



**Regular Council Meeting**  
to be held at  
**City of Penticton Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, February 21, 2017**  
**Revised start time of 6:00 p.m.**

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Staff Reports:**
  - CO 4.1 SILGA Resolution 1  
 Re: Recall Process initiated by Integrity Commissioner for Local Government  
*Staff Recommendation: THAT Council submit the following resolution to Southern Interior Local Government Association (SILGA) for consideration at UBCM:*  
  
Recall Process initiated by Integrity Commissioner for Local Government  
  
 WHEREAS constituents may believe local government elected officials are in breach of integrity and eroding public confidence;  
  
 AND WHEREAS the UBCM Executive in cooperation with the Ministry of Community, Sport and Cultural Development and the LGMA of BC are undertaking a report and recommendations for an Integrity Commissioner for Local Government with the ability to provide advice regarding conflict of interest, codes of conduct and objectively resolve accusations or public complaints;  
  
 THEREFORE BE IT RESOLVED that UBCM request the Province of British Columbia amend legislation to include a recall process for local government elected officials only upon review and recommendation of an independent Integrity Commissioner.
  - DDS 4.2 Zoning Bylaw No. 2017-08 2-123  
 Re: Housekeeping – repeals No. 2011-23  
*Staff Recommendation: THAT Council give first reading to “Zoning Bylaw No. 2017-08”, a bylaw intended to repeal and replace “City of Penticton Zoning Bylaw 2011-23”;*  
 AND THAT Council forward the bylaw to the March 7, 2017 Public Hearing.
  - DDS 4.3 Zoning Amendment Bylaw No. 2017-09 124-135  
 Re: 4000 Valleyview Road  
*Staff Recommendation: THAT “Zoning Amendment Bylaw No. 2017-09”, a bylaw that amends Zoning Bylaw 2011-23 changing the zoning on the portion of Lot 1, District Lot 190, Similkameen Division Yale District, Plan 71656, located at 4000 Valleyview Road, that is currently zoned A (Agriculture), from A (Agriculture) to RC (Country Residential), be given first reading and be forwarded to the March 7, 2017 Public Hearing.*

Re: 850 Wiltse Blvd

Staff Recommendation: *THAT prior to consideration of the bylaw and in accordance with Section 475 of the Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:*

1. *One or more persons, organizations or authorities;*
2. *The Regional District of Okanagan Similkameen;*
3. *Local First Nations;*
4. *School District #67; and*
5. *The provincial or federal government and their agencies.*

*AND THAT it is determined that the Public Hearing is sufficient consultation;*

*AND THAT "OCP Amendment Bylaw No. 2017-10", being a bylaw to amend "OCP Bylaw 2002-20" amending "Schedule B: Future Land Use Map" and the "Upper Wiltse Area Structure Plan" (Figure 13, Appendix A of Schedule M of the OCP), to redesignate those portions of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 (850 Wiltse Boulevard) as shown on 'Attachment B' from Multi Family to Low Density Residential, be given first reading and forwarded to the March 7, 2017 Public Hearing;*

*AND THAT "Zoning Amendment Bylaw 2017-11", being a bylaw to amend "Zoning Bylaw 2011-23" changing the zoning for that portion of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 (850 Wiltse Boulevard) as shown on 'Attachment B' from A (Agriculture) to R1 (Large Lot Residential), be given first reading and be forwarded to the March 7, 2017 Public Hearing;*

*AND THAT adoption of "Zoning Amendment Bylaw 2017-11" is conditional on the adoption of "OCP Amendment Bylaw 2017-10".*

5. **Public Question Period**

6. **Adjourn**

# Memo

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**Date:** February 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Dana Schmidt, Corporate Officer  
**Subject:** **SILGA Resolution**

## Staff Recommendation

THAT Council submit the following resolution to Southern Interior Local Government Association (SILGA) for consideration at UBCM:

### Recall Process initiated by Integrity Commissioner for Local Government

WHEREAS constituents may believe local government elected officials are in breach of integrity and eroding public confidence;

AND WHEREAS the UBCM Executive in cooperation with the Ministry of Community, Sport and Cultural Development and the LGMA of BC are undertaking a report and recommendations for an Integrity Commissioner for Local Government with the ability to provide advice regarding conflict of interest, codes of conduct and objectively resolve accusations or public complaints;

THEREFORE BE IT RESOLVED that UBCM request the Province of British Columbia amend legislation to include a recall process for local government elected officials only upon review and recommendation of an independent Integrity Commissioner.

## Background

Kelowna put forward B70 Integrity Commissioner for Local Government last year. The UBCM resolution committee recommended that the resolution be referred to the UBCM Executive, Ministry of Community, Sport and Cultural Development and the LGMA. They are working on a report to provide at the 2017 UBCM Convention.

To recall an MLA, a constituent must submit 200 words or less. We are proposing that the recall process would not be initiated unless it was recommended by an independent Integrity Commissioner that would review the conduct of the local government elected official and make a recommendation to recall only if warranted.

Respectfully submitted,

Dana Schmidt  
Corporate Officer

Chief Administrative  
Officer

PW

# Council Report

penticton.ca

**Date:** February 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Subject:** **Zoning Bylaw No. 2017-08**

File No: RMS 3360-01

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## Staff Recommendation

THAT Council give first reading to "Zoning Bylaw No. 2017-08", a bylaw intended to repeal and replace "City of Penticton Zoning Bylaw 2011-23";

AND THAT Council forward the bylaw to the March 7<sup>th</sup> Public Hearing.

## Strategic Priority

An effective zoning bylaw is one that will allow for the efficient processing of development applications while at the same time giving the community a sense of certainty with regard to land use and development form, creating a more livable community.

## Background

Section 479 of the provincial *Local Government Act* (LGA) gives Council the ability, through bylaw, to regulate land use and the form, siting, height and density of development and to provide for the orderly development of the community. This is typically done through the adoption of a zoning bylaw.

City of Penticton Zoning Bylaw 2011-23 came into effect in September of 2011 and was created through an extensive community and developer consultation process and improved upon the previous bylaw that was created in 1995. Council have reviewed several housekeeping amendments as well as several site specific zoning changes over recent years. This has generated some numbering confusion and unintended inconsistencies into the bylaw. In addition, since adoption of the bylaw a number of variance permit applications have been made and supported by Council.

Because of all of the amendments and variances since 2011, staff began a review of the bylaw with the goal of consolidating these changes and improving the clarity and usability of the bylaw where possible. It is good practice to review bylaws on a semi-regular basis to keep them current and effective. Staff began reviewing the existing zoning Bylaw in early 2016 and are now bringing forward the results of that review.

While the goal of the review was not to create any new policy or to change any of the established zoning districts, several material changes have been made to the bylaw, with the intent of making the bylaw easier to use and to be more reflective of our current development environment. Council has also directed some

policy changes into the review process, such as incorporating the new rules regarding urban hens and adding definitions for cannabis dispensaries.

## Proposal

The following list represents all the material changes to the bylaw:

- *The creation of an 'accessory suites' chapter*

We have added an 'accessory suites' chapter to the bylaw which includes all of the types of accessory suites currently permitted by the bylaw, such as secondary suites, carriage houses, etc. Previously, some of these uses were included in the Specific Use Chapter or buried in specific zones. The rationale for creating the new chapter is to highlight all the accessory suites that are now permitted in Penticton. The allowance of accessory suites has come out of the Affordable Housing Strategy. Having a separate chapter, will make it easier for those interested in building a suite or doing a suite conversion to have all of the regulations in one spot.

- *Introduction of carriage houses into the RD2 zone (for single family houses that have RD2 zoning):*

There has been lots of interest in developing carriage houses in Penticton since the zoning bylaw was amended to allow carriage houses in 2010. Carriage houses however have always been limited to the single family zones. Many single family houses though are on lots zoned duplex. This bylaw change will allow for a carriage house to be built on a duplex lot if there is a single family house on the lot.

- *New definitions for duplexes delineating between side-by-side, front to back and up/down duplexes*

The current bylaw does not provide a distinction between the different styles in duplex, but the style of duplex has a significant impact on the feel of a street. The new definitions will allow more clarity to what is permitted and encouraged on certain lots. For example the bylaw allows for side by side duplexes in the RD1 zone, but does not allow front to back duplexes. This is because the front to back style only really works well with a lane. The side by side product fits in well with single family housing, so is more appropriate for the RD1 zone. This will provide more assurance to neighbourhoods when zoning amendment applications come forward for duplex development.

- *Reduction in some yard setbacks, specifically for conversion of pre-existing structures into carriage houses (reduction from 1.5m to 1.2m)*

As stated above, there has been strong interest in carriage houses since they were included in the zoning bylaw. There has been particular interest in the conversion of pre-existing accessory buildings (garages) into carriage houses. The challenge has always been that garages are usually built at 1.2m from a property line, whereas a carriage house is required to be built 1.5m. This has resulted in several variance to Council. This change in the bylaw will allow for these building to be converted without the need for a variance.

- *The introduction of smaller lot widths in identified 'infill' areas, such as R2 (Small Lot Residential) and RD2 (Duplex Housing: Lane) zones*

One of the most varied regulations in the zoning bylaw is the lot width provision in infill areas. In the proposed amendment, staff reviewed what the most common request for lot width was and looked at what the actual lot widths in these areas are and tried to establish a width that would allow for subdivision and redevelopment in these areas. The proposal is to reduce the lot width from 13m to 9.1m. The 9.1 (30 foot) lot width provides opportunities for infill development without the need for a

variance request to Council. This will be for both the duplex zone with lanes as well as small lot with lanes.

- *Updating the parking table to reflect the recent changes in cluster housing as well as include parking spaces for the disabled*

We have reformatted the parking table making it easier to use and added parking regulations for uses that were not included previously. For example we have grouped together all of the commercial uses under one heading and broken out the outliers (previously, every use was listed even though they all had the same parking requirement). Parking spaces for disabled parking was included in the table. Disability parking was dealt with under a separate policy and often not considered because it wasn't in the zoning bylaw. That has now changed.

- *Additional incentives for car share and bicycle parking*

Zoning Bylaw 2011-23 did include some parking reductions for projects that incorporated car share and bike parking. In the new bylaw a parking reductions section is created and includes provisions for reducing parking by providing more bicycle parking than in necessary, or for providing a cooperative vehicle (car share) into a residential project. Under the proposed bylaw the addition of a car share into a project will exempt 6 required on site parking spaces.

- *Sound attenuation fencing along the highway*

Requests have been received to install sound attenuation fencing along the highway 97 controlled access highway corridor, specifically in the area on Railway Street adjacent to Chase, Revelstoke, Kamloops and Fairway Avenue. Currently, the maximum fence height is only 1.8m. Generally sound attenuation fencing is higher than this 1.8m +. This change will allow the fencing to be installed without the requirement for a variance to the bylaw.

- *Clarifications on maximum height of retaining walls with fences*

Ever since the adoption of Zoning Bylaw 2011-23 there has been confusion over the maximum height of retaining walls. This had to do with confusing drafting of the regulation and definition as well as a drawing that seemed to contradict the regulations. This has now been amended.

- *Revisions to the landscaping requirement including the introducing of one tree on every lot*

The landscaping chapter has been reformatted and includes a new provision that one large tree be required at the time of the creation of a new residential lot. This is reflective of policy in the OCP and good planning practice. The previous version of the bylaw did not have a requirement for any type of landscaping on single family lots.

- *Follow through on Council resolutions on urban hens and cannabis*

Over the course of the past year, Council has passed resolutions directing certain policy into the zoning bylaw review process. Issues like urban hen regulations and urban agriculture have been added to this new bylaw. We have also included a definition for cannabis dispensaries and medical marijuana production facilities. The previous bylaw did not have standalone definitions for these use. The new bylaw also prohibits cannabis dispensaries from all zones in the city. With this specifically stated in the zoning bylaw, the only way someone could put in a cannabis dispensary is through a TUP process of a zoning amendment on a site specific basis. Both of those processes require neighbourhood notification.

- *New GIS based zoning map*

With the adoption of the new bylaw, we will be moving to a GIS based zoning map. This new map will make amendments easier allowing the Planning Department to make changes without having to involve the Engineering Department (which is the current procedure). The map will form a schedule to the bylaw and has been cleaned up, modernized and reformatted to meet our new corporate branding. No land use changes have been made and no new zones have been added.

In addition to the above changes, several other minor changes have been made to phrasing and wording of regulations and definitions. We have also added a number of new images and replaced old images to try to make interpretation of the bylaw easier.

### **Consultation**

In April 2016, Staff held a community open house at the community centre to discuss the proposed changes to the bylaw. Comments received at that open house have been incorporated into the final bylaw. In addition, several of Council's advisory committees were presented with the work plan and some of the proposed changes.

### **Financial Implication**

An effective Zoning bylaw allows for more efficient use of City resources. The total budget for this update project was \$5,000.

### **Instream applications**

The new bylaw is intended to take effect upon adoption. There is a provision in the bylaw that allows approvals of in stream application to be considered under the previous bylaw for a year. In stream zoning amendment applications will need to be amended reflecting the new zoning bylaw at the time of zoning adoption. These will be dealt with on a file-by-file basis. Staff estimate less than a dozen of these applications.

### **Analysis**

#### *Support*

The purpose of the bylaw review was to deliver an effective, user-friendly zoning bylaw that is easy to interpret and use by staff, developers, the public and homeowners and one that meets the current and anticipated needs of our communities. The review and changes were not intended to create any major new policy or to change zoning districts.

The revised bylaw meets several policies of the OCP and City Planning documents, including the following:

- Ensure that the zoning bylaw accommodates a variety of housing types
- Encourage housing affordability through the promotion of density and secondary suites
- Utilize innovative ways to increase density, without changing the character of existing neighbourhoods
- Support downtown revitalization
- Increase the City's tree canopy

All the proposed changes are intended to make the bylaw as easy to understand and efficient as possible. For the reasons listed above staff recommend that Council give first reading to the bylaw and forward it to the March 7<sup>th</sup> Public Hearing for comment from the public.

*Deny / refer*

Council may feel that the revised Zoning Bylaw is not in the public interest. If that is the case, Council may amend the bylaw prior to giving first reading or refer the bylaw back to staff for further research as directed by Council.

**Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Bylaw No. 2017-08"
2. THAT Council support "Zoning Bylaw No. 2017-08" with conditions that Council feels are appropriate.

**Attachments**

Attachment A –Zoning Bylaw No. 2017-08

Respectfully submitted,

Audrey Tanguay  
Senior Planner

Approvals

Planning Manger  <i>BL</i>	Director of Development Services  <i>AH</i>	CAO  PW
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**The Corporation of the City of Penticton**

**Bylaw No. 2017-08**

A Bylaw to establish zones and regulate within the zones

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WHEREAS Section 479 of the *Local Government Act* provides that a local government may adopt a Zoning Bylaw;

AND WHEREAS the Municipal Council is desirous of replacing the City of Penticton Zoning Bylaw No. 2011-23;

AND WHEREAS this bylaw has been considered in conjunction with The City of Penticton Official Community Plan Bylaw No. 2002-20;

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled hereby ENACTS as follows:

**1. Title:**

This Bylaw may be cited for all purposes as "Zoning Bylaw No. 2017-08".

**2. Application:**

The following schedules attached hereto are hereby made part of this bylaw and adopted as the Zoning Bylaw for the City of Penticton:

- .1 Schedule A (Zoning Bylaw Text)
- .2 Schedule B (Zoning Bylaw Map)

**3. Consultation:**

This bylaw has been referred to the Development Services Advisory Committee and the Ministry of Transportation prior to adoption.

**4. Repeal:**

"City of Penticton Zoning Bylaw No.2011-23" and the amendments thereto are hereby repealed upon the coming into force and effect of this Bylaw.

READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2017
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_\_ day of \_\_\_\_, 2017 and the \_\_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

Schedule A – Zoning Bylaw Text  
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## Chapter 1 – General Administration

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### 1.1 Short Title

This Bylaw may be cited as the Zoning Bylaw.

### 1.2 Purpose

The purpose of this Bylaw is to provide a clear and efficient system of land use regulation for the orderly, economic, beneficial, equitable and environmentally sensitive use, development, and redevelopment of the City of Penticton having regard for the provisions of the City of Penticton's **Official Community Plan**.

### 1.3 Severability

A declaration by a court of competent jurisdiction that a chapter, clause or provision of this Bylaw, including anything shown on Schedules to the Bylaw is invalid, shall not affect the validity of the Bylaw or any part of the Bylaw other than the chapter, clause or provision, or part of the Schedule declared to be invalid.

### 1.4 Compliance with Other Legislation

#### 1.4.1 Other Municipal Bylaws, Provincial and Federal Statutes and Regulations

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

#### 1.4.2 Official Community Plan and Development Permits

The provisions of the development permit system included within the **Official Community Plan** apply in addition to the regulations in this Bylaw.

### 1.5 Applying Zoning Regulations

#### 1.5.1 Administrators of Zoning Bylaw

The **Director of Development Services**, Building Inspectors, Bylaw Enforcement Officers, and Planning Department staff shall administer this Bylaw.

#### 1.5.2 Areas Subject to the Bylaw, Existing Uses and Variance Orders

Except for legal non-conforming uses or developments approved by a development variance permit or a Board of Variance order, or another agreement or permit as authorized by the *Local Government Act*, or other provincial legislation and subject to Section 528 of the *Local Government Act*, the **use, buildings** and **structures** in each **zone** or area shall be in accordance with the **uses** listed in the **zone** and in accordance with all the appropriate regulations and requirements of this Bylaw.

### 1.6 Exclusions

This Bylaw does not apply to the following:

- 1.6.1** *Mobile vending units*, subject to compliance with all **City** regulations and bylaws, shall be permitted on all **City** owned land. *Mobile vending units* are permitted on privately owned land in **commercial zones**.
- 1.6.2** A **building** or **structure** for a **residential sales centre** for the sales of units of a **building** under construction or lots for sale in a subdivision shall be permitted in all **zones** for as long as it is necessary for the construction and sales in progress to be completed.
- 1.6.3** The **use** of **non-residential zones** for activities such as amusement **carnivals**, religious gatherings, and music festivals for less than 7 days in any six-month period, provided approval has been issued under the City's Business Licence and Permit requirements.

## **1.7 Development Applications in Process**

- 1.7.1** A completed application for a **building** permit, Development Permit or Development Variance Permit that is received prior to the effective date of this Bylaw shall be processed in accordance with the regulations of City of Penticton's Zoning Bylaw No. 2011-23, as amended. Such applications will have one year from the effective date of this Bylaw to be issued and after which time they must comply with this Bylaw.

## **1.8 Enforcement**

- 1.8.1** The **Director of Development Services**, Building inspectors and Bylaw Enforcement Officers and Planning Department staff are authorized to enforce the provisions of this bylaw.
- 1.8.2** No person shall interfere with or obstruct the entry of a Bylaw Enforcement Officer or any authorized **City** representative onto any land or into any **building** to which entry is made or attempted pursuant to the provisions of this Bylaw.

## **1.9 Prohibitions**

- 1.9.1** No person shall contravene, cause, suffer, or permit a contravention of this Bylaw.
- 1.9.2** No person shall commence or undertake a **use** that is not permitted by this Bylaw.
- 1.9.3** No person shall **construct**, make an addition to, or alter a **building** or **structure**, which is not permitted by this Bylaw.
- 1.9.4** No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the **Director of Development Services** or by a **Building** Inspector.
- 1.9.5** No person shall authorize or do any construction that is at variance with the description, specifications or plans that were the basis for the issuance of a **building** permit if such variance contravenes this Bylaw.

## **1.10 Penalties**

- 1.10.1** Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- 1.10.2** Each day a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

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## Chapter 2 - Interpretation

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### 2.1 Interpretation of Words and Terms

- 2.1.1 Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa.
- 2.1.2 The words "shall" and "is" require mandatory compliance except where a variance has been granted pursuant to the *Local Government Act*.
- 2.1.3 The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- 2.1.4 Words, phrases, and terms neither defined in [Chapter 3 – Definitions](#) nor in the *Local Government Act* or other provincial statutes shall be given their usual and customary meaning.
- 2.1.5 Where a regulation involves two (2) or more conditions, provisions, or events connected by the conjunction:
- .1 "and" means all the connected items shall apply in combination;
  - .2 "or" indicates that the connected items may apply singly or in combination; and
  - .3 "either-or" indicates the items shall apply singly but not in combination.
- 2.1.6 Where a term or phrase is shown in bold type, it is subject to interpretation using the definitions contained within [Chapter 3 – Definitions](#).

### 2.2 Illustrations

Examples and illustrations are for the purposes of clarification and convenience. Where there is a direct conflict between an illustration and the text of this bylaw, the text shall prevail.

### 2.3 References to Legislation

Any enactments referred to herein are a reference to an enactment of British Columbia law and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the **Council** of the **City** of Penticton, as amended, revised, consolidated or replaced from time to time.

### 2.4 Zone Boundaries

The **zone** boundaries on the Zoning Map shall be interpreted as follows:

- 2.4.1 Where a **zone** boundary follows a **street, lane**, railway, pipeline, power line, utility right-of-way, or easement, it follows the centreline, unless otherwise clearly indicated on the Zoning Map.
- 2.4.2 Where a **zone** boundary is shown as approximately following the **City** boundary, it follows the **City** boundary.
- 2.4.3 Where a **zone** boundary is shown as approximately following the edge, shoreline, or high water mark of a river, lake, or other water body, it follows that line.

- 2.4.4** Where a **zone** boundary is shown as approximately following a **property line**, it follows the **property line**;
- 2.4.5** Where a **zone** boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line.
- 2.4.6** Where a **zone** boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so.

## **2.5 Street Closings**

When any **street** or **lane** is closed or the dedication has been removed in accordance with Section 40 of the *Community Charter*, the roadway lands have the same zoning as the **abutting** land. When **abutting** lands are governed by different **zones**, the centre of roadway is the **zone** boundary unless the **zone** boundary is shown clearly following the edge of the roadway.

## **2.6 Schedules**

The Schedules attached to this Bylaw form part of this Bylaw.

## **2.7 Lots Containing More than One Zone**

- 2.7.1** Where a **lot** is divided into more than one **zone**, each zoned portion of the **lot** shall be considered as a separate **lot** for the purpose of determining **zone** provisions.
- 2.7.2** For the purpose of determining **interior side yard setbacks** for each zoned portion of the lot, the **zone** boundary separating **uses** on the same legal **lot** shall be considered to be the **interior side yard** line for the **abutting uses**.

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## Chapter 3 - Definitions

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### 3.1 Undefined Uses

3.1.1 The following guidelines shall be applied in interpreting the **use** definitions:

- .1 Typical **uses** listed in the definitions as examples are not intended to be exclusive or restrictive; and
- .2 Where a specific **use** does not conform to the wording of any **use** definition or generally conforms to the wording of two (2) or more definitions, the **use** is deemed to conform to and is included in that **use** which is most similar in functional purpose or physical characteristics.

### 3.2 Definitions

#### A

**ABUT** or **ABUTTING** means immediately contiguous to, or physically touching, and when used with respect to **lots**, means two (2) **lots** that share a common **property line**.

**ACCESSORY BUILDING** or **STRUCTURE** means a **building** or **structure**, normally ancillary to, incidental, subordinate to and dedicated exclusively to, and located on the same **lot** as, the main **building** or **structure**. Typical **accessory structures** include but are not limited to **garages**, garden sheds, antennae, propane tanks, satellite dishes receivers, and flagpoles.

**ACCESSORY SUITE** means a self-contained **dwelling unit** located within a **dwelling unit** or an **accessory building**.

**ACCESSORY USE** means a **use** which is normally ancillary to, incidental to subordinate to, dedicated exclusively to and located on the same **lot** as the **permitted use**. Parking may be an **accessory use** when it serves the **permitted use**. **Accessory uses** include recreational **amenities** in residential developments that are devoted to the exclusive **use** of residents living on the same site.

**ADJACENT** means land that **abuts** and is contiguous to a **lot**, and also includes land that would be contiguous if not for a **street, lane, walkway**, stream, utility **lot**, underground pipeline, power line, drainage ditch, **watercourse**, or similar feature.

**AGRICULTURAL FARM HELP DWELLING** means any residence on an agricultural zoned property that is used to house full-time permanent or seasonal farm workers employed on the same site as the agricultural operation only. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses.

**AGRICULTURAL STRUCTURE** means a **building** or **structure** used for agriculture or **intensive impact agriculture**, and may include irrigation works.

**AGRICULTURAL USE** means the primary production of **farm** products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards,

vineyards or other field crops, and any other activity designated as **farm use** by the Agricultural Land Commission Act, and its regulations, and farm operations as defined in the *Farm Practices Protection (Right to Farm) Act*. This **use** may include the processing and marketing of on-farm products and those off-farm products permitted by the Agricultural Land Commission (ALC) as well as a **winery**.

**AGRI-TOURISM ACCOMMODATION** means the provision of short term sleeping accommodations for tourists, on a property classified as **farm** under the BC Assessment Act, up to a maximum of 10 sleeping units. Typical uses include but are not limited to **farm** inns, seasonal farm cabins, campsites/recreational vehicle sites.

**AIRPORT** means any area designed, prepared, equipped or set aside for the arrival, departure, movement or servicing of aircraft, and includes any associated **buildings**, installations, **open space**, and equipment in connection therewith. This includes ancillary services including but not limited to gift shops, car rentals, **restaurants** and **personal service establishment uses**. It may include temporary residential **uses** for emergency personnel.

**AMENITY SPACE** means a useable **open space** area exclusive of required **front yard building setbacks** and parking areas (common or individual) which is developed for the recreational **use** of the residents of a residential **dwelling unit**, and may include **balconies**, **patios**, **decks** and level landscaped recreation areas.

**ANIMAL CLINIC** means those premises where domestic pets, animals and birds are treated inside a **building** and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian, but does not include an **animal shelter**.

**ANIMAL KENNELS AND STABLE** means premises used for the buying, selling, breeding or overnight boarding of animals including individual dogs, cats, horses, and other domesticated animals but excluding livestock other than horses.

**ANIMAL SHELTER** means a **lot** and/or **building** or part thereof, used for the temporary care of lost, abandoned or neglected animals.

**APARTMENT** means a residential **building** consisting of three (3) or more **dwelling units** on a **lot**, where each **dwelling unit** has its principal access from a common entrance or hallway. Ground level **dwelling units** may have the principal access from a common entrance or hallway or may have direct ground level access to the outside.

**APPROVED GRADE** (see [GRADE, APPROVED](#))

**ARTISAN CRAFTS** means the production and retail sale of crafts. Typical **uses** include but are not limited to pottery, wood crafts, metal crafts, textile crafts, glass crafts, custom stone crafts or native crafts; this may also include art, audio visual or a photographic studio.

**ASSEMBLY** means a **building** wherein people assemble for public, non-profit, fraternal, **business**, private group or religious purposes. Typical **uses** include but are not limited to conference and convention facilities, social clubs, non-profit organizations and churches. **Uses** may include rooms for eating, drinking and general **assembly** and may hold a Liquor Primary License.

**AWNING** means a retractable or non-retractable covering of non-rigid materials such as canvas or similar fabric projecting from the exterior wall of a **building**.

**B**

**BACHELOR DWELLING UNIT** means a **dwelling unit** in which the sleeping and living areas are combined and which is not capable of containing a separate bedroom or bedrooms.

**BALCONY** means an unenclosed platform, attached to and projecting from the face of a **building** with or without a supporting **structure** above the **first storey**, normally surrounded by a railing and used as an outdoor porch or sun-deck with access only from within the **building**.

**BAKERY** means any **building** or structure or part of a **building** or structure where bread, biscuits, ice cream cones, cakes, pies, buns, or any other **bakery** product of which flour or meal is the principal ingredient, are manufactured for sale and/or consumption on or off premises

**BARELAND STRATA LOT** (see [LOT, BARELAND STRATA](#))

**BASEMENT** means a **storey** or **storeys** of a **building** located below the **first storey**, that is 1.8m or greater in height, but shall not include a **cellar**.

**BED AND BREAKFAST HOME** means the **use** of a residence in which temporary overnight accommodation and breakfast is provided to tourists.

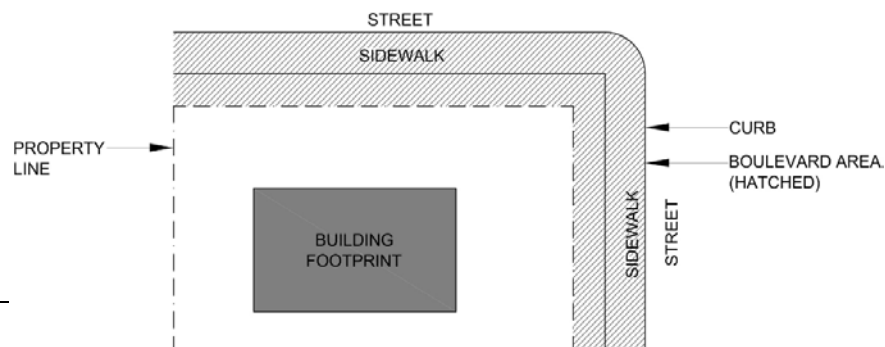
**BED AND BREAKFAST INN** means the **use** of a **building** containing **dwelling units** within which not more than 10 sleeping units may be rented for the temporary accommodation of the travelling public and where the room rate may include meals served on the premises.

**BICYCLE PARKING, CLASS I** means bicycle **parking spaces** that are provided for residents, students, or employees of a **permitted use**. It is intended for the long term secure parking of bicycles and includes bicycle lockers, compounds or rooms specifically provided and equipped for bicycle storage, and individual **garages** or **carports** for each **dwelling unit**.

**BICYCLE PARKING, CLASS II** means bicycle **parking spaces** that are provided for patrons or visitors of a **permitted use**. It is intended for the short term parking of bicycles and includes racks, lockers, or other structurally sound devices designed to secure one (1) or more bicycles in an orderly fashion located at **street** level or grade.

**BOARDER** means a non-family member who is a lodger, roomer, or person who pays for and takes regular lodging, with or without meals.

**BOARDING HOUSE** means a **building** in which the **owner** or manager supplies accommodation and/or **sleeping unit** accommodation for remuneration. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, **congregate housing**, or **bed and breakfast homes**.



**BOULEVARD AREA** means the area between the edge of an asphalt **street** and a property line.

**BUILDING** means a temporary or permanent **structure** having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and/or equipment.

**BUILDING AND GARDEN SUPPLY** 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 may include accessory rental of home construction, maintenance or repair equipment.

**BUILDING ENVELOPE** means that area of the **lot** that may be used for the footprint of a possible **building** or **structure** after **yard** requirements have been accounted for. The **building envelope** may be further restricted by other regulations such as **lot coverage** or **amenity space** requirements.

**BUILDING FACE OR FACADE** means that portion of any exterior elevation of a **building** exposed to public view extending from the **building grade** to the soffit or the top of the **parapet wall** and the entire length of the **building** elevation.

**BUILDING FOOTPRINT** means the area of a lot that is surrounded by the exterior walls of a **building** and in the absence of walls the area under the horizontal projection of a roof, **deck** or **balcony** over 0.6m in height.

**BUILDING FRONTAGE** means the measurement of the length of a **building** wall which directly faces a **street**.

**BUILDING GRADE** means the lowest of the average levels of finished ground adjoining each exterior wall of a **building**, excluding localized depressions.

**BUSINESS** means an establishment for carrying on a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other service for gain or profit. This includes a **Home Occupation**.

**BUSINESS SUPPORT SERVICE** means a **use** providing support services to a **business**. Typical **uses** include but are not limited to minor equipment for printing, duplicating, binding or photographic processing, **office** maintenance or custodial services, **office** security, **office** equipment sales, and rentals, testing laboratories, locksmiths, sign shops and other similar **uses**.

## C

**CALL CENTRE** means a **building** or a portion of a **building** in which workers provide support services to offsite customers primarily via telephone interactions. Services to customers are not typically available on a walk-in or over-the-counter basis. **Call centres** are distinct from **office** uses on the bases of multiple-shift operations.

**CALIPER** means the trunk diameter of a tree measured at a point 300 mm above the top of the root ball.

**CAMPGROUND** means land which has been planned and improved for the seasonal short term **use** of holiday trailers, motor homes, tents, campers and similar **recreational vehicles**, for a period not to

exceed 240 days in one (1) year, and is not used as year round storage or accommodation for residential **use**. Typical **uses** include but are not limited to **tourist** trailer parks, campsites, and tenting grounds.

**CANOPY** means a covering of rigid material or a marquee which projects from the wall of a **building**. It does not include an **awning**, projecting roof, roof eaves, or enclosed **structure**.

**CANNABIS DISPENSARY** means a business selling cannabis products through a storefront for medical or recreational use.

**CARRIAGE HOUSE** means a second dwelling unit located on a residential lot with an existing **single detached dwelling**. A **carriage house** may be a purpose-built structure, or a renovated **garage** or accessory **building**.

**CARNIVALS** means a temporary **use** providing a variety of shows, games and amusement rides in which the patrons take part, for a period of less than 30 days.

**CARPORT** means a roofed **structure** with less than 60% of the perimeter enclosed, used by the building occupants to shelter parked vehicles. It can be either free standing or attached to the **principal building**, but cannot be enclosed on the front.

**CELLAR** means that portion of a **building** between two (2) or more floor levels that is completely underground. A **cellar** does not include a **walkout basement**.

**CEMETERY** means those areas of land that are set aside for the burial of human remains.

**CITY** means the **City** of Penticton.

**CLEARANCE** means the unobstructed vertical distance between the **building grade** or finished floor and the underside of a **canopy, awning**, ceiling, or **structure**.

**CLUSTER HOUSING** means a grouping of three or more attached or detached **dwelling units** on a single parcel with common amenity areas.

**COMMERCIAL SCHOOL** means a specialty school facility used for training, instruction, and certification in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical **uses** include but are not limited to secretarial, **business**, hairdressing, automotive and construction trades, dancing, art, martial arts or music schools.

**COMMUNITY GARDEN** means the use of land for cultivating or growing plants. The garden must be operated by a registered organization such as a community association, strata corporation or non-profit group.

**CONCRETE MIXING PLANT** means the processing, manufacturing, recycling, and sales of concrete and/or the accessory manufacturing and sales of products made from concrete.

**CONGREGATE HOUSING** means a residential development in the form of multiple sleeping or **dwelling units** where residents are provided with common living facilities, meal preparation, laundry services and room cleaning. **Congregate housing** may also include other services such as personal

services, transportation for routine medical appointments and counselling for the residents of the facility.

**CONTRACTOR SERVICES, AGRICULTURAL** means development used for the provision of off-site agricultural services, such as vineyard maintenance, **farm** labour, agricultural earthworks and includes the storage and warehousing of materials and equipment used for agricultural purposes.

**CONTRACTOR SERVICES, GENERAL** means development used for the provision of **building** and road construction services including **landscaping**, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site **storage and warehouse** space. Any sales, display, **office** or technical support service areas shall only be permitted as an **accessory use**.

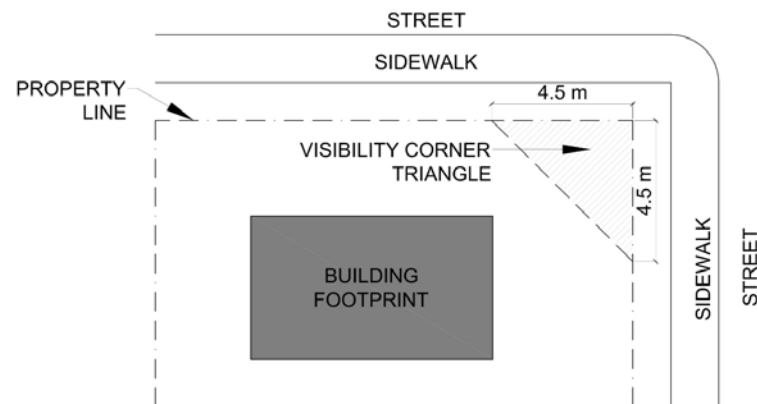
**CONTRACTOR SERVICES, LIMITED** means development used for the provision of electrical, plumbing, heating, painting and similar contractor services and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed **building**, and there are no accessory manufacturing activities.

**CONVENIENCE STORE** means the retail sale of those goods required by area residents or employees on a day to day basis, from **business** premises which do not exceed 250m<sup>2</sup> in **gross floor area**. Typical **uses** include but are not limited to small food stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, printed matter, or the rental of videos. This use does not include the sale of alcoholic beverages.

**CO-OPERATIVE VEHICLE** means an automobile, van, or pick-up truck, owned and operated by an organization that permits scheduled, temporary **use** of the **vehicle** by its members.

**CORNER LOT** (see [LOT, CORNER](#))

**CORNER VISIBILITY TRIANGLE** means the triangular space formed by the **street** lines of a **corner lot** and by a line drawn from a point in one (1) **street** line to a point in the other **street** line, each such point being 4.5 m from the point of intersection of the **street** lines (measured along the **street** lines).



**COUNCIL** means the Municipal **Council** of the **City** of Penticton.

**CRAFT BREWERY/DISTILLERY** means a **building** used for production of alcoholic beverages, with a maximum **gross floor area** of 1,000m<sup>2</sup>. The use must also include a retail component of up to 25% of the total **building gross floor area**.

**CRAWL SPACE** means the space between the underside of the joists of the floor above and the ground floor slab or ground surface where no slab exists, having a vertical clear height of less than 1.8 metres (5.9 feet).

**CSA** means Canadian Standards Association.

**CUSTOM INDOOR MANUFACTURING** means **development** used for small scale on-site indoor production of goods by hand, manufacturing primarily involving the **use** of hand tools. Typical **uses** include but are not limited to jewellery, toy and musical instrument manufacturing, specialty food products, gunsmiths, and pottery and sculpture studios. Any sales, display, or **office** space shall only be permitted as an **accessory use**.

## **D**

**DAY CARE CENTRE, MAJOR** means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than sixteen (16) children, for not more than thirteen (13) hours per day.

**DAY CARE CENTRE, MINOR** means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than eight (8) but not more than sixteen (16) children, for not more than thirteen (13) hours per day.

**DECK** means a **structure** more than 0.6 m above grade without a roof or walls, except for visual partitions and railings.

**DENSITY** means a measure of the intensity of a **building** or **buildings** to the area of the site, including the number of units on a site measured in units/area, or **floor area ratio**, as the case may be.

**DIRECTOR OF DEVELOPMENT SERVICES** means the person appointed by **City Council** to administer and enforce the provisions of this Bylaw.

**DOUBLE FRONTING LOT** (see [LOT, DOUBLE FRONTING](#))

**DUPLEX** means a **building** designed exclusively to accommodate two (2) **households** living independently in separate **dwelling units** above, below, beside each other or back-to-back to each other.

**DUPLEX, BACK-TO-BACK** means a **duplex** dwelling that is configured such that one unit faces the front of the **lot** and the other faces the back of the **lot**. Both units share a common back wall.

**DUPLEX, SIDE-BY-SIDE** means a **duplex** dwelling that shares a common side wall.

**DUPLEX, STACKED** means a **duplex** dwelling that is configured such that one unit is on top of the other.

**DUPLEX SUITE** means a self-contained accessory **dwelling unit** located within a **duplex** which has its own entrance, kitchen, bathroom and living area.

**DWELLING UNIT** means accommodation providing interconnected, free flowing space including bedroom(s), washroom and a **kitchen** intended for domestic **use**, and used or intended to be used permanently for a **household**. A **dwelling unit** includes only one (1) room which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a **kitchen**.

**E**

**EDUCATION SERVICE** means a **use** that involves public **assembly** for education, training or instruction purposes, and includes the administration **offices** and maintenance/storage facilities required for the daily operation of the facility on the same site or within the same school district. Typical **uses** include but are not limited to public schools; private elementary and secondary schools; community colleges; universities; and technical and vocational schools, and their administrative **offices**.

**EMERGENCY SHELTER** means a boarding home operated by non-profit society or government agency which provides temporary emergency accommodation, meals and support services for individuals who are in a housing crisis.

**EXTENDED CARE RESIDENCE** means a facility providing room, board, and limited medical treatment for the elderly and infirm including accessory staff residences. Typical uses include but are not limited to nursing homes with health care for dependent residents.

**EXTERIOR SIDE YARD** (see [YARD, EXTERIOR SIDE](#))

**F**

**FARM** means an area of land classified as a “farm” under the *Assessment Act*, and may be comprised of one (1) or several contiguous or non-contiguous lots owned or operated for the principal purpose of a farm business.

**FARM GARDEN STAND** means an **accessory building or structure** used for retailing agricultural products produced on the **farm**.

**FARM RETAIL SALES** means on-farm retail sale to the public of products grown or raised on a **farm**, and may include the sale of non-farm products in a portion of the retail sales area that does not exceed 50% of the total **farm retail sales** area.

**FARM RETAIL SALES AREA** means the floor area or dedicated outside area on which the **farm retail sales** are taking place and includes areas used for retail purposes indoors and outdoors. It does not include parking, driveways, **office** space, washrooms or areas for processing or product storage.

**FINANCIAL SERVICE** means the provision of financial and investment services by a bank, trust company, investment dealer, credit union, mortgage broker, insurance company or related **business**. Insurance companies that cater to a specific sector of the commercial or industrial **business** community and do not offer personal, financial, investment or insurance services to the general public are not included in this definition.

**FIRST STOREY** (see [STOREY, FIRST](#))

**FLANKING STREET** (see [STREET, FLANKING](#))

**FLEX UNIT** means a purpose built designated area within a multiple residential **dwelling unit** that may be used as either a small scale commercial space, an additional **dwelling unit** or incorporated into the larger **dwelling unit**.

**FLEET SERVICE** means a collection 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 ambulance services, taxi services, bus lines, storage of a fleet of rental **vehicles**, and messenger and courier services. This does not include moving or cartage firms involving trucks or buses with a gross **vehicle** weight of more than 3,000 kg.

**FLOOR AREA, GROSS (GFA)** means the total floor area of all storeys of all **buildings** or **structures** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include balconies, decks or patios.

**FLOOR AREA, NET (NFA)** means the total usable floor area in a building and accessory building, measured from the outside face of the exterior walls. NFA does not include the following sub-areas:

- **Garages**, other enclosed or open parking areas
- **balconies, decks** and **patios**
- Garbage or loading rooms
- Floor area devoted exclusively to mechanical or electrical equipment
- **Basements**
- Lofts
- Stairwells and elevator shafts

**FLOOR AREA RATIO (FAR)** means the numerical value of the **floor area, net** divided by the area of the **lot**. **Floor area ratio** may be referred to as **FAR** in this Bylaw.

**FORESTRY** means extraction, storage, sorting and grading of primary forest materials. This use does not include **natural resource processing**.

**FOUNDRY** means a factory that produces metal castings.

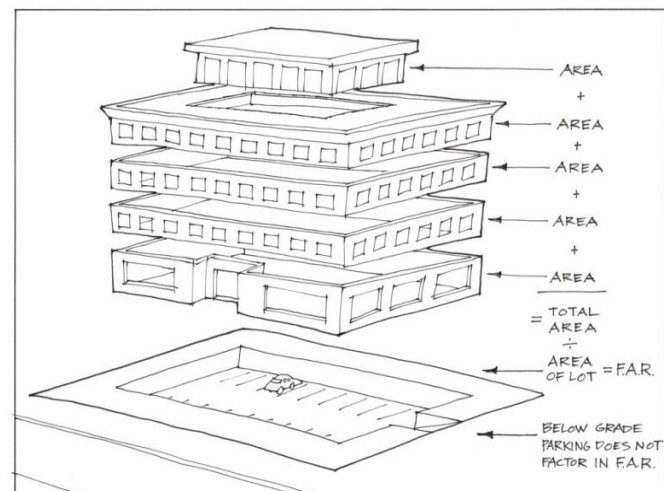
**FRONT LOT LINE** (see [LOT LINE, FRONT](#))

**FRONT YARD** (see [YARD, FRONT](#))

## G

**GARAGE** means an **accessory building** or part of a **principal building** designed and used for the shelter or storage of **vehicles** and includes a **carport**. For the purpose of calculating **yard setbacks** and **lot coverage** requirements, an attached **garage** is deemed to be part of the **principal building**.

**GARDEN CENTRE** means a location used primarily for the raising, storage and sale of produce, bedding, ornamental plants and related materials such as tools, soil, and fertilizers intended for **use** by **household** customers.

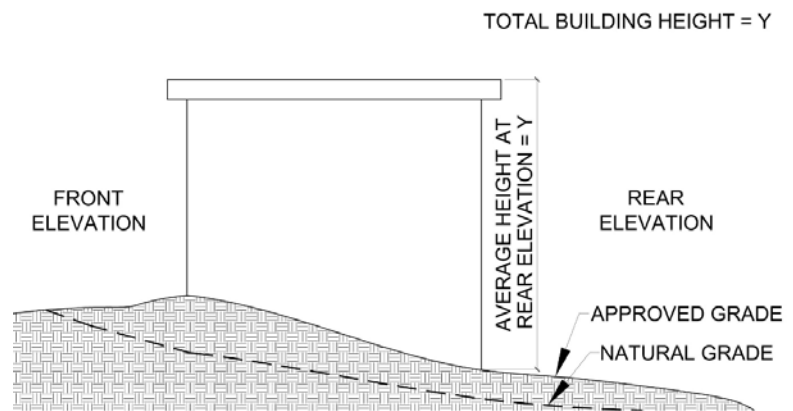


**GENERAL CONTRACTOR SERVICES** (see [CONTRACTOR SERVICES, GENERAL](#))

**GENERAL INDUSTRIAL** (see [INDUSTRIAL, GENERAL](#))

**GOVERNMENT SERVICE** means a location for Crown Corporation, municipal, provincial or federal governments to provide services directly to the public that is primarily conducted indoors. This includes exhibition and convention facilities, protective and emergency services by fire protection, police, ambulance, or other such services as a base of operations, courthouse, city hall, government **offices** and libraries and cultural exhibits, museums, community services, and similar public **government services**.

**GRADE, APPROVED** means the ground surface elevation level after man-made re-grading in accordance with an engineered site grading plan approved by the **City**. For determination of **building heights, approved grade** shall mean the average level across the lowest side of the building, except that localized depressions such as for **vehicle** or pedestrian entrances need not be considered in the determination of average levels of grade.



**GRADE, NATURAL** means the elevation of the ground surface in its state before man made alteration.

**GROCERY STORE** means a retail outlet with a **net floor area** of at least 929 m<sup>2</sup> (10,000 sq feet), including storage space, primarily retailing in a general line of foods, including canned, dry and frozen foods, fresh fruit and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products, snack foods, non-liquor beverages and general household products and pharmaceuticals. This use can include retail liquor sales with a store-within-a-store model as licensed by the Liquor Control and Licensing Branch (LCLB) or the sale of 100% BC wine, with a wine-on-the-shelf model, as licensed by the LCLB, but not both in the same location.

**GROSS FLOOR AREA** (see [FLOOR AREA, GROSS \(GFA\)](#))

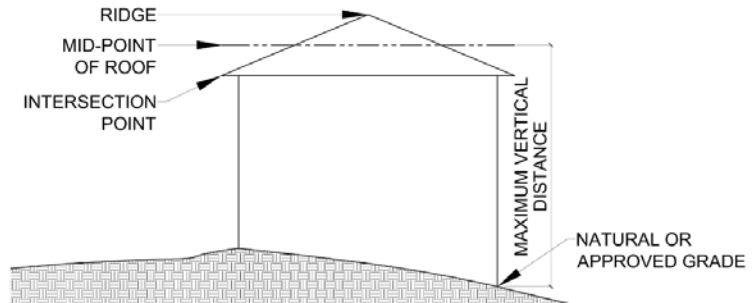
## H

**HARD-SURFACING** means a durable ground surface, constructed of cast-in-place concrete, brick, or concrete unit pavers, turfstone, stone, asphalt, or similar material but excluding gravel and clay.

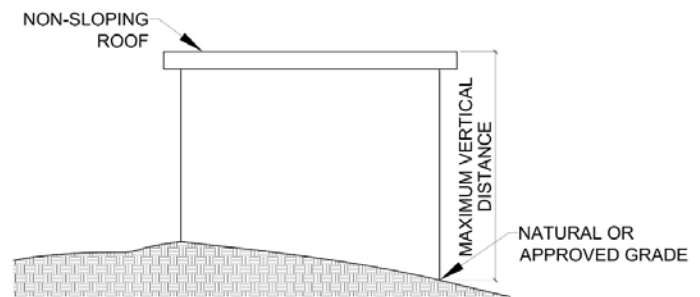
**HEALTH SERVICE** means the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical **uses** include but are not limited to medical and dental **offices**, chiropractors, massage therapists, acupuncture clinics, health clinics, and counselling services.

**HEAVY INDUSTRIAL** (see [INDUSTRIAL, HEAVY](#))

**HEIGHT** means, with respect to a **building**, the maximum vertical distance between **natural grade** or **approved grade** and the highest point of the **structure** of a non-sloping roof, or the mid-point between the intersection point of the **building** wall and roof **structure** and ridge of a sloping roof excluding dormers.



**HIGH TECHNOLOGY SERVICE** means an **office use** for aeronautics, biochemistry, computer **assembly**, computer design, communications, data processing, electronics, precision engineering, health care research, internet services, robotics, software development, telecommunications, web development, and related industries and including **accessory** customer support services.



**HOME OCCUPATION** means an occupation or profession carried out as an **accessory use** incidental to the residential **use** of a **dwelling unit**.

**HOSPITAL AND PATIENT CARE SERVICE** means a facility providing room, board, and surgical or other medical treatment for the sick and injured including out-patient services and accessory staff residences. Typical **uses** include but are not limited to hospitals, mental care health facilities, and rehabilitation and recovery facilities.

**HOUSEHOLD** means:

- (a) a person; or
- (b) two (2) or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one (1) **dwelling unit** as a single **household** using common cooking facilities; or
- (c) a group of not more than five persons, including **boarders**, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one (1) **dwelling unit** as a single **household** using common cooking facilities;

In addition to the above, this may include one (1) housekeeper or nanny.

**HOUSEHOLD REPAIR SERVICE** means the repair of goods, equipment and small appliances normally found within the home. Typical **uses** include but are not limited to radio, television, computer and appliance repair, furniture refinishing, drapery shops, and upholstery shops.

**I**

**INDOOR AMUSEMENT, ENTERTAINMENT AND RECREATION** means facilities within an enclosed **building** intended for leisure activities where patrons are predominantly participants or spectators. Typical **uses** include but are not limited to amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, motion picture theatres, concert or music halls and casinos. Such **permitted uses** may be licensed by the *British Columbia Liquor Control and Licensing Branch* to sell alcoholic beverages as an **accessory use**.

**INDOOR ANIMAL DAYCARE AND GROOMING** means an establishment intended to provide care and grooming for domesticated animals excluding livestock, during the day or evening but not overnight, to a maximum limit of ten animals at any given time.

**INDUSTRIAL, GENERAL** means the use of land principally for one (1) or more of the following:

- (a) recycling used goods and materials,
- (b) manufacturing or assembling of semi-finished or finished goods, products or equipment,
- (c) preparation of printed and film materials,
- (d) storing, cleaning, servicing, renting, repairing or testing of materials, goods and equipment normally associated with industrial, **business** or **household use**,
- (e) terminals for the storage or transhipping of materials, goods and equipment;
- (f) the towing and compounding of vehicles (not including salvage) and storage of tow trucks
- (g) distribution and sale of materials, bulk goods and equipment to institutions, industrial, **farm** or commercial **businesses** for their direct **use** or to **retail stores** or other uses for resale to individual customers, or
- (h) training in general industrial operations, trades, occupational first aid, emergency response or industrial health and safety.

This **use** does not include gravel crushers or asphalt plants.

**INDUSTRIAL, HEAVY** means processing, manufacturing, fabricating or assembling semi-finished or finished goods, products or equipment from raw materials, or storing, cleaning, servicing, repairing or testing materials, goods and equipment normally associated with industrial or business use. This use typically has area, intensity and land use impacts with greater magnitude and significance than industrial, general. Typical uses include sawmills, wood processing, manufacturing of manufactured homes, **vehicles** or heavy equipment.

**IRREGULAR LOT** (see [LOT, IRREGULAR](#))

**INTENSIVE IMPACT AGRICULTURE** means the **use** of a livestock confinement area, feedlots, **buildings** or **structures** for:

- (a) the confinement of poultry, livestock or fur bearing animals; or
- (b) the production of mushrooms in combination with a compost facility or a managed organic matter **use**.

**INTERIOR LOT** (see [LOT, INTERIOR](#))

**INTERIOR SIDE YARD** (see [YARD, INTERIOR SIDE](#))

**J****K**

**KITCHEN** means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, or wiring which, may be intended or used for the preparation or cooking of food.

**L**

**LANDSCAPE BUFFER** means a landscaped or natural area intended to visibly separate and **screen** one (1) **use** from another. This also refers to the **use** of vegetation and other **screening** or separation methods to separate non-farming and **ALR** land uses.

**LANDSCAPING** means changing, modifying or enhancing the visual appearance of a site including reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fences, **patios** and other ornamental features for the purpose of beautifying or **screening** the appearance of a **lot**, or returning it to an original environmental condition.

**LANE** means a highway under the *Local Government Act* more than 3.0 m but not greater than 8.0 m in width.

**LIMITED CONTRACTOR SERVICES** (see [CONTRACTOR SERVICES, LIMITED](#))

**LIQUOR PRIMARY LICENSED PREMISE** means a location where alcoholic beverages are offered for sale to the public for consumption on the premises. Typical **uses** include but are not limited to beverage rooms, neighbourhood pubs, cocktail lounge, cabarets and nightclubs. The **use** must hold a Liquor Primary License.

**LIVE-WORK UNIT** means a purpose-built or purpose-renovated space that combines a permitted commercial **use** with a **dwelling unit**.

**LOADING SPACE** means an on-site space reserved for temporary parking for the purpose of loading or unloading goods and materials.

**LOT** means a parcel of land, including Crown Land, which is legally defined either by **registered plan** or legal description.

**LOT AREA** means the total horizontal area within the **lot lines** of a **lot**.

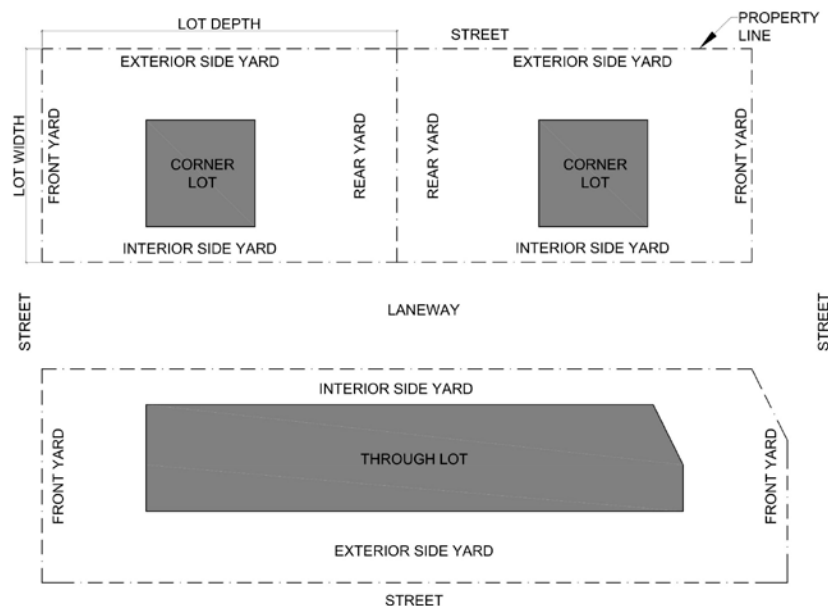
**LOT, BARELAND STRATA** means the smallest unit of land defined on a horizontal plane according to a bareland strata plan under the provisions of regulations pursuant to the *Strata Property Act*.

**LOT, CORNER** means a **lot** situated at the intersection of two (2) or more **streets**.

**LOT COVERAGE** means the percentage of the total horizontal area of a **lot** or **lots** that may be built upon with **buildings, accessory buildings or structures**, including **garages; parking structures** and **carports**; covered **patios** larger than 23 m<sup>2</sup>; and **decks** over 0.6 m in height. **Lot coverage** excludes

steps, eaves, cornices, cantilevered **balconies** and similar projections permitted by this Bylaw, breezeways, porticos, pergolas, open courtyards, **patios**, driveways, aisles, at-grade **parking spaces** and at-grade enclosed or unenclosed **parking lots**.

**LOT, DOUBLE FRONTING**, (or **THROUGH**) means a **lot** which **abuts** two (2) **streets** which are parallel or nearly parallel to the **lot**. This does not include a **lot** with a second frontage on a rear **lane**.



**LOT, INTERIOR** means a **lot** other than a **corner lot**.

**LOT, IRREGULAR** means a **lot** that does not fall into one of the other **lot** definitions

**LOT LINE** means the legally defined boundary of any **lot** or **property line**.

**LOT LINE, FRONT** means the **street** frontage onto which the primary façade or **front yard** of the **building** faces. In the case of **through lots**, or **double fronting lots**, two front lot lines are possible.

**LOT LINE, REAR** means either the **lot line** opposite to, and most distant from, the **front lot line**, or, where there is no such **property line**, the point of intersection of any **property lines** other than a **front lot line** which is furthest from and opposite the **front lot line**.

**LOT LINE, SIDE** means any **lot** boundary line which is not a **front** or **rear lot line**.

**LOT, PANHANDLE** means a **lot** which has its primary legal access from a **street** through a narrow strip of land which is an integral part of the **lot**. This narrow strip is referred to as the panhandle. The panhandle portion of the **lot** is not included in the calculation of minimum **lot** size.

**LOT, STRATA** means a **lot** shown on a strata plan according to the *Strata Property Act*.

**LOT WIDTH** means:

- (a) where a **lot** has parallel **side lot lines**, the distance between the **side lot lines** at the **front yard setback** line;
- (b) where a **lot** is an **irregular lot**, the average between the horizontal distance between the **side lot lines** at the **rear** and the **front yard setback lines**.
- (c) where a **lot** is a **panhandle lot**, the average distance between the **rear setback lines** and from the top of the panhandle where the panhandle meets the larger portion of the **lot**, not including the panhandle itself.

**M**

**MAJOR DAY CARE CENTRE** (see [DAY CARE CENTRE, MAJOR](#) )

**MAJOR HOME OCCUPATION** means the **use** of a **dwelling unit** or **accessory building** for a **business** by a resident who resides at that **dwelling unit**. The **business** must be secondary to the residential **use** of the **building** and shall not change the residential character of the **dwelling unit** or **accessory building**.

**MARINA** means a commercial or government establishment or premise, containing docking or mooring facilities where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or for rent.

**MARIJUANA PRODUCTION FACILITY** – means a facility, licenced through the Cannabis for Medical Purposes Regulations where cannabis products are grown, processed and packaged.

**METAL STORAGE CONTAINER** means a shipping or cargo container, being a prefabricated metal container or box specifically constructed for the transportation of goods by rail, ship or **transport truck**.

**MINOR DAY CARE CENTRE** (see [DAY CARE CENTRE, MINOR](#) )

**MINOR HOME OCCUPATION** means the **use** of a **dwelling unit** or **secondary suite** for a **business** by a resident who resides at that **dwelling unit**. The **business** must be secondary to the residential **use** of the **building** and no aspects of **business** operations shall be detectable from outside the property.

**MOBILE CATERING FOOD SERVICE** means the delivery and sale of food to the public using a fleet of **vehicles**.

**MOBILE VENDING UNIT** means a self-contained mobile unit not exceeding 20m<sup>2</sup> in ground coverage, intended to be moved from location to location, for the purpose of offering for sale food or retail products.

**MOBILE HOME PARK** means a **lot** for the placement of two (2) or more **mobile homes**. This does not include the situation where an additional agricultural **dwelling unit** is located on a **lot** where the principal **dwelling unit** is a **mobile home**.

**MOBILE HOME** means a single or multiple section **single detached dwelling unit** built to **CSA Z240** Standards for residential occupancy and designed to be transportable on wheels.

**MODULAR HOUSING** means a factory-built **dwelling unit** built to **CSA 277** Standards that is transportable and designed to be used by itself or to be incorporated with similar units at a **building** site into a modular **structure** and intended for year-round habitation. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a **structure** at the site.

**MOTOR VEHICLE SALES AND RENTAL** means the retail sale or rental of new or used automobiles, boats, motorcycles, snowmobiles and light trucks and similar **vehicles** and small equipment, together with incidental maintenance services, storage, fuelling, washing, and sales of parts. It includes

automobile dealerships but does not include dealerships for the sale or rental of **vehicles** with a gross **vehicle** weight of more than 4100 kg or the sale of motorhomes with a gross **vehicle** weight rating of more than 5500 kg or a length of more than 6.7 m.

**MOTOR VEHICLE BODY REPAIR AND PAINT SHOP** means those premises where automobiles, trucks, and other **vehicles** undergo body repair and painting.

**MOTOR VEHICLE AND EQUIPMENT REPAIR SHOP** means the servicing and mechanical repair of automobiles, motorcycles, boats, snowmobiles, and similar **vehicles** and small equipment or the sale, installation, or servicing of related accessories and parts. This includes but is not limited to transmission shops, muffler shops, small engine repairs, tire shops, auto glass shops, and upholstery shops and excludes **Vehicle Body Repair and Paint Shop**.

**MOTOR VEHICLE AND EQUIPMENT SERVICES, INDUSTRIAL AND AGRICULTURE** means the sale, rental, service, or repair of heavy **vehicles**, machinery or mechanical equipment typically used in **building**, roadway, pipeline, oil field and mining construction, manufacturing, assembling and processing operations and agricultural production. This does not include automobiles and recreation vehicle sales/rentals.

**MOTOR VEHICLE SERVICE STATIONS** means the routine washing, servicing or repair of **vehicles** within a **building** containing not more than three (3) service bays, and for the sale of gasoline, petroleum products, and a limited range of auto parts and accessories. It may include **restaurants**, single-bay **vehicle** wash, and **convenience stores**.

**MULTIPLE HOUSING** means housing that contains three (3) or more **dwelling units**, excluding accessory suites, and may include **Townhouses** and **Apartments**.

**MUNICIPAL SOLID WASTE FACILITY** means a facility designed, constructed and operated for the collection, processing, transferring or disposal of the solid waste stream or components thereof, including but not limited to, transfer stations, material recycling facilities, composting facilities and disposal facilities.

## **N**

**NATURAL BOUNDARY** means the visible high water mark, as established by a BC Land Surveyor, 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 the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself. In the case of Okanagan Lake, the **natural boundary** shall correspond to an elevation of 342.18 m G.S.C. (1122.63 if). In the case of Skaha Lake, the **natural boundary** shall correspond to an elevation of 337.76 m G.S.C. (1108.13 if).

**NATURAL GRADE** (see [GRADE, NATURAL](#))

**NATURAL RESOURCE PROCESSING** means the quarrying, extraction, removal and off-site sale of sand, gravel, earth or mineralised rock found on or under the **lot**. Typical uses include but are not limited to quarries, gravel pits, and stripping of topsoil. This does not include processing of raw materials transported to the site.

**NET FLOOR AREA** (see [FLOOR AREA, NET \(NFA\)](#))

## O

**OFFICE** means a **building** primarily used for conducting the affairs of **business**, including the provision of administrative, **business**, clerical and secretarial agencies, consulting, financial, **government services**, **health services**, **high technology services**, insurance, legal, management, professional, and real estate services. This **use** excludes **businesses** providing the servicing and repair of goods, the sale of goods to the customer on the site, the manufacture or handling of a product, and retail **uses**.

**OFFICIAL COMMUNITY PLAN (OCP)** means the Penticton **Official Community Plan**, as amended from time to time.

**ON-SITE BEER/WINE MAKING** means an establishment that provides goods, facilities or services to persons producing or manufacturing, wine, beer or cider in the establishment for their own consumption or consumption at no charge by others.

**OPEN SPACE** means that portion of a **lot** not occupied by parking or **vehicle** areas or **buildings**, that is accessible and suitable for gardens, **landscaping**, and recreational **use** by **building** tenants or residents.

**OUTDOOR AMUSEMENT, ENTERTAINMENT and RECREATION** means facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include but are not limited to golf courses, ball fields, and riding stables.

**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. This may consist of vendors that include liquor sales and/or tasting within an outdoor market in accordance with the requirements of the BC Liquor Control and Licencing Branch.

**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** or the material alteration of the existing state of the land. Typical **uses** include but are not limited to **vehicle** or heavy equipment storage compounds.

**OWNER** means the person(s) or organization listed as the titleholder on a property's legal certificate of title.

## P

**PANHANDLE LOT** (see [LOT, PANHANDLE](#))

**PARAPET or PARAPET WALL** means that portion of a perimeter **building** wall that rises above the roof.

**PARENT PARCEL** means the original parcel of land that was or is proposed to be the subject of a plan of subdivision

**PARKING LOT** means a **lot** or part of a **lot** or a **building** available to be used for the temporary parking of more than one (1) **vehicle**.

**PARKING LOT, PUBLIC** means providing vehicular parking which is intended for public **use** and not primarily intended for the **use** of residents, employees, or clients of a particular **permitted use** and may include the collection of a fee.

**PARKING SPACE** means an off-**street** space of the size and dimensions to park one (1) **vehicle** in conformance with the parking provisions of this Bylaw, exclusive of driveways, aisles, ramps, or obstructions.

**PARKING STRUCTURE** means a **structure** designed for the parking of motor **vehicles** in tiers or floors which may be constructed above, below or at **building grade**, available to be used for the temporary parking of more than one (1) **vehicle** by residents, customers, employees and the public at large.

**PARKING, TANDEM** means two (2) **parking spaces**, one (1) behind the other, with a common or shared point of access to a manoeuvring aisle, **lane** or **street**.

**PARTY WALL** means a wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) **lots** each of which is, or is capable of being, a separate real estate entity.

**PATIO** means any solid **structure** at **building grade** meant for support of people or materials outdoors and less than 0.6 m in height.

**PERSONAL SERVICE ESTABLISHMENT** means a **use** which provides personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical **uses** include but are not limited to barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, tanning, photography studios, dry cleaners or laundries, dry cleaner pick-up depots, tanning beds, and similar **uses**, but does not include **health services** or laundromats or body rub business.

**PERMITTED USE** means the main or primary **use** of land, **buildings** or **structures** that is provided for in the list of **permitted uses** in the **zones** of this Bylaw.

**PIE LOT** (see [LOT, PIE](#))

**PRINCIPAL BUILDING** means the main **building** or **structure** on a **lot** that accommodates a **permitted use**.

**PROPERTY LINE** means a legal boundary of a **lot**.

**PUBLIC LIBRARIES AND CULTURAL EXHIBITS** means the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public **use**; or the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical **uses** include but are not limited to libraries, museums, and art galleries.

**PUBLIC PARK** means any publically accessible land designated specifically for passive or active recreation.

**PUBLIC PARKING LOT** (see [PARKING, PUBLIC](#))

## Q

## R

**REAR LOT LINE** (see [LOT LINE, REAR](#))

**REAR YARD** (see [YARD, REAR](#))

**RECREATION EQUIPMENT SALE, SERVICE AND RENTALS** means the retail sale or rental of new or used bicycles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational equipment, together with maintenance services, storage, and sales of parts. It does not include dealerships for the sale of motorhomes with a gross **vehicle** weight rating of more than 5500 kg. or a length of more than 6.7 m.

**RECREATIONAL VEHICLE** means a transportable conveyance intended as a temporary accommodation for travel, vacation, or recreational **use** and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all-terrain **vehicles**, snowmobiles and tent trailers but not including **mobile homes**.

**REVERSE PIE LOT** (see [LOT, REVERSE PIE](#))

**RESIDENTIAL SALES CENTRE** means a temporary **building** or **structure** used for a limited period of time for the purpose of marketing residential land or **buildings**.

**RESORT RESIDENTIAL** means a **multiple housing building**:

- (a) in which every unit is occupied as a residential **dwelling unit**;
- (b) for the temporary accommodation of the travelling public under a rental pool scheme operated by a strata corporation; and/or
- (c) approved through a strata plan and owned by any person or family member under a time share **use** plan or time share ownership plan as defined in the *Real Estate Act* of British Columbia.

**RESTAURANT** means a location where prepared food and beverages are offered for sale to the public.

**RETAIL STORE** means premises where goods, merchandise and other materials are offered for retail sale to the general public. It may include limited on-site storage or limited seasonal outdoor sales to support the retail operation, and may also include the manufacturing of products to be sold on site, provided the **gross floor area** used for manufacturing does not exceed 25% of the **gross floor area** of the **retail stores**. Typical **uses** include but are not limited to food, hardware, pharmaceutical, retail liquor sales, clothing, pawnshops, thrift store, auctioneer establishments and sporting goods stores, but does not include **grocery stores**.

**RETAINING WALL** means a **structure** constructed to hold back, stabilize or support an earthen bank.

**RURAL HOME OCCUPATION** means the **use** of a **dwelling unit** or **accessory building** for a **business** by a resident who resides at that **dwelling unit**. The **business** must be secondary to the residential **use** of the **building** and shall not change the residential character of the **dwelling unit** or **accessory building**. This **use** does not include **major or minor care centres**.

## S

**SCREENING** or **SCREEN** means a fence, **building, structure** or other device which provides a visual barrier sufficient to conceal parking areas, garbage collection areas and storage areas.

**SECONDARY SUITE** means a self-contained, accessory **dwelling unit** located within a **single detached dwelling unit** which has one (1) or more habitable rooms (used or intended for **use** as a residence by one (1) or more persons living as a **household**), with self-contained sleeping, living, cooking, and sanitary facilities, and direct access to the open air, without passing through any part of the **principal residence**.

**SECURITY/OPERATOR DWELLING UNIT** means a portion of a **building** or detached **building** used to provide on-site accommodation by the employer for persons employed on the property, a residence for the site caretaker or operator of a commercial or industrial establishment, or for the on-duty security personnel at a storage facility when permitted in a **zone**.

**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.

**SETBACK** means the horizontal distance separating a **building, structure** or **use** from a specified location.

**SHOPPING CENTRE** means one (1) or more **buildings** containing a minimum **gross floor area** of 1000 m<sup>2</sup> and containing a group of **retail stores** and other **businesses** which share common services, parking, and other facilities on one (1) or more **lots**.

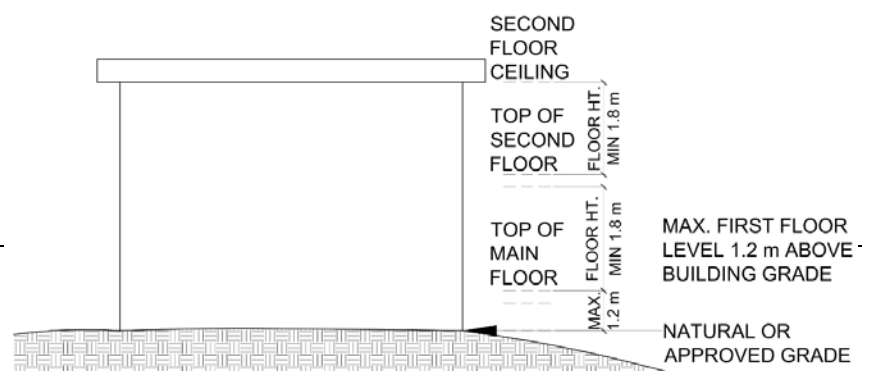
**SIDE LOT LINE** (see [LOT LINE, SIDE](#))

**SIDE YARD** (see [YARD, SIDE](#))

**SINGLE DETACHED DWELLING** means housing that contains one (1) single **household** in a **dwelling unit**. This **use** includes **modular housing** that conforms to the **CSA A277** Standards, but does not include a **mobile home conforming to CSA Z240** Standards.

**SLEEPING UNIT** means a habitable room not equipped with kitchen facilities, providing accommodation for guests.

**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.

**STOREY** means the habitable volume between the floors of a building or between its floor and ceiling, that is 1.8m or greater.

**STOREY, FIRST** means the uppermost **storey** having its floor level not more than 1.2 m above **building grade**.

**STRATA LOT** (see [LOT, STRATA](#))

**STREET** means a highway as defined under the *Local Government Act* over 8.0 m in width which affords the principal access to **abutting** properties.

**STREET, FLANKING** means a **street** which **abuts** a **side lot line**.

**STRUCTURE** means a construction of any kind whether fixed to or supported by or sunk into land or water including towers, flagpoles, swimming pools, docks, signs and tanks, and excludes areas of **hard surfacing**.

## T

**TANDEM PARKING** (see [PARKING, TANDEM](#))

**THROUGH LOT** (see [LOT, DOUBLE FRONTING](#))

**TOWNHOUSE** means a **building** containing three (3) or more **dwelling units** that share common **party walls**, floors or ceilings with **adjacent dwelling units**, with each **dwelling unit** having a separate exterior entrance.

**TOURIST ACCOMMODATION** means a **building** or part thereof which provides a management **office** and sleeping accommodation for tourists and may include public facilities such as banquet, beverage; conference, meeting and convention rooms and recreation facilities.

**TRANSPORT TRUCK AND MOTORHOME SALES AND RENTALS** means the sale or rental of new or used transport trucks, motor homes, **mobile homes**, and automobiles together with maintenance services and the sale of parts and accessories. Typical **uses** include but are not limited to truck dealerships, **recreation vehicle** sales, and **mobile home** and motor home dealerships.

## U

**URBAN AGRICULTURE** means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption. Cultivation can be done by the property owner or off-site resident, provided the owner has given her/his permission. Production activities should not be noxious or an unreasonable nuisance to surrounding properties.

**URBAN AREA BOUNDARY** means the boundary separating an **agricultural zone** from those lands designated in the **City's Official Community Plan** and/or zoned in the **City's Zoning Bylaw** for non-**agricultural uses**.

**USE** means the purposes for which land, a **building** or a **structure** is arranged or intended, or for which either land, a **building**, or a **structure** is, or may be, occupied and maintained.

**UTILITY SERVICES** means development for utility infrastructure purposes that provides for the essential utility servicing of the City with water, sanitary sewer, storm sewer, electrical, natural gas, cable TV, internet, fiber optics, telephone and/or similar utilities where such utilities are established by the City, by another government body or by a company operating under the Public Utilities Act. This use does not include storage yards.

## V

**VACATION RENTAL** means the rental of a **dwelling unit** to tourists or the vacationing public for a period of one month or less.

**VEHICLE** means any motor **vehicle** as defined in the *Motor Vehicle Act*.

## W

**WALKWAY** means a **street** intended to carry pedestrian and non-motorized traffic only, except that a **walkway** may be designed to accommodate mobility scooters and/or afford emergency **vehicle use**.

**WALL FACE** means any portion of a vertical wall that is uninterrupted by a horizontal break of less than 1.2 m.

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

**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.

**WINERY** and **CIDERY** means a **farm winery**, estate **winery**, urban **winery**, or a **cidery** that is licensed under the *Liquor Control and Licensing Act*. It may include processing, storage, retail sales, tours, wine tasting, and may include a **restaurant**.

**WRECKING YARD** means any land or **building** used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, **vehicles**, machinery, and other discarded materials.

## X

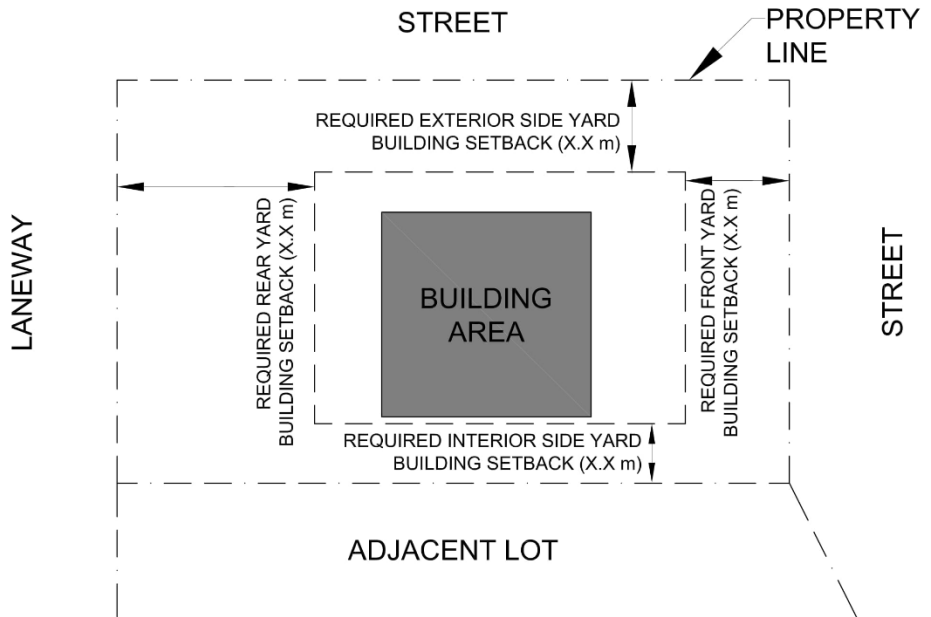
## Y

**YARD** means an area created by a **setback**.

**YARD, FRONT** means the area between **side lot lines** extending from the **front lot line** to the nearest above-finished-grade wall or supporting member of a **building** or **structure** other than a **retaining wall**.

**YARD, EXTERIOR SIDE** means a **side yard** immediately adjoining a **street**.

**YARD, INTERIOR SIDE** means a **side yard** other than an **exterior side yard**.



**YARD, REAR** means the area between the **side lot lines** extending from the **rear lot line** to the nearest above-finished-grade wall or supporting member of a **building** or **structure** other than a **retaining wall**.

**YARD, SIDE** means that part of the **lot** which extends from a **front yard** to the **rear yard** between the **side lot line** and the nearest above-finished-grade wall or supporting member of a **building** or **structure**.

**Z**

**ZONE** means the areas into which the **City** is divided in accordance with the maps attached as Schedule 'A' of this Bylaw and for which specific regulations are outlined herein for each area.

## Chapter 4 - General Development Regulations

### 4.1 Applicability of General Development Regulations

Except as otherwise specified in this Bylaw, the following regulations apply to all **zones** established in this Bylaw.

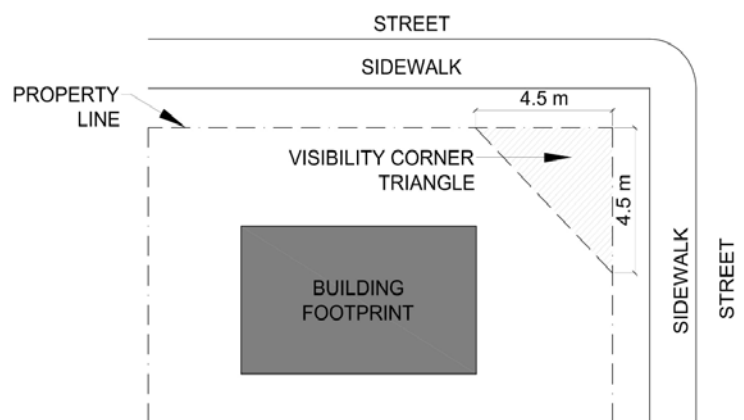
### 4.2 Accessory Buildings, Structures, Garages and Carports

All **accessory buildings, structures, garages** and **carports** are subject to the following regulations:

- 4.2.1** An **accessory building** shall not be used as a **dwelling unit**.
- 4.2.2** Notwithstanding any **yard** requirements of this bylaw, any **accessory building** or **structure** with a **building footprint** of 10m<sup>2</sup> or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the **principal building**.
- 4.2.3** The following are permitted anywhere on a **lot**:
- .1 fences, in accordance with the regulations of 5.6.1;
  - .2 **retaining walls**, in accordance with the regulations of 5.6.2;
  - .3 trellises, pergolas; or
  - .4 children's play equipment.
- 4.2.4** All **structures** connected by foundation, roofline or roof **structure** (including but not limited to pergolas or trellises) to the **principal building** are deemed to be a portion of the **principal building**.
- 4.2.5** Where a **garage** or **carport** has driveway access from the **front yard** or **exterior side yard** to the **street**, the minimum required distance from the **garage** or **carport** to the back of the curb or sidewalk shall be 6.0m.

### 4.3 Corner Visibility Triangle

- 4.3.1** No hedge, planting, tree, fence, sign, or other **structure** shall be erected, placed, or maintained within the **corner visibility triangle** to a height greater than 1.2 m.
- 4.3.2** Notwithstanding the **corner visibility triangle** requirements listed in Section 4.3.1, the visibility triangle may be reduced to the area created by the actual **setback** of the **building** or **structure**.



#### **4.4 Height and Grade**

- 4.4.1** The following **structures** shall not exceed twice the maximum allowable **height** permitted by the zone: chimneystacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, steeples, solar thermal collectors or flagpoles.
- 4.4.2** Any mechanical or structural appurtenance such as elevator housings, roof stairway entrances, ventilating equipment and skylights, constituting not more than ten percent (10%) of the total roof area of a **building**, may exceed the **height** limitations specified for each **zone** provided that the appurtenance is screened from view.

#### **4.5 Airport Regulations**

- 4.5.1** Notwithstanding section 4.4, in no case shall the **height** of any **building, structure** or appurtenance, including temporary assemblies for construction purposes, such as cranes, exceed the Horizontal Surface elevation as described in the federal *Penticton Airport Zoning Regulations, C.R.C., c. 101* as amended, unless approved to do so by the appropriate federal authorities.

#### **4.6 Highway Setbacks and Future Road Right-of-Way**

- 4.6.1** A **setback** from a highway shall be measured from the **lot** boundary abutting to that highway, provided that where a highway is designated as a Collector or Arterial in the Penticton **Official Community Plan** Bylaw as amended from time to time, the **setback** shall be measured from where the boundary of the Collector or Arterial would meet the **lot** if that highway was constructed.
- 4.6.2** No **buildings** or **structures** shall be constructed on land that is located within an existing or future right-of-way of any Collector or Arterial highway as designated within the City of Penticton **Official Community Plan** Bylaw.
- 4.6.3** Notwithstanding the minimum **lot area** and width requirements of this bylaw, the Subdivision Approving Officer may approve:
- A road dedication, required by the City, where the dedication:
- a. reduces the area or width of the lot to less than the required minimum lot area, or
  - b. reduces the area or width of an existing undersized lot.

#### **4.7 Swimming Pools and Hot Tubs**

All **lots** with exterior swimming pools or hot tubs are subject to the following regulations:

- 4.7.1** Swimming pools and hot tubs shall not be located in a required **front yard**.
- 4.7.2** Above ground swimming pools and hot tubs shall meet the siting requirements of **accessory buildings**.
- 4.7.3** At grade swimming pools shall be located at a minimum of 1.0 m from side and rear **property lines** and 3.0 m from any **street**.

#### **4.8 Temporary Uses and Buildings**

Any **lots** with temporary **uses** and/or **buildings** are subject to the following regulations:

##### **4.8.1 Fabric Covered Metal Frame Buildings**

The **use** of fabric-covered metal frame **buildings** over 10 m<sup>2</sup>, is limited to **industrial, agricultural, and institutional uses**.

#### 4.8.2 **Tents, Recreational Vehicles and Similar Structures**

A temporary **use** located partially or totally in a tent, trailer, **mobile home**, motor home or **building** or **structure** not permanently fixed to the site is prohibited, except for temporary **uses** accessory to a permitted **campground**, industrial **use** or public **use**.

#### 4.8.3 **Outdoor Temporary Uses**

Where a **use** is permitted in a zone, the **use** may, on a temporary basis, be carried on out-doors and may occupy required **parking spaces**.

#### 4.8.4 **Metal Storage Containers**

Notwithstanding section 4.8.2, **metal storage containers** are permitted in the M1, M2, M3, C4, C6, C7, P1, P2 and A **zones** under the following conditions:

- .1 **Metal storage containers** may only be stacked one (1) on top of the other in the M1, M2, and M3 **zones**, to a maximum of two (2) containers high.
- .2 **Metal storage containers** shall be sited according to the siting regulations for **buildings** in the **zones** listed. In the C4, C6, and C7 **zones**, **metal storage containers** shall not be located between the **principal building** and any **street** frontage, except a **lane**.
- .3 **Metal storage containers** shall not be located on a required **parking space**, on parking drive aisles, within driveway accesses or on fire **lanes**;
- .4 On **lots** within the C4, C6, C7, P1 and P2 **zones**, the maximum number of **metal storage containers** shall be two (2) containers per **lot** for the first 0.2 ha or less of **lot area** plus 2 additional containers for each 0.2 ha of additional **lot area, to a maximum of 5 containers**;
- .5 On lots within the A **zone**, the maximum number of **metal storage containers** shall be one (1) container per **lot**.
- .6 Notwithstanding section 4.8.4.2, a **metal storage container** may be used as temporary storage for a permitted seasonal **garden centre** and may be located between the **principal building** and the **street**;
- .7 **Metal storage containers** shall only be used to store materials or products that are incidental to the operation of the **business** or facility located on the **lot**; and
- .8 Notwithstanding subsections .2 to .7, a **metal storage container** may be used as temporary storage during construction in any zone provided that a valid **building** permit has been issued authorizing the construction. The **metal storage container** must be removed upon completion of the construction.

### 4.9 **Yards and Projections**

All developments are subject to the following regulations:

- 4.9.1 Certain types of architectural features are permitted to project from a **building** or a **structure** in a required **yard** in accordance with Table 4.1.

Table 4.1

<b>Feature</b>	<b>Maximum Projection in to Required Yards</b>
Chimney, chimney box and fireplace box	0.6 m in any <b>yard</b>
Eaves, eave-troughs and gutters	0.6 m <b>interior side yard</b> 1.5 m <b>front/exterior yard</b> 3.0 m <b>rear yard</b>
Ornamental elements such as sills, belt courses, cornices, <b>parapets</b> and pilasters	0.6 m in any <b>yard</b>
<b>Canopies</b> and <b>awnings</b>	0.6 m <b>interior side yard</b> 1.5 m <b>front/exterior yard</b> 3.0 m <b>rear yard</b>
Fire escapes, open stairways, landings, steps, ramps and patios	Wheelchair ramps - no limit If more than 0.6 m from grade 1.5 m <b>front/exterior yard</b> 3.0 m <b>rear yard</b> If less than 0.6 m from grade then not subject to regulations
Covered or uncovered <b>balcony</b> , porch, <b>deck</b> , platform and veranda	1.5 m <b>front/exterior yard</b> and/or 3.0 m <b>rear yard</b>
Any cantilevered, architectural projection that constitutes less than 25% of the wall face to which the projection is attached.	0.6 m in any <b>yard</b>

- 4.9.2 In **zones** allowing more than two (2) **dwelling units**, projections, utilities, underground parking and similar **structures** constructed entirely beneath the surface of the ground can encroach into required **yards**, provided such underground encroachments do not result in a grade inconsistent with **abutting** properties, and the encroachments are covered by sufficient soil depth or surface treatment to foster **landscaping**.
- 4.9.3 A concrete exterior staircase to access a **basement** area below grade may project into any **setback** area.
- 4.9.4 Notwithstanding buffer or landscape requirements, patio seating for restaurants may encroach into any yard setbacks in the CT1 ('Tourist Commercial') zone.

**4.10 Refuse and Recycling Bins**

All **multiple housing**, commercial or industrial **permitted uses** shall provide refuse and recycling bins subject to the following regulations:

- 4.10.1 When any multiple-family residential, commercial or industrial **permitted use** is proposed, provisions for garbage storage, recycling and collection shall be made for these facilities on the same site as the **permitted use**.
- 4.10.2 All site refuse and recycling bins in **zones** other than **agricultural zones**, including all other large receptacles used for the temporary storage of materials, shall require **screening** by way of fencing and/or **landscaping** from **adjacent lots** and **streets**.
- 4.10.3 All **screening** shall be a minimum of 1.2 m in height to a maximum height of 2.0 m.

**4.10.4** Refuse or recycling bins, rooms or enclosures designed for **vehicle** access shall be located to provide unobstructed access with a minimum width of 3.0 m and a minimum vertical **clearance** of 4.6 m.

**4.10.5** Any refuse and recycling areas co-existing with any parking or loading area:

- .1 Shall be clearly delineated as separate and in addition to required **parking** and **loading spaces**;
- .2 Shall not be located in any public Right of Way.

### **4.11 Drive-through Facilities**

**4.11.1** Where drive-through facilities are installed, there shall be adequate queuing **lanes** provided on the property to accommodate six (6) **vehicles** between the **property line** and the ordering station. These queuing spaces shall be exclusive of any other **parking space** and aisle requirements contained in this By-law.

**4.11.2** The drive-through facilities shall not be visible from the **street**. If the drive-through facilities are visible from the street or neighbouring properties, landscape screening or fencing, a minimum of 1.2m in height, shall be required.

### **4.12 Uses Permitted in All Zones**

**4.12.1** Public parks shall be a permitted use in all zones

**4.12.2 Utility Services** shall be a permitted use in all zones.

**4.12.3 Urban Agriculture** shall be permitted in all zones.

**4.12.4** Cultural exhibits shall be permitted in all zones.

## Chapter 5 – Landscaping and Screening

### 5.1 General Landscaping Requirements

The minimum **landscaping** requirements shall be in accordance with the following regulations:

- 5.1.1 For the purposes of this section, all areas without **buildings, structures**, driveways, approved parking or garbage and recycling collection areas or natural areas, shall be deemed to be landscape areas.
- 5.1.2 **Boulevard areas** are deemed to be part of the landscape area of a property.
- 5.1.3 All landscape areas are required to be kept in a clean, tidy and well maintained state.
- 5.1.4 Landscape areas for all new construction in **duplex**, multi-family and commercial zoned properties are required to be appropriately irrigated, with automated irrigation systems.
- 5.1.5 Automatic irrigation may encroach onto City owned boulevard areas.
- 5.1.6 In cases where property is to be developed in phases, temporary **landscaping** shall be required until the remainder of the property is developed.

### 5.2 Turf Limitations

The **area** of **turf** is restricted in accordance with the table below:

Table 5.1 Turf Limitations

Zone Category	Maximum Area of Turf
<b>Commercial/Industrial zones</b>	Limited to a maximum of 50% of total landscaped area
<b>Residential zones</b> (Multiple Family)	Limited to a maximum of 50% of total landscaped area

Notwithstanding Section 5.2, boulevard areas are not included in the calculation of total landscaped area and may be planted up to 100% turf.

### 5.3 Landscape Buffers Separating Uses

- 5.3.1 All **landscape buffers** shall be provided in accordance with the regulations outlines in Table 5.2 and shall consist of:
  - .1 One (1) tree for every 10.0 linear meters of required buffer area, including **walkways** and driveways. Deciduous trees shall be a minimum **caliper** of 60mm and a minimum clear stem height of 1.5m. Coniferous trees shall be a minimum 2.5m in height.
  - .2 One (1) shrub for every linear meter of required buffer area, including **walkways** and driveways. The shrubs shall be a minimum No. 2 pot shrub.
- 5.3.2 Required **landscape buffers** shall be continuous along the affected property boundaries, interrupted only by walkways and driveways providing access to the property.
- 5.3.3 All required **landscape buffer** areas shall be watered by a fully automatic irrigation system.

Table 5.2 Required Landscape Buffers

Standard	Residential – Multiple Family	Commercial (excluding C5 zone)	Industrial
Minimum width of landscape buffer abutting a residential zone	3.0 m	3.0 m	3.0 m
Minimum visual screen height abutting a residential zone	1.2 m	1.2 m	1.8 m
Minimum width of landscape buffer along highway	3.0 m	3.0 m	

- 5.3.4** Notwithstanding the **landscape buffer** requirements listed in Table 5.2, buffer widths may be reduced to the width of the actual **setback** of the **building** or **structure** if the actual **setback** of any **building** or **structure** is less than the buffer specified in the table.
- 5.3.5** Where **landscape buffers** are being reduced in accordance with section 5.3.4, \$450.00 per tree not planted must be submitted to the **City** to be deposited in the Urban Forest Reserve Fund to be used for tree infilling in the **City**.
- 5.3.6** Where a visual **screen** is required, it may consist of either vegetation or decorative fence or wall.
- 5.3.7** **Wrecking yard uses** shall have a **landscape buffer** to include solid wall or fence with design consistent with the **principal building**, between 2.5 m and 3.5 m in **height**, and no material may be stacked higher than the top of the solid wall or **fence**.

## 5.4 Tree Requirement and Protection

- 5.4.1** Trees are required to be planted for all new residential development in accordance with the following regulations:
- .1 For new single family or **duplex** development one (1) tree per **dwelling unit**, not including **secondary** or **accessory suites**, is required to be planted in the **front yard**.
  - .2 Tree species must be selected from the official document “Approved and Suggested Trees in the City of Penticton” prepared by the City of Penticton Parks Department and amended from time to time.
- 5.4.2** Trees required as per 5.4.1 are required to be either a deciduous tree with a minimum caliper of 60mm and a clear stem height of 1.5m or a coniferous tree with a minimum height of 2.5m.

## 5.5 Screening of Utility Kiosks, Dumpsters and Containers

- 5.5.1** **Screening** and/or **landscaping** is required around all utility kiosks and dumpsters, containers
- 5.5.2** **Screening** required in 6.5.1 shall consist of shrubs a minimum .6m in height and/or fencing as tall as the **structure** being screened and be located not more than 1.8m from the **structure** being screened.

## 5.6 Fences and Retaining Walls

### 5.6.1 Fencing

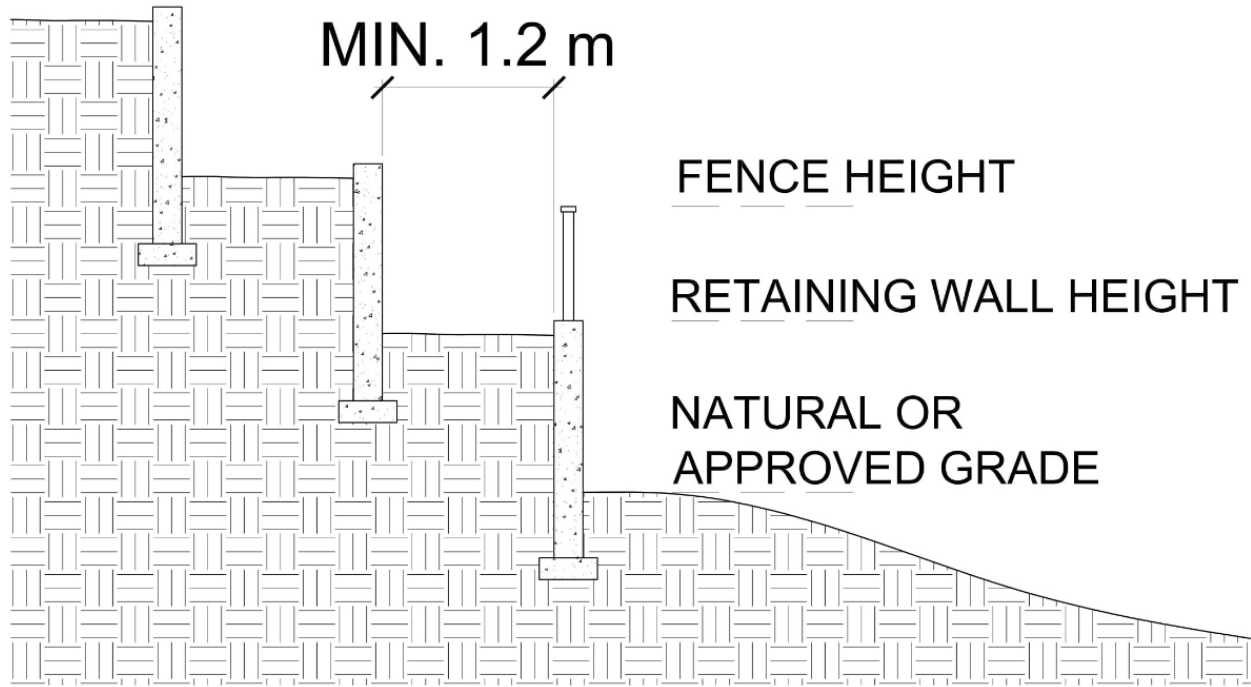
- .1 Subject to **corner visibility triangle**, section 4.3, the following height limitations shall apply to fences, decorative (non-retaining) walls and hedges in all **zones**:
  - .1 1.2 m
  - .2 1.8 m if situated behind the **front yard setback**; and
  - .3 1.8 m if situated within the **interior, exterior, and rear yard setback**
  - .4 2.4 m if situated adjacent to a controlled access highway
  - .5 2.4 m if in an agricultural or industrial **zone**
- .6 Barbed wire and electric fencing is prohibited in all zones except for A, M1 M2 and M3. Razor wire is prohibited in all zones.
- .7 Temporary fencing, construction fencing or other fencing that is not permanently affixed to the ground, is only permitted on properties currently holding a valid building or demolition permit or for special events. Upon completion of the works outlined in the permit or conclusion of the event, any temporary fencing must be removed.
- .8 Notwithstanding Section 5.6.1.1, for all properties located in a commercial or residential zones, where a property is vacant, a powder coated chain link fence or solid wooden fence may be constructed to 1.8m in height in any yard with the following requirements:
  - .1 Powder coated chain link fence containing screening along all street frontages that has either:
    - A weather resistant banner containing art work that would not be considered offensive by the public; or
    - A mix of small and medium sized trees and shrubs planted along all street frontages and located behind the powder coated chain link fence; or
  - .2 Solid wooden fencing that contains artwork that would not be considered offensive by the public on all visible street frontages.

### 5.6.2 Retaining walls

- .1 **Retaining walls** that are located within any required **yards**, must not exceed a height of 1.2 m above **building grade**.
- .2 Multiple parallel **retaining walls** must be spaced to provide at least a 1.2 m horizontal separation between them.

### 5.6.3 Fences on retaining walls

- .1 In the case where a fence is built on top of a **retaining wall**, the height of the fence and the height of the **retaining wall** shall be measured separately according to their respective regulations.



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## Chapter 6 – Parking and Loading

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### 6.1 Off-Street Vehicle Parking

#### 6.1.1 General Requirements

- .1 **Parking spaces** shall be provided in accordance with the Table 6.6 and shall be located on the same **lot** as the **use** serviced by the parking.
- .2 Where calculation of the required number of **parking spaces** yields a fractional number, the required number of spaces shall be rounded down to the nearest whole number.
- .3 Where Table 6.5 does not clearly define requirements for a particular **permitted use**, the single **use** or combination of **uses** most representative of the proposed **permitted use** shall be used to determine the parking requirements.
- .4 Where a **proposal** consists of a mix of **uses**, the total number of spaces shall be the sum of the space requirements for each **use** as calculated using Table 7.5
- .5 Visitor parking locations are to be clearly marked “VISITOR PARKING”.
- .6 In any residential zone, no **vehicle** or equipment having a gross **vehicle** weight in excess of 5600kg shall be parked or stored on the property unless stored such that the **vehicle** or equipment is entirely enclosed within a **building**.
- .7 In residential zones no more than one (1) **recreational vehicle** may be parked per **dwelling unit**. Additional **recreational vehicles** may be parked or stored on the property such that the **vehicle** is entirely enclosed within a **building**.

#### 6.1.2 Parking Reductions

##### .1 Bicycle Parking

Where five additional **Class I** or **Class II bicycle parking spaces** are provided on site then the **vehicle parking space** requirement can be reduced by one (1) **parking space**

##### .2 Cooperative Vehicle Parking Spaces

The required number of **parking spaces** may be reduced by a maximum of six (6) spaces if the multiple-family, commercial or industrial **use** provides one (1) **co-operative vehicle** and one (1) **co-operative vehicle parking space**.

##### .3 Cash-in-Lieu

In lieu of providing the required number of off-street vehicular **parking spaces** in the following zones RM4, RM5, C1 – C9 and M1 -3 or bicycle parking in any zone, a property **owner** may provide the **City** a sum of money equal to the number of **parking spaces** not provided multiplied by the applicable cash-in-lieu amount as identified in Table 7.4. The sum of money will be deposited in the Alternative Transportation Infrastructure Reserve Fund.

**Table 6.1 Cash in Lieu**

Existing floor area converted to residential dwelling unit	New commercial, industrial and/or high density residential floor area	Class 1 bike parking space for new commercial and/or residential floor area
\$6,000	\$6,000	\$500

**6.1.3 Shared Parking Provisions**

Shared **use** of off-**street parking spaces** is permitted under the following conditions:

- .1 Notwithstanding subsection 6.1.1.4, shared off-**street** parking areas for two (2) or more **uses** in a **building** or on a parcel may be permitted when the maximum parking demand of such **uses** occurs at different periods of the day.

**6.1.4 Off-site Parking**

- .1 Notwithstanding subsection 6.1.1.1, for some or all of the required off street **parking spaces** for residential **uses** within the C5 and C6, and any non-residential **zone**, the required parking may be provided on another **lot** or property, provided the required **parking space(s)** is no further than 150 m measured along a public pathway or sidewalk route from the nearest point of the parking to the nearest point of the site of the **permitted use** served by the parking;
- .2 Where off-street parking is located on a site separate from the **permitted use**:
  - (a) The **owner** of the separate site of the off-**street parking lot** shall covenant with the **City** by agreement that the remote lands required for off-**street** parking and access thereto shall be so used as long as required by this Bylaw; and
  - (b) The remote parking shall be developed to the same standard as on-site parking.

**6.1.5 Parking Space Dimensions**

All off-street **parking spaces** shall conform to the following provisions:

- .1 **Parking spaces** shall be developed according to tables 6.2 and figures 6.1 and 6.2:

**Table 6.2: Angled Parking Dimensions**

Stall Angle	Standard Stall Width (m)	Person’s with Disability Stall Width (m)	Stall Length(m)	Drive Isle (m) (one-way)	Drive Isle (m) (two-way)
90°	2.7	3.7	5.8	6.0	7.0
60°	2.7	3.7	6.4	5.5	6.6
45°	2.7	3.7	6.0	4.0	6.6
30°	2.7	3.7	5.25	3.6	6.6
Parallel	2.7	-	7.0	-	-

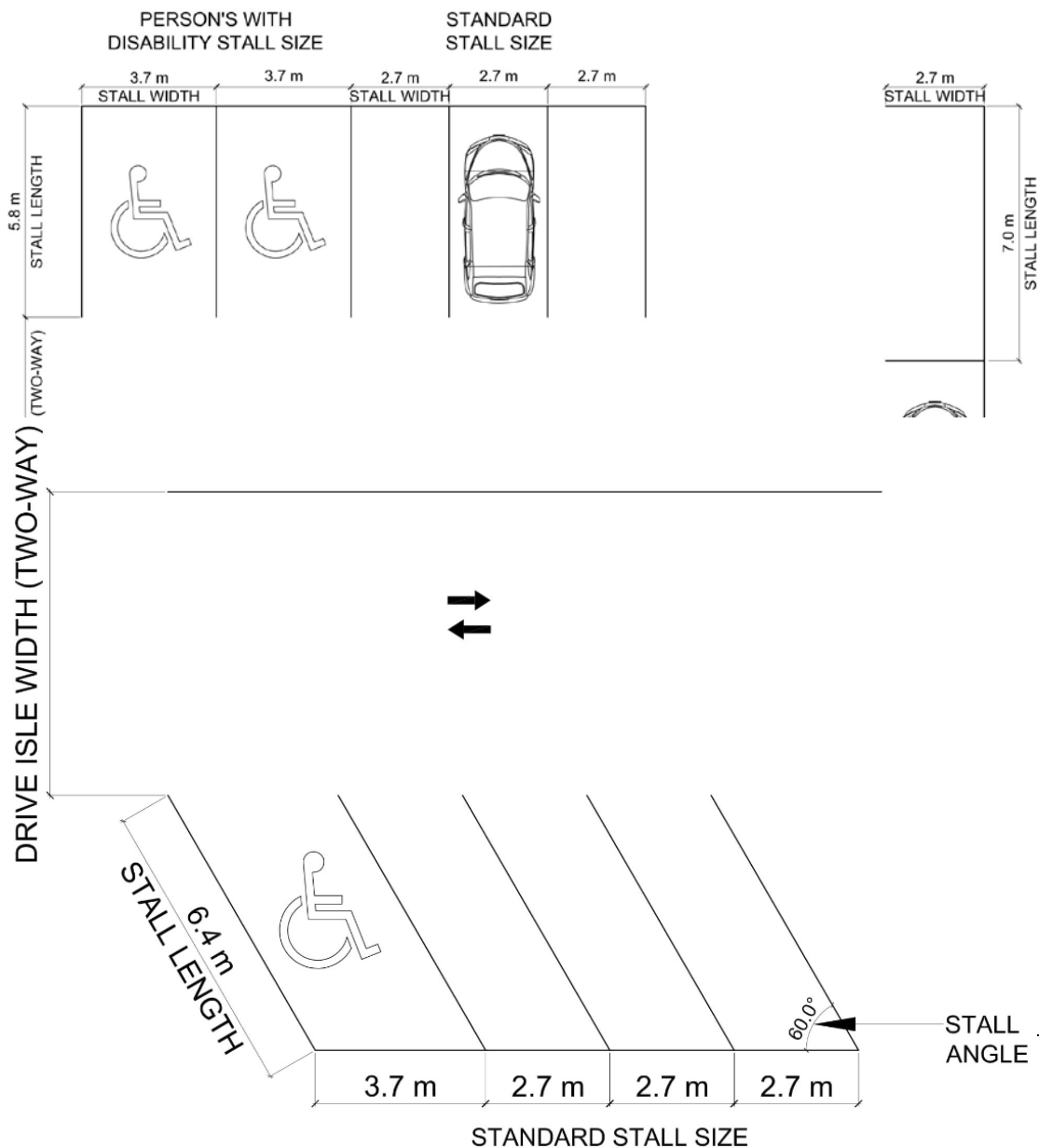
- .2 Where a **parking space** adjoins a fence, wall or other structure of greater than 0.3 metres in height, the width of the **parking space** shall be increased by 0.3 metres to enable the convenient opening of **vehicle** doors.
- .3 Notwithstanding 7.1.6.1, up to 25% of off-street parking spaces may be designed as small car parking spaces in accordance with Table 7.2. Such spaces shall be clearly marked with “small car”.
- .4 **Parking spaces** shall have a vertical **clearance** of at least 2.0 m.

**Table 6.3 Angle Parking Dimensions for Small Car Parking**

Stall Angle	Small Car Width (m)	Stall Length	Drive Isle (m) (one-way)	Drive Isle (m) (two-way)
90°	2.5	5.6	6.0	7.0
60°	2.5	5.1	5.5	6.6
45°	2.5	4.8	4.0	6.6
30°	2.5	4.2	3.6	6.6

**6.1.6 Tandem Parking**

**Parking spaces** may be configured as **tandem parking** for **single detached dwellings, duplex housing** and **townhouse buildings**.



## 6.2 Off-Street Loading Spaces

All developments requiring a loading zone shall be subject to the following regulations:

### 6.2.1 Number of Spaces for Single and Shared Uses

- .1 Where a proposal is for new **building**, or enlargement of existing **building**, off-**street loading spaces** shall be provided by the property **owner** in accordance with the requirements of this Bylaw.
- .2 The number of off-**street loading spaces**, required for each **use** is specified in Table 6.5.
- .3 The **loading space** requirements for more than one (1) **use** on a single **lot** or for a **building** containing more than one (1) **use**, shall be the sum total of the **loading space** requirements for each of the component uses.

### 6.2.2 Size and Access

- .1 **Loading spaces** shall be of adequate size and accessibility to accommodate the **vehicles** expected to load and unload, but in no case shall a **loading space** be less than 28 m<sup>2</sup> in area, less than 3.0 m in width, or have less than 4.0 m in overhead **clearance**.
- .2 Access to any loading spaces shall be provided on the **lot** or from a **lane abutting** the **lot**, and arranged such that no backing or turning movement of **vehicles** going to or from the **lot** causes interference with traffic on the **abutting streets** or **lanes**.

## 6.3 Development Standards for Parking and Loading Areas

All off-**street parking spaces** shall be subject to the following regulations:

### 6.3.1 Every off-**street** parking or loading area containing five (5) or more parking spaces:

- .1 Shall clearly delineate individual **parking spaces**, **loading spaces**, spaces for persons with a disability, manoeuvring aisles, entrances, and exits with pavement markings, signs, and/or other physical means;
- .2 Shall direct surface drainage to approved planting areas or an approved on-site drainage system or to the public storm system in accordance with the Subdivision and Development Bylaw;
- .3 Shall, except in the case of agricultural zones, **public parks** and **open space use**, consist of a durable, dust-free hard surface of concrete, asphalt, grasscrete, or similar material
- .4 Shall locate concrete wheel stops where **parking spaces** abut sidewalks, **buildings**, **streets** or landscaped areas,
- .5 Shall be constructed with surface grades not exceeding 6%.

### 6.3.2 Every outdoor off-**street** parking or **loading space** accommodating ten (10) or more **spaces** shall incorporate **landscaping** within the parking area calculated on the basis of 2.0 m<sup>2</sup> of landscaped island area per **parking** and **loading space**. This shall be landscaped in accordance with [Chapter 5](#).

**6.3.3** Every off-**street** parking or loading area which is illuminated shall have all lighting positioned towards the ground and in such a manner that light falling onto **abutting** properties is minimized.

**6.4 Off-Street Bicycle Parking**

Any developments that require bicycle parking, in accordance with Table 7.3, shall be subject to the following regulations:

**6.4.1 General Requirements**

- .1 Where a proposal is for a new **building**, or an increase in floor area of an existing **building** off-**street** bicycle **parking spaces** shall be provided for the total **building** in accordance with Table 6.4;
- .2 Where calculation of the total number of bicycle **parking spaces** yields a fractional number, the required number of spaces shall be rounded to the nearest whole number;
- .3 Where more than one calculation of bicycle **parking space** requirements is specified for a land **use**, the greater requirement shall be applied; and
- .4 Where Table 6.4 does not clearly define requirements for a particular **permitted use** the single **use** or combination of **uses** most representative of the proposed **permitted use** shall be used to determine the parking requirement.

**6.4.2 Development Standards for Bicycle Parking**

- .1 **Bicycle Parking, Class I** shall be located in bicycle lockers, compounds or rooms with lockable doors specifically provided and equipped for bicycle storage.
- .2 **Bicycle Parking, Class II** shall consist of bicycle parking racks constructed of theft-resistant material, shall be securely anchored to the floor, **building**, or ground, supporting the bicycle frame above the centre of gravity, and enabling the bicycle frame and front or rear wheel to be locked; and
- .3 Bicycle racks shall be located in a convenient, well-lit location that is easily located and accessible by visitors and subject to casual surveillance by occupants of the **building** served by the bicycle rack.

**6.4.3 Bicycle Parking Requirements**

**Table 6.4 Bicycle Parking Requirements**

Use	Class 1	Class 2
Commercial <b>Uses</b>	Minimum of 2, plus one for every 125 m2 over 250 m2	Minimum of 2, plus one for every 125 m2 over 250 m2
Public Assembly and Organizations	Minimum 4	Minimum 4
Residential <b>Uses (Multiple Housing)</b>	0.5 per unit	0.1 per unit

## 6.5 Parking Requirements

The number of **parking spaces** required for **uses** shall be calculated in accordance with the standards set out below (ie. 1 per **dwelling unit** means 1 **parking space** per **dwelling unit**):

Table 6.5 Parking Requirements

<b>Use</b>	<b>Minimum Parking Space Requirement</b>	<b>Loading Space Requirement</b>
<b>Agricultural Uses</b>		
Agri-Tourism	4 per <b>business</b>	<b>0</b>
<b>Winery and Cidery</b>	1 per 30 m <sup>2</sup> NFA of retail sales/tasting area	<b>0</b>
<b>Commercial</b>		
Any use in the C5 and C6 Zone	<b>No Parking or Loading Required</b>	
Any Commercial Uses Not Otherwise Listed	1 per 50 m <sup>2</sup> NFA	<b>0</b>
<b>Major &amp; Rural Home Residential Occupation</b>	1 per business	<b>0</b>
<b>Health Service</b>	1 per 30 m <sup>2</sup>	<b>0</b>
<b>Marina</b>	1 per 2 boat slips	<b>0</b>
<b>Office</b>	1 per 30 m <sup>2</sup> NFA	<b>0</b>
<b>Personal Service Establishment</b>	1 per 30 m <sup>2</sup> NFA	<b>0</b>
<b>Restaurant</b>	1 per 50 m <sup>2</sup> NFA	<b>1</b>
<b>Grocery Store</b>	1 per 30 m <sup>2</sup> NFA	<b>1</b>
<b>Tourist Accommodation</b>	1 per room	<b>1</b>
<b>Convention Facility</b>	1 per 50 m <sup>2</sup> NFA	<b>1</b>
<b>Industrial</b>		
<b>General Industrial Uses</b> or Uses on Industrial Zoned Property	1 per 200 m <sup>2</sup> NFA	<b>0</b>
<b>Self Storage and Storage and Warehouse</b>	Minimum 5	<b>0</b>
<b>Public Assembly and Organizations</b>		
<b>Assembly</b>	1 per 50 m <sup>2</sup> NFA	<b>0</b>
<b>Day Care Centre, Minor or Major</b>	1 per 50 m <sup>2</sup> NFA	<b>0</b>
<b>Extended Care Residence</b>	1 per 4 beds	<b>0</b>
<b>Hospital and Patient Care Service</b>	1 per 4 beds	<b>1</b>
<b>Residential Uses</b>		
<b>Dwelling unit</b> in a commercial <b>building</b> or <b>Dwelling Unit</b> in C5 C6 Zone	1 per <b>dwelling unit</b>	<b>0</b>
<b>Apartment, Townhouse, Cluster Housing</b>	1 dwelling unit plus 0.25 spaces/unit for visitors	<b>0</b>
<b>Duplex, Live-Work unit</b>	1 per unit	<b>0</b>
<b>Bed and Breakfast Home</b>	1 per <b>bedroom</b> to a maximum of 3, plus 1 for the corresponding dwelling unit	<b>0</b>
<b>Boarding House</b>	1 per 2 sleeping rooms,	<b>0</b>

<b>Use</b>	<b>Minimum Parking Space Requirement</b>	<b>Loading Space Requirement</b>
	<i>plus 2 for the required corresponding principal dwelling unit</i>	<b>0</b>
<b>Carriage House</b>	1 per unit	<b>0</b>
<b>Congregate Housing</b>	1 per staff <b>dwelling</b> , plus 1 per 5 bed spaces,	<b>0</b>
<b>Mobile Home Park</b>	2 per <b>mobile home</b> space	<b>0</b>
<b>Secondary Suite or Carriage House</b>	1 in addition to 2 spaces for the single-detached dwelling	<b>0</b>
<b>Security / Operator Dwelling</b>	1 per <b>dwelling</b>	<b>0</b>
<b>Single Detached Dwelling</b>	2	<b>0</b>
<b>Residential Sales Centre</b>	2 per centre	<b>0</b>

NOTE: NFA = **Net Floor Area**

NOTE: Number of spaces required shall be rounded to the nearest whole number

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## Chapter 7 - Specific Use Regulations

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### 7.1 *Applicability of Specific Use Regulations*

- 7.1.1 The specific **use** regulations shall apply to all **zones** unless otherwise exempted in this Chapter.
- 7.1.2 Where these regulations may be in conflict with any **zone** regulations or general regulations, these specific **use** regulations shall take precedence.

### 7.2 *Bed and Breakfast Home*

All **bed and breakfast homes** shall be subject to the following regulations:

- 7.2.1 A **bed and breakfast home**, where permitted in a zone shall only be operated as an **accessory use** within a **single detached dwelling**, with a maximum 4 **sleeping units** with accommodation for a maximum of two (2) guests per **sleeping unit**.
- 7.2.2 A **bed and breakfast home** shall not change the residential character or external appearance of the **dwelling** involved.
- 7.2.3 The licensed operator of a **bed and breakfast home** must reside in the **dwelling** in which the bed and breakfast operation is located.
- 7.2.4 A **bed and breakfast home** that has only one (1) **sleeping unit** for accommodating guests shall be considered as a **minor home occupation**.

### 7.3 *Minor Home Occupation*

A **minor home occupation** shall be subject to the following regulations:

- 7.3.1 A **minor home occupation**, where permitted in a zone, shall only be an **accessory use**.
- 7.3.2 A **minor home occupation** may only be conducted within a principal **dwelling unit, secondary suite, Carriage House**, or accessory building.
- 7.3.3 No exterior storage or operation of equipment shall be permitted in conjunction with a **minor home occupation**.
- 7.3.4 No variation from the residential character and appearance of land or **buildings** shall be permitted.
- 7.3.5 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **minor home occupation** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the amenities of the neighbourhood shall not be adversely affected.
- 7.3.6 A **minor home occupation** shall not generate more than one (1) client visit to the site from which the **business** is being operated on any given day. Additionally, no more than one (1) commercial **vehicle** visit per day is permitted. The permitted commercial **vehicle** visit must be between the hours of 8:00 a.m. and 6:00 p.m.

- 7.3.7** This **use** does not include the repair or painting of **vehicles**, trailers or boats, tow-truck operations, manufacturing and industrial **uses**, social escort services, cabinet making, welding or machine shops, **major care centre**, meat cutting, commercial animal breeding, parking or storage of industrial or construction equipment or materials.
- 7.3.8** No person other than residents of the property on which the **minor home occupation** is being carried out shall be engaged in the **minor home occupation**.
- 7.3.9** The total area of a **minor home occupation** shall not exceed 25% of the floor area of the **dwelling** up to a maximum area of 20 m<sup>2</sup>.
- 7.3.10** General retail sales or display of products not produced on the premises shall not be permitted in a **minor home occupation**, except for products incidental to the service, agricultural products, mail order sales, telephone or internet sales, goods which the customer does not enter the premises to inspect or pick up.
- 7.3.11** A **minor home occupation** sign is permitted according to the provisions of the **City Sign Bylaw**, as amended from time to time.

## **7.4 Major Home Occupation**

A **major home occupation** shall be subject to the regulations of **minor home occupations** above, except the following shall apply:

- 7.4.1** The doors to the **accessory building** or **structure** in which the **business** is located must be closed when the **business** is being conducted.
- 7.4.2** A **major home occupation** shall not exceed 25% of the floor area of the **dwelling unit**, and in no case shall the combined area of the residence used for the **business** and an **accessory building** used for the **business** exceed 50 m<sup>2</sup>.
- 7.4.3** One employee who is not a resident of the primary **dwelling unit** where the **major home occupation** is located may work at that location
- 7.4.4** A **major home occupation** shall not generate more than two (2) client visits at any given time
- 7.4.5** No more than one major home occupation is permitted per property.

## **7.5 Rural Home Occupation**

A **rural home occupation** shall be subject to the regulations of **major home occupation** above, except the following shall apply:

- 7.5.1** Two (2) employees who are not residents of the principal residence may work at that location.
- 7.5.2** A **rural home occupation** shall not occupy more than 25% of the floor area of the **dwelling unit**, and in no case shall the combined area of the **principal residence** used for the **business** and the **accessory building** or **structure** used for the **business** exceed 100 m<sup>2</sup> of floor area.
- 7.5.3** If there is more than one (1) **dwelling** on a **lot**, there may be a **rural home occupation use** in each **dwelling unit** provided the total number of clients, employees or floor area permitted for the combined **home occupations** does not exceed the limits outlined in this section.
- 7.5.4** A **rural home occupation** shall not generate more than six (6) client visits at any given time.

## **7.6 Vacation Rentals**

### **7.6.1 Ownership**

- .1 A **vacation rental** shall not be operated without a valid business license issued by the City of Penticton.
- .2 A residential **dwelling unit** subject to this section of the Bylaw shall only be rented out by an **owner** of the property in question. A tenant may not sublet a property under this section.
- .3 If the registered **owner** of the subject dwelling ceases to be the **owner**, the **use** may not be continued by a subsequent **owner** without a reapplication for a new licence under the Business Licence Bylaw.

### 7.6.2 Development Regulations

- .1 No structural alteration or addition to a **dwelling unit** to facilitate a **vacation rental** shall be undertaken that alters the existing residential character and form of the dwelling.
- .2 No exterior signage advertising the **vacation rental** is permitted.
- .3 In the case of a property containing a **single detached dwelling** with an approved **secondary suite** or approved **carriage house**, only one dwelling may be used for the purpose of a vacation rental.

### 7.6.3 Operation of Vacation Rental

- .1 The **owner** shall ensure that renters do not create any form of nuisance for surrounding residents, including, but not limited to noise, light or traffic that is disruptive to the surrounding residents' quiet enjoyment of their property.
- .2 A maximum of two (2) persons per bedroom, or a group of not more than five (5) persons is permitted per **vacation rental** property, whichever is less.

## 7.7 Urban Hens

The keeping of urban hens shall be subject to the following regulations:

- 7.7.1 Urban hens are restricted to properties with one **single detached dwelling**
- 7.7.2 No more than 5 hens may be kept per property
- 7.7.3 No roosters are permitted
- 7.7.4 Proper cleaning and animal husbandry must be followed at all times
- 7.7.5 Hens may not be slaughtered on site
- 7.7.6 The hen structure / enclosure shall be sited to the rear of the **principal building**, be setback from any **property lines**, not be visible from the **street**, and be constructed in a way to eliminate infiltration from predatory animals and rodents as well as for sound attenuation
- 7.7.7 Chickens must be kept in a hen house without access to the larger enclosure at night

## 7.8 Live Work Units

- 7.8.1 Live work units may only mix a residential dwelling **use** with a commercial **use** listed as a **permitted use** within the zone that the unit is located

- 7.8.2** Notwithstanding 8.10.1, the storage or use of toxic, flammable or otherwise harmful materials that would be prohibited in a residential **dwelling unit** under the BC Fire Code or BC **Building Code**, is prohibited in a live work unit.
- 7.8.3** For live work units located at ground level, the commercial component shall make up at least one third (1/3) of the **building frontage**
- 7.8.4** *The business operated in a **live-work unit** must be owned and operated by a person living in the dwelling unit portion of the **live work unit**.*
- 7.8.5** In accordance with Section 55 of the *Community Charter*, the Chief Building Inspector may require certification from a professional Engineer or Architect that a proposed live-work unit and the building in which the live-work unit is to be located, complies with the BC Building Code and Fire Code.

## **7.9 Cannabis Dispensary**

Operation of a **cannabis dispensary** is subject to the following conditions:

- 7.9.1** No cannabis product visible from outside of the store.
- 7.9.2** No smoking or consuming product on site is permitted.
- 7.9.3** A **cannabis dispensary** may not be combined with any other **business, retail** or otherwise, other than minor associated product comprising less than 20% of retail space.
- 7.9.4** **Cannabis dispensaries** are not permitted in any **zone**.

## Chapter 8 - Accessory Suites Regulations

### 8.1 Secondary Suite

All **single detached dwellings** with a **secondary suite** shall be subject to the following regulations:

#### 8.1.1 Limitation of Suites

No more than one (1) **secondary suite** shall be permitted in a **single detached dwelling**.

#### 8.1.2 Sewer Service

No **secondary suite** will be allowed without connection to a community sewer system unless the **lot** of at least 830 m<sup>2</sup> and meets the requirements of the sewage system regulation under the *Public Health Act*.

#### 8.1.3 Strata Titles

A **secondary suite** may not be sited or located on a separate titled parcel from the principal residence or be created as a **strata lot** within the **single detached dwelling**.

#### 8.1.4 Development Regulations

- .1 Minimum **gross floor area**: 32 m<sup>2</sup>.
- .2 Maximum **gross floor area**: 90 m<sup>2</sup>, or 40% of the habitable floor area of the building, whichever is less.
- .3 Minimum **amenity space**: 15m<sup>2</sup> of **amenity space** shall be provided individually for each of the principal residence and the **secondary suite**.

### 8.2 Carriage Houses

**8.2.1** A **carriage house** shall not be sited or located on a separate parcel from the principal dwelling or be created as a strata lot.

**8.2.2** Only one(1) **carriage house** is allowed per residential property and shall not be allowed in conjunction with a **secondary suite** in a principal dwelling, **duplex, apartment, bed and breakfast homes**.

#### 8.2.3 Development Regulations

- .1 Minimum **lot area**: 370m<sup>2</sup>, regardless of zoning
- .2 Maximum **building footprint**  
FG (Forestry/Grazing), A (Agriculture),  
RC (Country Residential) Zones 150m<sup>2</sup>, or 15% **lot coverage**, not including  
the principal residence, whichever is less
- R1 (Large Lot Residential), R2 (Small  
Lot Residential), R3 (Small Lot  
Residential: Lane), RD1 (Duplex  
Housing), and RD2 (Duplex Housing:  
Lane) 90m<sup>2</sup>, or 15% **lot coverage**, not including  
the principal residence, whichever is less.
- .3 **Height** Maximum **height** 7.0m.

- .4 **Setbacks** The setbacks for a **carriage house** shall meet the **setback** provisions for a principal **dwelling** for the zone in which the subject property is located, except in the case of a **rear yard setback** which shall be 1.5 m in all zones
- .5 Siting  
FG (Forestry/Grazing), A (Agriculture), RC (Country Residential) Zones may be located anywhere on the parcel, subject to setback requirements
- R1 (Large Lot Residential), R2 (Small Lot Residential), R3 (Small Lot Residential: Lane), RD1 (Duplex Housing), and RD2 (Duplex Housing: Lane) shall be located no closer to the front lot line than the principal **dwelling**,
- .6 Minimum **amenity space** 15m<sup>2</sup> each for the principal **dwelling** and for the **carriage house**.
- .7 **Landscaping** and Screening The structure containing the **carriage house** shall be **landscaped** or fenced in a manner that reasonably minimizes negative visual impact on adjacent residential properties.
- .8 Conversion of Pre-Existing Buildings Notwithstanding Section 8.2.2.4, in the case of a pre-existing, legally constructed **accessory building** being converted into a **carriage house**, the **setbacks** shall be the existing **setback**. Any additions or alterations to the **building** shall comply with **setbacks** as listed in Section 8.2.2.4.

#### 8.2.4 **Parking and Access Requirements**

- .1 One on-site **parking space** is required for the **carriage house** in addition to those spaces required for the principal residence;
- .2 All required **parking spaces** shall be located on the subject **lot**; and
- .3 Vehicular access to the **carriage house** shall be from a rear lane only, if the property has a rear lane.
- .4 If a structure containing a **carriage house** also contains a garage, workshop or other non-habitable space, dedicated separate exterior accesses are required from the habitable and non-habitable spaces

#### 8.2.4 **Access**

A **carriage house** must have clear, unobstructed and maintained access from the front of the property to the **carriage house** on a path at least 1.5m in width.

### **8.3 Duplex Suite**

#### **8.3.1 Limitation of Suites**

**8.3.1.1** No more than one (1) **accessory suite** shall be permitted in a **duplex unit**.

**8.3.1.2** Minimum **amenity space**: 15m<sup>2</sup> of **amenity space** shall be provided individually the **suite**.

#### **8.3.2 Strata Titles**

An **accessory suite** may not be sited or located on a separate titled parcel from the principal dwelling unit or be created as a **strata lot** within the **duplex**.

#### **8.3.3 Parking and Access Requirements**

- .1 One on-site **parking space** is required for the **accessory suite** in addition to those spaces required for the duplex;
- .2 All required **parking spaces** shall be located on the subject **lot**;

### **8.4 Flex Units**

#### **8.4.1 Limitation of Suites**

**Flex units** are limited to a maximum floor area of 40% of the total **net floor area** of the principal residence, up to a maximum of 150m<sup>2</sup>

**8.4.2** A **flex unit** may not be separately titled from the principal residence.

**8.4.3** Notwithstanding subsection 4.10, stairs, balconies and architectural projections that do not constitute greater than 25% of the face of the front elevation, may project 2.5m into the required **front yard** or **exterior side yard**.

**8.4.4** Notwithstanding subsection 6.5, visitor **parking spaces** and parking spaces for **uses** within the **flex units** are not required.

### **8.5 Security Operator Dwelling Units**

**8.5.1** A **security/operator dwelling unit** shall not exceed a gross floor area of 100 m<sup>2</sup>.

## Chapter 9 – Rural Zones

### 9.1 FG - Forestry and Grazing

#### PURPOSE

The purpose of this **zone** is to provide for **forestry** and grazing areas.

#### 9.1.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **agricultural farm help dwelling**
- .3 **agricultural use**
- .4 **animal clinic**
- .5 **animal kennels and stable**
- .6 **carriage house** (subject to accessory suites regulation 8.2)
- .7 **forestry**
- .8 **mobile home**
- .9 **municipal solid waste facility**
- .10 **one single detached dwelling**
- .11 **rural home occupation** (subject to specific use regulation 7.5)
- .12 **secondary suite** (subject to accessory suites regulation 8.1)
- .13 **vacation rental** (subject to specific use regulation 7.6)

#### 9.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |            |
|----|--|------------|
| .1 | Minimum <b>lot width</b> :                 | <b>N/A</b> |
| .2 | Minimum <b>lot area</b> :                  | 16 ha      |
| .3 | Maximum <b>lot coverage</b> :              | 10%        |
| .4 | Maximum <b>height</b> :                    |            |
|    | i. <b>principal building</b>               | 12.0 m     |
|    | ii. <b>accessory building or structure</b> | 13.5 m     |
| .5 | Minimum <b>front yard</b> :                | 10.0 m     |
| .6 | Minimum <b>side yard</b> :                 |            |
|    | i. <b>interior side yard</b>               | 4.5 m      |
|    | ii. <b>exterior side yard</b>              | 4.5 m      |
| .7 | Minimum <b>rear yard</b> :                 | 9.0 m      |

#### 9.1.3 OTHER REGULATIONS

- .1 Where a parcel is zoned FG and is less than 0.4 ha in area, the **lot coverage, setbacks** and **height** requirements of the RC **zone** shall apply in place of those contained in 9.1.2
- .2 Necessary **agricultural farm help dwellings** are limited to one (1) unit on a property of at least 2 ha or more.

## 9.2 A – Agriculture

### PURPOSE

The purpose of this **zone** is to provide for appropriate development within rural areas and to allow **agricultural uses** as well as other complementary **uses** suitable in an agricultural setting, while protecting these **uses** from intrusion of **uses** not compatible with **farm** operations.

### 9.2.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **agricultural use**
- .2 **agricultural farm help dwelling**
- .3 **bed and breakfast home** (subject to specific use regulation 7.2)
- .4 **indoor animal daycare and grooming**
- .5 **animal kennels and stable**
- .6 **forestry**
- .7 **marijuana production facility**
- .8 **carriage house** (subject to accessory suites regulation 8.2)
- .9 **rural home occupation** (subject to specific use regulation 7.5)
- .10 **secondary suite** (subject to accessory suites regulation 8.1)
- .11 **one single detached dwelling**
- .12 **vacation rental** (subject to specific use regulation 7.6)
- .13 **accessory use, building or structure**

### 9.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |                         |
|----|--|-------------------------|
| .1 | Minimum <b>lot width</b> :   | 20% of <b>lot</b> depth |
| .2 | Minimum <b>lot area</b> :  | 2.0 ha                  |
| .3 | Maximum <b>lot coverage</b> :  |                         |
|    | i. residential <b>buildings</b>  | 10%                     |
|    | ii. including <b>agricultural structures</b>   | 35%                     |
|    | iii. including agricultural greenhouses with closed wastewater and storm water management, and re-circulating irrigation systems | 75%                     |
| .4 | Maximum <b>height</b> :  |                         |
|    | i. <b>principal building</b>   | 12.0 m                  |
|    | ii. <b>accessory building</b>  | 13.0 m                  |
|    | iii. <b>agricultural structure</b>   | 16.0 m                  |
| .5 | <b>Principal building</b> :  |                         |
|    | i. minimum <b>front yard</b>   | 9.0 m                   |
|    | ii. minimum <b>side yard</b>   |                         |
|    | (a) <b>interior side yard</b>  | 4.5 m                   |
|    | (b) <b>exterior side yard</b>  | 9.0 m                   |
|    | iii. minimum <b>rear yard</b>  | 9.0 m                   |
| .6 | <b>Accessory building</b>  |                         |
|    | i. Minimum <b>front yard</b>   | 9.0m                    |
|    | ii. Minimum <b>side yard</b>   |                         |
|    | a. <b>Interior side yard</b>   | 4.5m                    |
|    |  | 9.0m                    |

- b. Exterior side yard 4.5m
- i. Minimum rear yard

**9.2.3 MINIMUM SEPARATION DISTANCES**

Minimum Distance between **agricultural structures** and **uses** and a natural **watercourse** boundary, domestic water supply or well, on or off site, shall be 15.0 m, unless required otherwise below:

SEPARATION DISTANCES (m)	<b>Urban Area Boundary</b>	Natural <b>Watercourse</b>	<b>Property Line</b>
<b>Intensive impact agriculture</b>	60.0m	30.0m	30.0m
All <b>farm structures</b> using exhaust fans	-	15.0m	15.0m
On- <b>farm</b> composting	30.0m	30.0m	30.0m
Agricultural waste storage	30.0m	30.0m	30.0m
Tree, vine, field and forage crops	7.5m	15.0m	-
Apiculture	15.0m	15.0m	-
Chemical storage structure	15.0m	15.0m	-
Field Storage	-	30.0m	-

**9.2.4 MAXIMUM GROSS FLOOR AREAS FOR SPECIFIC USES**

- .1 **farm garden stand:** 150 m<sup>2</sup>
- .2 **farm retail sales** area: 300 m<sup>2</sup>
- .3 **winery** and **cidery:**
  - The area devoted to food and beverage service shall not exceed 125 m<sup>2</sup> indoors and 125 m<sup>2</sup> outdoors

**9.2.5 OTHER REGULATIONS**

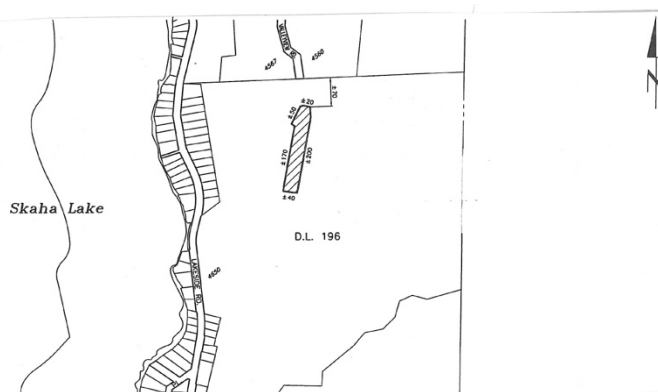
- .1 Necessary **agricultural farm help dwellings** are limited to one (1) unit on a property of at least 2 ha or more.
- .2 Temporary **dwelling unit:** A second **dwelling unit**, in addition to the existing **single detached dwelling unit**, may be constructed on the same **lot**, subject to the following:
  - i) The parcel must have a minimum area of 0.4ha

- ii) The **owner** of the **lot** must first grant and register a restrictive covenant to the **City** stating that the original (existing) **single detached dwelling** must be demolished and removed, made uninhabitable or moved from the **lot**.
- .3 **Recreational Vehicle** Storage: Only **recreational vehicles** belonging to the **owner** or occupier of the principal **single detached dwelling unit** on a **lot** may be stored on the same **lot**.
- .4 Where a lot legally exists at the time of adoption of this Zoning Bylaw and is zoned A and is less than 0.4 ha in area, the lot coverage, setbacks and height requirements of the RC zone shall apply in place of A zone.
- .5 Where a parcel is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission which does not increase the number of land registry parcels for the land concerned, the parcel is exempt from the minimum **lot area** requirement.
- .6 Where a **lot** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional **lot** in the ALR, both parcels are exempt from the minimum **lot area** requirement.

#### 9.2.6 SITE SPECIFIC PROVISIONS

In addition to the **uses** listed above:

- .1 In the case of **Lot 1**, Plan 29729, DL 190, LD 54, SDYD, known as 4560 Valleyview Road, a **farm** inn, being a self-contained **building** with a maximum of 4 sleeping rooms, intended to provide temporary accommodation to the travelling public, shall be permitted.
- .2 In the case of **Lot 1**, DL 369, Plan 22517 located at 1379 Riddle Road, a vacation cottage, being a self-contained **building** with a maximum size of 82 m<sup>2</sup> that is intended for short-term **vacation rental** by the travelling public, shall be permitted.
- .3 In the case of **Lot 104A**, DL 199, 205, 672, Plan 307, except Plan B487, Pcl B on Plan A 203, located at 1175 Chapman Road, **tourist accommodation**, being the **use** of a **single detached dwelling** for the accommodation of the travelling public in a maximum of 4 suites, without cooking equipment, where the room rate includes breakfast served on the premises, shall be permitted.
- .4 In the case of a portion of the remainder of DL 196 except plans B6706, M9351, 3980, 6394, 8025, 8529, 9167, 11805, 14079, 14454 and 20784, located at 4650 Lakeside Road as shown as the hatched area in the drawing below, a public **parking lot** shall be permitted and where the parking area is not required to be hard surfaced, lighted nor drained.



**Figure 9.1: Location of public parking lot in the A zone**

- .5 "Accommodation for agri-tourism on a farm" on Lot 148, District Lot 187, SDYD, Plan 450 located at 1056 Corbishley Avenue".
- .6 "Accommodation for agri-tourism on farm" on Lot 128, District Lot 204, SDYD, Plan 450, located at 1291 Corbishley Ave.
- .7 To allow for an additional "vacation rental suite" to Lot 3, District Lot 187, SDYD, Plan 23377 located at 468 Lower Bench Rd.
- .8 "Contractor Service General" on Lot 6, District Lot 155, SDYD, Plan 306, Except Plan 21731 located at 398 Upper Bench Rd. S., shall be permitted subject to the following conditions:
- That the non-farm use be limited to a landscaping business; and
  - That the storage of heavy machinery be limited to not more than 5% of the property and be screened from view from Upper Bench Rd. and neighbouring properties.
- .9 On Parcel B (DD28224F) On Plan B1152 of Block C DL204, Similkameen Division Yale District, Plan 305 EXCEPT part on Plan 35371 located at 948 Naramata Road, **Craft Brewery/Distillery** shall be permitted.

### 9.3 RC – Country Residential Housing

#### PURPOSE

The purpose is to provide a zone for low-**density** single detached housing on large rural **lots**.

#### 9.3.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **agricultural use**
- .3 **bed and breakfast home** (subject to specific use regulation 7.2)
- .4 **carriage house** (subject to accessory suites regulation 8.2)
- .5 **major home occupation** (subject to specific use regulation 7.4)
- .6 **minor home occupation** (subject to specific use regulation 7.3)
- .7 **one single detached dwelling**
- .8 **rural home occupation** (subject to specific use regulation 7.5)
- .9 **secondary suite** (subject to accessory suite regulation 8.1)
- .10 **vacation rental** (subject to specific use regulation 7.6)

#### 9.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 45 m
- .2 Minimum **lot area**: 0.4 ha
- .3 Maximum **lot coverage**: 15%
- .4 Maximum **height**:
  - i. **principal building** 10.5 m
  - ii. **accessory building or structure** 5.0 m
- .5 Minimum **front yard**: 9.0 m
- .6 Minimum **side yard**:
  - i. **interior side yard** 4.0 m
  - ii. **exterior side yard** 6.0 m
- .7 Minimum **rear yard**: 6.0 m

#### 9.3.3 SITE SPECIFIC PROVISIONS

- .1 Instead of the **uses** and regulations listed above, in the case of **Lot 1** - 10 Plan KAS2711, known at 112 Penrose Court and **Lot 1** KAP 73860, the following **uses** are permitted and the following regulations apply:

- .1 **single detached dwelling**
- .2 **major home occupation** (subject to specific use regulation 8.5)
- .3 **accessory use, building or structure**

#### .2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 45 m
- .2 Minimum **lot area**: 0.4 ha
- .3 Maximum **lot coverage**: 15%
- .4 Maximum **height**:
  - i. **principal building** 10.5 m
  - ii. **accessory building or structure** 5.0 m
- .5 **Parent parcel** requirements:
  - i. minimum **front yard** 10.0 m

- ii. minimum **side yard**
  - a. **interior side yard** 4.0 m
  - b. **exterior side yard** 6.0 m
- iii. minimum **rear yard** 7.5 m

## Chapter 10 – Urban Residential Zones

### 10.1 R1 – Large Lot Residential

#### PURPOSE

The purpose is to provide a **zone** for **single detached dwelling** housing on serviced urban **lots**.

#### 10.1.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **carriage house** (subject to accessory suites regulation 8.2)
- .3 **major home occupation** (subject to specific use regulation 7.4)
- .4 **minor home occupation** (subject to specific use regulation 7.3)
- .5 **one single detached dwelling**
- .6 **secondary suite** (subject to accessory suites regulation 8.1)
- .7 **vacation rental** (subject to specific use regulation 7.6)

#### 10.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |   |                    |
|----|---|--------------------|
| .1 | Minimum <b>lot width</b> :                    |                    |
|    | i. <b>standard lot</b>                        | 16 m               |
|    | ii. <b>corner lot</b>                         | 18 m               |
| .2 | Minimum <b>lot area</b> :                     | 560 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :                 | 40%                |
| .4 | Maximum <b>height</b> :                       |                    |
|    | i. <b>principal building</b>                  | 10.5 m             |
|    | ii. <b>accessory building or structure</b>    | 4.5 m              |
| .5 | Minimum <b>front yard</b> :                   | 6.0 m              |
| .6 | Minimum interior <b>side yard</b> :           |                    |
|    | i. <b>principle building</b>                  | 1.5 m              |
|    | ii. <b>accessory building or structure</b>    | 1.2 m              |
|    | Minimum exterior <b>side yard</b> :           |                    |
|    | i. <b>principle building</b>                  | 3.0 m              |
|    | ii. <b>accessory building or structure</b>    | 1.2 m              |
| .7 | Minimum <b>rear yard</b> :                    |                    |
|    | i. <b>principal building</b>                  | 6.0 m              |
|    | ii. <b>accessory building or structure</b>    | 1.5 m              |
| .8 | Maximum floor area of all accessory buildings | 75 m <sup>2</sup>  |

#### 10.1.3 SITE SPECIFIC PROVISIONS

In addition to the **permitted uses** above:

1. In the case of **Lot 2**, Plan 26294, known at 185 Middle Bench Road South, a **Bed and Breakfast Home** shall be permitted.

2. In the case of **Lot** 10 DL 196 SDYD Plan 25110 known as 4596 Lakeside Road, the keeping of not more than 3 horses shall be permitted.
3. In the case of **Lot** 1, Plan 31303 known as 2510 Dartmouth Drive, a **Bed and Breakfast Home** shall be permitted.
4. In the case of **Lot** A, District **Lot** 3, SDYD, Plan KAP74500 located at 1050 Churchill Drive, an **Emergency Shelter** shall be permitted.
5. In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted and hours of operation are restricted to 6:00 a.m. – 7:00 p.m.
6. In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling.

## 10.2 R2 – Small Lot Residential

### PURPOSE

The purpose is to provide a **zone** for single detached housing on small sized serviced urban **lots**.

### 10.2.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **carriage house** (subject to accessory suites regulation 8.2)
- .3 **major home occupation** (subject to specific use regulation 7.4)
- .4 **minor home occupation** (subject to specific use regulation 7.3)
- .5 **one single detached dwelling**
- .6 **secondary suite** (subject to accessory suites regulation 8.1)
- .7 **vacation rental** (subject to specific use regulation 7.6)

### 10.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |                    |
|----|--|--------------------|
| .1 | Minimum <b>lot width</b> :   |                    |
|    | i. <b>standard lot</b>   | 13 m               |
|    | ii. <b>corner lot</b>  | 15 m               |
| .2 | Minimum <b>lot area</b> :  | 390 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :  | 40%                |
| .4 | Maximum <b>height</b> :  |                    |
|    | i. <b>principal building</b>   | 10.5 m             |
|    | ii. <b>accessory building or structure</b>                                   | 4.5 m              |
| .5 | Minimum <b>front yard</b> (subject to general development regulation 4.2.5): | 4.5 m              |
| .6 | Minimum interior <b>side yard</b> :  |                    |
|    | i. <b>principal building</b>   | 1.5 m              |
|    | ii. <b>accessory building or structure</b>                                   | 1.2 m              |
|    | Minimum exterior <b>side yard</b> :  |                    |
|    | i. <b>principal building</b>   | 3.0 m              |
|    | ii. <b>accessory building or structure</b>                                   | 1.2 m              |
| .7 | Minimum <b>rear yard</b> :   |                    |
|    | i. <b>principal building</b>   | 6.0 m              |
|    | ii. <b>accessory building or structure</b>                                   | 1.5 m              |
| .8 | Maximum floor area of all accessory buildings                                | 75 m <sup>2</sup>  |

### 10.2.3 OTHER REGULATIONS

- .1 Where a rear **lane** is provided, vehicular access must be from the rear **lane**.

### 10.2.4 SITE SPECIFIC PROVISIONS

- .1 In the case of Lot 1, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 26701, located at 396 Lakeshore Drive W., a Bed and Breakfast Home shall be permitted.

### 10.3 R3 – Small Lot Residential: Lane

#### PURPOSE

The purpose is to provide a **zone** for single detached housing development on small-sized serviced urban **lots** with vehicular access allowed only from rear **lanes**.

#### 10.3.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **carriage house** (subject to accessory use regulation 8.2)
- .3 **major home occupation** (subject to specific use regulation 7.4)
- .4 **minor home occupation** (Subject to specific use regulation 7.3)
- .5 **one single detached dwelling**
- .6 **secondary suite** (subject to accessory use regulation 8.1)
- .7 **vacation rental** (subject to specific use regulation 7.6)

#### 10.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |                    |
|----|--|--------------------|
| .1 | Minimum <b>lot width</b> :                 |                    |
|    | i. standard <b>lot</b>                     | 9.1 m              |
|    | ii. <b>corner lot</b>                      | 10.5 m             |
| .2 | Minimum <b>lot area</b> :                  | 275 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :              | 50%                |
| .4 | Maximum <b>height</b> :                    |                    |
|    | i. <b>principal building</b>               | 10.5m              |
|    | ii. <b>accessory building or structure</b> | 4.5 m              |
| .5 | Minimum <b>front yard</b> :                | 4.5 m              |
| .6 | Minimum interior <b>side yards</b> :       |                    |
|    | i. <b>principal building</b>               | 1.2 m              |
|    | ii. <b>accessory building or structure</b> | 1.2 m              |
|    | Minimum exterior <b>side yard</b> :        |                    |
|    | i. <b>principal building</b>               | 3.0 m              |
|    | ii. <b>accessory building or structure</b> | 1.2 m              |
| .7 | Minimum <b>rear yard</b> :                 |                    |
|    | i. <b>principal building</b>               | 6.0 m              |
|    | ii. <b>accessory building or structure</b> | 1.5 m              |
| .8 | Maximum area of all accessory buildings    | 75 m <sup>2</sup>  |

#### 10.3.3 OTHER REGULATIONS

- .1 All vehicular access must be from the rear **lane**.

## 10.4 RSM – Mobile Home Park Housing

### PURPOSE

The purpose is to provide a **zone** for **mobile homes** on individual **mobile home** spaces within a **mobile home park**.

### 10.4.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **one single detached dwelling**
- .2 **mobile home park**
- .3 **mobile home** for the **owner** or caretaker
- .4 **vacation rental** (subject to specific use regulation 7.6)
- .5 **minor home occupation** (subject to specific use regulation 7.3)
- .6 **accessory use, building or structure**

### 10.4.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |   |                                  |
|----|---|----------------------------------|
| .1 | Minimum park <b>lot width</b> :                       | 50 m                             |
| .2 | Minimum park <b>lot depth</b> :                       | 50 m                             |
| .3 | Minimum park <b>lot area</b> :                        | 2.0 ha                           |
| .4 | Maximum <b>density</b> :                              | 25 <b>dwelling</b> s / ha        |
| .5 | Maximum park <b>lot coverage</b> :                    | 45%                              |
| .6 | Maximum <b>height</b> :                               |                                  |
|    | i. <b>principal building</b>                          | lesser of 6 m or 1 <b>storey</b> |
|    | ii. <b>accessory building or structure</b>            | 4.5m                             |
| .7 | Minimum <b>setbacks</b> for <b>mobile home park</b> : |                                  |
|    | i. <b>front yard</b>                                  | 6.0m                             |
|    | ii. <b>interior side yard</b>                         | 6.0m                             |
|    | iii. <b>exterior side yard</b>                        | 6.0m                             |
|    | iv. <b>rear yard</b>                                  | 6.0m                             |

### 10.4.3 OTHER REGULATIONS

- .1 **Accessory buildings** containing common facilities for private **use** by residents of the **mobile home park** shall conform to the **setback** requirements for identified in 13.4.2.7
- .2 The requirements set out in the City of Penticton's "**Mobile Home Parks** Bylaw" shall apply.

## 10.5 RD1 – Duplex Housing

### PURPOSE

The purpose is to provide a **zone** for **side-by-side or stacked duplex housing** on urban serviced **lots**.

### 10.5.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **carriage house** (subject to accessory suites regulation 8.2)
- .2 **duplex suite** (subject to accessory suites regulation 8.3)
- .3 **major home occupation** (subject to specific use regulation 7.4)
- .4 **minor home occupation** (subject to specific use regulation 7.3)
- .5 **one side-by-side duplex, one stacked duplex or one single detached dwelling**
- .6 **vacation rental** (subject to specific use regulation 7.6)
- .7 **accessory use, building or structure**

### 10.5.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

	No Lane	Lane
.1 Minimum <b>lot width</b> :		
i. standard <b>lot</b>	20 m	15 m
ii. <b>corner lot</b>	22 m	16.5 m
.2 Minimum <b>lot area</b> :	750 m <sup>2</sup>	540 m <sup>2</sup>
.3 Maximum <b>lot coverage</b> :	50%	50%
.4 Maximum <b>height</b> :		
i. <b>principal building</b>	10.5 m	
ii. <b>accessory building or structure</b>	4.5 m	
.5 Minimum <b>front yard</b> (subject to general development regulation 4.2.5):	6.0 m	4.5 m
.6 Minimum interior <b>side yard</b> :		
i. <b>principal building</b>	1.5 m	
ii. <b>accessory building or structure</b>	1.2 m	
Minimum exterior <b>side yard</b>		
i. <b>principal building</b>	3.0 m	
ii. <b>accessory building or structure</b>	1.2 m	
.7 Minimum <b>rear yard</b> :		
i. <b>principal building</b>	6.0 m	
ii. <b>accessory building or structure</b>	1.5 m	
.8 Maximum area of all accessory buildings	75 m <sup>2</sup>	

### 10.5.3 OTHER REGULATIONS

- .1 **Single detached dwelling use** shall be subject to the Subdivision and Development Regulations of the R1 **zone**.
- .2 Where a rear **lane** is provided, vehicular access must be from the rear **lane**.

## 10.6 RD2 – Duplex Housing: Lane

### PURPOSE

The purpose is to provide a **zone** for **duplex** housing on small sized urban serviced **lots**.

### 10.6.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **one back-to-back duplex, one side-by-side duplex, one stacked duplex, or one single detached dwelling**
- .3 **carriage house** (subject to accessory suites regulation 8.2)
- .4 **major home occupation** (subject to specific use regulation 7.4)
- .5 **minor home occupation** (subject to specific use regulation 7.3)
- .6 **duplex suite** (subject to accessory suites regulation 8.3)
- .7 **vacation rental** (subject to specific use regulation 7.6)

### 10.6.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**:
  - i. standard **lot** 9.1 m
  - ii. **corner lot** 10.5 m
- .2 Minimum **lot area**: 275 m<sup>2</sup>
- .3 Maximum **lot coverage**: 40%
- .4 Maximum **density**: 0.95 FAR
- .5 Maximum **height**:
  - i. **principal building** 10.5 m
  - ii. **accessory building or structure** 4.5 m
- .6 Minimum **front yard** (subject to general development regulation 4.2.5): 4.5 m
- .7 Minimum interior **side yard**:
  - i. **principal building** 1.5 m
  - ii. **accessory building or structure** 1.2 m

Minimum exterior **side yard**:

  - i. **principal building** 3.0 m
  - ii. **accessory building or structure** 1.2 m
- .8 Minimum **rear yard**:
  - i. **principal building** 6.0 m
  - ii. **accessory building or structure** 1.5 m
- .9 Maximum area of all accessory buildings 75 m<sup>2</sup>

### 10.6.3 OTHER REGULATIONS

- .1 **Single detached dwelling use** shall be subject to the Subdivision and Development Regulations of the R2 **zone**
- .2 Where a rear **lane** is provided, vehicular access must be from the rear **lane**.
- .3 Major home occupation use shall only be permitted within a single detached dwelling or accessory building.

- .4 In cases where a **dwelling unit** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.2 m in wide, must be provided.

**10.6.4 SITE SPECIFIC PROVISIONS**

- .1 "In the case of Lot 10, Block 32, District Lot 202, SDYD, Plan 269 located at 125 Eckhardt Ave. E. assembly and office uses shall be permitted".
- .2 "In the case of Lot 3, District Lot 4 Similkameen Division Yale (Formerly Yale-Lytton) Plan 2580, located at 264 Wade Avenue W, an office shall be permitted."
- .3 "In the case of Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, two duplexes shall be permitted."
- .4 "In the case of Lot 6, District Lot 202, Similkameen Division Yale District, Plan 804, located at 633 Winnipeg Street, "congregate housing" subject to conformance with the *Community Care and Assisted Living Act* for a maximum of 12 residents, excluding staff, shall be permitted."

## 10.7 RM1 – Bareland Strata Housing

### PURPOSE

The purpose is to provide a **zone** for residential single family bareland strata developments on urban services.

### 10.7.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **duplex suite** (subject to accessory suites regulation 8.3)
- .3 **minor home occupation** (subject to specific use regulation 7.3)
- .4 **one or more duplexes**
- .5 **one or more single-family dwellings**
- .6 **secondary suite** (subject to accessory suites regulation 8.1)
- .7 **townhouse**
- .8 **vacation rental** (subject to specific use regulation 7.6)

### 10.7.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |                        |
|----|--|------------------------|
| .1 | Minimum <b>parent parcel</b> width:        | 40 m                   |
| .2 | Minimum <b>parent parcel</b> area:         | 6000 m <sup>2</sup>    |
| .3 | Maximum <b>parent parcel density</b> :     | 40 <b>dwellings/ha</b> |
| .4 | <b>Parent parcel</b> requirements:         |                        |
|    | i. Minimum <b>front yard</b>               | 4.5 m                  |
|    | ii. Minimum <b>side yard</b>               |                        |
|    | a. <b>interior side yard</b>               | 4.5 m                  |
|    | b. <b>exterior side yard</b>               | 4.5 m                  |
|    | iii. Minimum <b>rear yard</b>              | 4.5 m                  |
| .5 | Maximum <b>strata lot coverage</b> :       |                        |
|    | i. single <b>storey building</b>           | 50%                    |
|    | ii. two (2) <b>storey building</b>         | 40%                    |
| .6 | Maximum <b>height</b> :                    |                        |
|    | i. <b>principal building</b>               | 8.5 m                  |
|    | ii. <b>accessory building or structure</b> | 5.0 m                  |

## 10.8 RM2 – Low Density Multiple Housing

### PURPOSE

The purpose is to provide a **zone** for low **density multiple housing** up to three (3) **storeys** above grade on urban services.

### 10.8.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **apartment**
- .2 **cluster housing**
- .3 **congregate housing**
- .4 **day care centre, major**
- .5 **minor home occupation** (subject to specific use regulation 7.3)
- .6 **townhouse**
- .7 **vacation rental** (subject to specific use regulation 7.6)
- .8 **accessory use, building or structure**

### 10.8.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |   |                    |
|----|---|--------------------|
| .1 | Minimum <b>lot width</b> :  |                    |
|    | i. standard <b>lot</b>  | 18 m               |
|    | ii. <b>corner lot</b>   | 19.5 m             |
| .2 | Minimum <b>lot area</b> :   | 540 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :   | 40%                |
| .4 | Maximum <b>density</b> :  | 0.8 FAR            |
| .5 | Maximum <b>height</b> :   |                    |
|    | i. <b>principal building</b>  | 12 m               |
|    | ii. <b>accessory building or structure</b>                                    | 4.5 m              |
| .6 | Minimum <b>front yard</b> (subject to general development regulations 4.2.5): | 3.0 m              |
| .7 | Minimum <b>interior side yard</b> :   |                    |
|    | i. <b>principal building</b>  | 3.0m               |
|    | ii. <b>accessory building or structure</b>                                    | 1.2 m              |
| .8 | Minimum <b>exterior side yard</b> :   |                    |
|    | i. <b>principal building</b>  | 4.5 m              |
|    | ii. <b>accessory building or structure</b>                                    | 1.2 m              |
| .9 | Minimum <b>rear yard</b>  | 6.0 m              |

### 10.8.3 AMENITY SPACE

- .1 **Amenity space** shall be provided at the rate of 20 m<sup>2</sup> for each **dwelling unit**.
- .2 25% of the required **amenity space** must be provided at the ground floor level.

### 10.8.4 SITE SPECIFIC PROVISIONS

- .1 In the case of Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, the maximum density shall be 0.92 FAR
- .2 In the case of Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive West, the maximum density shall be 0.85 FAR.

## 10.9 RM3 – Medium Density Multiple Housing

### PURPOSE

The purpose of this zone is to provide a zone for **medium density multiple housing** up to six (6) **storeys** above grade on urban services.

### 10.9.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **congregate housing**
- .4 **day care centre, major**
- .5 **day care centre, minor**
- .6 **extended care residence**
- .7 **minor home occupation** (subject to specific use regulation 7.3)
- .8 **townhouse**
- .9 **vacation rental** (subject to specific use regulation 7.6)

### 10.9.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 25 m
- .2 Minimum **lot area**: 1400 m<sup>2</sup>
- .3 Maximum **lot coverage**: 50%
- .4 Maximum **density**: 1.6 **FAR**
- .5 Maximum **height**:
  - i. **principal building** 24 m
  - ii. **accessory building or structure** 4.5 m
- .6 Minimum **front yard** (subject to general development regulation 4.2.5): 3.0 m
- .7 Minimum **side yard**:
  - i. **interior side yard** 4.5m
  - ii. **exterior side yard** 4.5 m
- .8 Minimum **rear yard**: 6.0 m

### 10.9.3 AMENITY SPACE

- .1 **Amenity space** shall be provided at the rate of 20 m<sup>2</sup> for each **dwelling unit**.
- .2 25% of the required **amenity space** must be provided at the ground floor level.

### 10.9.4 OTHER REGULATIONS

- .1 A maximum of 60% of the **lot** shall be covered with **hard surfacing**, including **buildings, structures**, parking areas, driveways, **walkways, patios** and similar construction.

## 10.10 RM4 – High Density Multiple Housing

### PURPOSE

The purpose is to provide a **zone** for high-**density** mid-rise **apartments** up to 8 **storeys** above grade on urban services.

### 10.10.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **apartment**
- .2 **congregate housing**
- .3 **daycare centre, minor**
- .4 **daycare centre, major**
- .5 **extended care residence**
- .6 **minor home occupation** (subject to specific use regulation 8.4)
- .7 **vacation rental**
- .8 **accessory use, building or structure**

### 10.10.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                     |
|----|-------------------------------|---------------------|
| .1 | Minimum <b>lot width</b> :    | 30 m                |
| .2 | Minimum <b>lot area</b> :     | 2000 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 75%                 |
| .4 | Maximum <b>density</b> :      | 2.0 <b>FAR</b>      |
| .5 | Maximum <b>height</b> :       |                     |
|    | i. <b>principal building</b>  | 27 m                |
| .6 | Minimum <b>front yard</b> :   | 3.0 m               |
| .7 | Minimum <b>side yard</b> :    |                     |
|    | i. <b>interior side yard</b>  | 4.5m                |
|    | ii. <b>exterior side yard</b> | 6.0 m               |
| .8 | Minimum <b>rear yard</b> :    | 6.0 m               |

### 10.10.3 AMENITY SPACE

- .1 **Amenity space** shall be provided at the rate of 20 m<sup>2</sup> for each **dwelling unit**.

### 10.10.4 OTHER REGULATIONS

- .1 **Townhouse** units within an **apartment** use may be permitted on the first floor along a street frontage.

### 10.10.5 SITE SPECIFIC PROVISIONS

Instead of the **uses** and regulations listed above:

- .1 In the case of **Lot 1** Plan KAP71211, known as 100 Lakeshore Drive West, the following regulations apply:

#### **SUBDIVISION AND DEVELOPMENT REGULATIONS**

- |    |                              |       |
|----|------------------------------|-------|
| .1 | Maximum <b>height</b> :      |       |
|    | i. <b>principal building</b> | 46.0m |
| .2 | Minimum <b>front yard</b> :  | 6.0 m |
| .3 | Minimum <b>rear yard</b> :   | 9.0 m |
- .2 In the case of Lot A, Plan KAP87785, SDYD 2125, known as 2133 Atkinson Street, the following regulations apply:

- .1 Maximum **height**:
- i. **principal building** 30.5 m
  - ii. **accessory building** or **structure** 5 m
- .2 **Street setbacks**:
- principal building**
- i. Atkinson Street 7.6 m
  - ii. Warren Avenue 7.6 m
- accessory building**
- i. Atkinson Street 4.2 m
  - ii. Warren Avenue 6.1 m
- .3 **Yard setbacks**:
- principal building**
- i. west **side yard** 7.6 m
  - ii. south **side yard** 7.6 m
- accessory building**
- i. west **side yard** 5.0 m
  - ii. south **side yard** 5.0 m
- .4 Notwithstanding Chapter 6, off street parking requirements are as follows::
- i. **bachelor dwelling unit** 1.0 per unit
  - ii. **1 bedroom dwelling unit** 1.5 per unit
  - iii. **2 bedroom dwelling unit** 1.5 per unit
  - iv. **3 bedroom dwelling unit** and greater 2.0 per unit
  - v. Up to 25% of total required **parking spaces** may be designated for small car **use**
- .5 An **accessory building** containing common facilities for private **use** by residents shall conform to the **setback** requirements identified in section 10.10.5.3.2 and 10.10.5.3.3

## 10.11 RM5 – Urban Residential

### PURPOSE

The purpose is to provide a **zone** for **medium to high density multiple housing** with lock-off **flex units** accommodating small scale commercial space or additional dwelling units, up to four (4) **storeys** above grade on urban services.

### 10.11.1 PERMITTED USES

The **permitted uses** in this zone are:

- .1 **apartment**
- .2 **duplex**
- .3 **dwelling unit**
- .4 **flex unit** (subject to accessory suite regulation 8.4)
- .5 **townhouse**
- .6 **vacation rental** (subject to specific use regulation 7.6)
- .7 **minor home occupation** (subject to specific use regulation 7.3)
- .8 **accessory use, building or structure**

Only the following commercial uses are permitted in a **flex-unit**:

- .8 **artisan craft**
- .9 **office**
- .10 **personal service establishment**

### 10.11.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                   |
|----|-------------------------------|-------------------|
| .1 | Minimum <b>lot width</b> :    | 10m               |
| .2 | Minimum <b>lot area</b> :     | 275m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 100%              |
| .4 | Maximum <b>density</b> :      | 2.0 FAR           |
| .5 | Maximum <b>height</b> :       | 15m               |
| .6 | Minimum <b>front yard</b> :   | 2.5m              |
| .7 | Minimum <b>side yard</b> :    |                   |
|    | i. <b>Interior side yard</b>  | 0.0m              |
|    | ii. <b>Exterior side yard</b> | 2.5m              |
| .8 | Minimum <b>rear yard</b> :    | 0.0m              |

### 10.11.3 OTHER REGULATIONS

- .1 Where a **lane** is provided, vehicular access must be from the **lane**
- .2 **Flex units** are limited to a maximum **floor area** of 40% of the total **net floor area** of the principal residence, up to a maximum of 150m<sup>2</sup> and may not be separately titled from the principal residence or be strata titled separately from the principal residence.
- .3 Notwithstanding subsection 10.9.2.6, stairs, **balconies** and architectural projections that do not constitute greater than 25% of the face of the front elevation, may project 2.5m into the required **front yard** or **exterior side yard**.
- .4 Notwithstanding subsection 7.6, visitor **parking spaces** and parking spaces for **uses** within the **flex units** are not required.

## Chapter 11 – Commercial Zones

### 11.1 C1 –Commercial Transition

#### PURPOSE

This **zone** provides for limited, small scale, commercial development in mostly residential areas.

#### 11.1.1 PERMITTED USES

The **permitted uses** in this zone are:

- .1 **accessory use, building or structure**
- .2 **artisan crafts**
- .3 **bed and breakfast home** (subject to specific use regulation 8.2)
- .4 **boarding house**
- .5 **convenience store**
- .6 **day care centre, major**
- .7 **day care centre, minor**
- .8 **health service**
- .9 **high technology service**
- .10 **live-work unit**
- .11 **major home occupation** (subject to specific use regulation 8.5)
- .12 **office**
- .13 **one duplex**
- .14 **one single detached dwelling**
- .15 **personal service establishment**
- .16 **restaurant**
- .17 **vacation rental**

#### 11.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                    |
|----|-------------------------------|--------------------|
| .1 | Minimum <b>lot width</b> :    | 13.0 m             |
| .2 | Minimum <b>lot area</b> :     | 550 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 40%                |
| .4 | Maximum <b>height</b> :       | 10.5 m             |
| .5 | Minimum <b>front yard</b> :   | 3.0 m              |
| .6 | Minimum <b>side yard</b> :    |                    |
|    | i. <b>interior side yard</b>  | 1.5 m              |
|    | ii. <b>exterior side yard</b> | 4.5 m              |
| .7 | Minimum <b>rear yard</b> :    | 6.0 m              |

#### 11.1.3 OTHER REGULATIONS

- .1 A **restaurant** shall not exceed a maximum **gross floor area** of 100 m<sup>2</sup>.
- .2 The commercial component of the **live-work unit** must have an area of at least 40% of the **dwelling unit**; and

## 11.2 C2 – Neighbourhood Commercial

### PURPOSE

This **zone** provides for a limited range of neighbourhood convenience services.

### 11.2.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **artisan crafts**
- .3 **convenience store**
- .4 **daycare, major**
- .5 **daycare, minor**
- .6 **dwelling unit**
- .7 **minor home occupation** (subject to specific use regulation 8.4)
- .8 **personal service establishment**
- .9 **restaurant**
- .10 **vacation rental**

### 11.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |                    |
|----|--|--------------------|
| .1 | Minimum <b>lot width</b> :                                     | 15.0 m             |
| .2 | Minimum <b>lot area</b> :                                      | 550 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :                                  | 40%                |
| .4 | Maximum <b>height</b> :  | 10.5 m             |
| .5 | Minimum <b>front yard</b> :                                    | 3.0 m              |
| .6 | Minimum <b>side yard</b> :                                     |                    |
|    | i. <b>interior side yard</b>                                   | 2.4 m              |
|    | ii. <b>exterior side yard</b>                                  | 3.0 m              |
| .7 | Minimum <b>rear yard</b> :                                     | 3.5 m              |
|    | i. except where the <b>lot abuts</b> a <b>residential zone</b> | 6.0 m              |

### 11.2.3 OTHER REGULATIONS

- .1 Commercial **uses** shall not exceed a maximum **gross floor area** of 125 m<sup>2</sup>.
- .2 A maximum of one (1) **dwelling unit** within a commercial **building** with a separate entrance to the outside shall be permitted.

### 11.3 C3 – Mixed Use Commercial

#### PURPOSE

This **zone** provides areas for a mix of medium-**density** residential, **office** and limited retail or personal service commercial **uses** within a **building**.

#### 11.3.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **artisan crafts**
- .3 **assembly**
- .4 **business support service**
- .5 **commercial school**
- .6 **congregate housing**
- .7 **day care centre, major**
- .8 **day care centre, minor**
- .9 **dwelling unit**
- .10 **grocery store**
- .11 **health service**
- .12 **high technology service**
- .13 **indoor animal daycare and grooming**
- .14 **indoor recreation**
- .15 **live work unit**
- .16 **minor home occupation (subject to specific use regulation 8.4)**
- .17 **office**
- .18 **personal service establishment**
- .19 **restaurant**
- .20 **retail store**
- .21 **vacation rental**

#### 11.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                     |
|----|-------------------------------|---------------------|
| .1 | Minimum <b>lot width</b> :    | 18.0 m              |
| .2 | Minimum <b>lot area</b> :     | 1000 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 50%                 |
| .4 | Maximum <b>density</b> :      | 2.0 <b>FAR</b>      |
| .5 | Maximum <b>height</b> :       | 18 m                |
| .6 | Minimum <b>front yard</b> :   | 3.0 m               |
| .7 | Minimum <b>side yard</b> :    |                     |
|    | i. <b>interior side yard</b>  | 4.5 m               |
|    | ii. <b>exterior side yard</b> | 4.5 m               |
| .8 | Minimum <b>rear yard</b> :    | 6.0 m               |

#### 11.3.3 OTHER REGULATIONS

- .1 A minimum area of 10.0 m<sup>2</sup> of **amenity space** shall be provided per **dwelling unit**.
- .2 A **dwelling unit** must be within the same **building** of a permitted commercial **use**.

#### 11.3.4 SITE SPECIFIC PROVISIONS

In addition to the **uses** listed above:

- .1 In the case of **Lot** 4, DL. 3, Group 7, SDYD, Plan 8666 except Plan KAP 71490, located at 1070 Lakeshore Drive West, **recreation equipment sales/rentals** including motor scooters not exceeding engine displacement of 50cc and other motorized **vehicles**, and a **bed and breakfast inn** within a **building** with more than one **dwelling unit**, shall be permitted.

## 11.4 C4 –General Commercial

### PURPOSE

This **zone** provides for **shopping centres**, large format retail, and strip commercial **uses**.

### 11.4.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **animal clinic**
- .3 **artisan crafts**
- .4 **assembly**
- .5 **bakery**
- .6 **business support service**
- .7 **commercial school**
- .8 **day care centre, major**
- .9 **day care centre, minor**
- .10 **dwelling units**
- .11 **financial service**
- .12 **government service**
- .13 **grocery store**
- .14 **health service**
- .15 **high technology service**
- .16 **household repair service**
- .17 **indoor amusement, entertainment and recreation**
- .18 **indoor animal daycare and grooming**
- .19 **liquor primary licensed premise**
- .20 **minor home occupation** (subject to specific use regulation 7.3)
- .21 **office**
- .22 **on-site beer/wine making**
- .23 **outdoor markets** (subject to section 11.4.3.4)
- .24 **personal service establishment**
- .25 **public parking lot**
- .26 **restaurant**
- .27 **retail store**
- .28 **tourist accommodation**
- .29 **vacation rental** (subject to specific use regulation 7.6)

### 11.4.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 18.0 m
- .2 Minimum **lot area**: 1000 m<sup>2</sup>
- .3 Maximum **lot coverage**: 50%
- .4 Maximum **density**: 1.0 **FAR**
- .5 Maximum **height**: 13 m
- .6 Minimum **front yard**: 3.0 m

- |    |  |               |
|----|--|---------------|
| .7 | Minimum <b>side yard</b> :   |               |
|    | i. <b>interior side yard</b>   | 0 m and 4.5 m |
|    | ii. <b>exterior side yard</b>  | 4.5 m         |
|    | iii. except when a lot <b>abuts</b> , or is <b>adjacent</b> to, a residential or institutional <b>zone</b>   | 6.0 m         |
| .8 | Minimum <b>rear yard</b> :   | 3.0 m         |
|    | i. except when <b>lot abuts</b> , or is <b>adjacent</b> to, a residential or institutional <b>zone</b> or <b>abuts</b> a <b>lane</b> that is <b>adjacent</b> to a residential or institutional <b>zone</b> | 6.0 m         |

#### 11.4.3 OTHER REGULATIONS

- .1 **Dwelling units** shall be restricted to second or higher **storeys**.
- .2 When outdoor seating is provided as part of a **restaurant**, the seating area is exempt from the **front** and **side yard** requirements, provided that the area contains no permanent roofs and is surrounded by a perimeter fence, wall or hedge a minimum of 1.0 m and a maximum of 1.3 m in **height**.
- .3 Temporary **uses** including but not limited to **vehicle** and light equipment sales,  **carnivals**, retail sales within a tent, and similar **uses** are permitted for not more than ten (10) consecutive days in any in any six month period.
- .4 **Outdoor markets** and similar **uses** are permitted not more than 4 days per month.
- .5 A minimum of 5 m<sup>2</sup> of **amenity space** shall be provided per **dwelling unit**.

#### 11.4.4 SITE SPECIFIC PROVISIONS

In addition to the **uses** permitted above:

- .1 In the case of Strata **Lot** 1, DL 366, Plan KAS 1711 located at 1027 Westminster Ave. West, a residential **use** shall be permitted on the main floor.
- .2 On Lot 1, District Lot 115 and 116, Similkameen Division Yale District, Plan 52757, located at 2111 Main Street, **Motor vehicle and equipment repair shop** shall be permitted.

## 11.5 C5 – Urban Centre Commercial

### PURPOSE

This **zone** provides for development of the financial, retail, entertainment, governmental and cultural core of the **City** by way of high-**density** commercial and residential **uses**.

### 11.5.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **animal clinic**
- .3 **artisan crafts**
- .4 **assembly**
- .5 **auctions**
- .6 **bakery**
- .7 **bed and breakfast home** (subject to specific use regulation 7.2)
- .8 **business support service**
- .9 **commercial school**
- .10 **community garden**
- .11 **convenience store**
- .12 **cultural exhibits**
- .13 **custom indoor manufacturing**
- .14 **day care centre, major**
- .15 **day care centre, minor**
- .16 **dwelling units**
- .17 **financial service**
- .18 **government service**
- .19 **grocery store**
- .20 **health service**
- .21 **high technology service**
- .22 **household repair service**
- .23 **indoor amusement, entertainment and recreation**
- .24 **indoor animal daycare and grooming**
- .25 **liquor primary licensed premise**
- .26 **minor home occupation** (subject to specific use regulation 7.3)
- .27 **office**
- .28 **on-site beer/wine making**
- .29 **outdoor market**
- .30 **personal service establishment**
- .31 **public parking lot**
- .32 **restaurant**
- .33 **retail store**
- .34 **tourist accommodation**
- .35 **vacation rental** (subject to specific use regulation 7.6)

### 11.5.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                    |
|----|-------------------------------|--------------------|
| .1 | Minimum <b>lot width</b> :    | 9.0 m              |
| .2 | Minimum <b>lot area</b> :     | 275 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 100%               |

.4	Maximum <b>density</b> :	6.0 <b>FAR</b>
.5	Maximum <b>height</b> :	36.6 m
	i. except Main <b>Street</b> – 100 Block up to and including 600 Block; and	15 m
	ii. Front <b>Street</b>	15 m
.6	Minimum <b>front yard</b> :	0 m
.7	Minimum <b>side yard</b> :	
	i. <b>interior side yard</b>	0 m
	ii. <b>exterior side yard</b>	0 m
.8	Minimum <b>rear yard</b> :	0 m

### 11.5.3 OTHER REGULATIONS

- .1 **Dwelling units** are restricted to second or higher **storeys** from the 100 block up to and including the 400 block of Main **Street** and Front **Street**.
- .2 Notwithstanding Section 4.10 of this Bylaw, decorative **building** features such as cornices, **balconies**, secured planters and wall and window trim may project up to 0.4m from the **building**, provided that the projection has a **clearance** above grade of at least 2.8m from a public street and 4.5m from a public **lane**.
- .3 Notwithstanding Section 4.10 of this Bylaw, canopies and **awnings** may project 1.5m from a **building**, provided that the projection has a **clearance** of 2.8m from the established **building grade** of a sidewalk and 4.5m above a public **lane**.
- .4 Notwithstanding Chapter 6– Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor-vehicle parking or loading spaces.

### 11.5.4 SITE SPECIFIC PROVISIONS

In addition to the **uses** permitted above:

- .1 On **lots** 1-11, Block A, District **Lot** 4, Group 7, and on **Lot** A, Plan KAP49367, SDYD, Plan 373 located at 333 Martin **Street** above the ground floor and on the ground floor in the areas designated on Schedules A and B to Bylaw 2003-67, **congregate housing** shall be permitted.
- .2 On **Lot** B, Plan 36574 located at 56 Forbes St., any portion of a **building** located 3.0m above grade and **abutting** the north **property line** shall have a **setback** of 6.0 m.
- .3 On **Lot** 1, Plan KAP 56198 located at 123 Nanaimo St., an **Emergency Shelter** shall be permitted.
- .4 On **Lot** 1, DL202 and 4 Group 7 Similkameen Division Yale District, Plan KAP76035, located at 260 Martin Street, **Craft Brewery/Distillery** shall be permitted.
- .5 On Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373 located at 361, 353 and 347 Martin Street, the use 'winery' shall be permitted.

## 11.6 C6 – Urban Peripheral Commercial

### PURPOSE

This **zone** provides for mix of residential, commercial, **office** and retail or personal service commercial **uses** within a **building** located in the periphery of the downtown core.

### 11.6.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **animal clinic**
- .3 **artisan crafts**
- .4 **assembly**
- .5 **bakery**
- .6 **business support service**
- .7 **call centre**
- .8 **commercial school**
- .9 **contractor service, limited**
- .10 **craft brewery/distillery**
- .11 **custom indoor manufacturing**
- .12 **daycare centre, minor**
- .13 **daycare centre, major**
- .14 **dwelling unit**
- .15 **financial service**
- .16 **government service**, including **outdoor storage**, works yards
- .17 **grocery store**
- .18 **high technology service**
- .19 **home and on-site beer and/or wine making and supply centre**
- .20 **household repair service**
- .21 **indoor amusement, entertainment and recreation**
- .22 **indoor animal daycare and grooming**
- .23 **live work unit** (subject to specific use regulation 7.8)
- .24 **motor vehicle and equipment repair shop**
- .25 **office**
- .26 **personal service establishment**
- .27 **restaurant**
- .28 **retail store**
- .29 **vacation rental** (subject to specific use regulation 7.6)
- .30 **wholesale business**

### 11.6.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |   |                    |
|----|---|--------------------|
| .1 | Minimum <b>lot width</b> :                            | 20.0 m             |
| .2 | Minimum <b>lot area</b> :                             | 650 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :                         | 100%               |
| .4 | Maximum <b>height</b> :                               | 21 m               |
| .5 | Minimum <b>front yard</b> :                           | 0.0 m              |
| .6 | Minimum <b>side yard</b> :                            |                    |
|    | i. <b>interior side yard</b>                          | 0.0 m              |
|    | a. except when <b>abutting</b> a <b>residential</b> , | 3.0m               |

		<b>public or institutional zone</b>	
	ii.	<b>exterior side yard</b>	0.0 m
.7		Minimum <b>rear yard:</b>	0.0 m
	i.	except when <b>abutting</b> a <b>residential, public</b> or <b>institutional zone</b>	6.0 m

### 11.6.3 OTHER REGULATIONS

- .1 **Dwelling units** are restricted to second or higher **storeys**.
- .2 Notwithstanding Section 5.6 and 5.11 of this Bylaw, decorative **building** features such as cornices, **balconies**, secured planters and wall and window trim may project up to 0.4m from the **building**, provided that the projection has a **clearance** above grade of at least 2.8m from a public street and 4.5m from a public **lane**.
- .3 Notwithstanding Section 5.6 and 5.11 of this Bylaw, canopies and **awnings** may project 1.5m from a **building**, provided that the projection has a **clearance** of 2.8m from the established **building grade** of a sidewalk and 4.5m above a public **lane**.
- .4 Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West, Westminster Avenue East and Estabrook Avenue in the downtown.

### 11.6.4 SITE SPECIFIC PROVISIONS

- .1 In the case of Lot 7 and Lot 8, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 877, Except Plan B3189 and That Part of Lot 7 and Lot 8 shown on Plan B3189, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 877, located at 380 and 360 Westminster Avenue West, dwelling units on the **first storey** shall be permitted.

## 11.7 C7 – Service Commercial

### PURPOSE

This **zone** provides for certain auto-oriented commercial **uses**, commercial **uses** requiring large **building** floor space for non-retail purposes and a lesser area for sales, light industrial service industries, and **accessory office uses**. Auto-related **uses** involving **vehicle** servicing and sales with outside storage and parking are permitted in this **zone**.

### 11.7.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **animal clinic**
- .3 **artisan crafts**
- .4 **assembly**
- .5 **building and garden supply**
- .6 **business support service**
- .7 **call centre**
- .8 **commercial school**
- .9 **contractor service, general**
- .10 **contractor service, limited**
- .11 **craft brewery/distillery**
- .12 **custom indoor manufacturing**
- .13 **daycare centre, minor**
- .14 **daycare centre, major**
- .15 **fleet service**
- .16 **garden centre**
- .17 **government service, including outdoor storage, works yard**
- .18 **grocery store**
- .19 **health service**
- .20 **high technology service**
- .21 **household repair service**
- .22 **indoor amusement, entertainment and recreation**
- .23 **indoor animal daycare and grooming**
- .24 **live work unit**
- .25 **motor vehicle and equipment repair shop**
- .26 **motor vehicle body repair and paint shop**
- .27 **motor vehicle sales and rentals**
- .28 **office**
- .29 **personal service establishment**
- .30 **recreation equipment sales, service and rentals**
- .31 **restaurant**
- .32 **retail store**
- .33 **one security/operator dwelling unit**
- .34 **self-storage**
- .35 **storage and warehouse**
- .36 **transport truck and motorhome sales, service, and rentals**
- .37 **wholesale business**

**11.7.2 SUBDIVISION AND DEVELOPMENT REGULATIONS**

.1	Minimum <b>lot width</b> :	20.0 m
.2	Minimum <b>lot area</b> :	650 m <sup>2</sup>
.3	Maximum <b>lot coverage</b> :	50%
.4	Maximum <b>height</b> :	12 m
.5	Minimum <b>front yard</b> :	4.5 m
.6	Minimum <b>side yard</b> :	
	iii. <b>interior side yard</b>	0.0m and 4.5m
	a. except when <b>abutting</b> a <b>residential, public or institutional zone</b>	6.0m
	iv. <b>exterior side yard</b>	4.5 m
.7	Minimum <b>rear yard</b> :	0.0 m
	ii. except when <b>abutting</b> a <b>residential, public or institutional zone</b>	7.5 m

**11.7.3 OTHER REGULATIONS**

- .1 In the case of "**transport truck and motorhome sales, service, and rental**", overnight RV parking shall be considered an accessory use up to a maximum of 3 nights.

**11.7.4 SITE SPECIFIC PROVISIONS**

In addition to the **permitted uses** above:

- .1 On **Lot 10** D.L. 1997S, Plan KAS 1732 located at 126-197 Warren Avenue East, a hair salon shall be permitted.
- .2 Tourist accommodation shall be permitted on the following properties:
- Lots 1-16, Plan KAS 1384, District Lot 366, Similkameen Division Yale District, located at 998 Creston Avenue;
  - Lot 1, Plan KAP3443, District Lot 250, Similkameen Division Yale District, Except Plan KAP596641, located at 1485 Main Street;
  - Lot 8, Plan KAP4762, Similkameen Division Yale District, located at 1706 Main Street;
  - Lot 7, Plan KAP4762, District Lot 1997S, Similkameen Division Yale District, located at 1742 Main Street;
  - Lot 1, Plan KAP70710, District Lot 116, Similkameen Division Yale District, located at 2406 Skaha Lake Road;
  - Lot A, Plan KAP13370, District Lot 116, Similkameen Division Yale District, located at 2387 Skaha Lake Road;
  - Lot 6, Plan KAP10827, District Lot 116, Similkameen Division Yale District, Except Plan 13370, located at 2307 Skaha Lake Road.

## 11.8 C8 – Vehicle Service Station

### PURPOSE

This **zone** provides for **motor vehicle service stations**, auto gas bars and similar compatible **uses**.

### 11.8.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **motor vehicle service station**

### 11.8.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 30 m
- .2 Minimum **lot area**: 1000 m<sup>2</sup>
- .3 Maximum **lot coverage**: 35%
- .4 Maximum **height**: 10.5 m
- .5 Minimum **front yard**: 4.5 m
- .6 Minimum **side yard**:
  - i. **interior side yard** 4.5 m
  - ii. **exterior side yard** 4.5 m
- .7 Minimum **rear yard**: 4.5 m
  - i. except when **abutting**, or **adjacent** to, a **residential** or **institutional zone** or **abutting** a **lane** that **abuts** a **residential** or **institutional zone** 6.0 m

## 11.9 C9 - Marina Way Commercial

### PURPOSE

This **zone** provides for residential and commercial **use** development on the Okanagan Lake waterfront for lands bounded by Vancouver **Street**, **Marina Way** and Abbott **Street**.

### 11.9.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **minor home occupation** (subject to specific use regulation 7.3)
- .4 **townhouse**
- .5 **vacation rental** (subject to specific use regulation 7.6)

In addition to the above, along Marina Way, and at 200 Marina Way, the following **uses** are permitted on the first and second floor:

- .6 **artisan crafts**
- .7 **business support service**
- .8 **commercial school**
- .9 **custom indoor manufacturing**
- .10 **dwelling unit**
- .11 **outdoor market**
- .12 **health service**
- .13 **high technology service**
- .14 **indoor amusement, entertainment and recreation**
- .15 **live-work unit**
- .16 **office**
- .17 **personal service establishment**
- .18 **restaurant**
- .19 **retail store**
- .20 **accessory use, building or structure**

### 11.9.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                                 |                      |
|----|---------------------------------|----------------------|
| .1 | Minimum <b>lot width</b> :      | 30m                  |
| .2 | Minimum <b>lot area</b> :       | 550 m <sup>2</sup> . |
| .3 | Maximum <b>lot coverage</b> :   | 60%.                 |
| .4 | Maximum <b>density</b>          | 1.75 <b>FAR</b>      |
| .5 | Maximum <b>height</b> :         | 24 m                 |
| .6 | Minimum <b>front yard</b> :     |                      |
|    | i. Marina Way                   | 1.0 m                |
|    | ii. Vancouver Avenue            | 4.0 m                |
| .7 | Minimum <b>side yard</b> ;      |                      |
|    | Marina Way                      |                      |
|    | i. <b>interior side yard</b> :  | 0 m                  |
|    | ii. <b>exterior side yard</b> : | 2.0 m                |
|    | Vancouver Avenue                |                      |
|    | i. <b>interior side yard</b> :  | 2.0 m                |
|    | ii. <b>exterior side yard</b> : | 2.0 m                |

.8 Minimum **rear yard**: 0 m

**11.9.3 OTHER REGULATIONS**

- .1 A minimum area of 5.0 m<sup>2</sup> of **amenity space** shall be provided per **dwelling unit**.
- .2 **A custom indoor manufacturing and artisan crafts** shall have a minimum 10% floor space dedicated to **retail** and/or display area in the front portion of the **business**

## 11.10 CT1 – Tourist Commercial

### PURPOSE

This **zone** provides for commercial visitor accommodation, entertainment and services.

### 11.10.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **indoor amusement, entertainment and recreation**
- .3 **liquor primary licensed premise**
- .4 **outdoor amusement, entertainment and recreation**
- .5 **outdoor market**
- .6 **personal service establishment** (subject to section 11.10.3.1)
- .7 **recreation equipment sales, service and rentals** (subject to section 11.10.3.2)
- .8 **restaurant**
- .9 **retail store** (subject to section 11.10.3.1)
- .10 **security/operator dwelling unit** (subject to 11.10.3.3)
- .11 **tourist accommodation**

### 11.10.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width** : 20.0 m
- .2 Minimum **lot area**: 930 m<sup>2</sup>
- .3 Maximum **density**: 1.2 **FAR**
- .4 Maximum **lot coverage**: 40%
- .5 Maximum **height**: 12.0 m
- .6 Minimum **front yard**: 3.0 m
- .7 Minimum **side yard**:
  - i. **interior side yard** 0 m and 4.5 m
  - ii. **exterior side yard** 4.5 m
- .8 Minimum **rear yard**: 4.5 m
  - i. except when **abutting** a **residential** or **institutional zone** 6.0 m

### 11.10.3 OTHER REGULATIONS

- .1 The **gross floor area** for a **personal service establishment** or for a **retail store** shall not exceed 100 m<sup>2</sup>.
- .2 **Recreation and equipment sales, service and rentals** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty (50) cc engine.
- .3 No more than one (1) **security/operator dwelling unit** is permitted on a site with a maximum **gross floor area** of 100 m<sup>2</sup>.

### 11.10.4 SITE SPECIFIC PROVISIONS

In addition to the **uses** and regulations above:

- .1 On **Lot A**, KAP 63701, known as 21 Lakeshore Drive West, the following regulations shall apply:

- .1 Maximum **height:** 24m
  - .2 Minimum **front yard:** 6.0 m
  - .3 Minimum **side yard:**
    - i. **interior side yard** 6.0 m
    - ii. **exterior side yard** 6.0 m
  - .4 Minimum **rear yard:** 9.0 m
  - .5 Minimum **building** separation from internal **streets,** surface **parking spaces** or **walkways** 3.0 m
  - .6 Maximum casino games
    - i. Slot machines 300
    - ii. Gaming tables 30
- .2 On Lots 8 and 9, District Lot 366, Plan 5419, located at 970 and 976 Vernon Ave.; Lot 8, District Lot 366, SDYD, Plan 3413 located at 954 Vernon Ave.; Lot A, District Lot 366, SDYD, Plan KAP84491 located at 950 Westminster Ave. W.; and Lot B, District Lot 366, SDYD, Plan KAP84491 located at 903 Vernon Ave.;
- .1 Hotel use
  - .2 A use for the temporary accommodation of the travelling public under a rental pool scheme operated by a strata corporation; and/or in a strata plan by any person or family member under a time share use plan or time share ownership plan as defined in the Real Estate Act
  - .3 Residential use – up to 50% of the hotel floor area occupied by hotel rooms
  - .4 Eating and drinking establishments, indoor entertainment, recreation and amusement
  - .5 Retail trade and personal services to a maximum of 100m<sup>2</sup> in floor area
  - .6 Recreational equipment rentals including motor scooters not exceeding 55cc engine displacement, but excluding other motorized vehicles
  - .7 Conference facilities, including meeting rooms and kitchen facilities
  - .8 Professional offices, not to exceed 10% of the building in which they are located not to exceed 900m<sup>2</sup> (9690 sq.ft.)
  - .9 Notwithstanding the Subdivision and Development Regulations in Section 11.10.2, the following regulations apply to these properties:
    - a. Maximum Lot Coverage 40%
    - b. Maximum Floor Area Ratio 1.75
    - c. Minimum Parcel Size 0.4ha
    - d. Maximum Height 40m (subject to Penticton Airport Zoning Regulations).
  - .10 Notwithstanding the Parking Requirements in Section 7.6, the following regulations apply to these properties:

USES	REQUIRED PARKING SPACES	REQUIRED LOADING SPACES
Hotels	0.66 spaces per room, plus 1 per seats in any eating and drinking establishment	1



## 11.11 CT2 – Campground Commercial

### PURPOSE

This **zone** provides for **campground** accommodation and **accessory uses**.

### 11.11.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **campground**
- .3 **convenience store**
- .4 **indoor amusement, entertainment and recreation**
- .5 **recreation equipment sales, service and rentals**
- .6 **security/operator dwelling unit**

### 11.11.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |         |
|----|--|---------|
| .1 | Minimum <b>lot width</b> :   | 30.0 m  |
| .2 | Minimum <b>lot area</b> :  | 0.4 ha. |
| .3 | Maximum <b>height</b> :  | 10.5 m  |
| .4 | Minimum <b>front yard</b> :  | 6.0 m.  |
| .5 | Minimum <b>side yard</b> :   |         |
|    | i. <b>interior side yard</b>   | 4.5 m   |
|    | ii. <b>exterior side yard</b>  | 4.5 m   |
|    | iii. except when <b>abutting</b> a <b>residential</b> or <b>institutional zone</b> | 6.0 m   |
| .6 | Minimum <b>rear yard</b> :   | 4.5 m   |
|    | i. except when <b>abutting</b> a <b>residential</b> or <b>institutional zone</b>   | 6.0 m   |

### 11.11.3 OTHER REGULATIONS

- .1 **Campgrounds** are subject to the regulations of the **City's** Campsite Bylaw.
- .2 **Indoor amusement entertainment and recreation** is limited to an **accessory use** for **campground** guests
- .3 **Recreation equipment sales, service and rentals** are limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty (50) cc engine.
- .4 **Convenience store** shall be limited to 100 m<sup>2</sup> **gross floor area**

## 11.12 CT3 – Hotel Resort

### PURPOSE

This **zone** provides for high-**density** hotel and resort development.

### 11.12.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **indoor amusement, entertainment and recreation**
- .3 **liquor primary licensed premise**
- .4 **personal service establishment**
- .5 **recreation equipment sales, service and rentals**
- .6 **retail store**
- .7 **resort residential**
- .8 **restaurant**
- .9 **tourist accommodation**
- .10 **vacation rental**

### 11.12.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |     |  |  |
|-----|--|--|
| .1  | Minimum <b>lot width</b>   | 50 m   |
| .2  | Minimum <b>lot area</b>  | 0.4 ha   |
| .3  | Maximum <b>lot coverage</b>  | 50%  |
| .4  | Maximum <b>density:</b>  | 1.2 <b>FAR</b>   |
| .5  | Maximum <b>height:</b>   | 18 m   |
| .6  | Minimum <b>front yard:</b>   | 3.0 m  |
| .7  | Minimum <b>side yard:</b>  |  |
|     | i. <b>interior side yard</b>   | 6.0 m  |
|     | ii. <b>exterior side yard</b>  | 6.0 m  |
| .8  | Minimum <b>rear yard:</b>  | 9.0 m  |
| .9  | Minimum <b>building</b> separation from internal <b>streets</b> , surface <b>parking spaces</b> or <b>walkways</b> | 2.0 m, or 3.0 m <b>adjacent</b> ground floor habitable room windows unless such <b>streets</b> or <b>walkways</b> are giving private exclusive access to those <b>dwelling units</b> |
| .10 | Notwithstanding <a href="#">Chapter 7</a> , off street parking requirements are as follows:                        |  |
|     | Studio   | 0.75 spaces  |
|     | 1 or 2 bedroom <b>sleeping unit</b>  | 0.75 spaces  |
|     | 2 bedroom unit with lock-off unit  | 1.3 spaces   |
|     | 3 or more bedroom <b>sleeping unit</b>   | 2.0 spaces   |

### 11.12.3 OTHER REGULATIONS

- .1 **Resort residential building** must include a minimum of 450 m<sup>2</sup> of resort **amenity** facilities, including outdoor pools, indoor games, recreation, fitness and health rooms, pools and spas, guest lounges, meeting rooms and similar amenities.
- .2 In addition to the General Regulations chapter dealing with projections, utilities, underground parking and similar **structures** constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with **abutting** properties and the

encroachments are covered by sufficient soil depth or surface treatment to foster **landscaping**.

- .3 Within 60 m of the front **lot line** abutting Skaha Lake Road, the following **uses** shall be permitted: **restaurant, liquor primary licensed premise, retail store, personal service establishment, indoor entertainment, recreation and amusement**, professional **office, dwelling units** above the first floor and under the same roof of the **building** within which the **permitted use** is carried out, provided that a separate entrance from ground level is provided.
- .4 **Recreation equipment sales, service and rentals** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding to fifty (50) cc capacity
- .5 **Personal service establishments** and **retail store uses** shall be limited to 100 m<sup>2</sup> of **gross floor area**

## Chapter 12 – Industrial Zones

### 12.1 M1 –General Industrial

#### PURPOSE

This **zone** provides for mix of general and light industrial **uses**.

#### 12.1.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure** (subject to sections 12.1.3.1 and 12.1.3.2)
- .2 **animal clinic**
- .3 **animal shelter**
- .4 **artisan crafts**
- .5 **building and garden supply**
- .6 **business support service**
- .7 **call centre**
- .8 **contractor service, general**
- .9 **contractor service, limited**
- .10 **fleet service**
- .11 **garden centre**
- .12 **general industrial use**
- .13 **government service** including **outdoor storage**
- .14 **high technology service**
- .15 **household repair service**
- .16 **indoor animal daycare and grooming**
- .17 **marijuana production facility**
- .18 **mobile catering food service**
- .19 **motor vehicle body repair and paint shop**
- .20 **motor vehicle and equipment repair shops**
- .21 **motor vehicle and equipment services, industrial and agriculture**
- .22 **motor vehicle sales and rental**
- .23 **outdoor storage**, excluding **wrecking yard**
- .24 **restaurant** (subject to section 12.1.3.4)
- .25 **one security/operator dwelling unit** (subject to section 12.1.3.3)
- .26 **self- storage**
- .27 **storage and warehouse**
- .28 **utility service, major**
- .29 **wholesale business**

#### 12.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 20.0 m
- .2 Minimum **lot area**: 1000 m<sup>2</sup>
- .3 Maximum **height**: 15 m
- .4 Minimum **front yard**: 6.0 m

- |    |   |               |
|----|---|---------------|
| .5 | Minimum <b>side yard</b> :  |               |
|    | i. <b>interior side yard</b>  | 0 m and 3.5 m |
|    | a. when <b>abutting</b> a <b>residential, commercial, public</b> or <b>institutional zone</b> | 6.0 m         |
|    | b. when <b>abutting</b> a <b>lane</b>   | 3.0 m         |
|    | ii. <b>exterior side yard</b>   | 4.5 m         |
| .6 | Minimum <b>rear yard</b> :  | 0 m           |
|    | i. when <b>abutting</b> a <b>residential, commercial, public</b> or <b>institutional zone</b> | 7.5 m         |

### 12.1.3 OTHER REGULATIONS

- .1 An **accessory use** may include an indoor display, **office** and technical training and/or retail sales area for products assembled or manufactured on site
- .2 The floor area devoted to **accessory uses** shall not exceed 25% of the **gross floor area** of a building.
- .3 A **security/operator dwelling unit** shall not exceed a **gross floor area** of 100 m<sup>2</sup>.
- .4 A **restaurant** shall be limited to 100 m<sup>2</sup> **gross floor area**.
- .5 In the case of a business servicing or repairing **recreational vehicles**, overnight parking of RVs shall be considered an **accessory use**.

### 12.1.4 SITE SPECIFIC PROVISIONS

- .1 On **Lot 2**, Plan 6155 located at 201 Okanagan Avenue East a Fitness centre and food take out delivery shall be a **permitted use**.
- .2 On **Lot 3**, DL 2710, SDYD, Plan 32192 located at 1130 Carmi Avenue, a funeral service with **assembly** shall be a **permitted use**.
- .3 On **Lot A**, DL 3821S, SDYD, Plan KAP51916, located at 1363 Commercial Way an **indoor amusement, entertainment and recreation** facility in a **building** with a minimum floor area of 230 m<sup>2</sup>.

## 12.2 M2 – Heavy Industrial

### PURPOSE

This **zone** provides for general and heavy industrial **uses** that are incompatible with non-industrial **uses**.

### 12.2.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 all **uses** permitted in the M1 **zone**
- .2 **accessory use, building** or **structure**
- .3 **concrete mixing plant**
- .4 **foundry**
- .5 **industrial, heavy**

### 12.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 30.0 m
- .2 Minimum **lot area**: 2000 m<sup>2</sup>
- .3 Maximum **height**: 15 m.
- .4 Minimum **front yard**: 6.0 m.
- .5 Minimum **side yard**:
  - i. **interior side yard** 6.0 m
  - ii. **exterior side yard** 4.5 m
- .6 Minimum **rear yard**: 6.0 m
  - i. when **abutting** a **residential, commercial, public** or **institutional zone** 10.0 m

### 12.2.3 OTHER REGULATIONS

- .1 All **uses** in the M1 **zone** that are permitted in the M2 **zone** shall be subject to the regulations contained within the M1 **zone**.
- .2 An **accessory use** may include an indoor display, **office** and technical training and/or retail sales for products assembled or manufactured on site.
- .3 The floor area devoted to **accessory uses** shall not exceed 25% of the **gross floor area** of the industrial **use**.

### 12.2.4 SITE SPECIFIC PROVISIONS

In addition to the regulations listed above:

- .1 In the case of Plan M-489, SDYD located at 4001 Skaha Lake Road, the following regulations apply:

The **permitted uses** on this property are:

- .1 **airport**
- .2 **tourist accommodation**
- .3 **accessory use, building** or **structure**

### SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 20 m
- .2 Minimum **lot area**: 1000 m<sup>2</sup>
- .3 Maximum **height**: 50.0 m

.4	Minimum <b>front yard</b> :	6.0 m
.5	Minimum <b>side yard</b> :	
	i. <b>interior side yard</b>	4.5m
	ii. <b>exterior side yard</b>	6.0 m
.6	Minimum <b>rear yard</b> :	7.5 m

## 12.3 M3 –Wrecking Yard

### PURPOSE

This **zone** provides for outdoor wrecking and salvage storage activities.

### 12.3.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 all **uses** permitted in the M1 **zone**
- .2 **accessory use, building or structure**
- .3 **wrecking yard**

### 12.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |   |                     |
|----|---|---------------------|
| .1 | Minimum <b>lot width</b> :  | 30.0 m              |
| .2 | Minimum <b>lot area</b> :   | 2000 m <sup>2</sup> |
| .3 | Maximum <b>height</b> :   | 15 m                |
| .4 | Minimum <b>front yard</b> :   | 6.0 m               |
| .5 | Minimum <b>side yard</b> :  |                     |
|    | i. <b>interior side yard</b>  | 6.0 m               |
|    | ii. <b>exterior side yard</b>   | 4.5 m               |
| .6 | Minimum <b>rear yard</b> :  | 6.0 m               |
|    | i. when <b>abutting</b> a <b>residential, commercial, public</b> or <b>institutional zone</b> | 10.0 m              |

### 12.3.3 OTHER REGULATIONS

- .1 All **uses** in the M1 **zone** that are permitted in the M3 **zone** shall be subject to the regulations contained within the M1 **zone**.
- .2 An **accessory use, building or structure** may include an indoor display, **office**, technical training, and retail sale of products salvaged on the site.
- .3 The floor area devoted to **accessory uses** shall not exceed 25% of the **gross floor area** of the industrial **use**.

## Chapter 13 – Public Assembly & Recreation Zones

### 13.1 P1 –Public Assembly

#### PURPOSE

This **zone** provides for governmental and institutional **uses** including, educational, health and recreational **uses**, and civic or cultural gatherings.

#### 13.1.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **assembly**
- .2 **carnival**
- .3 **cemetery**
- .4 **commercial school**
- .5 **congregate housing**
- .6 **day care centre, major**
- .7 **day care centre, minor**
- .8 **education service**
- .9 **government service**
- .10 **hospital and patient care service**
- .11 **indoor amusement, entertainment and recreation**
- .12 **office**
- .13 **outdoor amusement, entertainment and recreation**
- .14 **outdoor market**
- .15 **public parking lot**
- .16 **restaurant**
- .17 **retail store**
- .18 **security/operator dwelling unit**
- .19 **accessory use, building or structure**

#### 13.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                    |
|----|-------------------------------|--------------------|
| .1 | Minimum <b>lot width</b> ;    | 15.0 m             |
| .2 | Minimum <b>lot area</b> ;     | 560 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> ; | 40%                |
| .4 | Maximum <b>density</b> ;      | 1.2 <b>FAR</b>     |
| .5 | Maximum <b>height</b> ;       | 12 m               |
| .6 | Minimum <b>front yard</b> ;   | 6.0 m              |
| .7 | Minimum <b>side yard</b> ;    |                    |
|    | i. <b>interior side yard</b>  | 4.5 m              |
|    | ii. <b>exterior side yard</b> | 6.0 m              |
| .8 | Minimum <b>rear yard</b> ;    | 7.5 m              |

#### 13.1.3 SITE SPECIFIC PROVISIONS

- .1 In the case of Lot A, District Lots 1997S, 3237S and 3429S, Similkameen Division Yale District, Plan KAP62140, located at 550 Carmi Avenue, the maximum **height** of a principal building is 45m.

## 13.2 P2 – Parks and Recreation

### PURPOSE

This **zone** provides for parks, recreation and **open space**.

### 13.2.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **carnival**
- .3 **community garden**
- .4 **government service**
- .5 **indoor amusement, entertainment and recreation**
- .6 **marina**
- .7 **outdoor amusement, entertainment and recreation**
- .8 **outdoor market**
- .9 **public parking lot**

### 13.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                    |
|----|-------------------------------|--------------------|
| .1 | Minimum <b>lot width</b> :    | 15.0 m             |
| .2 | Minimum <b>lot area</b> :     | 560 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 40%                |
| .4 | Maximum <b>height</b> :       | 16 m               |
| .5 | Minimum <b>front yard</b> :   | 6.0 m              |
| .6 | Minimum <b>side yard</b> :    |                    |
|    | i. <b>interior side yard</b>  | 4.5 m              |
|    | ii. <b>exterior side yard</b> | 6.0 m              |
| .7 | Minimum <b>rear yard</b> :    | 7.5 m              |

### **13.3 P3– Major Utilities**

#### **PURPOSE**

This **zone** provides for the establishment of private and public utilities.

#### **13.3.1 PERMITTED USES**

The **permitted uses** in this **zone** are:

- .1 **accessory use, building or structure**
- .2 **outdoor storage**
- .3 **utility service, major**

#### **13.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS**

- .1 Maximum **height**: 15.0 m  
There is no maximum **height** for mechanical **structures**
- .2 Minimum **front, side** and **rear yards**: 6.0 m

#### **13.3.3 OTHER REGULATIONS**

- .1 In the case where "**utility service, major**" is **abutting** or **adjacent** to a residential **zone**, **landscaping** shall be required in accordance with the **landscape buffer** specification outlined in section 5.3.

## Chapter 14 - Comprehensive Development

### 14.1 CD1 – Comprehensive Development (400 Martin Street)

#### 14.1.1 PURPOSE

This **zone** provides for the comprehensive design and mix of **uses** for the 400 Block of Martin Street that is consistent with the intent of **Official Community Plan** Bylaw 2002-20 and Zoning Bylaw 87-65 but where a more site-specific regulation of design and land **uses** is required. This zone is intended to work in conjunction with Phased Development Agreement Bylaw 2009-66 in accordance with Section 905.1 of the *Local Government Act*.

#### 14.1.2 PERMITTED USES

- .1 **accessory use, building or structure**
- .2 **artisan crafts**
- .3 **assembly**
- .4 **business support service**
- .5 **commercial school**
- .6 **craft brewery/distillery**
- .7 **day care centre, major**
- .8 **day care centre, minor**
- .9 **dwelling units**
- .10 **government service**
- .11 **household repair service**
- .12 **indoor amusement, entertainment and recreation**
- .13 **indoor animal daycare and grooming**
- .14 **liquor primary licensed premise**
- .15 **minor home occupation** (subject to specific use regulation 7.3)
- .16 **office**
- .17 **on-site beer and/or wine making**
- .18 **personal service establishment**
- .19 **public parking lot**
- .20 **restaurant**
- .21 **retail store**
- .22 **tourist accommodation**
- .23 **vacation rental** (subject to specific use regulation is 7.6)

#### 14.1.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |                               |                     |
|----|-------------------------------|---------------------|
| .1 | Minimum <b>lot width</b> :    | 146.0 m             |
| .2 | Minimum <b>lot area</b> :     | 4400 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> : | 100%                |
| .4 | Maximum <b>density</b> :      | 2.0 FAR             |
| .5 | Maximum <b>height</b> :       | 73 m                |
| .6 | Minimum <b>front yard</b> :   | 0 m                 |
| .7 | Minimum <b>side yard</b> :    |                     |
|    | i. <b>interior side yard</b>  | 0 m                 |
|    | ii. <b>exterior side yard</b> | 0 m                 |

- .8 Minimum **rear yard**: 0 m

**14.1.4 OTHER REGULATIONS**

- .1 For the purpose of interpreting other development regulations in this bylaw or other bylaws, where regulations or exemptions apply to specific zones, the regulations or exemptions that apply to the C5 Zone shall apply to this zone, including regulations or exemptions relating to parking, signage, projections and **utility services**.
- .2 **Dwelling units** are restricted to the second or higher **storeys**
- .3 **Craft brewery/distillery** must be completely contained in a **building**, including retail sales area

## 14.2 CD2 – Comprehensive Development (270 Riverside Drive)

### 14.2.1 PURPOSE

This **zone** provides for the comprehensive design of a residential development on Lot A, District Lot 366, SDYD, PL KAP91771 located at 270 Riverside Dr., (Formerly Lot 2 District Lot 366 Similkameen Division Yale District Plan 9991 Except Plan 15522 and Lot 1 District Lot 366 Similkameen Division Yale District Plan 15522 (270 Riverside Dr. & 271 Wylie St) that is consistent with the intent of Official Community Plan Bylaw 2002-20.

### 14.2.2 PERMITTED USES

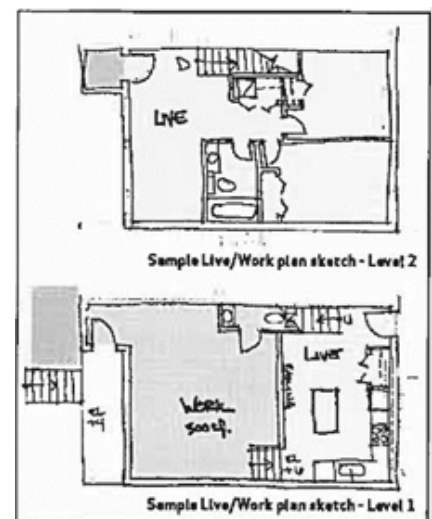
- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **campground with maximum 30 campsites**
- .4 **commercial uses as part of a live-work unit,**
- .5 **convenience store in conjunction with a campground or motel use**
- .6 **live-work unit**
- .7 **motel with a maximum of 19 units and one dwelling unit for a caretaker**
- .8 **seniors' boarding home**
- .9 **townhouse**

### 14.2.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- |    |  |                     |
|----|--|---------------------|
| .1 | Minimum <b>lot width</b> :                   | 60.0 m              |
| .2 | Minimum <b>lot area</b> :                    | 9000 m <sup>2</sup> |
| .3 | Maximum <b>lot coverage</b> :                | 65%                 |
| .4 | Maximum <b>density</b> :                     | 2.0 FAR             |
| .5 | Maximum <b>height</b> :                      | 44 m and 15 stories |
| .6 | Minimum <b>front yard</b> (Riverside Drive): | 4.5 m               |
| .7 | Minimum <b>side yard</b> :                   |                     |
|    | i. <b>interior side yard</b>                 | 2.5 m               |
|    | ii. <b>exterior side yard</b>                | 2.5 m               |
| .8 | Minimum <b>rear yard</b> (Wylie Street):     | 25 m                |

### 14.2.4 LIMITATIONS FOR LIVE WORK STUDIOS

- .1 A **live work unit** shall contain a minimum of 23 square meters (250 square feet) of permitted commercial space to a maximum of 28 square meters (300 square feet).
- .2 Permitted commercial space must occupy the entire front portion of the bottom floor of the strata unit with an entrance facing riverside drive.
- .3 A permitted commercial use in a **live-work unit** shall not generate any commercial vehicle trips.
- .4 A permitted commercial use in a **live-work unit** shall have a valid business license.
- .5 A permitted commercial use in a **live-work unit** shall not involve the use of power tools, amplified sound



equipment, or manufacturing equipment, including industrial photography, photo processing, or painting equipment

- .6 A permitted commercial use in a **live-work unit** shall not produce any nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance.
- .7 Notwithstanding the permitted commercial uses under subsection c(x), the storage or use of toxic, flammable or otherwise harmful materials, in manner or quantity that would otherwise be prohibited in a residential dwelling under the BC Fire Code, is prohibited in a live-work studio.
- .8 No on-site parking shall be provided for a commercial use in a **live-work unit**.
- .9 No person other than residents of the **live-work unit** shall be engaged in a permitted commercial use. However, there is no limit to the number of employees who work off site of the **live-work unit**.

#### 14.2.5 OTHER REGULATIONS

- .1 Commercial uses as part of a **live-work unit** are subject to the limitations of use under Subsection 14.2.4 and no more than 28 square meters (300 square feet) in floor area, including:
  - i. **office** uses
  - ii. studio for and artist, artisan, sculptor, photographer, or musician.
  - iii. retail sale and display of items produced on the premises
  - iv. mail, telephone, or internet sales of goods produced off-site, provided goods are not stored on the premises and the customer does not enter the premises to inspect or pick up the goods purchased
- .2 **live-work unit** shall only front Riverside Drive.
- .3 Notwithstanding section 5.11.1 Yards and Projections of this Bylaw, unenclosed stairwells, balconies, porches, canopies and similar architectural projections may project up to 2.0 m into all **yards**.
- .4 The maximum density specified in section 14.2.3.4 may be increased to a maximum floor area of 2.5 if the owner provides the following
  - i. A cash payment in the amount of \$200,000,
  - ii. Dedication of a statutory right of way over the lands lying to the south of the property to the City for the purpose of public open space as shown on the attached specifications
  - iii. Construction of the improvements within the dedicated open space shown on attached specifications
- .5 Amenities contributions described in Section 44(g)(i) shall be deliverable upon application for a building permit authorizing construction of any part of the development.

### 14.3 CD3 – Comprehensive Development (2784 Skaha Lake Road)

#### 14.3.1 Purpose

This zone provides areas for *a mix of residential and compatible commercial uses within the same building on key sites along Skaha Lake Road.*

#### 14.3.2 Permitted Uses

The **permitted** uses in this **zone** are:

- .1 care centre
- .2 commercial and professional business offices
- .3 commercial school
- .4 day care centres, kindergartens, nurseries and community care facilities
- .5 dry cleaning
- .6 eating and drinking establishment
- .7 health and fitness facilities
- .8 high tech services (#2001-29)
- .9 household repair
- .10 personal service establishment
- .11 residential dwellings in conjunction with the above uses provided a separate entrance to the dwelling units from ground level is maintained
- .12 retail store and service
- .13 senior citizens' boarding homes
- .14 thrift store
- .15 utility services

#### 14.3.3 Subdivision and Development Regulations

- .1 Minimum **lot width:** 30.0 m.
- .2 Minimum **lot area:** 1500 m<sup>2</sup>
- .3 Maximum **site coverage:** 70%.
- .4 Maximum **density:** 2.0 **floor area ratio**, subject to the Density Bonus provisions below.
- .5 Maximum **height:** 46.0 m.
- .6 Minimum **front Yard** 3.0 m
- .7 Minimum **rear Yard:** 4.5m
- .8 Minimum **side Yards**
  - (i.) Minimum Interior Side Yards: 4.5m
  - (ii.) Minimum Exterior Side Yard: 4.5m
- .9 Parking
  - (i.) Commercial 1 per 28m<sup>2</sup>
  - (ii.) Residential

a. Bachelor	1.0 spaces per unit
b. 1 Bedroom	1.25 spaces per unit
c. 2 or more Bedrooms	1.5 spaces per unit

### Projections into Yard Setbacks

Notwithstanding Section 5.11 (Yards and Projections)

- (i.) Entrance canopies or awnings may project no more than 2.5 m into a front setback or an exterior side yard or no closer than 1.5 m to a side lot line.
- (ii.) Balconies may project no more than 2.0m into the minimum setbacks and may be partially or totally enclosed where the enclosure consists of clear glazing

### 14.3.4 Density Bonus

The Maximum Density specified in section 14.4.3(d) may be increased, to a maximum floor area ratio of 2.5 where the owner voluntarily provides a cash payment of \$15.00 for every .09 m<sup>2</sup> (1 square foot) of bonus density to the City of Penticton to be placed in a reserve fund for affordable and special needs housing or public amenities off the site. This payment is due at the time of issuance of any building permit authorizing the construction of a building whose construction results in the FAR exceeding 2.0 by any amount, and to the extent that the building permit authorizes construction exceeding that density.

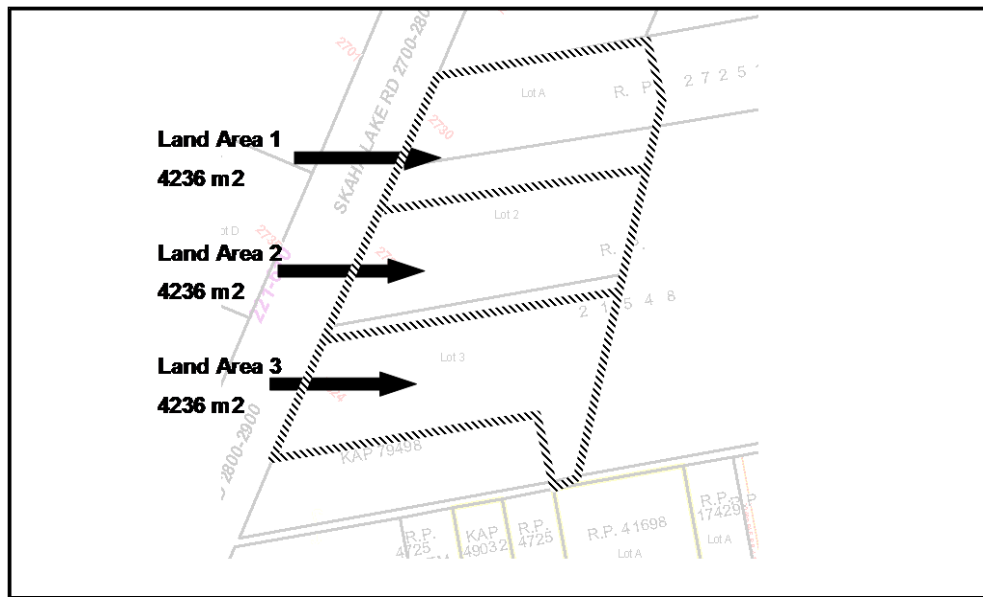
### 14.3.5 Other Regulations

- (a) A minimum area of 6.0 m<sup>2</sup> of **amenity space** shall be provided per bachelor dwelling or group home bedroom, 10.0 m<sup>2</sup> of amenity space shall be provided per 1 bedroom dwelling, and 15.0 m<sup>2</sup> of amenity space shall be provided per dwelling with more than 1 bedroom.
- (b) A mixed use **building** incorporating residential and other uses shall provide functional commercial space on the first floor which must occupy a minimum of 90% of all Skaha Road **street** frontages. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.

### 14.3.6 Site-Specific Provisions

- a) In the case of Lot 1, District Lot 116, SDYD, Plan 30067 known as 2964 Skaha Lake Rd. town house units are permitted at grade level along Wilson St. frontage with a minimum setback of 3.5m. In the case of Lots 2 and 3 Plan 21548 and Lot A Plan 27251, District Lot 116 known respectively as 2784 Skaha Lake Road, 2824 Skaha Lake Road, and 2730 Skaha Lake Road including consolidations thereof, the follow additional regulations shall apply:
  - i. Frontages along public streets must be screened by active commercial or retail uses with a minimum height of two storeys and a 3.0 m step back for any uses above the active frontage. An "active frontage" includes commercial, retail or residential units with glazing covering at least 50 percent of the street-fronting facade and at least one entrance every 20 m;
  - ii. All passive uses at or above grade must be fully screened by an active frontage with a minimum depth of 8.0 m. A "passive use" includes parking, service and utility spaces of a building or areas without regular human occupation;
  - iii. Where a building permit application is made for phased development, the Density Bonus specified in Section 14.7.4 shall be based on the following table and provisions. The Area 1, 2 and 3 boundaries are shown on Figure 1 below.

Land Area	Base FAR	Bonus FAR
Total @ 12,710m <sup>2</sup>	2.0	2.5
Land Area 1 @ 4236 m <sup>2</sup>	2.0	2.5
Land Area 2 @ 4236 m <sup>2</sup>	2.0	2.5
Land Area 3 @ 4236 m <sup>2</sup>	2.0	2.5



**Figure 1: Phasing and Density Bonusing 2784 Skaha Lake Road**

## 14.4. CD4 – Comprehensive Development (249 Westminster Ave. W.)

### 14.4.1 Purpose

This zone provides for a compatible mix of residential and commercial uses within an integrated mixed-use complex on Lot A, Plan KAP 92015 located at 249 Westminster Avenue West.

### 14.4.2 Permitted Uses

The permitted uses in this zone are:

- .1 commercial and professional business offices
- .2 day care centres, kindergartens, nurseries and community care facilities
- .3 dry cleaning (retail only, no on-site processing)
- .4 health and fitness facilities
- .5 high tech services
- .6 household repair services
- .7 personal service establishments
- .8 residential dwellings above the second floor
- .9 retail trades
- .10 personal services
- .11 eating and drinking establishments
- .12 utility services
- .13 minor Home Occupations

### 14.4.3 Subdivision and Development Regulations

- (a) Minimum lot width: 45.0 m
- (b) Minimum lot area: 6000 m<sup>2</sup>
- (c) Maximum site coverage: 76%.
- (d) Maximum Density: 2.98 floor area ratio, subject to the Density Bonus provisions below.
- (e) Maximum Height: 46.0 m.
- (f) Minimum Front Yard 3.0 m
- (g) Minimum Rear Yard: 3.0 m
- (h) Minimum Side Yards
  - (i) Minimum Interior Side Yards: 3.0 m
  - (ii) Minimum Exterior Side Yard: 3.0 m

#### (i) Parking

- (i) Commercial 1 per 28m<sup>2</sup>
- (ii) Residential
  - a. Bachelor 1.0 spaces per unit
  - b. 1 Bedroom 1.25 spaces per unit

- c 2 or more Bedrooms 1.5 spaces per unit

#### 14.4.4 Projections into Yard Setbacks

Notwithstanding section 5.11 of this bylaw:

- (i) Entrance canopies or awnings may project no more than 2.5 m into a required setback.
- (ii) Balconies may project no more than 2.0 m into a required setback.  
Balconies shall not be partially or totally enclosed.

#### 14.4.5 Density Bonus

Maximum Density specified in section 14.4(c)(d) may be increased, to a maximum floor area ratio (FAR) of 2.98. If the development is to be phased, wherein only a portion of the land area of the site is developed as part of the initial phase, the floor area ratio of each phase shall be calculated based on the area of the site covered by that phase.

The owner shall provide a cash payment of \$15.00 for every .09 m<sup>2</sup> (1 square foot) of bonus density to the City of Penticton to be placed in a reserve fund for affordable and special needs housing and/or public amenities off the site. This payment is due at the time of issuance of any building permit authorizing the construction of any phase of a building whose construction results in the FAR exceeding 2.0 for that phase by any amount, and to the extent that the building permit authorizes construction exceeding that density.

#### 14.4.6 Off-Street Bicycle Parking

Off-street bicycle parking shall comply with the standards and regulations established in Section 7.4 of this Bylaw.

#### 14.4.7 Amenity Space Requirements

Development in this zone shall provide amenity space based on the following:

- bachelor dwelling – 15m<sup>2</sup> per unit
- 1 bedroom dwelling – 17m<sup>2</sup> per unit
- 2 bedroom dwelling – 32m<sup>2</sup> per unit
- 3+ bedroom dwelling – 52m<sup>2</sup> per unit

Common amenity areas may be provided on the rooftop areas of the project.

## 14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)

### 14.5.1 PURPOSE

This zone provides for the comprehensive development of three (3) residential towers with ground floor garden apartments, on Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road.

### 14.5.2 PERMITTED USES

- .1 apartment
- .2 congregate housing
- .3 day care centre, minor
- .4 day care centre, major
- .5 extended care residence
- .6 minor home occupation (subject to specific use regulation 8.4)
- .7 vacation rental
- .8 accessory use, building or structure

### 14.5.3 DEVELOPMENT REGULATIONS

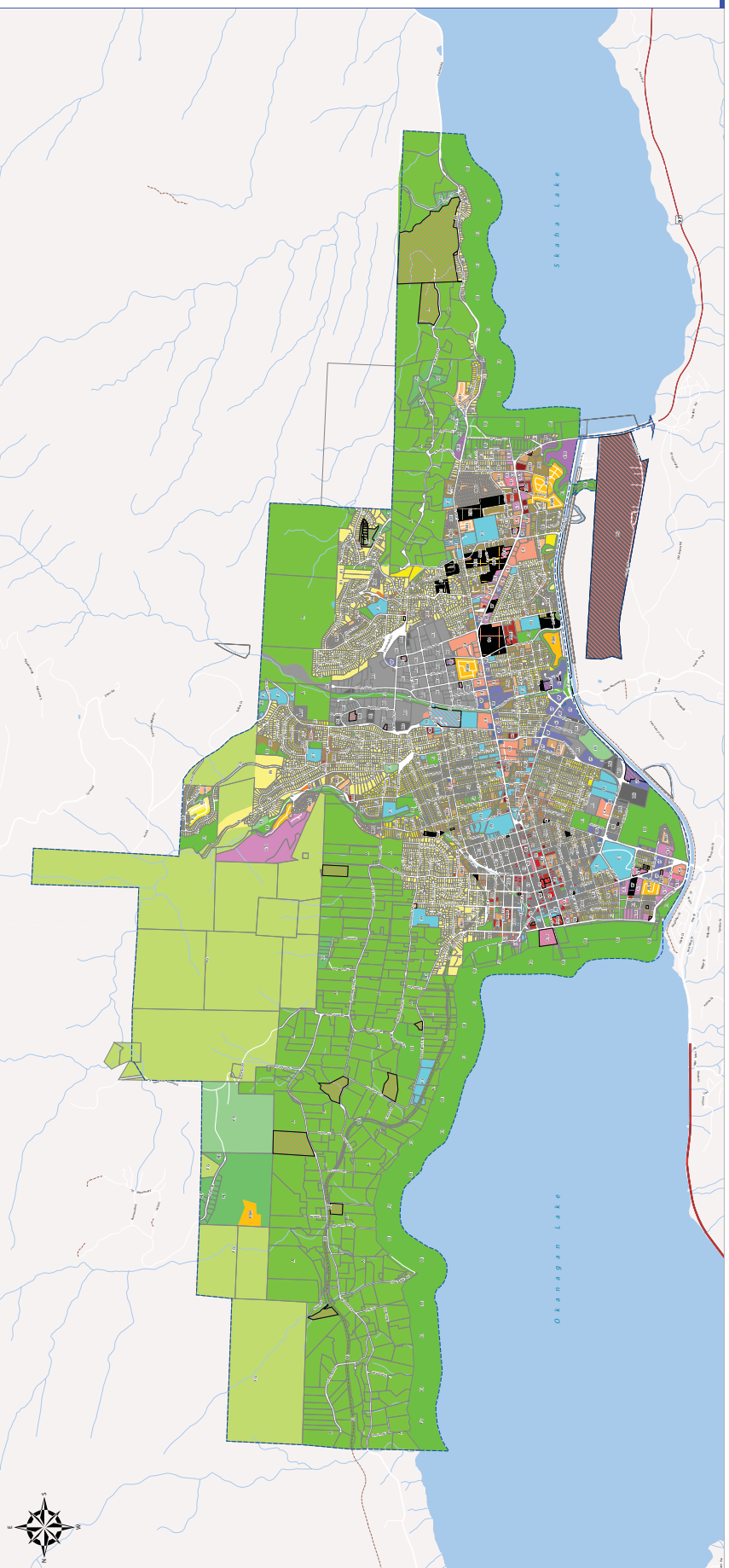
Minimum parcel size	4000 m <sup>2</sup>
Maximum lot coverage:	60%
Maximum density (without density bonus):	2.0 FAR
Minimum height of residential tower:	20 m and 6 storeys
Maximum height:	45 m and 14 storeys
Minimum front yard:	4.5 m
Minimum side yard:	0.0 m
Minimum rear yard:	3.0 m

### 14.5.4 OTHER REGULATIONS

- .1 Notwithstanding Section 7.1.1.4 in the case of the use 'apartment' vehicle parking shall be provided at the following rate:
  - i. 1 space per dwelling unit
  - ii. 1 shared vehicle space per building
  - iii. 5 guest spaces per residential building
- .2 Amenity space shall be provided at the following rate:
  - i. 5.0 m<sup>2</sup> per unit

### 14.5.5 DENSITY BONUS

- .1 Notwithstanding Section 14.5.3.4, the maximum density on this property may be increased to 3.05 FAR, with a contribution of \$15.00 per square meter for any density above 2.0 FAR, to be deposited into a fund to support housing affordability in the City of Penticton.
- 2 The density bonus will be applied at the time of building permit issuance for each individual tower, with 1/3 of the total density of the project allocated to each tower.



**Date:** February 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Address:** 4000 Valleyview Road  
**Subject:** **Zoning Amendment Bylaw No. 2017-09**

File No: RZ PL2017-7792

## Staff Recommendation

### Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-09", a bylaw that amends Zoning Bylaw 2011-23 changing the zoning on the portion of Lot 1, District Lot 190, Similkameen Division Yale District, Plan 71656, located at 4000 Valleyview Road, that is currently zoned A (Agriculture), from A (Agriculture) to RC (Country Residential), be given first reading and be forwarded to the March 7, 2017 Public Hearing.

## Strategic Priority Objective

N/A

## Background

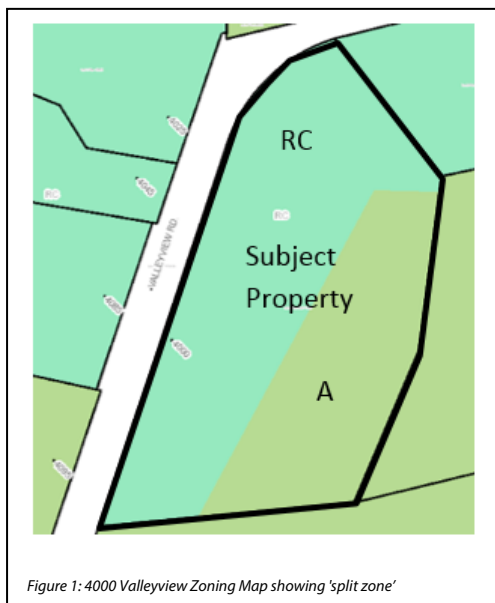


Figure 1: 4000 Valleyview Zoning Map showing 'split zone'

An application to subdivide the subject property into two lots was received by the City in 2015. Through the review of the application, it was discovered that the property is actually 'split zoned' with the western 3.4 hectares fronting Valleyview Road zoned as CR (Country Residential) and the remainder, a 0.9 hectare (2.25 acre) land locked portion being zoned as A (Agriculture). The site is not located in the ALR.

Under the City's zoning bylaw, if a property is split zoned, the zoning regulations including yard requirements and property sizes apply as if each portion of the property were a stand-alone parcel. In this case, it put the subdivision proposal in conflict with the City's zoning bylaw.

It is unclear why this property is split zoned. The property was formed through the subdivision of a larger property in 2002, but the split zoning goes back further than this date. The land is not located in the ALR and has minimal agricultural potential as it is steep, rocky and heavily treed.

To proceed with the subdivision, the applicant is proposing that the entire lot be zoned as Country Residential. The CR zone has a minimum lot area of 0.4 hectares. This will enable the subdivision.

### **Proposal**

The applicant is requesting that the subject property be rezoned from the split zone A and RC to be singularly zoned RC.

### **Financial Implication**

N/A

### **Development Engineering Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Through this review, several technical items have been identified that will need to be dealt with prior to final subdivision approval. Those items include among other things:

- A deficiency in the water supply along Valleyview Road
- Providing adequate fire protection
- Driveway access to the property across another
- The lands being in a wildfire hazard area.

These technical issues are being dealt with through the subdivision application process.

### **Analysis**

*Support "Zoning Amendment Bylaw No. 2017-09"*

When considering an application to rezone a property, staff look towards the future land use designation in the Official Community Plan for guidance. The future land use designation identifies what ultimately the City envisions for a given property through the fullness of time. In this case, the OCP designates the subject property as Country Residential. This is consistent with what the applicant is applying for.

The lands are not particularly suitable for agriculture. The addition of one lot is also keeping with the rural low density character of the area and adds a new building site in a desirable part of the city. Neighbouring properties are zoned CR country residential.

The proposal meets the following policies and guidelines of the OCP:

- Ensuring the zoning bylaw accommodates a variety of housing types, including higher end housing.
- Direct country residential to areas outside of the ALR.
- Establish a minimum parcel size of 0.4 hectares

Given the above, staff are recommending that Council support the land use change.

Deny/Refer

The Official Community Plan has a policy that states that consideration of a zoning amendment to Country Residential be contingent on an area plan being in place. This is intended to develop the lands in a more comprehensive and systematic way, ensuring that all neighbouring properties are given every chance to develop and so infrastructure costs are shared equitably. Staff, however, did consider whether an area plan for this area would be reasonable in this case. Given the limited potential for further development in this area, it was determined that an area plan was not necessary. If Council feels otherwise, they can direct staff to begin preparation on an area plan and provide resources accordingly.

**Alternate Recommendations**

1. THAT Council deny first reading to “Zoning Amendment Bylaw No.2017-09”.
2. THAT “Zoning Amendment Bylaw No. 2017-09” is referred back to staff with instructions that Council feels are appropriate.

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B : Zoning Map
- Attachment C : Proposed Subdivision Plan
- Attachment D: Images of Subject Property
- Attachment E: “Zoning Amendment Bylaw No. 2017-09”

Respectfully submitted,

Blake Laven, RPP, MCIP

Approvals

Director <i>AL</i>	CAO PW
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Attachment A  
Subject Property



Attachment B  
Zoning Map





Attachment D  
Images of Subject Property



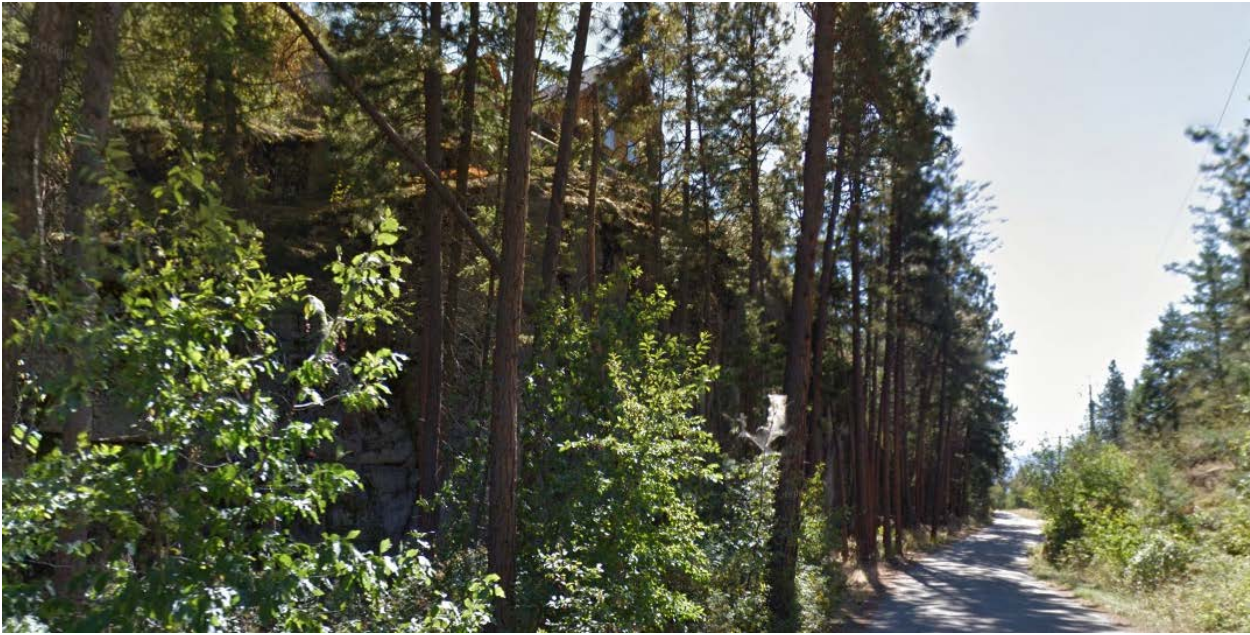


Figure 2: Image of subject property from Valleyview Road, existing cabin/ single family dwelling visible on bluff behind trees





*Figure 3: Driveway leading to Proposed Lot B, through neighbouring property*



*Figure 4: Split in driveway leading towards Proposed Lot B*



*Figure 5: Driveway leading to Proposed Lot B, through neighbouring property*



*Figure 6: Proposed Lot B, building site*

**Bylaw No. 2017-09**

*A Bylaw to Amend Zoning Bylaw 2011-23*

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WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2017-09".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 1, District Lot 190, Similkameen Division Yale District, Plan 71656, located at 4000 Valleyview Road, from A (Agriculture) to RC (Country Residential).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_\_ day of \_\_\_\_, 2017 and the \_\_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

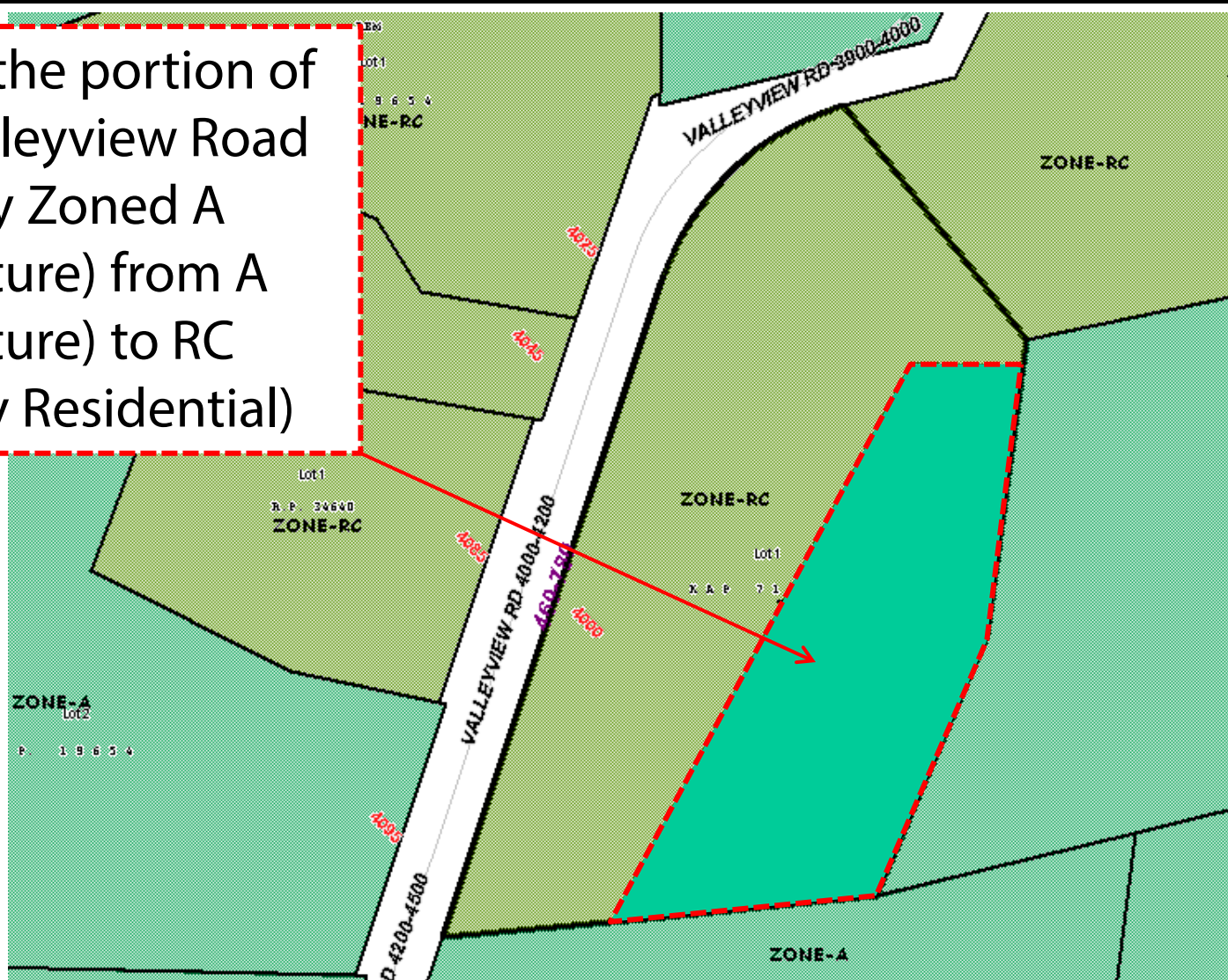
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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

Rezone the portion of  
4000 Valleyview Road  
currently Zoned A  
(Agriculture) to RC  
(Country Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-09

Date: \_\_\_\_\_

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

# Council Report

penticton.ca

**Date:** February 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Address:** a portion of 850 Wiltse Drive

File No: PRJ2017-010

**Subject: Official Community Plan Amendment Bylaw No. 2017-10 and  
Zoning Amendment Bylaw No. 2017-11**

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## Staff Recommendation

### *Official Community Plan Amendments*

THAT prior to consideration of the bylaw and in accordance with Section 475 of the Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2017-10", being a bylaw to amend "OCP Bylaw 2002-20" amending "Schedule B: Future Land Use Map" and the "Upper Wiltse Area Structure Plan" (Figure 13, Appendix A of Schedule M of the OCP), to redesignate those portions of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 (850 Wiltse Boulevard) as shown on 'Attachment B' from Multi Family to Low Density Residential, be given first reading and forwarded to the March 7, 2017 Public Hearing;

### *Zoning Amendments*

AND THAT "Zoning Amendment Bylaw 2017-11", being a bylaw to amend "Zoning Bylaw 2011-23" changing the zoning for that portion of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 (850 Wiltse Boulevard) as shown on 'Attachment B' from A (Agriculture) to R1 (Large Lot Residential), be given first reading and be forwarded to the March 7, 2017 Public Hearing;

AND THAT adoption of "Zoning Amendment Bylaw 2017-11" is conditional on the adoption of "OCP Amendment Bylaw 2017-10".

### **Strategic priority objective**

Support for the OCP and Zoning amendments will provide for a more sensitive development form than currently proposed, creating a more livable community.

### **Background**

The subject lands represent a small portion of land that is part of a large development parcel known as the Upper Wiltse Area Structure Plan Area. The lands in questions are adjacent to a 22 lot single family residential development called Panorama View Estates, which is currently under construction. The subject lands will ultimately form part of the residential development allowing for an additional 10 lots, bringing to the total of the new subdivision to 32 lots.

The lands under consideration include two areas, both less than a half a hectare in size (0.324 ha and 0.076ha) that are identified by the Upper Wiltse Area Structure Plan as multi-family (Attachment C). The original intent the Upper Wiltse Plan was for the development of townhouse blocks on this part of the plan area. The two areas under consideration are being proposed to be subdivided off from the large remainder development in the Upper Wiltse Plan area and joined with the single family residential subdivision that is currently under construction (Attachment E).

Panorama View Estates leads from Partridge Drive along the newly named street 'Hawthorn Drive' and ultimately ends in a cul-de-sac. At the end of the cul-de-sac an emergency access easement will lead back to Evergreen Drive. That emergency access easement will not be paved and has already been installed as part of the approval of the larger subdivision. After the road works and all of the services have been installed, remediation of the disturbed areas will be undertaken.

The two areas under consideration have been reviewed by civil and geotechnical engineers and environmental consultants. Part of the lands will be set aside as a wildlife corridor. A review by a professional forester is also under way to ensure limited risk in the case of an interface fire. These issues are being dealt with through the subdivision process and in-line with the policies of the Upper Wiltse Area Structure Plan and the more general guidelines of the Official Community Plan.

### **Proposal**

#### *Proposed OCP Changes*

The applicants are proposing to change the Official Community Plan future land use designation as indicated on Schedule B of the OCP and amend the Wiltse Area Structure Plan, which forms part of the Official Community Plan as Schedule M. The change will be to redesignate the lands under consideration from multi-family to low density residential.

## *Proposed Zoning Bylaw Changes*

The applicants are proposing to rezone the areas under consideration from A (Agriculture) to R1 (Large Lot Residential).

### **Technical Review**

This application was reviewed by the City's Technical Planning Committee at their meeting of February 2, 2017. As this application is part of the larger subdivision, the technical aspects of the subdivision are all well-known and are being dealt with in consultation with the City's Development Engineer and the developers contracting Engineering firm. As these lands were contemplated for development, staff can confirm that servicing and infrastructure have been planned for this area in the larger area planning process. The change from a multi family to a single family designation only represents a minor change to the servicing plan but does not alter the ultimate comprehensive servicing concept.

**Financial implications** N/A

### **Analysis**

#### *Support OCP and Zoning Bylaw Amendments*

This area was identified as a potential area for a greater amount of density according to the Upper Wiltse Area Structure Plan. That plan, however, was a concept plan and as happens often, when further on-the-ground investigation is done, amendments to the plan occur. In this case, the developer is interested in producing a single-family development as part of a neighbouring subdivision, rather than establishing a new neighbourhood with multi family development. While a land use-mix is often desirable in neighbourhoods, approval of this minor change to the OCP and Upper Wiltse Area Plan will not preclude the development of multi-family units in other areas identified as such.

This is considered by staff to be a minor change to the Upper Wiltse Area plan representing less than roughly an acre of land. The change in land use will produce a development form (Single family) that is more compatible with neighbouring development and better integrated into the surrounding community.

The proposal is consistent with several policies in the Wiltse Area Structure Plan and the OCP, specifically:

- Maintain character of existing single family neighbourhoods
- Providing a variety of housing at various income levels
- Developing residential areas that respect steep slopes and protect the environment
- Promote a strong sense of design and siting residential development to avoid interruptions in the hillside environment
- Encourage conventional large lot development to benefit from site views and other attributes of the location.
- Ensuring single family housing has access to parks, trails and green space

Given the above, staff are recommending that Council support both the OCP and zoning amendment bylaws and that both bylaws be considered by the public at the March 7, 2017 Public Hearing.

*Deny / Refer OCP and Zoning Bylaw Amendments*

Council may feel that these lands should remain as future multi-family sites. If this is the case, Council should deny first reading of the bylaws. Alternatively, Council may wish some deeper consultation with neighbouring residents beyond the statutorily required public hearing. Staff did consider whether this was a more prudent way forward, but ultimately decided against holding such a meeting as these lands are slated for residential development already and what is being proposed will reduce density. If Council wishes to have a public open house prior to considering the bylaws, Council should refer the bylaws back to staff with instructions to conduct further consultation with the neighbouring residents and home owners.

**Alternate recommendations**

THAT Council deny giving first reading to "OCP Amendment Bylaw 2017-10" and "Zoning Amendment Bylaw 2017-11".

THAT Council refer the bylaws back to staff to conduct further public consultation on the land use change.


**Attachments**

- Attachment A – Subject Property Location Map
- Attachment B – Sketch Plan Showing Areas Under Consideration
- Attachment C – Current OCP Future Land Use Designations (Upper Wiltse Area Structure Plan)
- Attachment D – Images of Subject Lands and Panorama View Estates Subdivision
- Attachment E – Subdivision Plan (Showing Lot Layout)
- Attachment F – OCP Amendment Bylaw 2017-10
- Attachment G – Zoning Amendment Bylaw 2017-11

Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Approvals

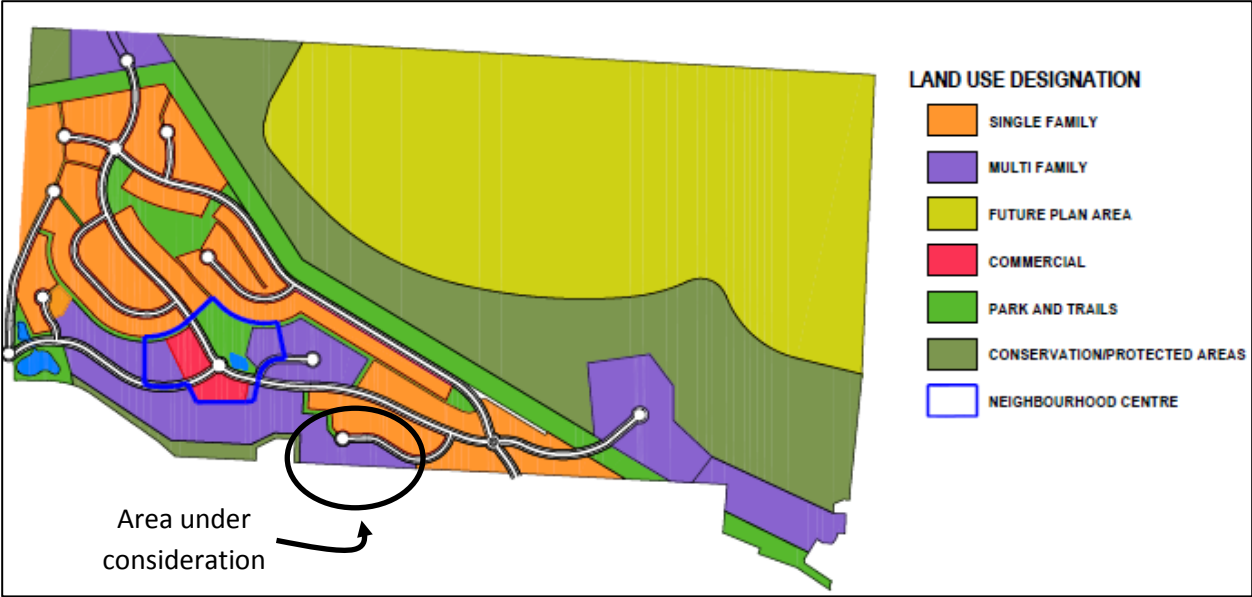
Director  	Chief Administrative Officer  PW
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Attachment A  
Subject Property Location Map





Attachment C  
Official Community Plan Map Showing Future Land Use Designations



Attachment D  
Images of Subject Property



**Figure 1: Image of cul-de-sac being roughed in, involving significant 'cutting' into the hillside**



**Figure 2: Image of retaining wall being constructed to delineate the environmental protection area from the residential building area**

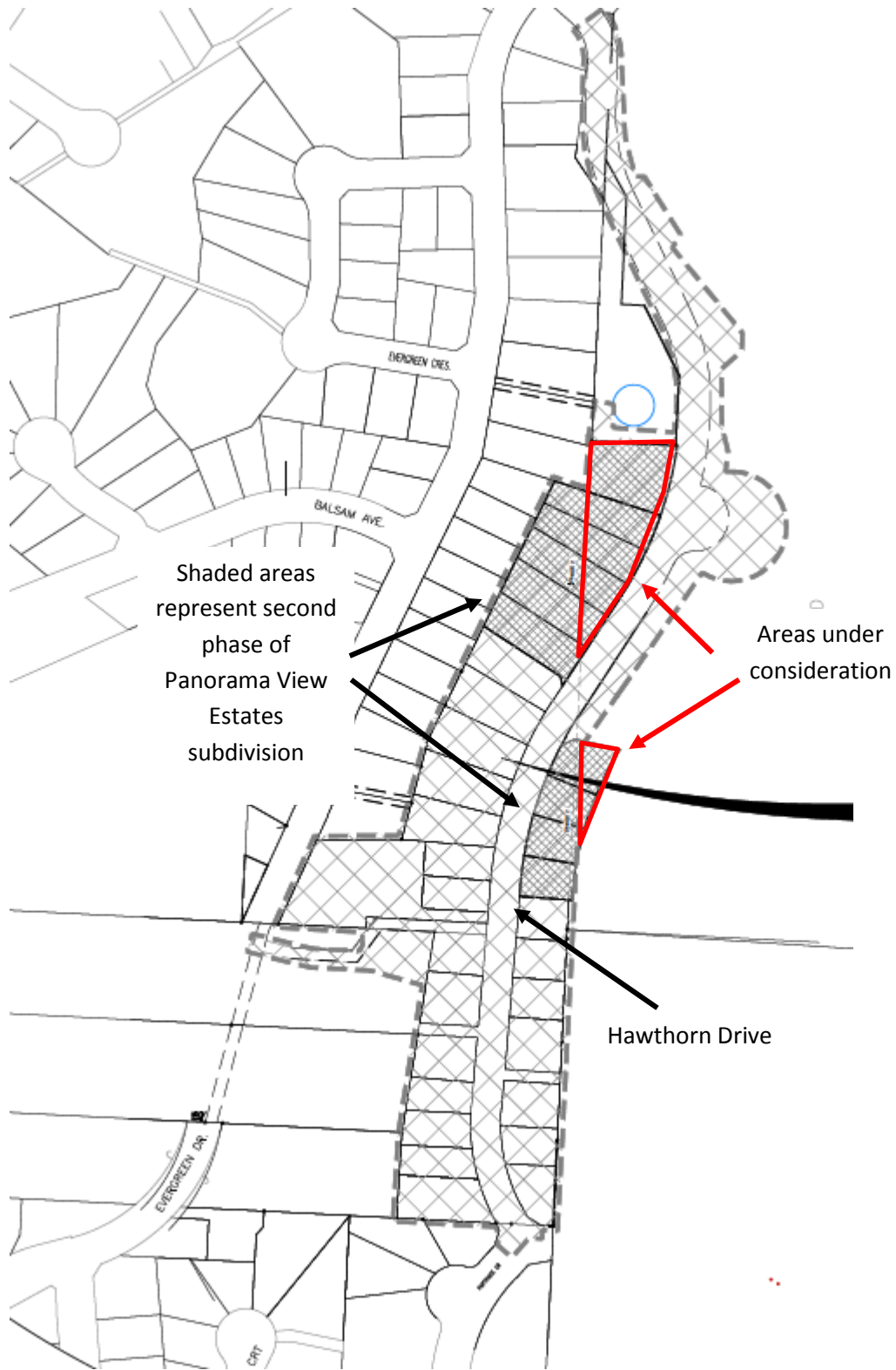


**Figure 3: Image of emergency egress road under construction**



**Figure 4: View from one of the lots in Panorama View Estates**

### Attachment E Subdivision Plan



Bylaw No. 2017-10

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2017-10."

2. Amendment:

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

- 2.1 Change Schedule 'B' Future Land Use designation for those portions of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 located at 850 Wiltse Drive, from Multi Family to Low Density Residential and Figure 13, Appendix A of Schedule 'M' Upper Wiltse Area Structure Plan in accordance with Schedule "A" attached hereto and forming part of this bylaw.

READ A FIRST time this day of , 2017
A PUBLIC HEARING was held this day of , 2017
READ A SECOND time this day of , 2017
READ A THIRD time this day of , 2017
ADOPTED this day of , 2017

Notice of intention to proceed with this bylaw was published on the \_\_ of \_\_\_\_, 2017 and the \_\_ of \_\_\_\_, 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

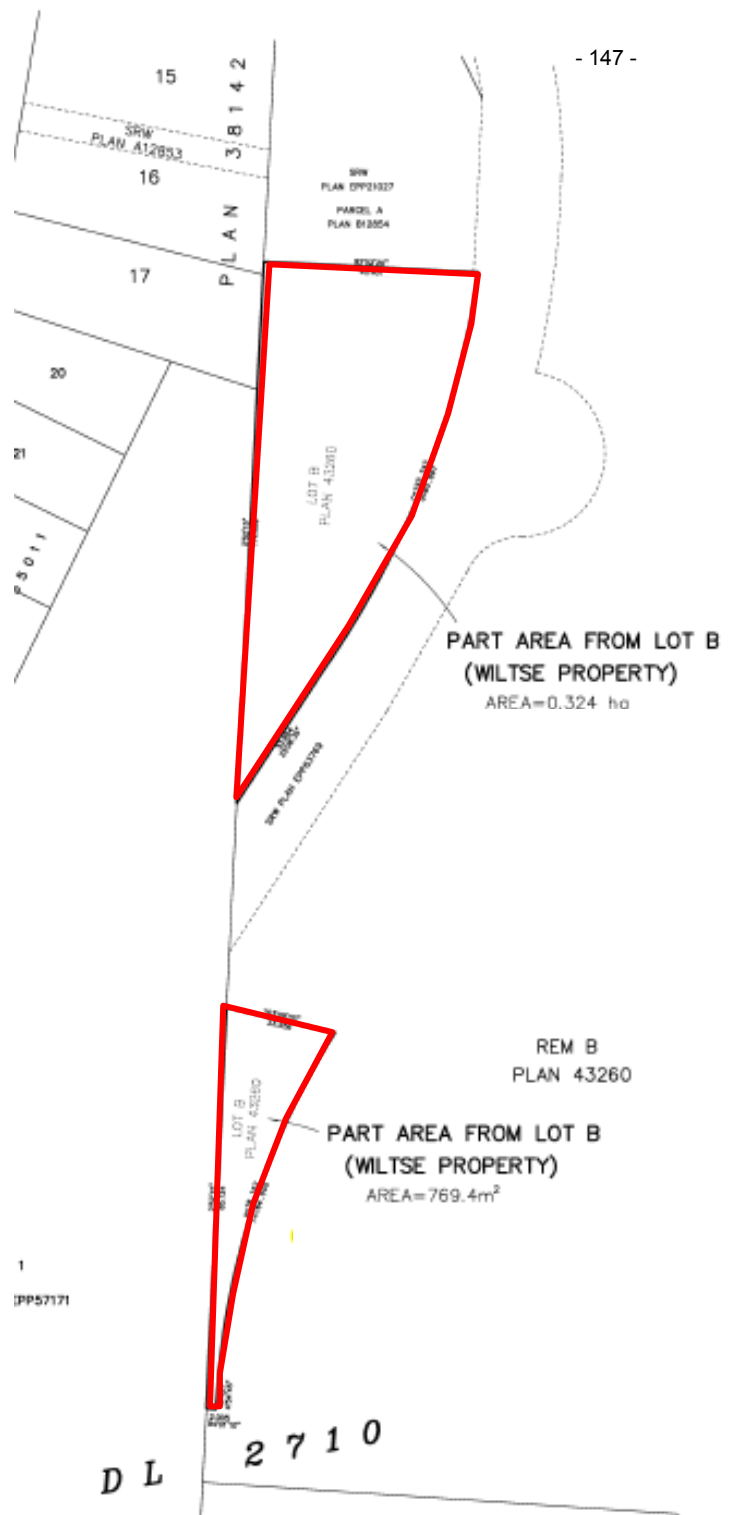
Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

# OCP Bylaw 2002-20

Amend "Schedule B: Future Land Use Map" & the "Upper Wiltse Area Structure Plan (Figure 13, Appendix A of Schedule M) as follows:

Redesignate the portions of 850 Wiltse Blvd (outlined in red) from Multi Family to Low Density Residential



## City of Penticton – Schedule 'A'

### Official Community Plan Amendment Bylaw No. 2017-10

Date: \_\_\_\_\_ Corporate Officer: \_\_\_\_\_

**Bylaw No. 2017-11**

*A Bylaw to Amend Zoning Bylaw 2011-23*

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WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2017-11".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone that portion of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 as shown on Schedule A from A (Agriculture) to R1 (Large Lot Residential).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_\_ day of \_\_\_\_, 2017 and the \_\_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

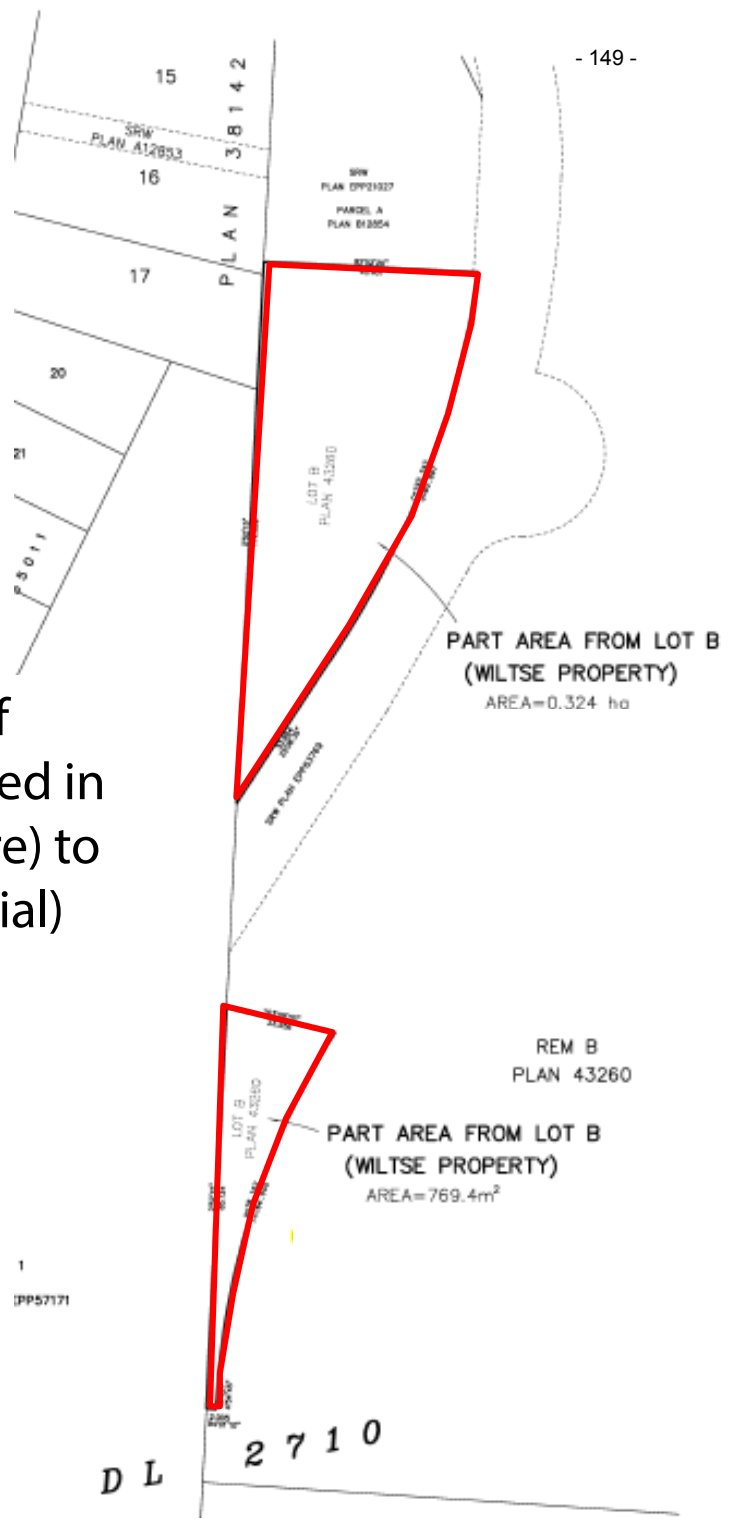
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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

Rezone the portions of 850 Wiltse Blvd (outlined in red) from A (Agriculture) to R1 (Large Lot Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-11

Date: \_\_\_\_\_ Corporate Officer: \_\_\_\_\_