 0 m. Docks must be set back a minimum of 6.0 m from all other side property lines (as projected perpendicularly onto the foreshore from upland properties).

16.6.7 Dock Regulations - Major

The following regulations apply to a shared dock for three or more single-detached residential properties, bareland strata units, multi-family units or apartment hotel units:

- (a) The owner of the moorage facilities ~~is~~ must be the owner of the upland property or be the holder of a Crown land residential lease for the upland property.
- (b) Non-moorage **uses** such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- (c) Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- (d) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means. Where this solution is impractical, the owners may choose, as an alternative, to allow the public to cross the upland property above the natural boundary. If this alternative is chosen, a sign must be posted on the property to advise the public of the alternative crossing.
- (e) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 5.0 m.
- (f) Dock structures including any attached or detached boatlift mechanism must be setback from the side **property line** of the upland parcel, projected onto the **foreshore**, by a minimum of 6.0 m where the **adjacent** property is a right-of-way beach access or is in a P3 **zone**.
- (g) No roof, overhead or covered structures shall be placed on the dock.
- (h) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.
- (i) Dock lighting may be installed for security and safety purposes but shall be on sensor detectors such that the lights are only on when there are people on or near the dock. Lights should be installed at not less than 10 m intervals. Bulbs should have a maximum wattage of 60 w. Lamp heads should be no more than 22" higher than the dock decking.
- (j) No overhead electrical wiring will be permitted.

- (k) No roof or covered **structures** shall be used, constructed, or maintained for **boat lifts**.
- (l) No overhead **boat lift** systems or mechanisms will be permitted.
- (m) The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of single-detached housing properties sharing a dock, extend across more than 50% of the frontage of any given upland property and must in no case exceed 25 m.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of bareland strata developments, extend across more than 40% of the frontage of the bareland strata parent parcel, and must in no case exceed 90 m.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of multi-family developments or apartment hotels, extend across more than 40% of the frontage of the upland development, and must in no case exceed 90 m.
- (n) There shall be a maximum of one berth/slip and boat lift for every upland property unit. Rental of slips is prohibited.

16.6.8 Other Regulations

- (a) A maximum of one dock or **pier** shall be allowed for each waterfront property.
 - (b) Docks and boatlifts, shall be approved by the Province of B.C. or by other designated approving agencies, shall be **used** for boat access purposes only, and no commercial or industrial activity or **use** shall take place thereon.
 - (c) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.
 - (d) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.
 - (e) Camping is not permitted.
 - (f) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9.”
2. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 16 - Public & Institutional Zones, 16.7 W2 -Intensive Water Use** be amended by deleting Sub-Section **16.7.6 Other Regulations** (b)in its entirety that reads:
- “(b) All docks and boatlifts shall conform to regulations outlined in Section 9.9, shall be licensed by the Province of B.C. or by other designated approving agencies.”

And replacing it with:

“(b) All docks and boatlifts shall be licensed by the Province of B.C. or by other designated approving agencies.”

3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23rd day of November, 2015.

First reading rescinded by the Municipal Council of the City of Kelowna this

Mayor

City Clerk