Agenda

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

Tuesday, March 7, 2017
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**

2. **Introduction of Late Items**

3. **Adoption of Agenda**

4. **Reconvene the Regular Council Meeting**

5. **Adoption of Minutes:**

5.1	Minutes of the February 21, 2017 Special Council Meeting	1-4	Adopt
5.2	Minutes of the February 21, 2017 Regular Council Meeting	5-7	Adopt
5.3	Minutes of the February 22, 2017 Special Council Meeting	8-11	Adopt
5.4	Minutes of the February 23, 2017 Special Council Meeting	12-21	Adopt
5.5	Minutes of the February 28, 2017 Special Council Meeting	22-28	Adopt

6. **Committee and Board Reports:**

6.1 Parks & Recreation Master Plan Steering Committee Minutes of February 8, 2017 29-34

Recommendation: THAT Council receive the draft minutes of the Parks & Recreation Master Plan Steering Committee meeting of February 8, 2017.

Committee Recommendation: THAT Council establishes a Parks & Recreation Advisory Committee as soon as possible.

6.2 SOEC Select Committee Minutes of February 17, 2017 35-36

Recommendation: THAT Council receive the draft minutes of the SOEC Select Committee meeting of February 17, 2017.

7. **Correspondence**

7.1 Pee Wee Hockey Grant –In-Aid Request 37

8. **Staff Reports:**

CFO 8.1 2017-2021 Five Year Financial Plan Bylaw No. 2017-13 38-42

Staff Recommendation: *THAT Counci give first, second andthird readings to the "2017 – 2021 Five Year Financial Plan Bylaw No. 2017-13"*

DDS 8.2 Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03 43-51

Re: 100 – 200 Main Street Revitalization Work

Staff Recommendation: *THAT Council give first, second and third reading to "Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03" ;*
THAT in accordance with Section 204 of the Community Charter, appoint 3 members of Council as the parcel tax roll review panel;
THAT the sitting of the panel be held Tuesday, April 11, 2017 at 1:00 p.m. in Council Chambers, City Hall;
THAT Council direct staff to publish advance notice of the time and place in accordance with section 94 of the Community Charter;
AND THAT the Finance Department send letters to all impacted property owners identifying the full amount and payment options – providing a minimum of 30 days' notice for the payment to be made in full.

BPM 8.3 New Liquor Primary Licences – Cascades Casion Penticton 52-71

Re: Gateway Casinos & Entertainment Limited

Staff Recommendation: *THAT Council direct staff to commence public notification of the proposed Liquor Primary Licence Endorsement for Cascades Casino Penticton (Gateway Casinos & Entertainment Ltd);*
AND THAT staff report back to Council at their meeting on March 21, 2017 with the results of the public consultation for Council's consideration.

PM 8.4 Boundary Expansion Request 72-77

Re: Wiltse South Block

Staff Recommendation: *THAT Council receive the letter requesting the inclusion of Lot 1, Plan 74449, into the City of Penticton municipal boundary;*
AND THAT staff are directed to send external referrals to the following agencies requesting comment on the proposed boundary extension, in-line with the process suggested by the Ministry of Community, Sport and Cultural Development:

- *Regional District of Okanagan Similkameen (RDOS);*
- *Local First Nations;*
- *BC Ministry of Transportation and Infrastructure;*
- *Fortis BC; and*
- *School District 67;*

AND FURTHER THAT Staff are directed to bring forward amendments to the development procedures and fees and charges bylaws to establish a process and fee for processing future boundary extension applications.

LA 8.5 Renewal Provincial Licence for Foreshore Rights at Sudbury Beach 78-81

Staff Recommendation: *THAT Council direct staff to make application for renewal the Provincial Lease #333023 (Provincial File #174423) for a 29 year term over property described as DL 12s together with that part of DL3867s south of Lot 123 as shown on Plan CLSR 74748 all of Similkameen Division Yale District, being part of the bed of Skaha Lake containing 4.68 hectares more or less for recreational purposes, including the operation of a seasonal snack concession;*
AND THAT the Mayor and Corporate Officer be authorized to sign the associated documents.

CAO 8.6 Eventful Penticton 82-85

Staff Recommendation: *THAT Council approve the Eventful Penticton vetting strategy as outlined the report dated March 7, 2017 titled "Eventful Penticton Vetting".*

9. **Public Question Period**

10. **Recess to In-Camera Meeting**

Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

11. **Public Hearing at 6:00 p.m.**

12. **Reconvene the Regular Council Meeting following the Public Hearing**

13. **Reconsideration of Bylaws and Permits:**

13.1	Zoning Bylaw No. 2017-08	86-202	2nd Amended/3rd
13.2	Zoning Amendment Bylaw No. 2017-09 Re: 4000 Valleyview Road	203-204	2nd/3rd
13.3	OCP Amendment Bylaw No. 2017-10 Re: 850 Wiltse Blvd	205-206	2nd/3rd Adopt
13.4	Zoning Amendment Bylaw No. 2017-11 (From Public Hearing) Re: 850 Wiltse Blvd	207-208	2nd/3rd

14. **Land Matters:**

LA 14.1 Development Variance Permit PL2017-7828 209-223 Del/Sub
Re: 3984 Finnerty Road

Staff Recommendation: THAT Council approve "Development Variance Permit PL2017-7828" for Lot 14 District Lot 190 Similkameen Division Yale District Plan KAP55202, located at 3984 Finnerty Road, a permit to allow for a 0.6m deck projection into the south interior yard;
AND THAT staff be directed to issue "Development Variance Permit PL2017-7828."

DDS 14.2 Development Variance Permit PL2017-7830 224-239 Del/Sub
Re: 4047 Lakeside Road

Staff Recommendation: THAT Council approve "Development Variance Permit PL2017-7830" for Lot 26 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4047 Lakeside Road, a permit to vary the following regulations of Zoning Bylaw 2011-23:

- *Increase the maximum height of a principal building from 10.5m to 12.5m;*
- *Decrease the minimum front yard from 6.0m to 3.0m;*
- *Decrease the minimum north interior yard from 1.5m to 0.9m;*
- *Increase the height of a retaining wall from 1.2m; and to*
- *Permit external stairs in a required yard*

AND THAT staff be directed to issue "Development Variance Permit PL2017-7830."

15. **Notice of Motion**

16. **Business Arising**

17. **Council Round Table**

18. **Public Question Period**

19. **Adjournment**

Minutes

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Special Meeting of Council
held in Council Chambers, City Hall
171 Main Street, Penticton, B.C.

Tuesday, February 21, 2017
at 9:00 a.m.

Present: Mayor Jakubeit
Councillor Sentes
Councillor Konanz
Councillor Picton
Councillor Martin
Councillor Watt
Councillor Sayeed

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager Infrastructure
Anthony Haddad, Director of Development Services
Angela Campbell, Controller
Deb Clipperton, Budget Analyst
Angie Collison, Deputy Corporate Officer

1. Call to Order

Mayor Jakubeit called the Special Meeting of Council to order at 9:01 a.m.

2. Adoption of Agenda

61/2017 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the February 21, 2017 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

3. Public Comment

- Dan Foster, Forestbrook Drive, Sendero Canyon is not connected with a sidewalk, suggest sidewalks from Sunset Place to Allison Street. Hospital expansion with no sidewalk connection between Government Street and Warren Avenue. Need more paid parking, should be on main street all the way up. Transportation is key to affordable housing. People illegally park after 5 pm seven days a week, add more bylaw officers they are revenue neutral.

- Frank Conci, Ridgedale Avenue, Penticton Industrial Development Association. Finish changes to business tax multiplier. Operating a business in Penticton is more expensive

than other jurisdictions, continue the process started and don't lose momentum of what has been achieved.

- Frank Reiger, Lakeshore Drive, concerned about claim of 2million received due to SOEC. Mayor answered that Mr. Clarke was referring to federal, provincial and municipal taxes, should have been removed from the report, staff are following up.
- Lyla Parsons, Edgewood Drive, 5.5% proposed tax increase is11% over two years, raise it 2.5% with an average of 4%. Don't feel we should be punished because previous Councils didn't raise taxes. Would like you to commit today to more ballot boxes and voting stations. Communications comes from two newspapers in our community, give $200,000 to two newspaper and the city doesn't have to pay for communications. We sell water to west bench, regional district and they resell for less than city taxpayers.
- Lynn Kelsey, Oakville Street, transportation and affordable and housing, seeing status quo for transit. Need to think about accessibility, need transit, make more affordable and better. Study done on efficiencies, led to jobs being deleted, had a number more added, like to have clear information what those costs are, who is on contract now.
- Lynn Allin, Director, Downtown Penticton Association, distributed a letter of support for revitalization of 300 block of Main Street, requested Council consider it as a 2017 project.
- Dan Foster, distributed a picture of Government Street, would like bylaw to enforce, illegal parking in the area, need better transit.
- Lynn Kelsey, Oakville Street, question utilities, heard concerns, live in a strata, what used to be on taxes is now on utilities.

4. 2017 Budget Talks:

The Chief Financial Officer and Human Resources Manager provided Council with an overview of the Financial Plan for 2017-2021. The General Manager of Infrastructure gave an overview of the infrastructure deficit and what we are doing in 2017.

4.1 SOEC

Carla Relvas, Business Manager and Carla Seddon, Marketing Manager for the SOEC presented Council with the 2017 Operating Budget for the South Okanagan Events Centre Complex.

The meeting recessed at 10:32 a.m. and reconvened at 10:50 a.m.

4.2 Library

Heather Buzzell, Head Librarian and Linda King, Board Chair, provided Council with the 2017 Public Library budget.

4.3 Museum

Dennis Oomen, Museum Manager, provided Council with an overview of the museum & archives budget.

4.4 Recreation

Lori Mullin, Manager of Recreation and Culture, provided Council with an overview of the recreation budget.

4.5 Parks

Len Robson, Public Works Manager, provided Council with an overview of the operation and capital budgets.

4.6 Fleet

Len Robson, Public Works Manager, provided Council with an overview of the transportation fleet budget.

4.7 Road and Maintenance

Len Robson, Public Works Manager, provided Council with an overview of the roads and maintenance budget.

4.8 Transit

Mitch Moroziuk, General Manager of Infrastructure provided Council with an overview of the transit budget.

Council would like staff to explore expanding the Sunday transit service.

The meeting recessed at 12:05 p.m. and reconvened at 1:10 p.m.

4.9 Street Lighting

Shawn Filice, Electric Utility Manager, provided Council with an overview of the street lighting budget.

4.10 Traffic Control

Shawn Filice, Electric Utility Manager, provided Council with an overview of the traffic control budget.

4.11 Tourism

Barb Haynes and Jessica Agur Dolan, Travel Penticton Society, provided Council with an overview of the tourism budget and proposal for visitor information centre.

Council would like staff to provide more information on the proposed location for the new visitor centre and use of alternative locations such as the SOEC and the PTCC.

4.12 Economic Development

Stephanie Chambers, Economic Development, provided Council with an overview of the economic development budget.

Council would like further breakdown of projects proposed for 2017 and business licensing statistics.

4.13 Development Services

Anthony Haddad, Director of Development Services, provided Council with an overview of the development services budget.

4.14 Land Management

Peter Wallace, Land Administrator, provided Council with an overview of the land management budget.

The meeting recessed at 2:28 p.m. and reconvened at 2:46 p.m.

As the meeting is ahead of schedule, Council agreed to reorder the agenda and hear from departments scheduled for February 22, 2017.

4.15 Planning

Blake Laven, Planning Manager, provided Council with an overview of the planning budget.

4.16 RCMP

Inspector DeJager, Staff Sgt. Kirsten Marshall and Sandra Idzes, provided Council with an overview of the RCMP budget and contract analysis.

4.17 Bylaw Services

Tina Siebert, Bylaw Supervisor, provided Council with an overview of the bylaw services budget.

4.18 Dog Control

Deb Clipperton, Budget Analyst, provided Council with an overview of the dog control budget.

5. Media and Public Question Period

6. Adjourn

62/2017 **It was MOVED and SECONDED**
THAT Council adjourn the Special Council meeting held on Tuesday, February 21, 2017 at 4:01 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Dana Schmidt
Corporate Officer

Confirmed:

Andrew Jakubeit
Mayor

Minutes

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Regular Council Meeting
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.

Present: Mayor Jakubeit
Councillor Konanz
Councillor Martin
Councillor Watt
Councillor Picton
Councillor Sentes
Councillor Sayeed

Staff: Peter Weeber, Chief Administrative Officer
Mitch Moroziuk, General Manager of Infrastructure
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 6:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

63 /2017 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council meeting held on February 21, 2017 as amended and adjust the order.

CARRIED UNANIMOUSLY

4. Staff Reports:

4.1 SILGA Resolution
Re: Recall Process

64/2017 **It was MOVED and SECONDED**
THAT Council submit the following resolution to Southern Interior Local Government Association (SILGA) for consideration at UBCM:

Recall Process

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

WHEREAS the recently extended term of office for local government elected officials in British Columbia negatively affects the ability of the local electorate to vote for change in their local government;

THEREFORE BE IT RESOLVED that UBCM request the Province of British Columbia amend legislation to include a recall process for local government elected officials.

CARRIED UNANIMOUSLY

4.3 Zoning Amendment Bylaw No. 2017-09
Re: 4000 Valleyview Road

65/2017 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY

4.2 Zoning Bylaw No. 2017-08
Re: Housekeeping – repeals No. 2011-23

66/2017 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY

4.4 OCP Amendment Bylaw No. 2017-10 & Zoning Amendment Bylaw No. 2017-11
Re: 850 Wiltse Blvd

67/2017 **It was MOVED and SECONDED**
THAT Council 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".

CARRIED UNANIMOUSLY

5. Public Question Period

6. Adjournment

68/2017 **It was MOVED and SECONDED**
THAT Council adjourn the Regular Council meeting held on Tuesday, February 21, 2017 at 7:05 p.m.

CARRIED UNANIMOUSLY

Certified correct:

_____
Dana Schmidt
Corporate Officer

Confirmed:

_____
Andrew Jakubeit
Mayor

Minutes

Special Meeting of Council
held in Council Chambers, City Hall
171 Main Street, Penticton, B.C.

Wednesday, February 22, 2017
at 9:00 a.m.

Present: Mayor Jakubeit
Councillor Sentes
Councillor Konanz
Councillor Picton
Councillor Watt
Councillor Sayeed

Absent: Councillor Martin

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager Infrastructure
Anthony Haddad, Director of Development Services
Angela Campbell, Controller
Deb Clipperton, Budget Analyst
Angie Collison, Deputy Corporate Officer

1. Call to Order

Mayor Jakubeit called the Special Meeting of Council to order at 9:02 a.m.

2. Adoption of Agenda

69/2017 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the February 22, 2017 Special Meeting of Council as amended with an altered order.

CARRIED UNANIMOUSLY

3. Proclamation – "Pink Shirt Day"
Mayor Jakubeit proclaimed February 22, 2017 as "Pink Shirt Day" in the City of Penticton and encouraged all to join together in taking a stand against bullying in our community.

4. 2017 Budget Talks:

4.1 Utility Overview

Mitch Moroziuk, General Manager of Infrastructure, provided Council with an overview of utilities and rates.

4.2 Electric Utility

Shawn Filice, Electric Utility Manager, provided Council with an overview of the electric utility budget.

4.3 Engineering (Operating)

Ian Chapman, City Engineer, provided Council with an overview of the engineering operating budget.

4.4 Engineering (Capital)

Ian Chapman, City Engineer, provided Council with an overview of the engineering capital budget and projects planned for 2017.

Council would like staff to provide further information on continuing the work to the 300 block of Main Street.

4.5 Water Treatment Plant

Ian Chapman, City Engineer, provided Council with an overview of the Water Treatment Plant budget and capital projects.

4.6 Advanced Waste Water Treatment Plant

Ian Chapman, City Engineer, provided Council with an overview of the Advanced Waste Water Treatment Plant budget and capital projects.

The meeting recessed at 10:25 a.m. and reconvened at 10:45 a.m.

4.7 Water Distribution System

Len Robson, Public Works Manager, provided Council with an overview of the water distribution system budget.

4.8 Sewer Utility Collection System

Len Robson, Public Works Manager, provided Council with an overview of the sewer utility collection system budget.

4.9 Fire Services

Fire Chief Watkinson provided Council with an overview of the fire services budget.

4.10 Building & Licensing

Ken Kunka, Building Permitting Manager provided Council with an overview of the building and licensing budget.

4.11 Solid Waste

Len Robson, Public Works Manager, provided Council with an overview of the solid waste budget.

4.12 Cemetery

Len Robson, Public Works Manager, provided Council with an overview of the cemetery budget.

The meeting recessed at 11:55 p.m. and reconvened at 1:00 p.m.

4.13 Corporate Administration

Dana Schmidt, Corporate Officer, provided Council with an overview of the corporate administration budget.

4.14 Mayor and Council

Dana Schmidt, Corporate Officer, provided Council with an overview of the Mayor and Council budget.

4.15 Finance

Angela Campbell, Controller, provided Council with an overview of the finance budget.

4.16 Communications

Stephanie Chambers, Economic Development, provided Council with an overview of the communications budget.

4.17 Facilities

Bregje Kozak, Manager of Facilities, provided Council with an overview of the facilities budget.

4.18 Human Resources

Gillian Kenny, Human Resources Manager, provided Council with an overview of the Human Resources budget.

4.19 Revenue and Collections

Amber Coates, Revenue Supervisor, provided Council with an overview of the revenue and collections budget.

4.20 Procurement

Deb Clipperton, Budget Analyst, provided Council with an overview of the procurement budget.

4.21 Information Technology

Dave Polvere, IT Manager, provided Council with an overview of the information technology budget.

The meeting recessed at 2:27 p.m. and reconvened at 2:46 p.m.

4.22 Debt/Reserves

Angela Campbell, Controller and Lori Mullin, Recreation and Culture Manager, provided Council with an overview of the debt and reserves for the City of Penticton.

5. Media and Public Question Period

6. Adjourn

70/2017 **It was MOVED and SECONDED**
THAT Council adjourn the Special Council meeting held on Wednesday, February 22, 2017 at 3:24 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Dana Schmidt
Corporate Officer

Confirmed:

Andrew Jakubeit
Mayor

Minutes

penticton.ca

Special Meeting of Council
held in Council Chambers, City Hall
171 Main Street, Penticton, B.C.

Thursday, February 23, 2017
at 9:00 a.m.

Present: Mayor Jakubeit
Councillor Sentes
Councillor Konanz
Councillor Picton
Councillor Martin
Councillor Watt
Councillor Sayeed

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager Infrastructure
Anthony Haddad, Director of Development Services
Angela Campbell, Controller
Deb Clipperton, Budget Analyst
Angie Collison, Deputy Corporate Officer

1. Call to Order

Mayor Jakubeit called the Special Meeting of Council to order at 9:00 a.m.

2. Adoption of Agenda

71/2017 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the February 23, 2017 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

3. 2017 Budget Talks:

Municipal Grants

Jim Bauer, Chief Financial Officer, provided Council with an overview of the grant requests.

Penticton Elvis Festival

72/2017 **It was MOVED and SECONDED**
THAT Council support $5,000 in kind for the Penticton Elvis Festival.

CARRIED UNANIMOUSLY

Penticton and Area Cycling Association – 3 blind mice expansion

73/2017 **It was MOVED and SECONDED**
THAT Council support $20,745 for Penticton and Area Cycling Association 3 blind mice expansion.

CARRIED UNANIMOUSLY

Salvation Army - dementia friendly community project

74/2017 **It was MOVED and SECONDED**
THAT Council support $$2,500 for the Salvation Army dementia friendly community project.

CARRIED UNANIMOUSLY

Dino Bridge Club - annual tournament parking passes

75/2017 **It was MOVED and SECONDED**
THAT Council support $300 towards weekend bus passes for the Dino Bridge Club annual tournament.

DEFEATED
Mayor Jakubeit, Councillors Watt, Sentes, Martin, Picton, Opposed

76/2017 **It was MOVED and SECONDED**
THAT Council support $600 for parking passes for Dino Bridge Club annual tournament.

DEFEATED
Councillors Martin, Watt, Konanz, Sayeed, Opposed

77/2017 **It was MOVED and SECONDED**
THAT Council deny the request for parking passes for the Dino Bridge Club annual tournament.

CARRIED
Mayor Jakubeit, Opposed

Mayor Jakubeit declared a conflict of interest and left the meeting at 10:22 a.m. Deputy Mayor Sentes chaired the meeting.

Penticton Jazz Festival Society

78/2017 **It was MOVED and SECONDED**
THAT Council support $7,000 in kind and reduce the cash contribution for the Penticton Jazz Festival.

CARRIED
Councillor Sentes, Opposed

Mayor Jakubeit returned to the meeting at 10:32 a.m.

The meeting recessed at 10:33 a.m. and reconvened at 10:49 a.m.

Penticton Historic Automobile Society (Peach City Beach Cruise)

79/2017 **It was MOVED and SECONDED**
THAT Council support the grant request of $7,000 in kind from the Penticton Historic Automobile Society.

CARRIED UNANIMOUSLY

Okanagan Motorcycle Riders Association – Toy Run

80/2017 **It was MOVED and SECONDED**
THAT Council support the grant request of $500 in kind from the Okanagan Motorcycle Riders Association.

CARRIED UNANIMOUSLY

Penticton & District Community Arts Council

81/2017 **It was MOVED and SECONDED**
THAT Council support $12,312 for the Penticton & District Community Arts Council.

CARRIED UNANIMOUSLY

South Okanagan Seniors Wellness Society

82/2017 **It was MOVED and SECONDED**
THAT Council support $10,000 for the South Okanagan Seniors Wellness Society.

DEFEATED
Mayor Jakubeit, Councillors Sayeed, Watt, Sentes, Opposed

83/2017 **It was MOVED and SECONDED**
THAT Council support $12,000 for the South Okanagan Seniors Wellness Society.

DEFEATED
Mayor Jakubeit, Councillors Sayeed, Watt, Sentes, Opposed

84/2017 **It was MOVED and SECONDED**
THAT Council support $13,000 for the South Okanagan Seniors Wellness Society.

CARRIED
Councillors Picton, Martin, Konanz, Opposed

Councillor Watt left the meeting at 11:07 a.m.

Okanagan Symphony Society

85/2017 **It was MOVED and SECONDED**
THAT Council deny the grant request from the Okanagan Symphony Society.

CARRIED
Councillors Sentes and Sayeed, Opposed

Councillor Watt returned to the meeting at 11:08 a.m.

Penticton Kiwanis Music Festival

It was MOVED NO Seconder
THAT Council support $3,333 in kind for the Penticton Kiwanis Music Festival.

86/2017 **It was MOVED and SECONDED**
THAT Council support $5,000 in kind for the Penticton Kiwanis Music Festival.

CARRIED
Councillor Martin, Opposed

Penticton Scottish Festival Society

87/2017 **It was MOVED and SECONDED**
THAT Council support $4000 for the Penticton Scottish Festival Society.

CARRIED
Councillor Sentes, Opposed

Penticton Triathlon Club

88/2017 **It was MOVED and SECONDED**
THAT Council support $1500 in kind for the Penticton Triathlon Club.

CARRIED UNANIMOUSLY

DPA – Canada Day Celebration

89/2017 **It was MOVED and SECONDED**
THAT Council support $6800 for DPA Canada Day celebration.

CARRIED
Councillor Konanz, Opposed

Penticton and Area Cycling Association - bike to work week

90/2017 **It was MOVED and SECONDED**
THAT Council support $ 2,500 for the Penticton and Area Cycling Association bike to work week.

CARRIED
Councillors Konanz, Sentes, Martin, Opposed

Councillor Martin declared a conflict of interest and left the meeting at 11:24a.m.

Penticton Dragon Boat Festival

91/2017 **It was MOVED and SECONDED**
THAT Council support $12,704 for the Penticton Dragon Boat Festival

CARRIED UNANIMOUSLY

Councillor Martin returned to the meeting at 11:26 a.m.

Prospera Granfondo Axel Merckx Okanagan (PGAMO)

92/2017 **It was MOVED and SECONDED**
THAT Council support $30,000 in kind for the Prospera Granfondo Axel Merckx Okanagan.

CARRIED UNANIMOUSLY

Okanagan School of the Arts (Shatford Centre)

93/2017 **It was MOVED and SECONDED**
THAT Council support $10,000 for the Okanagan School of the Arts (Shatford Centre).

CARRIED
Councillors Konanz, Martin, Picton, Opposed

Canadian Mental Health Association

94/2017 **It was MOVED and SECONDED**
THAT Council support $2,000 for the Canadian Mental Health Association.

CARRIED UNANIMOUSLY

Okanagan Similkameen Conservation Alliance (Meadowlark Nature Festival)

95/2017 **It was MOVED and SECONDED**
THAT Council support $3,500 for the Okanagan Similkameen Conservation Alliance (Meadowlark Nature Festival).

DEFEATED
Mayor Jakubeit, Councillors Watt, Konanz, Martin, Picton, Opposed

96/2017 **It was MOVED and SECONDED**
THAT Council support $1,750 for the Okanagan Similkameen Conservation Alliance (Meadowlark Nature Festival).

CARRIED
Mayor Jakubeit and Councillor Sayeed, Opposed

Okanagan Trestle Tours

97/2017 **It was MOVED and SECONDED**
THAT Council deny the grant request from Okanagan Trestle Tours.

CARRIED UNANIMOUSLY

Penticton & Area Access Society

98/2017 **It was MOVED and SECONDED**
THAT Council support $4,299 for the Penticton & Area Access Society.

CARRIED UNANIMOUSLY

Rotary Club of Penticton (Rib Fest)

99/2017 **It was MOVED and SECONDED**
THAT Council support $5,000 in kind for Rotary Club of Penticton (Rib Fest).

CARRIED UNANIMOUSLY

DPA – BC Family Day

100/2017 **It was MOVED and SECONDED**
THAT Council support $1,500 for DPA – BC Family Day.

CARRIED UNANIMOUSLY

Okanagan Fruit Tree Project Society

101/2017 **It was MOVED and SECONDED**
THAT Council support $3,400 for the Okanagan Fruit Tree Project Society.

CARRIED UNANIMOUSLY

SOGS – South Okanagan Genealogical Society

102/2017 **It was MOVED and SECONDED**
THAT Council deny the grant request from South Okanagan Genealogical Society.

CARRIED UNANIMOUSLY

Upper Deck Vees Hockey

103/2017 **It was MOVED and SECONDED**
THAT Council support $10,000 for Upper Deck Vees Hockey.

CARRIED
Councillors Konanz, Martin, Picton, Opposed

South Okanagan Similkameen Volunteer Centre Society

104/2017 **It was MOVED and SECONDED**
THAT Council deny the grant request from the South Okanagan Similkameen Volunteer Centre Society.

CARRIED
Councillors Sayeed and Watt, Opposed

DPA – Sunshine Cabaret – Summer Concert Series

105/2017 **It was MOVED and SECONDED**
THAT Council support $9,050 for the DPA – Sunshine Cabaret – Summer Concert Series.

CARRIED
Mayor Jakubeit and Councillor Sentes, Opposed

Skaha Bluff Park Watch Society

106/2017 **It was MOVED and SECONDED**
THAT Council support $13,000 for the Skaha Bluff Park Watch Society.

CARRIED
Councillors Picton and Martin, Opposed

BC Schizophrenia Society – Penticton Branch (Mental Wellness Centre)

107/2017 **It was MOVED and SECONDED**
THAT Council support $18,000 for the BC Schizophrenia Society – Penticton Branch (Mental Wellness Centre).

CARRIED
Councillors Picton, Martin and Konanz, Opposed

CFSOS – Yes Project (Youth Engagement Strategy)

108/2017 **It was MOVED and SECONDED**
THAT Council support $8,750 for the CFSOS – Yes Project (Youth Engagement Strategy).

CARRIED
Councillor Konanz, Opposed

Royal Canadian Legion – facility use, Remembrance Day

109/2017 **It was MOVED and SECONDED**
THAT Council support $3,000 in kind for the Royal Canadian Legion, facility use for Remembrance Day.

CARRIED UNANIMOUSLY

Salvation Army – facility use, Christmas hamper event

110/2017 **It was MOVED and SECONDED**
THAT Council support $6,851 in kind for the Salvation Army, facility use for the Christmas hamper event.

CARRIED UNANIMOUSLY

The meeting recessed at 12:10 p.m. and reconvened at 1:17 p.m.

Okanagan Similkameen Healthy Living Fair Society

111/2017 **It was MOVED and SECONDED**
THAT Council support $5,852 for the Okanagan Similkameen Healthy Living Fair Society.

CARRIED UNANIMOUSLY

SS Sicamous Society - Operations

112/2017 **It was MOVED and SECONDED**
THAT Council support $45,000 for the SS Sicamous Society – Operations.

CARRIED UNANIMOUSLY

113/2017 **It was MOVED and SECONDED**
THAT Council support $22,000 for the SS Sicamous Society – utilities.

CARRIED UNANIMOUSLY

Mayor Jakubeit declared a conflict of interest and left the meeting at 1:25 p.m. Deputy Mayor Sentes chaired the meeting.

Challenge Penticton

114/2017 **It was MOVED and SECONDED**
THAT Council support $110,000 for Challenge Penticton.

CARRIED UNANIMOUSLY

Peach Festival Society

115/2017 **It was MOVED and SECONDED**
THAT Council support $44,000 for Peach Festival Society.

CARRIED UNANIMOUSLY

Mayor Jakubeit returned to the meeting at 1:30 p.m.

Penticton & District Search and Rescue

116/2017 **It was MOVED and SECONDED**
THAT Council support $12,435 for the Penticton & District Search and Rescue.

CARRIED UNANIMOUSLY

School District Rentals

117/2017 **It was MOVED and SECONDED**
THAT Council support $6,000 for the School District Rentals.

CARRIED
Councillor Martin, Opposed

Penticton Art Gallery Society

118/2017 **It was MOVED and SECONDED**
THAT Council support $105,000 for the Penticton Art Gallery Society.

CARRIED
Councillors Sentes, Watt, Sayeed, Opposed

Miss Penticton Royalty

119/2017 **It was MOVED and SECONDED**
THAT Council support $7,500 for Miss Penticton Royalty.

DEFEATED
Mayor Jakubeit, Councillors Sayeed, Watt, Sentes, Picton, Opposed

120/2017 **It was MOVED and SECONDED**
THAT Council support $9,150 for the Miss Penticton Royalty.

CARRIED
Councillor Konanz, Opposed

Community Foundation South Okanagan Similkameen

121/2017 **It was MOVED and SECONDED**
THAT Council support $25,000 for the Community Foundation South Okanagan Similkameen.

CARRIED UNANIMOUSLY

DPA – Canada Day Fireworks

122/2017 **It was MOVED and SECONDED**
THAT Council support $1,500 for DPA Canada Day fireworks.

CARRIED UNANIMOUSLY

Other Opportunities

123/2017 **It was MOVED and SECONDED**
THAT Council support $20,000 for Other Opportunities.

CARRIED
Councillors Sayeed, Watt, Sentes, Opposed

Budget Summary

Council was provided with answers to questions asked over the past three days. Responses will be posted on shapeyourcity website.

Council began discussions on February 21, 2017 with a proposed 5 % tax increase. Council reviewed the proposed increases and reductions and ended February 23, 2017 with a proposed tax increase of 4.36 %.

124/2017 **It was MOVED and SECONDED**
THAT Council support $4,000 for Sunday transit service.

CARRIED UNANIMOUSLY

125/2017 **It was MOVED and SECONDED**
THAT Council reduce the RCMP budget by $45,000.

CARRIED UNANIMOUSLY

126/2017 **It was MOVED and SECONDED**
THAT Council increase anticipated casino revenue by $100,000.

CARRIED UNANIMOUSLY

127/2017 **It was MOVED and SECONDED**
THAT Council reduce the training budget by $50,000.

CARRIED UNANIMOUSLY

128/2017 **It was MOVED and SECONDED**
THAT Council reduce economic development budget by $50,000.

CARRIED UNANIMOUSLY

129/2017 **It was MOVED and SECONDED**
THAT Council transfer $18,000 to the Public Art Reserve Fund.

CARRIED UNANIMOUSLY

130/2017 **It was MOVED and SECONDED**
THAT Council approve a 4.36% tax increase for 2017.

CARRIED
Mayor Jakubeit, Councillors Martin, Konanz, Opposed

131/2017 **It was MOVED and SECONDED**
THAT Council approve the loan request from the SS Sicamous Society for a wharf on the south side of the SS Sicamous with funds from the capital budget.

CARRIED UNANIMOUSLY

132/2017 **It was MOVED and SECONDED**
THAT Council approve the design work for the revitalization of the 300 block of Main Street for $166,000 to be funded by capital carry forward.

DEFEATED
Mayor Jakubeit, Councillors Watt, Konanz, Martin, Opposed

4. Media and Public Question Period

5. Adjourn

133/2017 **It was MOVED and SECONDED**
THAT Council adjourn the Special Council meeting held on Thursday, February 23, 2017 at 3:54 p.m.

CARRIED UNANIMOUSLY

Certified correct:

_____
Dana Schmidt
Corporate Officer

Confirmed:

_____
Andrew Jakubeit
Mayor

Minutes

penticton.ca

Special Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, February 28, 2017
at 3:00 p.m.

Present: Mayor Jakubeit
Councillor Konanz
Councillor Martin
Councillor Watt
Councillor Picton
Councillor Sentes
Councillor Sayeed

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Mitch Moroziuk, General Manager of Infrastructure
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Special Council meeting to order at 3:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

134/2017 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Special Council meeting held on February 28, 2017 as amended to include late item 16.1 - reconsideration of revitalization work for the 300 block of Main Street.

CARRIED UNANIMOUSLY

4. Proclamation:

4.1 Lymphedema Awareness Day – March 6, 2017

Mayor Jakubeit proclaimed March 6, 2017 as "Lymphedema Awareness Day" in the City of Penticton.

5. Adoption of Minutes:

5.1 Minutes of the February 7, 2017 Committee of the Whole

135/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the February 7, 2017 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

5.2 Minutes of the February 7, 2017 Public Hearing

136/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the February 7, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

5.3 Minutes of the February 7, 2017 Regular Council Meeting

137/2017 **It was MOVED and SECONDED**
THAT Council adopt the minutes of the February 7, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

6. Committee and Board Reports

6.1 Penticton Arena Task Force Minutes of January 9, 2017

138/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the Penticton Arena Task Force meeting of January 9, 2017.

CARRIED UNANIMOUSLY

6.2 Penticton Arena Task Force Minutes of January 23, 2017

139/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the Penticton Arena Task Force meeting of January 23, 2017.

CARRIED UNANIMOUSLY

7. Delegation:

7.1 SOWINS – Debbie Scarborough

Debbie Scarborough, SOWINS, provided Council with an update on the work to date by South Okanangan Women In Need Society and identified that the okanagan is a place where exploitation is occurring.

8. Staff Reports:

8.1 Reconsideration - Appeal of Denial Non-Profit Registration
Re: Association of Medical Marijuana Awareness, Jukka Laurio

Owner: Jukka Laurio, Association of Medical Marijauna Awareness, spoke in support of the non-profit registration. The Association of Medical Marijauana Awareness has a five member board and is a separate operation and not related to the dispensary. No products are sold, collect information and plan to distribute with pamphlets and on a website.

140/2017 **It was MOVED and SECONDED**
THAT Council reconsider and receive this report for the purpose of considering whether to uphold the decision of the City's Building and Permitting Manager to deny the non-profit registration application for the Association for Medical Marijuana Awareness (Society #S0066324),as set out in the December 23 , 2016 letter;
AND THAT after providing Mr. Jukka Laurio, owner and operator, or his representative with an opportunity to be heard regarding the denial of his non-profit registration application: Council denies the appeal for a non-profit registration to the Association for Medical Marijuana Awareness.

CARRIED UNANIMOUSLY

8.2 Appeal Suspension/Cancellation of Business Licence
Re: The Whole, 651 Main Street

Owner: Carrie Walker, youth defined as 14-29 years, 73 signature petition of support, report is the first time made aware of nuisance complaints, provided Council youtube video outlining business and neighbour concerns.

141/2017 **It was MOVED and SECONDED**
THAT Council receive this report for the purpose of considering whether:

a) the suspension of the City of Penticton business licence for the Whole (City of Penticton Business Licence No. 111395), as set out in the January 25, 2017 letter from the City's Building and Permitting Manager, should be upheld; and
b) whether the business license for the Whole at 651 Main Street, Penticton, BC, should be cancelled;

AND THAT after providing Ms. Carrie Lee Walker, or other representative of the Whole, with an opportunity to be heard by Council, Council resolve to reinstate the City of Penticton business licence for the Whole (City of Penticton Business Licence No. 111395) and allow operations to continue upon compliance with licencing fees.

CARRIED UNANIMOUSLY

8.3 2017 Transit Workshop

142/2017 **It was MOVED and SECONDED**
THAT Council support BC Transit having their 2017 Transit Workshop in Penticton;
AND THAT the City of Penticton contribute to the success of the workshop by:

- The Mayor providing the Welcome Delegates Address;
- Hosting a welcome reception;
- Providing volunteer staff to work at the reception and workshop;
- Providing funding to a maximum of $1,500; and
- Participation in the workshop when possible by the Mayor, Council and staff;

AND THAT the required financial contribution be funded from available surplus;
AND FURTHER THAT The General Manager of Infrastructure be authorized to execute the February 10, 2017 Memorandum as contained in Attachment "A".

CARRIED UNANIMOUSLY

8.4 Regional Transit Integration Project

143/2017 **It was MOVED and SECONDED**

THAT Council support moving to an integrated Regional Riders Guide for Conventional Transit as contained in Attachment "A";

AND THAT Council support a consistent Fare Strategy in the Region as contained in Table 4 of the Background section of this Council Report;

AND THAT Council support the Service Design Standards and Performance Guidelines as contained in Attachment "B";

AND THAT staff bring back an amendment to the Fees and Charges Bylaw at the appropriate time to support the new Fare Strategy;

AND FURTHER THAT Council authorize the General Manager of Infrastructure to execute the Memorandum of Understanding between the City of Penticton and BC Transit, as contained in Attachment "C", to facilitate the implementation of Regional Transit Guide and new Fare Strategy.

CARRIED UNANIMOUSLY

8.5 Downtown Business Improvement Area Bylaw No. 2017-12

144/2017 **It was MOVED and SECONDED**

THAT Council direct staff to proceed with the renewal process for the Business Improvement Area (BIA) for a further five year period;

AND THAT Council approve the initiative petition process whereby Council gives notice of its intention to adopt the Business improvement Area bylaw unless it is objected to by a majority of the owners representing at least one-half of the value of the properties in the specified area;

AND THAT Council approve the notice which will be published March 3rd and 8th and sent to each affected property owner;

AND THAT Council give three readings to "Downtown Business Improvement Area Bylaw No. 2017-12.

CARRIED UNANIMOUSLY

9. Reconsideration of Bylaws and Permits

9.1 Fees and Charges Amendment Bylaw No. 2017-05
Re: Cross Connection Program – filing fee

145/2017 **It was MOVED and SECONDED**

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2017-05".

CARRIED UNANIMOUSLY

9.2 Road Closure Bylaw (Government Street) No. 2017-01
Re: part of Government Street beside hospital

146/2017 **It was MOVED and SECONDED**

THAT Council adopt "Road Closure Bylaw (Government Street) No. 2017-01".

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

147/2017 **It was MOVED and SECONDED**
THAT Council recess at 4:51 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

12. Reconvene the Special Council Meeting at 6:00 p.m.

Council reconvened the Special Council Meeting at 6:02 p.m.

13. Land Matters:

13.1 Development Variance Permit PL2016-7808
Re: 1685 Carmi Avenue

Delegations/Submissions: Nil

148/2017 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2016-7808" for Lot 1 District Lot 3821S Similkameen Division Yale District Plan KAP51022, located at 1685 Carmi Avenue, a permit to increase the maximum permitted height of a fence from 1.2m to 2.3m and to increase the maximum permitted height of a retaining wall within the front yard from 1.2m to 2.5m.

CARRIED UNANIMOUSLY

13.2 Development Variance Permit PL2017-7821
Re: 369 Douglas Avenue

Delegations/Submissions: Nil

149/2017 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2017-7821" for That Part of Lot 7 Shown on Plan B5486; District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 369 Douglas Avenue, a permit to increase the maximum building footprint of a carriage house from 90m^2, or 60% of the building footprint area of the

principal residence, whichever is less to 100m^2 and to decrease the minimum west interior side yard from 1.5m to 0.95m;
AND THAT staff be directed to issue "Development Variance Permit PL2017-7821."

CARRIED
Councillor Sentes, Opposed

13.3 Development Variance Permit PL2016-7815
Re: 408 Waterloo Avenue

Delegations/Submissions: Nil

150/2017 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2016-7815" for Lot A District Lot 196S AND Penticton Indian Reserve No. 1, Similkameen Division Yale District Plan KAP78278, located at 408 Waterloo Avenue, a permit to decrease the minimum west and north interior side yard when abutting a public zone from 6.0m to 3.0m;
AND THAT staff be directed to issue "Development Variance Permit PL2016-7815."

CARRIED UNANIMOUSLY

13.4 Development Variance Permit PL2016-7733
Re: 611/619 Van Horne Street

Delegations/Submissions: applicant explained they are trying to accommodate bike storage in lower space by doors.

151/2017 **It was MOVED and SECONDED**
THAT Council approve Development Variance Permit PL2016-7733 for Lot 18 and Lot 19, Block 32, District Lot 202, Similkameen Division Yale District, Plan 269, located at 611 and 619 Van Horne Street, a permit to reduce the minimum lot width from 13m to 9.3m; reduce the minimum lot area from 390m^2 to 285m^2; reduce the front yard setback from 4.5m to 3.5m, increase the height of a retaining wall from 1.2m to 1.65m and allow a reduction of the parking requirement from 1 stall to 0 for the secondary suite;
AND THAT staff be directed to issue Development Variance Permit PL2016-7733.

CARRIED UNANIMOUSLY

13.5 Zoning Amendment Bylaw No. 2017-07
Re: The Ridge

152/2017 **It was MOVED and SECONDED**
THAT "Zoning Amendment Bylaw No. 2017-07" be amended as follows:

- Replace the image "Proposed Zoning" on Schedule A of Bylaw No. 2017-07, with the new image attached as Attachment A to this report, which changes the proposed zoning of the multifamily site adjacent to Sendero Park from RM3 to RM2;

AND THAT Council give second reading as amended to "Zoning Amendment Bylaw No. 2017-07";
AND THAT Council give third reading to "Zoning Amendment Bylaw No. 2017-07".

CARRIED UNANIMOUSLY

14. Notice of Motion

15. Business Arising from In-Camera

16. Council Round Table

16.1 Reconsideration

153/2017 **It was MOVED and SECONDED**
THAT Council reconsider and approve the design work for the revitalization of the 300 block of Main Street for $166,000 to be funded by capital carry forward.

CARRIED

Mayor Jakubeit, Councillors Martin and Konanz, Opposed

17. Public Question Period

18. Adjournment

154/2017 **It was MOVED and SECONDED**
THAT Council adjourn the Special Council meeting held on Tuesday, February 28, 2017 at 7:01 p.m.

CARRIED UNANIMOUSLY

Certified correct:

_____
Dana Schmidt
Corporate Officer

Confirmed:

_____
Andrew Jakubeit
Mayor

Parks & Recreation Master Plan Steering Committee Meeting

Held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Wednesday, February 8, 2017
at 2:00 p.m.

Present: Andrew Jakubeit, Mayor
Judy Sentes, Councillor
Ron Ramsay, Chair
James Palanio, Vice-Chair
Ezra Cremers, Organized Field Sport Representative
Roland Curnow, Organized Field Sport Representative
Adolf Steffen, Development Community Representative
Peter Dooling, Member at Large
Gary Denton, Member at Large

Staff: Jeff Lynka, Parks Supervisor
Lori Mullin, Recreation & Culture Manager
Anthony Haddad, Director of Development Services
Lorraine Williston, Corporate Committee Secretary

Guests: Amberlee Erdmann, YES Project Representative
Aaron McRann, YES Project Representative

1. Call to Order

The Parks & Recreation Master Plan Steering Committee was called to order by the Chair at 2:01 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED
THAT the Parks & Recreation Master Plan Steering Committee adopt the agenda for the meeting held on February 8, 2017 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

3.1 Minutes of the January 18, 2017 Parks & Recreation Master Plan Steering Committee Meeting

It was MOVED and SECONDED
THAT the Parks & Recreation Master Plan Steering Committee adopt the minutes of the January 18, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. Delegation

The Yes Project (Youth Engagement Strategy)

The Yes Project representatives provided an overview of the Youth Engagement Strategy project. Community Foundations Okanagan Similkameen (CFSO) received a donation in the amount of $180,000 to be specifically used to build positive youth self-esteem. The United Way has committed to match funds and the two organizations have been working together on ways to develop, build and open a youth resource centre in Penticton. A lot of research and consultations has been done to determine the needs of youth in our community. The general consensus was that a youth centre that had integrated activities, services and specialized care in the downtown core would meet those needs. Discussion and questions followed. The Chair asked how this committee can help. The representative stated that this is a collaborative concept and any suggestions or recommendations from this committee would be of assistance.

Gary Denton arrived at the meeting at 2:18 p.m.

5. Business Arising from Prior Meetings

5.1 Master Plan – 2nd Draft

The Recreation & Culture Manager reviewed the Proposed Report Revisions for Draft 2 of the additional areas the Steering Committee requested to be updated and/or expanded. Additional comments and/or revisions were noted for the following sections:

Commercial use section – Peter Dooling noted the need remains to identify the differences and to resolve the appropriateness of commercial vs. concession policy in public parks; this task remains on the table hopefully for committee resolution.

Public Consultation Process – The Chair stated that anything related to parks and recreation should have a public consultation process.

Esplanade – Peter Dooling stated there has been substantial discussion regarding the two different areas and whether to keep it as one or two zones and he would like to see clarification on this. The Chair noted this still needs to be discussed.

Zoning – the Director of Development Services confirmed there will be staff support for all zoning related areas. To be further discussed in agenda item 5.4.

Capital allocation methodology – To be discussed in agenda item 5.2.

Encroachments of parkland – Peter Dooling stated there is a need to address encroachments on city parks, trails and stream sides. On the Esplanade encroachments are clearly evident.

Bylaw – Staff stated there are several bylaws identified in the master plan already and asked the committee if there are others they feel should be included.

Vision – The Chair stated there needs to be more emphasis on certain areas that reflects back on the full body of the work for the vision statement.

Discussion ensued on revisions. Additional comments were noted as follows:

- The Chair stated a Parks & Recreation Board is needed.
- Gary Denton stated the master plan should not have a commercial use section as commercial use in parks should not be permitted. Water craft rentals or food concessions do not apply and this still needs to be addressed. He has reviewed master plans from other municipalities and they do not contain a commercial use policy.
- Peter Dooling stated a section on definition of terms used and agreed to by this committee and that enables understanding by the public, needs to be included in the master plan document.
- Councillor Sentes stated the term 'advisory committee' is the correct wording to use instead of 'board'. The City has had a Parks and Recreation Advisory Committee in the past and she would strongly recommend reinstatement of that committee again.

5.2 Allocation of Funding for Groups Submitting Parks and Recreation Proposals

The Chair stated that part of this committee's purview is to make a recommendation on funding for proposals as this is as important as any other mandate. Ezra Cremers stated there needs to be a formula or system in place that guides Council and Parks & Recreation and shows transparency that is not based on opinion but on the system in place. The Recreation & Culture Manager stated section 10.2 of the draft master plan does address funding strategies and that the consultant can work on bringing key messages up front. These changes will be included as part of draft 2 for review and comment.

The Recreation & Culture Manager provided an example of the Parks & Recreation Master Plan Implementation Table outlining every recommendation in the plan noting currently there are approximately 93-100 recommendations listed with a priority ranking for the group to consider. Consideration has been given to what's already in the 10 year capital budget, what is identified in the Asset Management Plan, requirements outlined in the Facilities Master Plan, aligns with the Official Community Plan, is consistent with the City of Penticton's organizational focus and what can be managed within operational capacity and department priorities. The Chair stated it's important the public understand what filters have been used and that better language is needed. The Recreation & Culture Manager identified that major projects typically consider: needs assessment (demonstration of current and future need), feasibility studies (confirmation the City is well positioned to manage the project, consideration of the infrastructure deficit, aligns with the City's organizational focus), business case (consideration of all associated costs-capital and operating, economic cost-benefit analysis) and community engagement. Discussion and questions followed. A question was raised regarding the Penticton Arena Task Force, what is their objective and how does that fit in with the master plan. Staff confirmed the Arena Task Force objectives are to look at all arenas and make recommendations to Council. Several options are being considered. Discussion and questions followed on Memorial Arena and allocating funds equally and not just in one area.

5.3 Proposed Timeline Update

The Recreation & Culture Manager stated June 20, 2017 is the target date for recommendations to be presented to Council. Key dates were reviewed as followed:

March 3	Final input to Urban Systems for draft 2 of master plan
April 5	Workshop - Review revisions and provide feedback
May 1,2 or 3	Open House #3 – Draft 2 of master plan
June 1	Final draft presented to Steering Committee
June 20	Master Plan presented to Council

Discussion and questions followed.

5.4 Commercial Use of Parkland – Next Steps

The Chair noted not much progress has been made and we need to provide thoughtful guidance on this subject and suggested a facilitated workshop is needed to deal with this issue. The Chair asked the question if the committee was in agreement to bringing in a facilitator for a Commercial Use workshop. Roundtable discussion followed.

Councillor Judy Sentes left the meeting at 3:44 p.m.

The Chair reaffirmed this committee needs to sit down and come up with a good strategy as there are a lot of other major issues that need to be dealt with in all the different areas of parklands.

The Director of Development Services stated zoning is where definitions come to reality as to what can happen in a park. A current zoning classification map for Penticton was provided for reference and explained. Each zone has a purpose and specific use definitions are then added. If you are looking at creating a new zone, amending or adding any uses to an existing zone that would require an amendment to the zoning bylaw. The Official Community Plan is the highest direction on what can or cannot occur and noted you cannot prohibit uses in a park. The Director of Development Services further stated that you can create many zones however it is important to note that the more zones created the messier it gets and it is better to group parks. Questions followed on what zones other communities had and if the Park Dedication Bylaw could be amended. Staff confirmed that was an option.

Further discussion followed on whether a facilitator was needed and if it could be done pro bono. Suggestions included staff providing additional information on zoning and to look at one park, Okanagan Lake as an example, and come up with permitted uses with the assistance of staff for that park. The goal would be to then look at each park individually and go through the same process. Debate followed on whether that would be possible due to the diversity of our parks. By general consensus the committee agreed to a facilitator. The Recreation & Culture Manager confirmed she has contacted potential facilitators, two local and one through Urban Systems. The two local were not available and Urban Systems provided a quote in the amount of $10,000. Another option would be for the Development Services team could facilitate the process. Discussion followed on all options and if the facilitator should be independent of the City. The general consensus was that the facilitator should be independent of the City. It was suggested that someone from the RDOS could facilitate a workshop.

It was MOVED and SECONDED that the Parks & Recreation Master Plan Steering Committee recommends that Development Services staff facilitate the Commercial Use workshop.

DEFEATED
James Palanio, Gary Denton, Peter Dooling and Ezra Cremers, Opposed

Further discussion ensued. It was generally agreed that the RDOS should be contacted to see if someone would be willing and available to facilitate a workshop first and if not, outside sources should be contacted.

It was MOVED and SECONDED that the Parks & Recreation Master Plan Steering Committee recommends:

THAT the City of Penticton inquire if the Regional District of Okanagan Similkameen can provide a facilitator for a Commercial Use workshop;

AND THAT if the Regional District of Okanagan Similkameen cannot accommodate this request, an alternate outside facilitator be found.

CARRIED
Ron Ramsay, Opposed

Staff agreed to follow up with the RDOS and prepare a scope to provide to the potential facilitator. Discussion followed. The Chair stated he would be willing to facilitate a workshop if an outside facilitator could not be secured on the condition that City staff were in attendance.

6. New Business

6.1 Parks & Recreation Advisory Committee

The Chair suggested that a Parks & Recreation Advisory committee be established now as it will be another six months before the master plan is adopted. The Mayor confirmed a committee will be needed to prioritize the recommendations contained in the master plan and that there are upcoming projects and issues that need to be dealt with. Discussion followed.

It was MOVED and SECONDED that the Parks & Recreation Master Plan Steering Committee recommends:

THAT Council establishes a Parks & Recreation Advisory Committee as soon as possible.

CARRIED UNANIMOUSLY

7. Next Meeting

The next meeting of the Parks & Recreation Master Plan Steering Committee to be determined.

8. **Adjournment**

It was MOVED and SECONDED
That the Parks & Recreation Master Plan Steering Committee adjourn the meeting held on Wednesday, February 8, 2017 at 5:08 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____
Lorraine Williston
Corporate Committee Secretary

Minutes

penticton.ca

SOEC Select Committee Meeting

held at South Okanagan Events Centre, The Vault
853 Eckhardt Ave. W., Penticton, B.C.

Friday, February 17, 2017
at 12:00 p.m.

Present: Andrew Jakubeit, Mayor
Dave Bushby, Chair
Duane Jordan, Member at Large
Don Kendall, Member at Large

Staff: Peter Weeber, Chief Administrative Officer
Lori Mullin, Recreation & Culture Manager
Lorraine Williston, Committee Secretary

Guests: Dean Clark, SOEC General Manager
Carla Relvas, Business Manager
Deborah O'Mara, Director of Corporate Partnerships

1. **Call to order**

The SOEC Select Committee was called to order by the Chair at 12:17 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the SOEC Select Committee adopt the agenda dated February 17, 2017 as amended.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED
THAT the SOEC Select Committee adopt the minutes of the November 4, 2016 meeting as circulated.

CARRIED UNANIMOUSLY

4. **Recess to In-Camera Meeting**

It was MOVED and SECONDED
THAT the SOEC Select Committee recess at 12:18 p.m. to a closed meeting pursuant to the provisions of the *Community Charter* sections 90 (1) as follows:

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

CARRIED UNANIMOUSLY

5. Reconvene the Committee Meeting

The SOEC Select Committee reconvened the meeting at 1:22 p.m.

6. New Business

6.1 Curling Rink Discussion

Duane Jordan questioned staff regarding available parking for the curling rink and casino. The Mayor stated the casino group has been collaborating with the curling club regarding this matter.

6.2 Parking Update

Roundtable discussion and questions ensued on the pros and cons of metered parking year round. The SOEC General Manager stated once the casino is open, the demand and supply can be determined. Staff noted the City has done a parking study.

6.3 Western Canada Cup Update

The SOEC General Manager reported ticket sales are lower than expected. Sponsorship is close to being on par and organization of the event is going well.

7. Adjournment

It was MOVED and SECONDED
The SOEC Select Committee adjourn the meeting held on Friday, February 17, 2017at 1:38 p.m.

CARRIED UNANIMOUSLY

February 28, 2017

Mayor and Council

sent by fax: 250-490-2402

City of Penticton
171 Main Street
Penticton BC V2A5A9

Dear : Mayor Andrew Jakubeit and Council

Re: Grant in Aid Request

On behalf of South Okanagan Minor Hockey I am happy to inform you that we have potentially two hockey teams from South Okanagan Minor Hockey going to provincials.

The Pee Wee Reps have won their playoffs and have won the right to compete in Provincials in Dawson Creek from March 19-24, 2017. The Pee Wee Rep team has had a very successful year to date with an overall 30-5-1 record.

The Midget Reps are currently in their final round of playoffs and are up one game to zero in a best of three series against Kelowna. Come watch game two in Osoyoos March 4 at 6pm and cheer on our team. The winner having the right to compete in Provincials in Terrace as well on the same dates noted above. By the time Council has an opportunity to consider this grant in aid request we will know the outcome of this series.

Our teams are asking for some financial assistance to help support our kids travel to Dawson Creek and Terrace respectively to represent our communities. Our teams truly represent the South Okanagan Area, the Pee Wee Rep team has 4 players from Osoyoos, 3 players from Oliver, 5 players from Grand Forks, 2 players from Princeton and 1 player from Keremeos. The Midget Reps have 6 players from Oliver, 5 players from Osoyoos, 2 players from Grand Forks, 1 player from Princeton, 1 Player from Greenwood, 1 player from Keremeos and 1 player from Penticton.

The Town of Osoyoos and Town of Oliver have both graciously contributed $500.00 towards each team to help offset the travel costs.

Your assistance is greatly appreciated. I can be reached at 250-485-8680 or jzakall@osoyoos.ca.

Yours truly,

Jim Zakall
Pee Wee Rep Safety/Coach

cc: Jenn Semlnoff, Midget Rep Manager

Council Report

penticton.ca

Date: March 7, 2017 File No:
To: Peter Weeber, Chief Administrative Officer
From: Deb Clipperton, Budget Analyst

Subject: **2017 – 2021 Five Year Financial Plan Bylaw No. 2017-13**

Staff Recommendation
THAT Council give first, second and third reading to the " 2017 -2021 Five Year Financial Plan Bylaw No. 2017 – 13".

Background

Section 165 of the *Community Charter* directs that a municipality must have a Five Year Financial Plan adopted annually; this bylaw must be adopted before May 15th and before the annual tax rate bylaw. The charter also provides that the financial plan bylaw may be amended at any time to reflect changes that may occur. The 2017 budget process culminated with the public sessions on February 21, 22 and 23, 2017. With the final adoption of the financial plan bylaw, staff can proceed with the capital projects therein.

Financial Implication

The 2017-2021 Five Year Financial Plan Bylaw includes a property tax increase of 4.36% for 2017.

Attachments

Attachment A – 2017 – 2021 Five Year Financial Plan Bylaw No. 2017-13.

Respectfully submitted,

Budget Analyst

Approvals CFO	CAO
JWB	PW

The Corporation of the City of Penticton

Bylaw No. 2017-13

A bylaw to adopt the five year financial plan

WHEREAS the *Community Charter* states a municipality must have a financial plan that is adopted annually, by bylaw, before the annual property tax bylaw is adopted;

AND WHEREAS the planning period for a financial plan is five (5) years, that period being the year in which the plan is specified to come into force and the following four (4) years;

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 as "2017-2021 Five Year Financial Plan Bylaw No. 2017-13".

2. Purpose

Schedule "A" and Schedule "B" attached hereto and forming part of this bylaw shall be the Five Year Financial Plan of the City of Penticton for the period of January 1, 2017 to December 31, 2021.

READ A FIRST time 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

_____
Andrew Jakubeit, Mayor

_____
Dana Schmidt, Corporate Officer

"Schedule A"

	2017 Budget	2018 Budget	2019 Budget	2020 Budget	2021 Budget
Revenue					
Taxation	(51,232,250)	(52,459,629)	(53,735,152)	(55,060,732)	(56,414,366)
Sale of Services	(6,518,418)	(6,570,124)	(6,622,817)	(6,676,138)	(6,730,102)
Electric Utility Fees	(42,033,580)	(43,574,167)	(45,184,489)	(46,844,859)	(48,566,311)
Sewer Utility Fees	(5,099,025)	(5,615,858)	(6,179,246)	(6,656,398)	(6,673,887)
Water Utility Fees	(8,030,014)	(8,456,584)	(8,908,307)	(9,384,530)	(10,002,579)
Fiscal Services	(2,675,400)	(2,676,540)	(2,677,683)	(2,678,828)	(2,678,977)
Grants	(1,574,774)	(1,550,398)	(1,619,450)	(1,620,086)	(1,620,728)
Other Revenues	(12,888,022)	(12,201,100)	(12,203,222)	(12,212,415)	(12,167,377)
Development Cost Charges	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
Donations	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
	(130,661,483)	(133,714,401)	(137,740,365)	(141,743,987)	(145,464,327)
Expense					
General Operating	68,582,090	68,605,531	68,755,850	69,399,544	70,154,430
Electric Operating	37,737,736	37,680,712	37,851,418	39,845,637	42,109,499
Sewer Operating	4,317,737	4,286,542	4,309,399	4,642,284	4,718,022
Water Operating	3,626,292	3,717,354	3,873,102	3,983,967	4,024,684
	114,263,855	114,290,139	114,789,768	117,871,432	121,006,635
Annual Surplus (Deficit)	(16,397,628)	(19,424,262)	(22,950,597)	(23,872,555)	(24,457,692)
Capital					
General Capital	5,336,102	15,992,505	19,206,928	8,875,504	10,247,000
Electric Capital	3,315,085	2,979,024	2,399,218	2,896,778	2,831,262
Sewer Capital	2,046,000	3,240,000	4,667,000	2,806,000	5,820,000
Water Capital	5,282,500	3,990,700	4,966,285	7,504,320	3,465,000
	15,979,687	26,202,229	31,239,431	22,082,602	22,363,262
Land Sales	(2,500,000)	(200,000)	(200,000)	(200,000)	(200,000)
Debt Proceeds	(1,500,000)	-	-	(2,798,820)	-
Principal repayments	4,230,055	2,952,436	2,020,262	2,002,812	2,004,677
Transfer to/from surplus/reserve	187,886	(9,530,403)	(10,109,096)	2,785,961	289,753
Financial Plan Balance	-	-	-	-	-

Schedule "B"

Current Revenue Portions by Funding Source for Operating

(excluding transfers from reserves and surplus)

Taxation	30,370,426	23.24%
Grants in Lieu	254,519	0.19%
Hotel Room Tax (MRDT)	550,000	0.42%
Collections for Other Government	20,607,305	15.77%
Sale of Services	6,518,418	4.99%
Electric Utility Fees	42,033,580	32.17%
Sewer Utility Fees	5,099,025	3.90%
Water Utility Fees	8,030,014	6.15%
Other Revenue	12,338,022.43	9.44%
Fiscal Services	2,675,400	2.05%
Grants	1,574,774	1.21%
Donations	10,000	0.01%
Development Cost Charges	600,000	0.46%
	130,661,483	100%

City Council considers the current mix of user fees and tax levies sufficient

Current Property Class Multiples

Ratio	2017 est	2016	2015	2014
Residential	1.000	1.000	1.000	1.000
Utilities	4.073	4.073	4.028	4.468
Light Industry	1.54	1.524	1.524	1.426
Business	1.54	1.58	1.625	1.657
Rec/Non Profit	1.35	1.35	1.35	1.335
Farm	2.76	2.76	2.76	2.692

The ratios in this chart are based on the 2016 calcualtions. Council will review the business multiplier in April when they set the tax rates.

Use of Permissive Tax Exemptions

In 2016 Council passed Bylaw 2016-57 to exempt certain properties from taxation in 2017. The bylaw contains the list of properties and the estimated amount of tax revenue foregone ($453,954). The list of properties includes religious institutions, historical societies, recreational facilities and service organizations that form a valuable part of our community. These organizations have demonstrated to Council that their services support our residents and community.

Use of Revitalization Tax Exemptions

Revitalization tax exemption bylaws were introduced in Penticton in 2010 to provide economic incentives for specified key areas within the city. The specified areas include the downtown, the industrial areas, properties with hotel and motel use and the waterfront. Bylaw 2014-09 and 2015-09 provide for tax exemptions in the specified areas in the City. The estimated tax forgone for 2017 is $234,980.

Council Report

penticton.ca

Date: March 7, 2017 File No: 6520-20
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

Subject: **Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03**

Staff Recommendation

THAT Council give first, second and third reading to "Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03" ;

THAT in accordance with Section 204 of the *Community Charter*, appoint 3 members of Council as the parcel tax roll review panel;

THAT the sitting of the panel be held Tuesday, April 11, 2017 at 1:00 p.m. in Council Chambers, City Hall;

THAT Council direct staff to publish advance notice of the time and place in accordance with section 94 of the *Community Charter*;

AND THAT the Finance Department send letters to all impacted property owners identifying the full amount and payment options – providing a minimum of 30 days' notice for the payment to be made in full.

Strategic priority objective

This project is consistent with the City's Vision which imagines a vibrant Downtown and is in line with Council's Strategic Priority of Downtown Revitalization.

Background

On October 6, 2014 Council gave authorization for staff to proceed with a petition process in accordance with Section 211(1) (b) of the *Community Charter* to impose a local area service tax to offset the cost of street improvements for the 100 and 200 Blocks of Main Street.

The local area improvement process, for the landowner contribution, was completed in December 2014 with over 70% of the owners in favour of the project. The $255,000 property owner contribution included 25% of sidewalk and streetscape costs and will be recovered through a parcel tax over the next 15 years.
The 200 Block project commenced construction in spring 2015 and the 100 block reconstruction commenced in fall 2016. The project is now complete, on time, under budget and in accordance with the vision created by the Downtown Plan. We are now able to proceed with applying the parcel tax.

Prior to commencement of the local area improvement process, each landowner was met with numerous times and provided with the cost information, including the breakdown of the payback over the 15 years period. All property owners were aware of this upcoming parcel tax.

Analysis

In accordance with Bylaw 2017-03, the landowner contribution for the 100 & 200 Block of Main Street – Downtown Revitalization Project can now commence. The adjacent landowner contribution will take place over a 15 year period.

Prior to the bylaw taking effect, notification of each of the owners will take place advising them that a complete contribution can be paid in full by May 31, 2017, otherwise the contributions will be paid over 15 years with an interest rate of 4.70% per year.

In accordance with Section 204 of the *Community Charter*, Council must do the following:

- Appoint at least 3 persons as the members of the parcel tax roll review panel;
- Establish the time place for the sitting of the panel; and
- Have advance notice of the time and place published in accordance with Section 94.

A person may make a complaint to the parcel tax roll review panel on one or more of the following grounds:

- There is an error or omission respecting a name or address on the parcel tax roll;
- There is an error or omission respecting the inclusion of a parcel;
- There is an error or omission respecting the taxable area or the taxable frontage of a parcel; or
- An exemption has been improperly allowed or disallowed.

A complaint must not be heard by the parcel tax roll review panel unless written notice of the complaint has been given to the municipality at least 48 hours before the time set for the first sitting of the review panel.

The review panel must confirm and authenticate the parcel tax roll by certificate signed by a majority of its members.

Attachments

Attachment A – Phase 1 – Main Street Local Area Service Bylaw No. 2014-42

Attachment B – Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03

Respectfully submitted,

Anthony Haddad
Director of Development Services

Approvals

Director	Chief Administrative Officer
AH	PW

The Corporation of the City of Penticton

Bylaw No. 2014-42

A bylaw to establish a local area service and to authorize the construction of sidewalk improvements on the 100 and 200 blocks of Main Street.

WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to proceed with a local area service, subject to a petition against by property owners subject to a local area service tax;

AND WHEREAS notice of Council's intention to undertake a local area service under its own initiative has occurred in accordance with Section 213 of the *Community Charter;*

AND WHEREAS fewer than 50% of the property owners representing less than 50% of the total assessed value of the properties subject to the local area service tax described herein have petitioned against the local service tax;

AND WHEREAS the Corporate Officer has determined the sufficiency and validity of every petition against the local area service tax, and certified her determination;

AND WHEREAS the *Community Charter* provides for a part of the cost to be borne by property owners benefitting from a local area service and for the levy and imposition of a local service tax to be imposed on benefitting properties to recover the owners' portion of the costs;

NOW THEREFORE the Municipal Council of the Corporation of the City of Penticton in open meeting assembled ENACTS AS FOLLOWS:

Title

1. This bylaw may be cited for all purposes as the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42".

Definitions

2. In this bylaw, unless otherwise stated, the following words and terms shall have the following meanings:

   "actual asphalt costs" means the final cost of asphalt paving covering vehicle travel lanes, including raw materials and labour, but does not include post-construction maintenance and operational costs, decorative paving stones and surfacing installed in on-street parking spaces.

   "actual owner supported costs" means the difference between actual project costs and actual asphalt costs, multiplied by 25%

   "actual project cost" means the final cost of the project after construction is complete including engineering, sales taxes and contingencies, but does not include post-construction maintenance and operational costs.

"annual tax rate" means the rate charged annually per meter of frontage as calculated under Section 12 of this bylaw.

"current tax year" means:

a) the current year; or

b) if taxes under this bylaw have been paid for the current year, the year following the current year.

When applied in a formula in this bylaw, the current tax year shall be expressed as a number between 2016-2031.

"estimated asphalt and infrastructure costs" means the estimated cost of asphalt paving covering vehicle travel lanes and water infrastructure service upgrades, as determined by the City Engineering Department, including raw materials and labour, but does not include post-construction maintenance and operational costs, decorative paving stones and surfacing installed in on-street parking spaces.

"estimated owner supported costs" means $254,847.79; which is the difference between estimated project costs and estimated asphalt and infrastructure costs, multiplied by 25%.

"estimated project cost" means the total estimated project cost as determined by the City Engineering Department prior to construction.

"frontage" means the total frontage of the property fronting the project area;

"interest" means the prime rate as established by the City's financial institution from time to time plus 2%;

"power outlet" means electrical sockets installed on street lighting or other suitable locations intended to provide electricity for street vendors, special events or other activities subject to the approval of the City.

"project area" means the area shown in blue crosshatching on Schedule A of this bylaw.

"total frontage" means the sum of the frontage of all the assessed parcels fronting the project area and for the purpose of this bylaw has a value of 384.881 metres

Interpretation

3. Where the wording of a clause in this bylaw yields a different number than a formula which is referenced to, or forms part of that clause, the number derived from the formula shall prevail.

Project description

4. The local area service shall be the installation of new sidewalk, street trees, street furnishings, irrigation, and street lighting on the north and south sides of the 100 and 200 Blocks of Main Street as shown in Schedule A.

Project location

5. The boundaries of the local service area are shown in blue within Schedule A of this bylaw.

6. Assessed parcels which shall be subject to the local service tax under this bylaw, are those parcels, within the area shown in heavy red line in Schedule A of this bylaw.

Total Project cost

7. The estimated total project cost for the local area service is $2,065,770.40.

Portion of cost of service recovered from land owners

8. The total portion of the local area service cost that will be recovered from property owners under Section 10, through the local service tax shall be either:

    a) estimated owner supported cost of $254,847.79, plus interest; or

    b) actual owner supported costs,

    whichever is less.

9. The remaining portion of the local area service cost has been appropriated for that purpose in the annual budget and has been levied through the City's annual property tax bylaw.

Form of local service tax and methods of cost recovery

10. The local area service tax shall be imposed as a parcel tax on the frontage of each parcel in accordance with Section 202(2)(c) of the *Community Charter.*

11. Each year, property owners shall pay the annual tax rate/meter of frontage, including interest, for a period of 15 years.

12. As an alternative to Section 11, property owners may elect to pay their entire contribution prior to commencement of the first year, without any interest.

Project Completion

13. Landowner support for this project does not guarantee commencement of construction until the remaining funds are approved for the estimated total project costs.

Severability

14. A declaration by a court of competent jurisdiction that a section, 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 section, clause or provision, or part of the Schedule declared to be invalid.

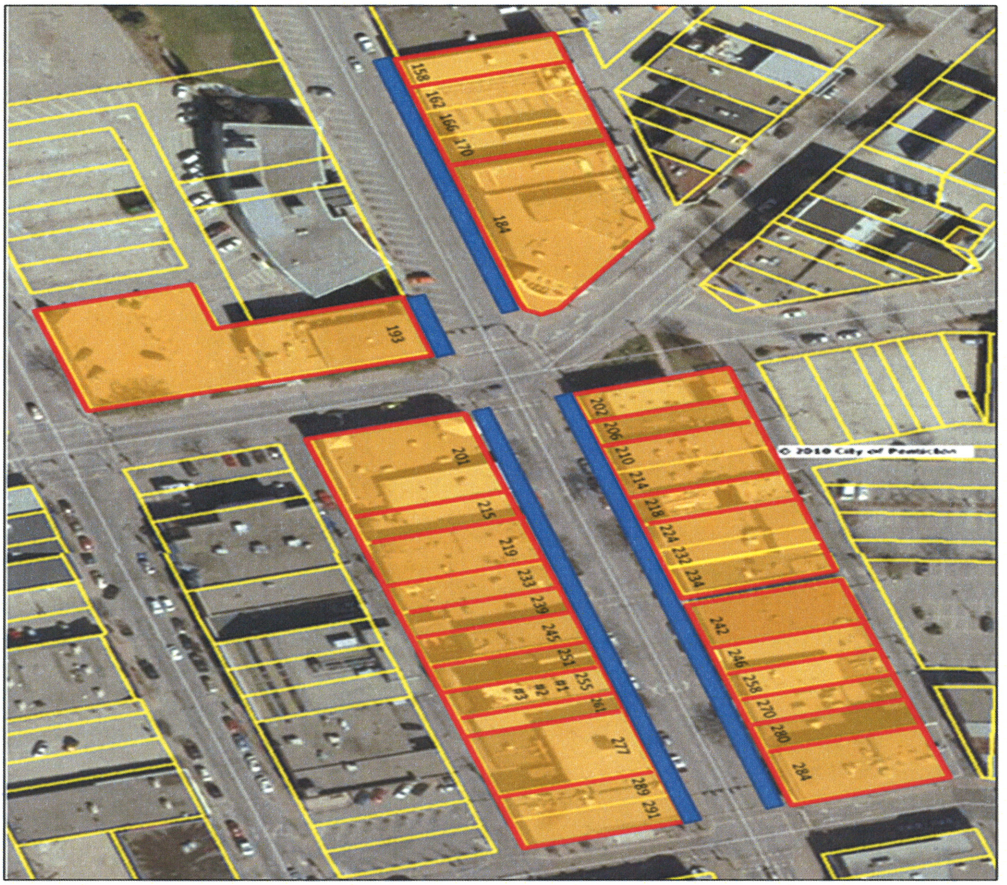
READ A FIRST time this	6	day of	October, 2014
READ A SECOND time this	6	day of	October, 2014
READ A THIRD time this	15	day of	December, 2014
ADOPTED this	12	day of	January, 2015

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A

Local Area Service Boundary



100 & 200 Blocks of Main street

Proposed Local Area Improvement Project

Assessed Parcel Boundaries

Landowner Contribution Area

(25% contribution towards new sidewalk, street trees, street furnishings, irrigation, and street lighting)

The Corporation of the City of Penticton
Bylaw No. 2017-03

A bylaw to impose a local area service parcel tax for the improvements on the 100 and 200 blocks of Main Street.

WHEREAS the *Community Charter* allows a Council, by bylaw, to impose a parcel tax to provide all or part of the funding for a service;

AND WHEREAS the City of Penticton has adopted the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42" a bylaw to authorize the construction of sidewalk improvements on the 100 and 200 blocks of Main Street;

AND WHEREAS the City has completed the improvements and funded the full amount authorized;

AND WHEREAS the Council of the City of Penticton wishes to recover a portion of the capital costs of the Main Street improvement project through a parcel tax;

NOW THERFORE the Council of the City of Penticton, in open meeting assembled enacts as follows:

1. Title

This Bylaw may be cited for all purposes as the "Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03".

2. Establishment of Parcel Taxes for the Phase 1 - Main Street Revitalization Project

(1) Council hereby imposes a parcel tax for the Phase 1 – Main Street Revitalization Project, for the calendar year 2017 for a maximum period of 15 years, the calendar year of 2031.

(2) The parcel tax roll used to levy this parcel tax shall be the "100 and 200 Main Street Revitalization Project Parcel Tax Roll" as attached as Schedule A hereto and forming part of this bylaw.

(3) This parcel tax shall be levied for each parcel that has the opportunity to be provided with local area service improvements, as outlined in Schedule A to this Bylaw.

(4) Each year, property owners shall pay the annual tax rate/meter of adjusted frontage for a period of 15 years.

(5) The property owner may elect to pay the balance of unpaid annual payments using the methods of cost recovery as outlined in the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42".

READ A FIRST time this	of	, 2017
READ A SECOND time this	of	, 2017
READ A THIRD time this	of	, 2017
ADOPTED this	of	, 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A

100 and 200 Main Street Revitalization Project Parcel Tax Roll

Roll	Street	Frontage (metres)	Total Parcel Tax (Without Interest)	Total Per Year for 15 Years (inc. interest)
04635-000	158 MAIN ST	9.144	$6,054.67	$550.21
04637-000	170 MAIN ST	27.432	$18,164.02	$1,650.64
04641-010	184 MAIN ST	39.899	$26,419.00	$2,400.80
04696-005	195 MAIN ST	19.3	$12,779.44	$1,161.32
04770-000	202 MAIN ST	27.432	$18,164.02	$1,650.64
04771-000	206 MAIN ST	9.144	$6,054.67	$550.21
04772-000	210 MAIN ST	18.288	$12,109.34	$1,100.43
04774-000	218 MAIN ST	9.144	$6,054.67	$550.21
04776-000	234 MAIN ST	9.144	$6,054.67	$550.21
04779-010	242 MAIN ST	9.144	$6,054.67	$550.21
04781-000	246 MAIN ST	9.144	$6,054.67	$550.21
04782-000	258 MAIN ST	5.4786	$3,627.64	$329.66
04783-000	270 MAIN ST	1.8262	$1,209.21	$109.89
04784-000	280 MAIN ST	1.8262	$1,209.21	$109.89
04786-100	284 MAIN ST	6.858	$4,541.00	$412.66
04827-005	295 MAIN ST	20.565	$13,617.05	$1,237.44
04829-005	277 MAIN ST	18.288	$12,109.34	$1,100.43
04831-000	261 MAIN ST	10.211	$6,761.18	$614.42
04832-002	101 - 255 MAIN ST	8.077	$5,348.16	$486.01
04832-004	201 - 255 MAIN ST	18.288	$12,109.34	$1,100.43
04832-006	301 - 255 MAIN ST	8.986	$5,950.05	$540.71
04833-000	251 MAIN ST	27.31	$18,083.23	$1,643.30
04834-000	245 MAIN ST	15.24	$10,091.12	$917.02
04835-000	239 MAIN ST	9.144	$6,054.67	$550.21
04836-000	233 MAIN ST	8.922	$5,954.03	$536.85
04838-100	219 MAIN ST	9.144	$6,054.67	$550.21
04839-000	215 MAIN ST	9.144	$6,054.67	$550.21
04841-500	201 MAIN ST	18.288	$12,109.34	$1,100.43
TOTAL (28)		**384.811**	**$254,847.79**	**$23,154.86**

Council Report

penticton.ca

Date: March 07, 2017 File No: Civic
To: Peter Weeber, CAO
From: Ken Kunka, Building and Permitting Manager
Address: 200 - 553 Vees Drive Street

Subject: **Cascades Casino Penticton - Liquor Primary Licence**
Gateway Casinos & Entertainment Limited

Staff Recommendation
THAT Council direct staff to commence public notification of the proposed Liquor Primary Licence Endorsement for Cascades Casino Penticton (Gateway Casinos & Entertainment Ltd);

AND THAT staff report back to Council at their meeting on March 21, 2017 with the results of the public consultation for Council's consideration.

Background
The City has received an application from Glenn Atchison, Manager of Compliance - Gateway Casinos and Entertainment Ltd., proposing two (2) Liquor Primary Licences for the new Cascades Casino currently under construction at 200-553 Vees Drive (Site Location - Attachment A). The proposed liquor primary licences will be for the:

- Casino (main floor) – no minors permitted
- Match Eatery restaurant and patio (main and upper floor) – family food service conditions.

The proposed licenses will have occupant loads and hours of operation: (see floor plans – Attachment B)

Total Person Capacity (patrons and staff) - Casino
- Interior = 1529
- Patio = 22

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:30 AM	2:30 AM	2:00 AM

Total Person Capacity (patrons and staff) – Match Eatery restaurant
- Main floor Interior = 396
- Upper floor = 386 (Interior and exterior patio)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:30 AM	2:30 AM	2:00 AM

An impact statement provided by the applicant outlining the proposed business operations has been included as Attachment C.

The application has been reviewed by the Liquor Control Licensing Branch (LCLB) and having determined applicant eligibility (attachment D), will now proceed to the Site and Community Assessment (SCA) stage which is the stage for local government input.

Site Context

The property is zoned P1 (Public Assembly) with an OCP designation of PR (Parks and Recreation). The property is located within the South Okanagan Event Centre (SOEC) campus in a mixed residential, recreational and commercial area. There are currently liquor primary licensing at the SOEC and adjacent Penticton curling rink.

LCLB Legislation, Policy and Bylaw Review

Liquor Primary - Any business in the hospitality, entertainment or beverage industry, including bars, pubs, lounges, nightclubs, stadiums, theatres, recreation and convention centers, may apply for a liquor-primary licence. The only exceptions are businesses geared towards youth (which may not be licensed to serve liquor) and private clubs (which require a liquor-primary club licence.)

Section 11 of the Liquor Control and Licencing Act requires the LCLB to consult local governments on liquor licence requests of a prescribed class or category prior to issuance of such a licence, giving the local government an opportunity to provide comments and recommendation(s) and to gather views of residents within the area.

The LCLB application process for a Liquor Primary application requires a municipal resolution before the Province will consider the application further. The following criteria are to be considered:

- The potential for noise if the application is approved;
- The impact on the community if the application is approved (example - public nuisance (RCMP), traffic issues, etc.); and
- Indicate whether or not the views of the residents were gathered, and if not, provide reasons why they were not gathered (residents include business owners).

Financial implication

The public consultation process costs will be offset by the Liquor Review application and public signage fees.

Analysis

Technical Review

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on four specific criteria. In consideration of these criteria, the following information has been provided from the City's Liquor Licencing Technical Review Committee and staff with regards to this application.

1. The potential for noise if the application is approved.

    - The use of the exterior upper patios may create noise levels that may be unacceptable to the residential units located across Eckhardt Avenue West. Staff had engaged with the applicant to further review this matter and they have provided the following:

- Noise – Upper Patios

    - The patios will service food and beverages including alcoholic beverages between the hours of 9am to 2am seven (7) days a week.
    - Live amplified music will be limited to the indoor portion of the patio.
    - Amplified recorded music will be played to a suitable level on the patios during hours of operation.
    - Staff will know what a "suitable level" is. Once the a/v system is working, we will go to the closest residential buildings and make sure we cannot hear the music. Then we will know the maximum level the music can go before we open to the public.

    As Michael Magnusson, General Manager of Cascades Penticton, stated, "last thing we want to be is bad neighbours."

2. The impact on the community if the application is approved (example - public nuisance (RCMP), traffic issues, etc.).

    - There were no concerns that the licensed area would create an increase in traffic or other disturbances to the local community. A traffic review was completed as part of the application for building permit to construct the casino.
    - Any unacceptable noise generation can be addressed under the Good Neighbour Bylaw and Business Licence Bylaw.

Public Consultation

As per the Liquor Licensing Act, staff will be seeking comments from adjacent property and business owners. Public notices will sent out to neighbouring properties within a 100m radius, which will include the businesses to the east and mixed commercial and residential units to the south. As well, three public notice signs will be placed along the three roadways adjacent to the property and two notices within the local newspaper.

Any public comments as a result of the public notice process will be compiled and reviewed with the applicant prior to final recommendation to Council. Staff proposes to bring forward final recommendation with public and LLTRC comments to the March 21, 2017 Council meeting, as per the City of Penticton Liquor Licensing Policy.

In Conclusion

Council can choose to support the application as is and move to public consultation or modify the request with further restrictions such as use or hours. Should Council deny the application then the applicant will be informed of Council's decision and a Council resolution outlining the reason for denial is forwarded to the LCLB.

Alternate recommendations

1. THAT Council denies support of the Cascades Casino Penticton liquor primary applications.
2. THAT Council refers the Cascades Casino Penticton application back to staff for further review.

Attachments

Attachment A – Location Map

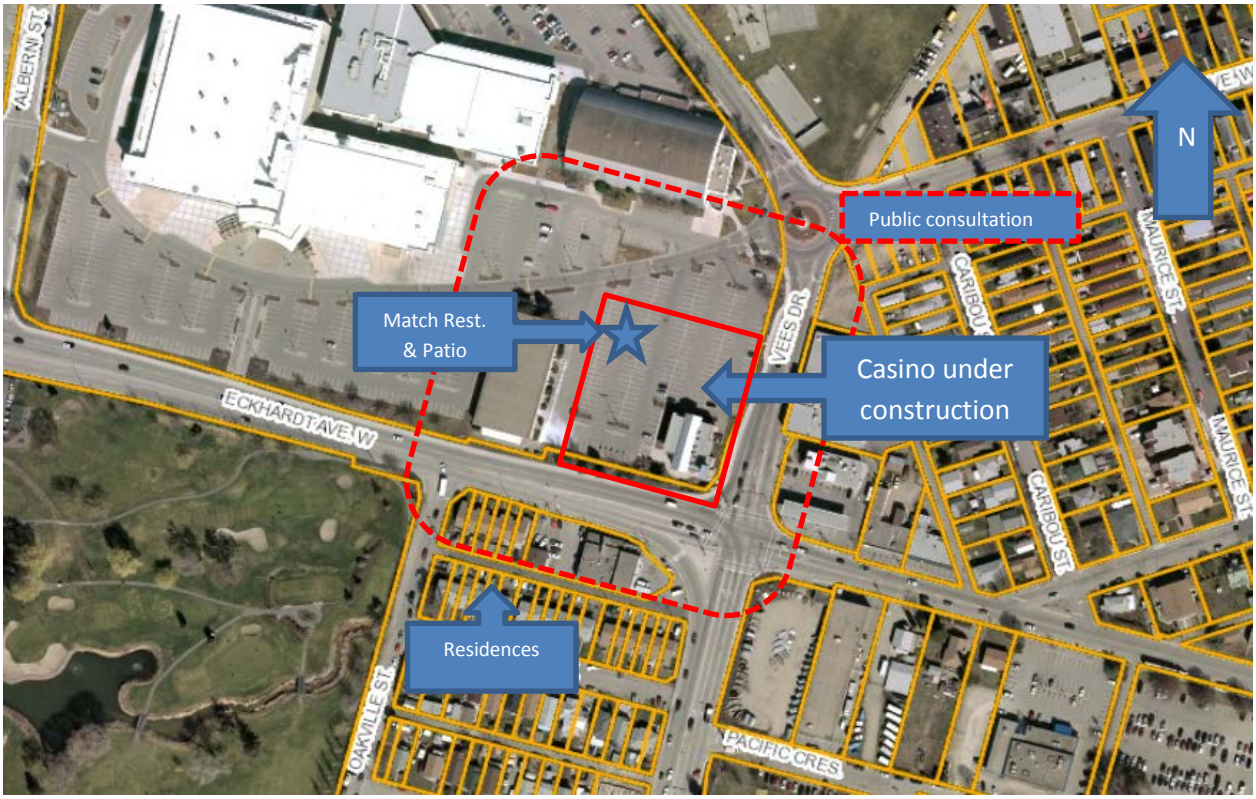
Attachment B – Floor Plans
Attachment C – Applicant Impact Statement
Attachment D – LCLB Application Summary

Respectfully submitted,

Ken Kunka, Building and Permitting Manager
Approvals

CAO
PW

Attachment A
Site Location – 553 Vees Drive.



Site Plan

Match Eatery Restaurant and upper patio area (North face)

Attachment B
Site and Floor Plan

Attachment C
Applicants Impact Statement

GATEWAY
CASINOS & ENTERTAINMENT LIMITED

October 5, 2016

Liquor Control and Licensing Branch
4th Floor, 3350 Douglas Street
Victoria, BC V8W 9J8

Letter of Intent – Penticton

RE: **Gateway Casinos & Entertainment Limited**
1. **Liquor Primary Licence – New – No Minors Permitted**
2. **Liquor Primary Licence – New – with Family Foodservice Term and Condition**

Introduction

In 2015, Gateway Casinos & Entertainment Limited ("Gateway") Casino was informed by the Penticton Lakeside Resort that they would not be renewing the Penticton Casino's lease, which expires on May 15, 2017. This has necessitated Gateway to secure a new location for an entertainment facility to continue serving the South Okanagan region.

Gateway's current Penticton Casino is a full service casino located at the Penticton Lakeside Resort on the southern shore of Okanagan Lake. Since May 2000, the Casino has made its home at this address and underwent a $1.146 million addition in 2008. Due to continued growth in the entertainment industry, however, the current facility does not allow for continued expansion, creating a missed opportunity for meeting the demand of our valued guests.

With a population of over 43,000 in the greater Penticton area and over 2 million tourists visiting the Thompson Okanagan each year, Gateway's strategy to meet current and future demands included the securement of a new location for an entertainment facility. Gateway completed a 25 year lease with a 10 year option with the City of Penticton to encompass the existing Visitor's Centre at 553 Vees Drive. This property provides everything Gateway needs to construct an entertainment facility for the South Okanagan. The location is the most visible in the City, sitting at the corner of Penticton's main transportation artery, highway 97 and the main corridor into the City, Eckhart Avenue. It is also adjacent from the South Okanagan Events Centre, which features BCHL hockey from the Penticton Vees, concerts, and other events, as well as the Penticton Trade and Convention Centre. On-site parking offers over 1,000 free stalls and 45,000 square feet of entertainment space. It is also in the heart of a major hotel zone and in the best possible location to draw both local and tourist casino guests.

The existing Penticton Casino has aged significantly and is dated in comparison to current casino design standards. As it continues to age, it becomes less relevant to patrons while being capable of only providing a snack bar menu service.

With an expected completion date of May 2017, this new facility will be a transformation effort that will provide the community with an entertainment option that has a greater appeal and more reasons to visit.

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Opportunity (Target Market)

The new Cascades Penticton facility will offer superior amenities and customer service in a new, modern and comfortable facility. The proposed plan will ensure that specific customer needs are uniquely met and exceed expectations. Our unique combination of amenities appeals to a broad target audience and provides our target market with —"everything you are looking for, all in one place".

In addition to the new casino Liquor Primary Licence (#1), Gateway is applying for a second new Liquor Primary Licence (#2) which is to have a Family Foodservice Term and Condition (i.e. Accompanied Minors permitted until 10pm). With the opportunity to now add a Family Foodservice Term and Condition to a Liquor Primary Licence, Gateway can expand its offerings inside Match Eatery & Public House and The Buffet to families while still excluding minors' access to gaming products and services.

1. **Liquor Primary Licence (#1) for Casino (and cancellation of existing Casino Liquor Primary Licence)**

The existing Penticton Casino is outdated, cramped for space and offers limited amenities.

A new casino gaming floor will provide a more comfortable and enhanced gaming experience. The addition of new slots and new table games provides our guests with what they have been asking for.

2. **Liquor Primary Licence (#2) with a Family Foodservice Term and Condition: Encompasses: (1) Match Eatery & Public House; and (2) The Buffet**

Match Eatery & Public House ("Match") is a contemporary themed pub offering premium sports viewing experience. Energetic, attentive and confident staff will serve pub staples, with a local gastro flare. Throughout the week, Match will show events people want to watch, and families will be able to dine and enjoy. As the week graduates into the weekend, the Match will become more energetic and vibrant. Sporting Pay-PerView events, bands, DJ's and dancing will take over the spaces.

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People love to cheer for their teams, and they love to do so with their friends and family – most customers today are looking to do it in a nice, clean, and safe environment. Gateway has established Match as a very solid brand on its own, and a brand that will be linked closely with Gateway and its philosophies and goals.

The Buffet appeals to our value-seeking customers and provides a large selection of freshly-prepared food. The Buffet will have broad customer appeal due to our casual atmosphere, wide variety of food offerings, and low price points. Our strategy is based on serving our niche markets well. Seniors, babyboomers, families with young children, blue collar workers, middle income individuals, and most of mid-range BC can all enjoy the dining experience at The Buffet.

Surrounding Establishments

Below is a site map of the City of Penticton identifying establishments within a reasonable distance from the Cascades Penticton facility. The South Okanagan Event Centre, Penticton Trade and Convention Centre, Cleland Community Theatre, and the Penticton Memorial Arena are adjacent to the Cascades Penticton facility so they are not indicated on the map. (The listed establishments and distance information was compiled using the online "Map Quest" ser

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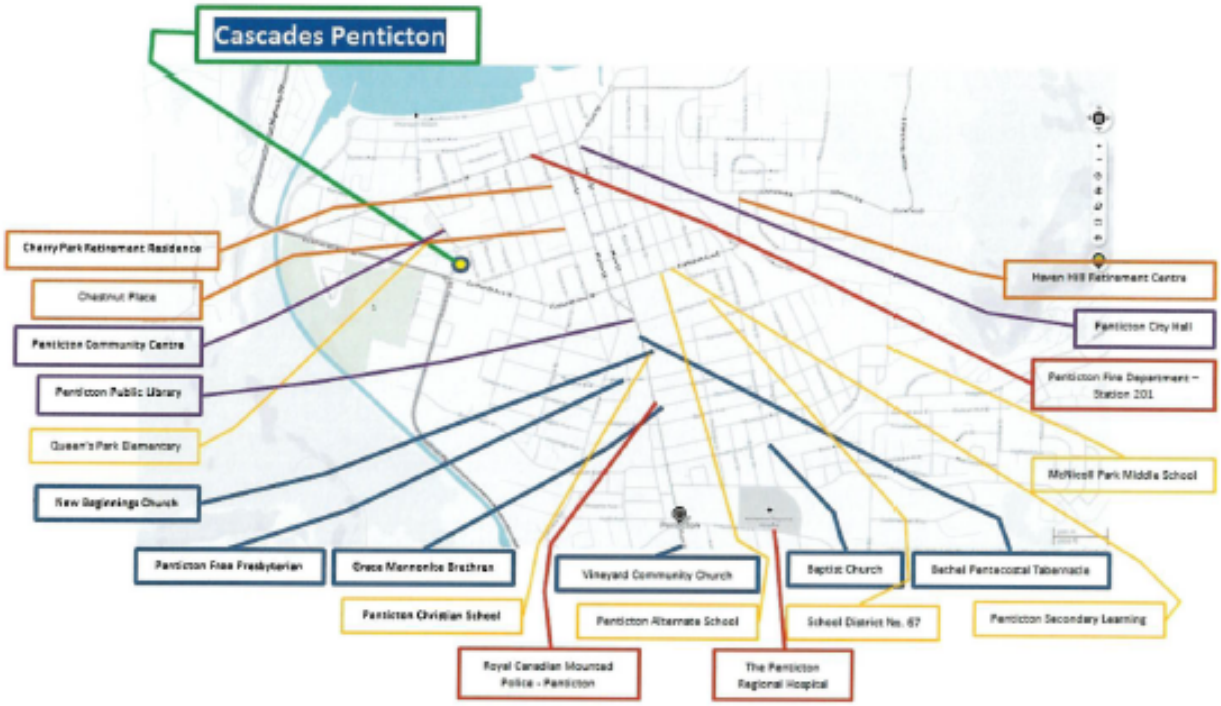

1. Bethel Pentecostal Tabernacle – 0.8 miles from Cascades Penticton
2. New Beginnings Church – 0.9 miles from Cascades Penticton
3. Penticton Free Presbyterian – 0.9 miles from Cascades Penticton
4. Grace Mennonite Brethren – 1.1 miles from Cascades Penticton
5. Baptist Church – 1.7 miles from Cascades Penticton
6. Vineyard Community Church – 1.7 miles from Cascades Penticton
7. Queen's Park Elementary – 0.2 miles from Cascades Penticton
8. Penticton Alternate School – 0.8 miles from Cascades Penticton
9. Penticton Secondary Learning – 0.8 miles from Cascades Penticton
10. Penticton Christian School – 0.9 miles from Cascades Penticton
11. School District No. 67 – 1.0 miles from Cascades Penticton
12. McNicoll Park Middle School – 1.9 miles from Cascades Penticton
13. Royal Canadian Mounted Police – Penticton – 1.1 miles from Cascades Penticton
14. The Penticton Regional Hospital – 1.7 miles from Cascades Penticton
15. Penticton Fire Department – Station 201 – 0.6 miles from Cascades Penticton
16. Penticton City Hall – 0.9 miles from Cascades Penticton
17. Penticton Public Library – 0.8 miles from Cascades Penticton
18. Penticton Community Centre – 1.8 miles from Cascades Penticton
19. Cherry Park Retirement Residence – 0.6 miles from Cascades Penticton
20. Chestnut Place – 0.5 miles from Cascades Penticton
21. Haven Hill Retirement Centre – 1.3 miles from Cascades Penticton
22. South Okanagan Event Centre – 0.0 miles from Cascades Penticton
23. Penticton Trade and Convention Centre – 0.0 miles from Cascades Penticton
24. Cleland Community Theatre – 0.0 miles from Cascades Penticton
25. Penticton Memorial Arena – 0.0 miles from Cascades Penticton

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Composition of Neighbourhood

The proposed facility is located close to many hotels and the convention centre.

A 30 minute drive time penetrates all of Penticton and well into the V0H postal code area and covers 17,800 households, 4,800 apartments and 1,600 businesses.

Direct Competition

The Cascades Penticton Casino will have no direct competition in the nearby areas. The closest gaming facility is located in the Kelowna region – Chances Kelowna and one of our properties, Lake City Casino Kelowna.

Indirect Competition

Live Theatre

The Cleland Community Theatre is located at the South Okanagan Events Centre Campus has 443 seats, and hosts symphonies, comedians, and noteworthy speakers.

Movies

Penticton is home to Landmark Cinemas 7 which plays all the new releases, and is located in downtown Penticton.

Live Entertainment

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Some venues in Penticton will occasionally host live entertainment – nightclubs, bars, and pubs, including regular karaoke at The Barley Mill, visiting bands at The Dream Cafe, and guest DJ's and events at The Mule Night Club.

Dining

Penticton is home to over 30 restaurants, many of which will be in direct competition with Match Eatery & Public House and The Buffet. Most of these restaurants are downtown or on Main Street in central Penticton. There are five sports pubs in Penticton which serve pub-style food and there are family restaurants which include Boston Pizza, White Spot and casual dining restaurants which include Earls, The Hooded Merganser, and Villa Rosa Restaurant.

South Okanagan Events Centre

Located directly across from the new Cascades Casino Penticton, the South Okanagan Events Centre ("SOEC") is Penticton's largest entertainment space featuring concerts, trade shows, and the BCHL's Penticton Vees as well as other sporting events. Other venues on the SOEC campus include the Cleland Community Theatr, and the Penticton Trade and Convention Centre. Inside the SOEC resides the BC Hockey Hall of Fame.

Sporting Events

Each year the South Okanagan Events Centre hosts the Vancouver Canucks Young Stars Tournament featuring top rookies from the Canucks, Edmonton Oilers, Winnipeg Jets, and Calgary Flames. In 2017, the SOEC will be home to the Western Canada Cup featuring the top junior teams from British Columbia to Manitoba, and is currently bidding on hosting the 2018 Scotties Tournament for curling.

Live Concert Events

Live major concerts are performed at the South Okanagan Events Centre, featuring upcoming acts such as Don Henley, Meatloaf, and Alice Cooper. Past acts have included Motley Crue, Def Leopard, and Rihanna.

Community Support

Gateway and its Penticton team are dedicated to responsible gaming and supporting the Penticton community. In April 2014, Lake City Casino Penticton received accreditation from the Responsible Gambling Council, and continues to exceed expectations each annual review. The site has taken responsible gaming (RG) initiatives such as holding quarterly responsible gaming committee meetings, announcing the time of day during announcements, conducting staff and player education events, and including RG messaging on reserve signs in and around the casino.

In terms of community events, Gateway's team is very active in supporting local charities and non-profit organizations with both financial and volunteer support, including the United Way, Neurological Society, SPCA, South Okanagan Medical Foundation, Rotary Club, Kinsmen Club, and many more. Our team also created the annual Community Toy Drive in 2015, which collects and donates toys, presents, and money to families in need during the holiday season by providing stockings to local businesses to fill for a specific age and gender, and providing a free breakfast at the Penticton Trade and Convention Centre the day of the Toy Drive. In 2015, over $75,000 worth of

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presents, gift cards, and money was raised for the South Okanagan's children and teenagers who would otherwise not be able to receive gifts.

Noise

The potential noise arising from the facility's casino and restaurants is expected to be typical of licensed establishments throughout municipalities. Gateway expects the noise from the patios will be minimal and maintained through frequent attendance by food and beverage personnel.

Parking

For the majority of the time the South Okanagan Event Centre's 1222 on-site parking stalls, which includes 143 stalls that will be added to the southwest corner lot, as well as the additional 545 spaces around the SOEC including on- and off street parking, will be more than sufficient to provide people visiting Cascades Penticton, SOEC, Memorial arena, Okanagan Hockey School, and Curling Club with a place to park their vehicle.

Customer Shuttle

The City of Penticton is currently offering a free shuttle service operated by BC Transit to bring event-goers to the SOEC from three satellite parking lots located downtown Penticton and two other parking areas along Lakeshore Drive at Power Street and at the S.S. Sicamous. The purpose of the shuttle allows attendees of the SOEC the convenience of parking off-site and then dropped off at the front doors to the SOEC, while creating more vacancy at the SOEC for Cascades Penticton patrons.

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Staff Parking

During busy event nights, SOEC staff are committed to parking away from the SOEC campus to allow adequate stalls for Cascades Penticton patrons and event-goers. The City is currently resurfacing their owned lot at the corner of Westminster Avenue and Alberni Street. This parking area will be designated for SOEC Event staff, which will create approximately 100 stalls at the Campus that would otherwise be occupied.

Cascades Penticton staff will also park off-site during events, which will allow another 80 stalls to be occupied by Cascades Penticton patrons and event attendees. Staff are able to park at Cascades Penticton's alternate property located at 602 Eckhardt Avenue, while other private parking areas are being discussed with operators such as the Okanagan Auctions lot on Westminster Avenue and Power Street, the Penticton Golf and Country Club during their offseason located across the highway from the SOEC, as well as Canadian Tire and Moduline Industries Ltd., located just south of the SOEC on Railway Street (also known as Channel Parkway).

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The customer shuttle combined with staff parking off site during event days/nights will create an additional 250 stalls to be vacant in and around the SOEC to mitigate parking limitations created by large scale events to ensure adequate parking for regular Cascades Penticton patrons. Furthermore, Cascades Penticton also plans on leveraging Match Eatery & Public House as well as The Buffet to entice event goers and casino patrons alike to arrive early and/or leave later to reduce congestion in and around the SOEC.

Security & Surveillance

Gateway's security and surveillance personnel at its facilities provide an extremely secure environment for its patrons and employees.

With regard to Match Eatery & Public House and The Buffet,

1. Security conducts regular parking lot checks and has incorporated walk-by patio checks into its routine;
2. Security immediately responds when notified by surveillance or by an employee via the radio to attend a patio due to a specified situation;
3. Gateway staff are mandated to ask for two pieces of ID per LCLB regulations when verifying an individual's age; and

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4. Security is stationed at the entrance to the adjacent "gaming facility" and conducts ID checks on everyone who looks under 30 years of age. Gateway's standard exceeds LCLB's "19 years of age" and BCLC's "25 years of age".

Additional surveillance cameras were installed to provide increased surveillance camera coverage of the patios.

Serving It Right Training

All staff of Match Eatery & Public House and The Buffet, all other facility food and beverage employees, all gaming employees, all Security Officers, and all facility management are required to complete BC's Serving It Right Certification.

Family Foodservice Term and Condition

Gateway is requesting LCLB approve a "Family Foodservice Term and Condition" for the new Liquor Primary Licence for the Match Eatery & Public House and The Buffet.

Appropriate signage and procedures will be in place to ensure no minors are in Match Eatery & Public House and The Buffet after 10PM.

Gateway Liquor Service Policies

Gateway has well-established house liquor service policies which all Gateway employees are mandated to follow (provided previously to LCLB and available upon request).

If you have any questions or require additional information, please contact me directly at (604) 296-5020 or by email at gatchison@gatewaycasinos.com .

Regards,

Glenn Atchison

Glenn Atchison, CPA, CGA
Manager of Compliance
Gateway Casinos & Entertainment Limited
4331 Dominion Street
Burnaby, BC V5G 1C7
gatchison@gatewaycasinos.com

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Attachment D
LCLB Application Summary

APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: February 14, 2017 **Job # 30782905-001**

Created by: Chandra Morrison, Senior Licensing Analyst

Re: Application for a new Liquor Primary Licence
Applicant: Gateway Casinos & Entertainment Limited
Proposed Establishment Name: Cascades Casino Penticton
Proposed Site: 200 – 553 Vees Drive in Penticton

1. APPLICATION INFORMATION

Date application deemed complete:	February 10, 2017
Local Government Jurisdiction:	City of Penticton
Primary Business Focus:	Gaming
Total Person Capacity (patrons plus staff):	1569 (Interior) 22 (Patio)

Proposed Hours of Operation:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:30 AM	2:30 AM	2:00 AM

Terms and Conditions: Minors are not permitted in the liquor service area(s).

Establishment Type: The proposed establishment will operate as a casino with liquor service available on the gaming floor and a patio attached to the gaming floor. The casino will offer table games, poker and slot machines. Under a separate liquor licence, the applicant will operate a buffet and public house to be located in other areas of the same building. This casino will replace the existing casino currently located at 21 Lakeshore Drive West in Penticton.

See the attached Applicant's Letter of Intent for details of the proposed Liquor Primary establishment, including the following details:

a) Business Focus or Purpose
b) Target Market
c) Composition of the Neighbourhood and Reasonable Distance Measure
c) Benefits to the Community
d) Noise in the Community
f) Impact on the Community
g) Other impacts, comments or requests

The applicant's letter of intent and draft floor plan is enclosed as an attachment to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

2. CONTRAVENTION STATISTICS

The Liquor Control and Licensing Branch provide contravention statistics for liquor primary and liquor primary club establishments near the subject location upon request.

3. Public Interest – Local Government Consultation

In providing the resolution on the proposed licence application, Local Government must consider and comment on each of the regulatory criteria indicated below.

The written comments must be provided to the general manager by way of a resolution within 90 days after the Local Government receives notice of the application, or any further period authorized by the General Manager, Liquor Control and Licensing Branch, in writing. Alternatively, LG/FN can delegate staff with the authority to provide comment.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
  - The location of the establishment.
  - The person capacity and hours of service of the establishment.
- Provide a resolution with comments on:
  - The impact of noise on nearby residents.
  - The impact on the community if the application is approved.
  - The view of residents and a description of the method used to gather views.
  - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.

If local government opts out of the licensing process, written notification must be provided to the Branch, and the Branch will gather public input and contact local government staff for information to assist the Branch in considering the regulatory criteria.

For use by Liquor Control and Licensing Branch:

4. REGULATORY and POLICY CONSIDERATIONS

Liquor Control and Licensing Act, Sections: 38, 39, 40
Liquor Control and Licensing Regulations, Sections: 71(1)(9)
Policy Directive 16-14 and 16-16

BRITISH COLUMBIA

February 6, 2017 Job # 30782945-001

City of Penticton
171 Main Street
Penticton, BC V2A 5A9
Email: ken.kunka@penticton.ca

Dear Ken Kunka:

Re: Application Summary: Application for Liquor Primary (LP) Licence
Applicant: Gateway Casinos & Entertainment Limited
Proposed Establishment Name: Match Eatery & Public House
Proposed Establishment Address: 200 – 553 Vees Drive in Penticton
Local Government: City of Penticton

The applicant, Gateway Casinos & Entertainment Limited, has applied to the Liquor Control and Licensing Branch (the Branch) for a LP licence to be located at the above noted site. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the establishment type for licensing.

Having determined applicant eligibility, we are now proceeding to the Site and Community Assessment (SCA) stage which is the stage for local government input.

The City of Penticton is asked to consider this application and provide the Branch with a resolution which includes their comments and recommendation with respect to the licence application. To assist with Council's assessment of the application, the Branch has prepared a summary report of the application. The summary report is based on information provided by the applicant and Branch staff.

Council has 90 days to either provide comments to the general manager, or to advise that they wish to "opt out" of the process. Either must be in the form of a Council Resolution or letter. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

Should you gather the views of local residents and businesses as part of your consideration, please be reminded that the applicant cannot gather the views themselves. As part of your process, the gathering of the views must be administered by the local government.

Upon receipt of a Council Resolution, the Branch will review the Resolution to determine if all the regulatory criteria have been met in accordance with Section 71(7) and 71(9) of the *Liquor Control and Licensing Regulation* and, if recommended by local government, assess whether the granting of the licence would be contrary to the public interest.

Following the rendering of a decision by the general manager as to whether or not we will grant site and community approval, the applicant and the local government will be advised in writing.

Liquor Control and Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC

http://www.pssg.gov.bc.ca/lclb

Once granted site and community approval, the application proceeds to the building assessment stage of the licensing process, where floor plans are reviewed and if approved in principle, the applicant may proceed with construction/renovation of the establishment, followed by the final stages of the licensing process.

On January 23rd, 2017, the Branch implemented changes that affect the role of local government in a liquor primary licence application. Further details of these changes may be found in the local government/first nations guide.

If you have any questions regarding this application please contact Chandra Morrison at 250 952-5770 or chandra.morrison@gov.bc.ca

Yours sincerely,

Chandra Morrison
Senior Licensing Analyst
Liquor Control & Licensing Branch

Enclosures: Application Summary, Appendix I and draft floor plan

cc: Glenn Atchison, Gateway Casinos & Entertainment Limited
Randy Brown, Liquor Inspector

Council Report

penticton.ca

Date: March 7, 2017 File No: RMS 6520-30
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager

Subject: **Boundary Extension Request (Wiltse South Block)**

Staff Recommendation

THAT Council receive the letter requesting the inclusion of Lot 1, Plan 74449, into the City of Penticton municipal boundary;

AND THAT staff are directed to send external referrals to the following agencies requesting comment on the proposed boundary extension, in-line with the process suggested by the Ministry of Community, Sport and Cultural Development:

- Regional District of Okanagan Similkameen (RDOS);
- Local First Nations;
- BC Ministry of Transportation and Infrastructure;
- Fortis BC; and
- School District 67;

AND FURTHER THAT Staff are directed to bring forward amendments to the development procedures and fees and charges bylaws to establish a process and fee for processing future boundary extension applications.

Strategic priority objective

Having an adequate supply of land is essential to the growth needs of the city. The lands identified have been contemplated by the City's long range land use and infrastructure plans and represent good planning practice, with a responsible amount of density and effective ecological protection. The Official Community Plan supports growth of our community in this area.

Background

In 2014, Penticton City Council adopted a bylaw amending the City's Official Community Plan (OCP) adding the Upper Wiltse Area Structure Plan to the OCP. The Plan area consists of 630 acres of land with approximately 330 acres within in the City of Penticton (North Block) and the remaining 300 acres located in Electoral Area D2 - East Skaha Vasseux (South Block). The Upper Wiltse Area Plan envisions the South Block

being 'annexed' into the City of Penticton. At build out, between the two development blocks an approximate 800-850 new residential units are proposed, servicing an estimated population of 1,600 persons. The current plan envisions approximately 180 of those units in the South Block.

The City has received a request from a consulting firm working for parties interested in developing the South Block to begin the process of bringing the subject lands into the City of Penticton.

The Development Services Division does not currently have a process for processing these types of requests or a fee established for staff's time for working on boundary extension applications. The Local Government Act does provide some guidance on how to proceed outlining several required steps. Staff have also been in discussions with the provincial Ministry of Community, Sport and Cultural Development, which is the agency at the provincial level responsible for the review of requests for municipal boundary extensions. As well, staff have researched how other municipalities process these types of applications and what they charge.

Based on that consultation and research, staff have outlined a process that we wish to follow. This process, if supported, will be introduced into our development procedures bylaw:

- Application to the City
- Initial internal technical review
- Notification to Council for direction
- External review
- Council resolution on support for boundary extension
- Submission of package to Ministry
- Electoral approval process
- Final council adoption of resolution
- Submission to Ministry for Cabinet consideration
- Implementation (updating various maps and creating civic addressing etc.)

Staff would like to highlight the electoral approval process and note that this is a requirement from the Local Government Act. Electoral approval can happen in one of two ways: through an alternative approval process, whereby at least 10% of the population would have to petition against a question; or, through a more typical referendum where 50% of voters would have to vote in favor of a motion for it to pass.

Technical review

Boundary extensions can have large financial implications on a municipality – either positive or negative. If a municipality is taking on an area that is inhabited and has existing infrastructure the liability to maintain the infrastructure then falls on the new municipality. But the municipality would also be able to tax the area adding to revenue. There are many other economic, ecological and social considerations that a municipality must consider when committing to expand its borders and will be under review as part of this process.

In this case, these lands only represent one parcel of land and there is currently no infrastructure or persons living on the lands. Because this area is contemplated in the Wiltse Area Structure Plan exercise, some of the impacts mentioned above have been reviewed and planned for. Nevertheless, a full review of the pros and cons of expanding into this area will be undertaken from a financial, environmental and social perspective.

Referrals have been sent out to various City departments and recommendations on whether inclusion of these areas into the municipality will be beneficial will be presented to Council upon completion of that analysis.

Financial implications

Currently, there are no fees or charges associated with the processing of boundary extension requests. Staff are in the process of estimated the amount of time and costs that will be incurred in processing these types of requests and will be presenting Council with an option to recoup these costs through an application fee. Staff are also looking at other municipalities to determine what are typical fees for this type of application.

Recommendation

Staff are recommending that Council receive the letter of request for inclusion into the city at this time and direct staff to begin the external review process recommended by the Ministry of Community, Sport and Cultural Development.

By receiving the letter Council is not endorsing the boundary extension at this time, but just moving the application process forward. Council will be presented with many more facts as the process goes along and will be given the opportunity to make a resolution on whether to support the extension at a later date.

Given that there is no established process for boundary extensions in Penticton currently, staff are also recommending that Council direct staff to establish a procedure for processing these types of applications in the future and an adequate fee for staff time and materials.

Attachments

Attachment A – Letter to include Lot 1, Plan 74449, into the City of Penticton municipal boundary.

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

Director	Chief Administrative Officer
AH	PW

Attachment A
Letter to include Lot 1, Plan 74449, into the City of Penticton municipal boundary

ecora™
a resourceful company

February 6, 2017 Ecora File No.: CP-16-358-BHD

Blake Laven, RPP, MCIP
Planning Manager
City of Penticton
171 Main Street
Penticton, BC, V2A 5A9

Attention: **Blake Laven, Planning Manager**

Reference: **Letter of Application – Proposed Annexation of Lot 1, Plan KAP 74449 into the City of Penticton**

Dear Mr. Laven,

Ecora Engineering and Resource Group Ltd. (Ecora) was requested by the owner of the noted lands (Wiltse Holdings Ltd. c/o The Bluffs at Skaha Development Ltd.) to apply for a boundary adjustment between the Regional District of Okanagan Similkameen (RDOS) and the City of Penticton. As agent for the noted owner, please accept this letter as a formal application to include Lot 1, Plan 74449 into the City of Penticton boundary. The property is currently located in the RDOS Area 'D-2' East Skaha Vaseux and is zoned Large Holdings. See attached Location Plan.

Based on historical findings, the proposed annexation of Lot 1, Plan 74449 was a recommendation in the Wiltse Area Structure Plan (WASP) prepared by CTQ Consultants Ltd. As identified in the (WASP), this 300+ acre property has been designated in the City's Official Community Plan to accommodate future growth. Section 15.1 Annexation of Lands in the (WASP) outlines some of the preliminary tasks that need to be addressed.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

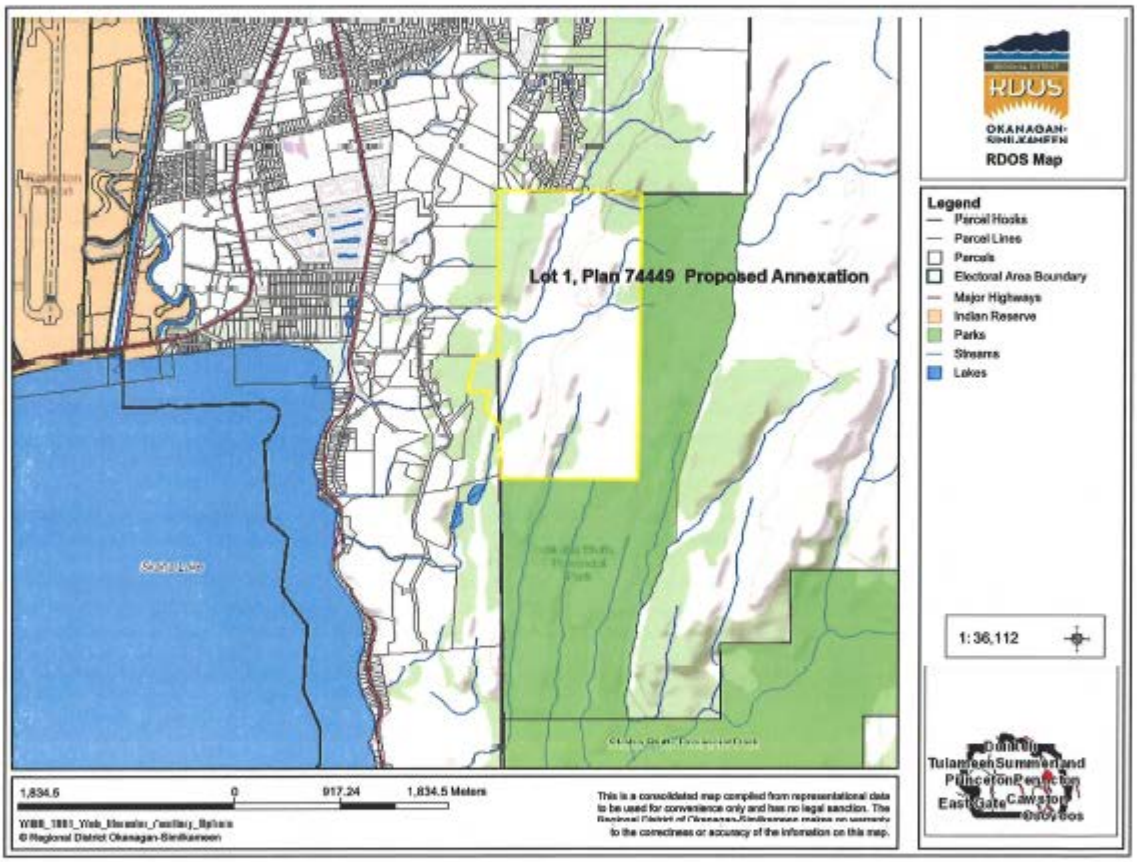
Ecora Engineering & Resource Group Ltd.

Kelly Mercer, AScT
Penticton Branch Manager
Direct Line: 250.492-2227 x1026
Kelly.mercer@ecora.ca

Enclosure: Location Plan

OQM | Organizational Quality Management Program

501 Winnipeg Street, Penticton, BC V2A 5M8 | P: 250.492.2227 | F: 250.492.2135 | www.ecora.ca


Lot 1, Plan 74449 Proposed Annexation
RDOS
OKANAGAN-SIMILKAMEEN
RDOS Map
Legend
Parcel Hooks
Parcel Lines
Parcels
Electoral Area Boundary
Major Highways
Indian Reserve
Parks
Streams
Lakes
1:36,112
1,834.6
0
917.24
1,834.5 Meters
This is a consolidated map compiled from representational data to be used for convenience only and has no legal sanction. The
to the correctness or accuracy of the information on this map.
© Regional District Okanagan-Similkameen
Princeton
Cawston
Osoyoos

15.0 Implementation

The following items address the main implementation measures for this Area Structure Plan. It is appreciated that since the development will be phased in accordance to market conditions, other implementation measures such as more detailed planning and design will be required over time.

15.1 Annexation of Lands

The Area Structure Plan suggests all or a portion of the south block currently within the Regional District of Okanagan Similkameen be annexed into the City of Penticton. This step will allow for appropriate servicing of lands with municipal utilities. Negotiations with the Regional District will be required to determine the timing and extent of annexation. The City will need to determine if the annexation boundary should include more than just the developable lands. A significant portion of the south parcel contains a major conservation or park area that will potentially have cost, management and governance implications. Consequently, the jurisdiction or responsibility of this remnant portion should be determined as early as possible.

15.2 Parks Dedication

The Area Structure Plan advocates a significant amount of designated park and open space use. Within this designation there will be various forms of "park" that warrant dedication. This will entail conservation lands, linear parks, community parks, neighbourhood parks, and other open space or undevelopable land. It may also include infrastructure such as stormwater management ponds, public amenity areas and public parking/squares and plazas.

15.3 Design Guidelines and Building Scheme

The policy direction for this Area Structure Plan calls for the use of Development Permit Areas to help control or manage many components of the development. Some of the most important aspects will entail design control of buildings/development of the residential, commercial (Neighbourhood Centre) and hillside development in general. Besides enforcement of zoning, the City will use Development Permit Area Guidelines in accordance with provisions of the Local Government Act. (See Section 14) Due to development on some of the sloped lands, it will also be prudent to use a self imposed "building

Council Report

penticton.ca

Date: March 7, 2017 File No: 3020-01
To: Peter Weeber, Chief Administrative Officer
From: Peter Wallace, Land Administrator
Subject: **Renewal Provincial Licence for Foreshore Rights at Sudbury Beach**

Staff recommendation

THAT Council direct staff to make application for renewal the Provincial Lease #333023 (Provincial File #174423) for a 29 year term over property described as DL 12s together with that part of DL3867s south of Lot 123 as shown on Plan CLSR 74748 all of Similkameen Division Yale District, being part of the bed of Skaha Lake containing 4.68 hectares more or less for recreational purposes, including the operation of a seasonal snack concession;

AND THAT the Mayor and Corporate Officer be authorized to sign the associated documents.

Strategic priority objective

Vibrant waterfront.

Background

The City entered into a foreshore lease with the Province on July 1, 1987 the foreshore in adjacent to Airport Beach and Sudbury beach, and that portion of the old river channel forming part of Sudbury Beach. In 2014 the City released our interest in the portion of the foreshore in front of Airport Beach, as the agreement with the Locatee over the beach was no longer in place. Without tenure over the upland parcel, retention of the foreshore rights is not appropriate.

The Current lease expires June 30, 2017. Renewal is required to retain control over the portion of the parking lot and the concessions and foreshore adjacent to Sudbury Beach, all of which fall in the lease area.

The current agreement is a lease, however a formal survey of the lease area is required under the Province's current requirements for a lease. A Licence of occupation only requires a sketch plan. As either type of tenure will satisfy the City's requirements, if a survey is required for the lease renewal, a licence would be requested to reduce cost and expedite the process.

The cost for the recreational Lease (Licence of Occupation) is negligible.

Financial implication

Historically recreational leases with the Province are $1.00 for the term.

Analysis

This renewal is required to retain control over City beaches. If the City does not renew the Province could offer to another party such as a private operator or the Penticton Indian Band.

As part of the renewal process the Province requires approvals from various impacted government and parties, including the Penticton Indian Band. As the lease area is adjacent to Reserve Land the Band will likely look at it closely and the may have concerns over the tenure and/or could require an archeological review.

Alternate recommendations

THAT Council direct Staff to not to renew Provincial Lease #333023 and allow the Province to assume control of the concession, rental shack and portion of the parking lot.

Attachments

- Attachment A – Plan from Current Provincial Licence
- Attachment B – Aerial Photograph Plan which is closer to the actual lease area as it is consistent with a more recent survey plan of the Locatee land.

Respectfully submitted,

Peter Wallace

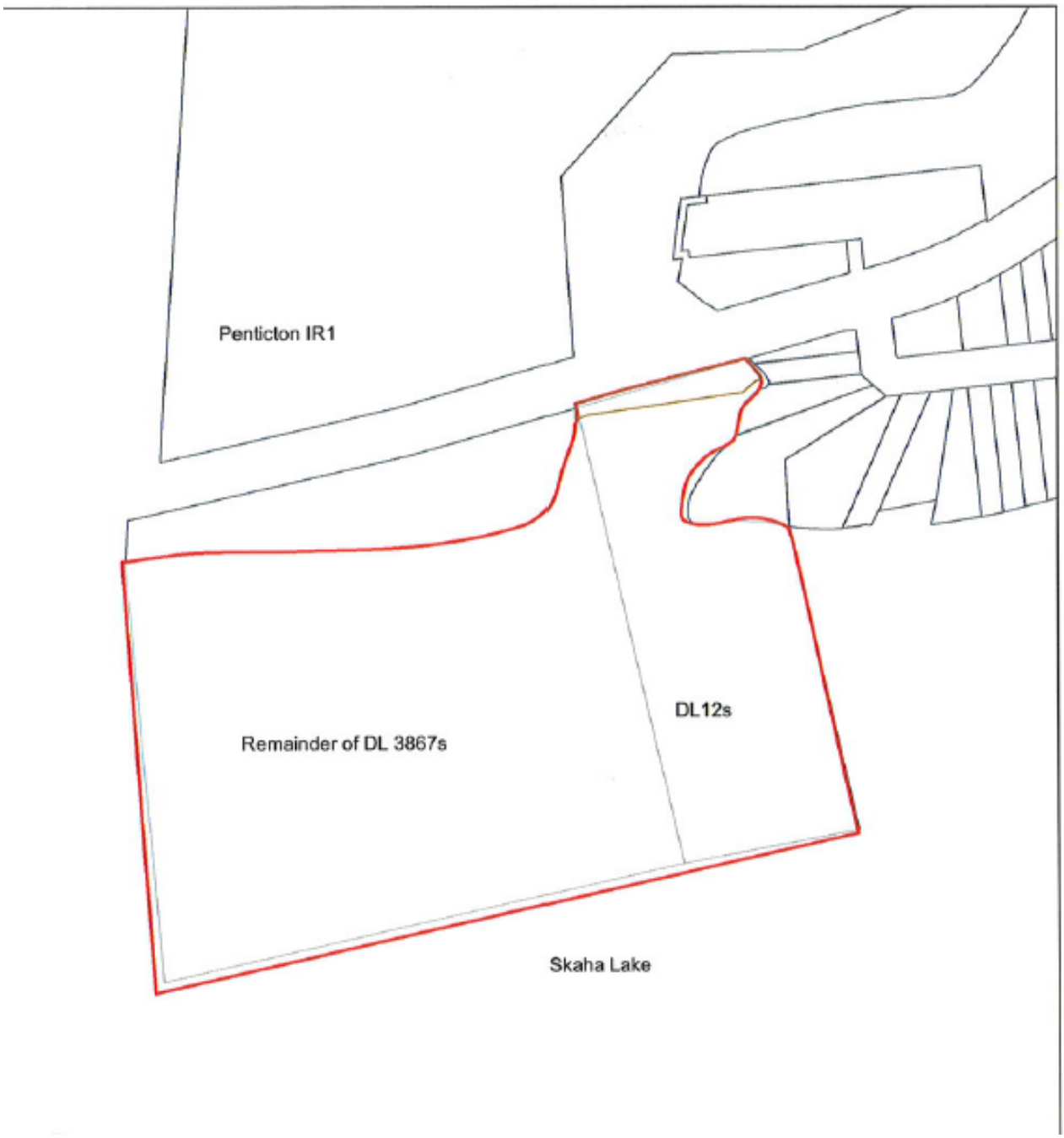
Peter Wallace, Land Administrator

Approvals

CAO PW	Chief Financial Officer LWB

Attachment A

Licence area from Provincial Licence



Attachment B

Actual Licence area

Area outlined in **Green** will is Licence area.

Council Report

penticton.ca

Date: March 7, 2017 **File No**:
To: Peter Weeber, Chief Administrative Officer
From: Chad Douglas, Sports & Events Project Manager
Subject: **Eventful Penticton Vetting**

Staff Recommendation

THAT Council approves the Eventful Penticton vetting strategy as outlined the report dated March 7, 2017 titled "Eventful Penticton Vetting".

Strategic Priority

Sustainable: Implementing a plan for sustainable growth that allows for a vibrant city.

Connected & Strong: Be a premier visitor destination.

Background

The Eventful Penticton strategy shifts the City's development and hosting of events and activities with an emphasis on mid-week and off-peak seasons. Staff recognized a clear, consistent and communicated vetting process for event support opportunities and funding requests is a necessary step in maintaining the City's balance between bids and builds and making the most of our community's resources.

Analysis

The success of the Eventful Penticton Strategy will be defined by:

1. Creating a vetting process for event opportunities and requests beyond those captured in the Municipal Grant process.
2. Demonstrating alignment with existing community events and schedules.
3. The development of an off –peak season event inventory.
4. By vetting opportunities and requests through a responsive yet rigorous process Council will be able to invest funds with a clear assessment of the potential return on investment.

Eventful Penticton meets the goals of expanding the support network for events and enabling hosts operating outside sports and peaks season, making our visitor economy connected and strong and sustainable. At the heart of the process is an evaluation matrix (Attachment A) that reflects Council input and Economic Development priorities. It prevents duplication if the process also fits with other grant programs such as those offered by Travel Penticton and the Community Foundation.

Staff work involved in implementing the Eventful Penticton vetting process includes consulting with granting agencies and producing a checklist for applicants and toolkit for recipients, an application form, a promotional plan and a series of workshops. The Eventful Penticton strategy will provide Council with a disciplined and fiscally responsible approach events sponsorship.

Alternative Recommendation

THAT Council refer the Eventful Penticton vetting process to a workshop dealing with the City of Penticton's Municipal Grant policy and process.

Attachments

Attachment A – Eventful Penticton DRAFT Evaluation Matrix Scorecard and Criteria

Respectfully submitted,

Chad Douglas
Sports & Events Project Manager

Approvals

Chief Administrative Officer
PW

Attachment A—Eventful Penticton DRAFT Evaluation Matrix Scorecard

Criteria	Scotties	CSSHL	FCM	FestAle	Bridge	Dragon
Qualifying	2018	2018	2019	annual	annual	annual
Dates	Jan-Feb	Mar	Mar/Sep	Apr	Jun	Sep
Venues	√	√	√	√	√	√
Budget (City)	$200K	$10K	$26.5K	√	TBD	$12.7K
Good Standing	√	√	√	√	√	√
Experience	√	√	√	√	√	√
Visitors or Profile	($6M)	($2.5M)	$(200K)	√	($2-M)	√
Ranking	2	1	7	5	3	3
Branding (2)	0	2	0	1	0	2
Timing (6)	5	5	6/2	4	2	1
Venue (2)	2	1	2	2	2	1
Duration (8)	6	8	3	4	7	4
Visitation (7)	6	7	5	4	7	6
Profile (3)	3	1	3	1	1	1
Sustainability (6)	4	4	2	4	2	4
Markets (10)	5	3	2	4	4	6
Principles (6)	4	5	3	3	3	4
Risk (0)	-5	-2	-3	-2	-1	-2
Total Score (50)	**30**	**34**	**23/19**	**25**	**27**	**27**

Attachment A (cont.)—Eventful Penticton DRAFT Evaluation Matrix Criteria

Pre-Qualifying Criteria	Scoring Criteria	Description
Dates/Venues		Dates/Venues Available?
Budget		Projected Budget?
Good Standing		Owes City? Running Deficit?
Experience/Expertise		Track Record? Training?
Visitors or Profile		Brings Investment? Residents?
	Branding (2)	On City Brand (2)
	Timing (6)	No conflicts? (1); Jun/Sep (1); Apr, May, Oct (3); Nov-Mar (5)
	Venue (2)	Meets Capacity? Undiscovered?
	Duration (8)	Ongoing (2); Charity/Legacy (1); 2-3 Days (1); 4-6 (3); 7+ (5)
	Visitation (7)	>100 Room Nights (1); >500 (3); >1,000 (5); Out of Town>%50 (1); Out of Province>20% (1)
	Profile (3)	Western (1); National (3)
	Sustainability (6)	Data Sharing (1); Local Host (1); Diverse Funding (1); Volunteer/Succession Plan (2); Green Program (1)
	Markets (10)	Active Leisure (2); Arts/Culture (2); Camps/Conferences (1); Beach/Lake (1); Food/Drink (1); Vehicle/Vintage (1); Officials (1); Recruits Millennials/Retirees (1)
	Principles (6)	Collaborative (1); Distinctive in BC (2); Inclusive (1); Creative (1); Proactive,12-18 months (1)
	Risk (0)	Bid Fee or VIK>$10K (-1); $10K-$100K (-3); >$100K (-5); Biz Redux/Displacement/Public Opposition (-3)
	TOTAL SCORE (/50 maximum)	

The Corporation of the City of Penticton

Bylaw No. 2017-08

A Bylaw to establish zones and regulate within the zones

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	21	day of	February, 2017
A PUBLIC HEARING was held this	7	day of	March, 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 24 day of February, 2017 and the 1 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A – Zoning Bylaw Text
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Chapter 1 – General Administration

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.

Chapter 2 - Interpretation

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***.

Chapter 3 - Definitions

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.

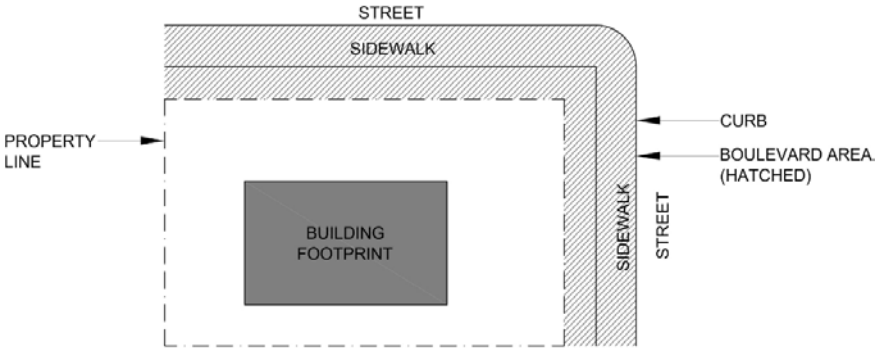
BED AND BREAKFAST INN means the ***use*** of a ***building*** containing ***dwelling units*** within which not more than 10 sleeping units may be rented for the temporary accommodation of the travelling public and where the room rate may include meals served on the premises.

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***.

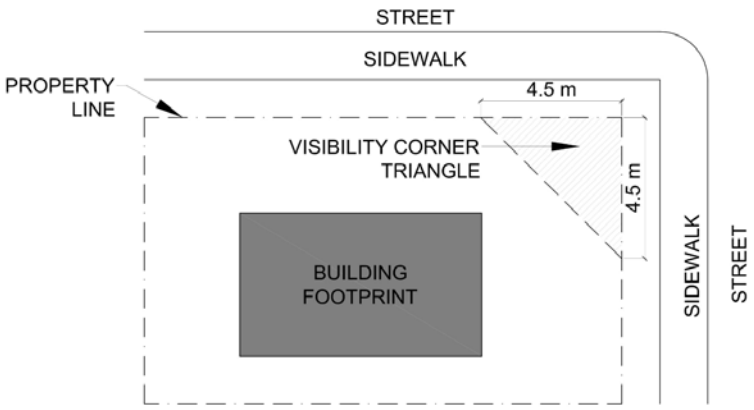
CONTRACTOR SERVICES, LIMITED means development used for the provision of electrical, plumbing, heating, painting and similar contractor services and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed ***building***, and there are 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^2 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 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^2. 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***.

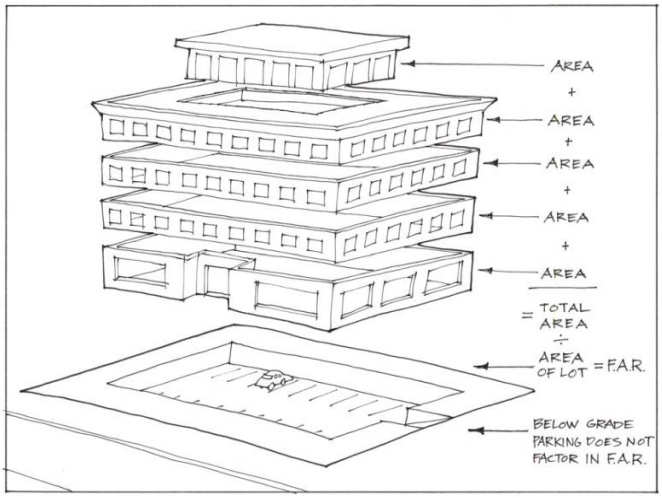
FLEET SERVICE means a collection of ***vehicles*** for the delivery of people, goods or services, where such ***vehicles*** are not available for sale or long term lease. Typical ***uses*** include but are not limited to ambulance services, taxi services, bus lines, storage of a fleet of rental ***vehicles***, 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***.

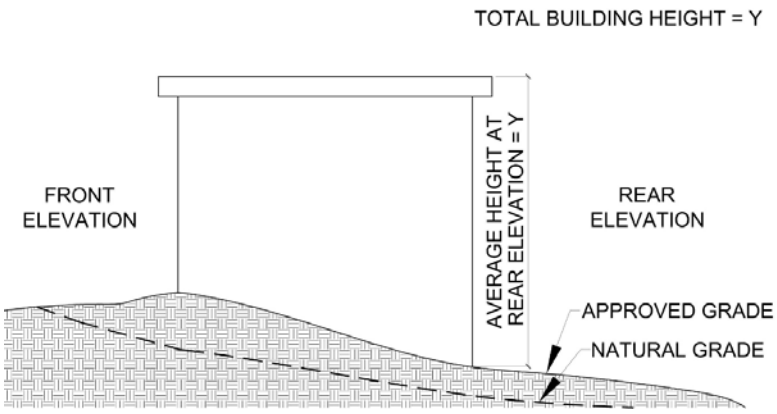
GARDEN CENTRE means a location used primarily for the raising, storage and sale of produce, bedding, ornamental plants and related materials such as tools, soil, and fertilizers intended for ***use*** by ***household*** customers.

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^2 (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)***)

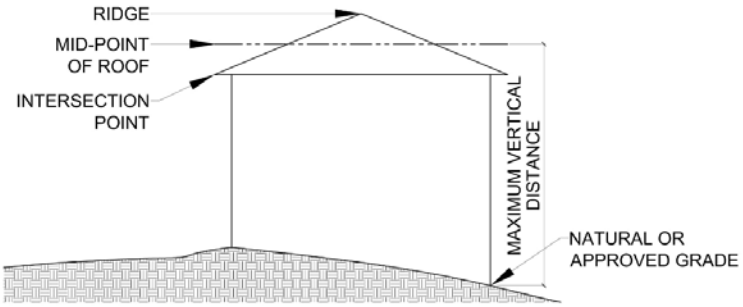
H

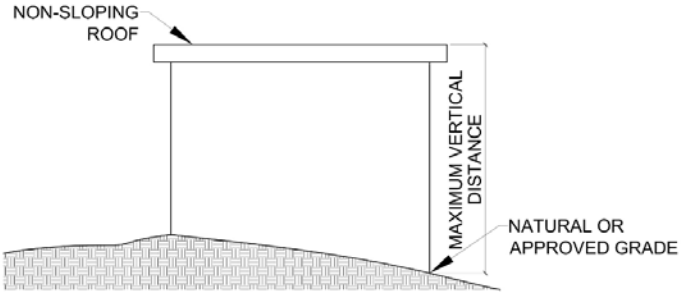
HARD-SURFACING means a durable ground surface, constructed of cast-in-place concrete, brick, or concrete unit pavers, turfstone, stone, asphalt, or similar material but excluding gravel and clay.

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 line***s of a ***lot***.

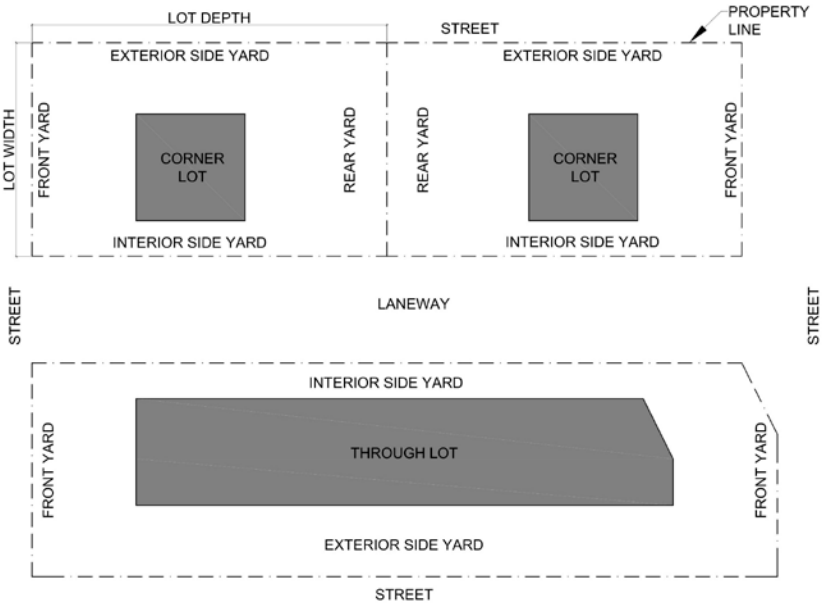
LOT, ***BARELAND STRATA*** means the smallest unit of land defined on a horizontal plane according to a bareland strata plan under the provisions of regulations pursuant to the *Strata Property Act*.

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^2; 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^2 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^2 and containing a group of ***retail stores*** and other ***businesses*** which share common services, parking, and other facilities on one (1) or more ***lots***.

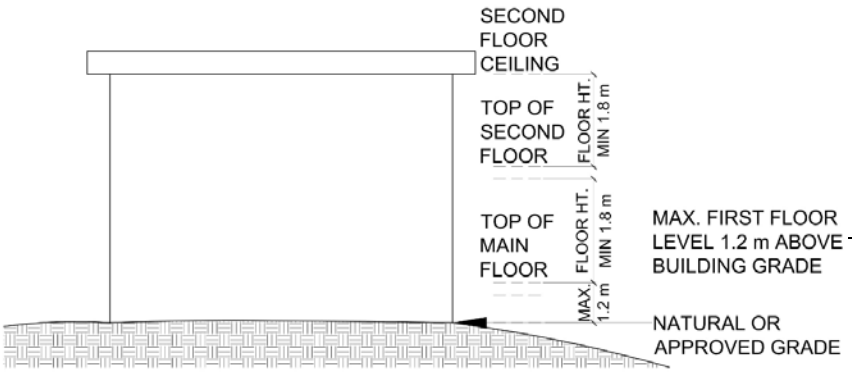
SIDE LOT LINE (see ***LOT LINE, SIDE***)

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

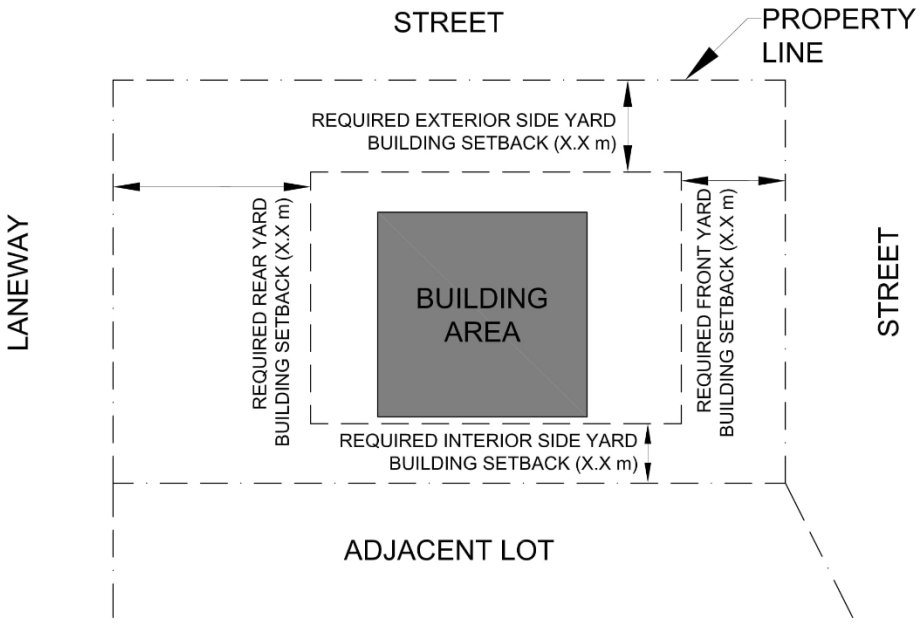
Y

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^2 or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the **principal building**.

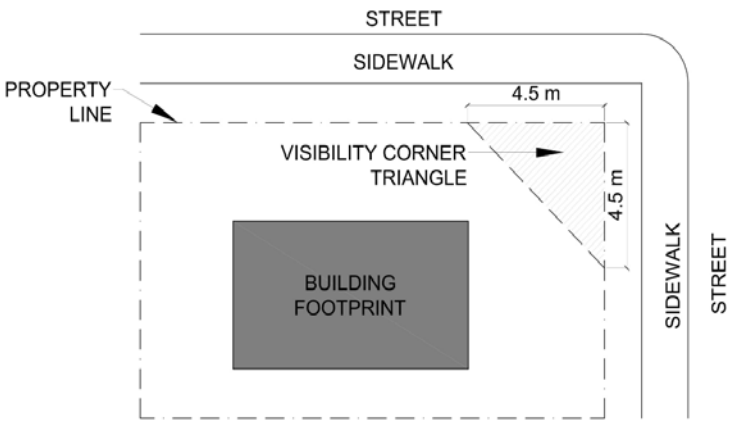
4.2.3 The following are permitted anywhere on a ***lot***:
- .1 fences, in accordance with the regulations of 5.6.1;
- .2 ***retaining walls***, in accordance with the regulations of 5.6.2;
- .3 trellises, pergolas; or
- .4 children's play equipment.

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 visbility 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^2, 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

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

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
Commercial/Industrial zones	Limited to a maximum of 50% of total landscaped area
Residential zones (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 ***walkway***s 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 ***walkway***s 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.

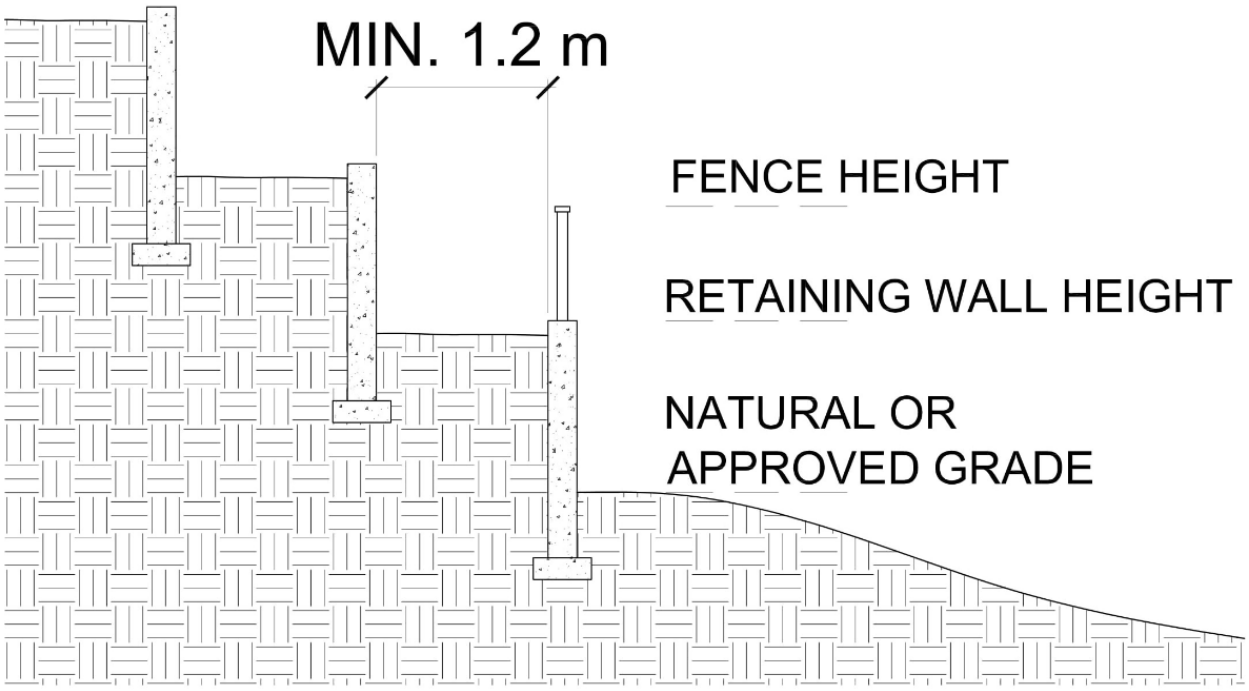
5.6.2 *Retaining walls*

.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.


MIN. 1.2 m
FENCE HEIGHT
RETAINING WALL HEIGHT
NATURAL OR
APPROVED GRADE

Chapter 6 – Parking and Loading

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".

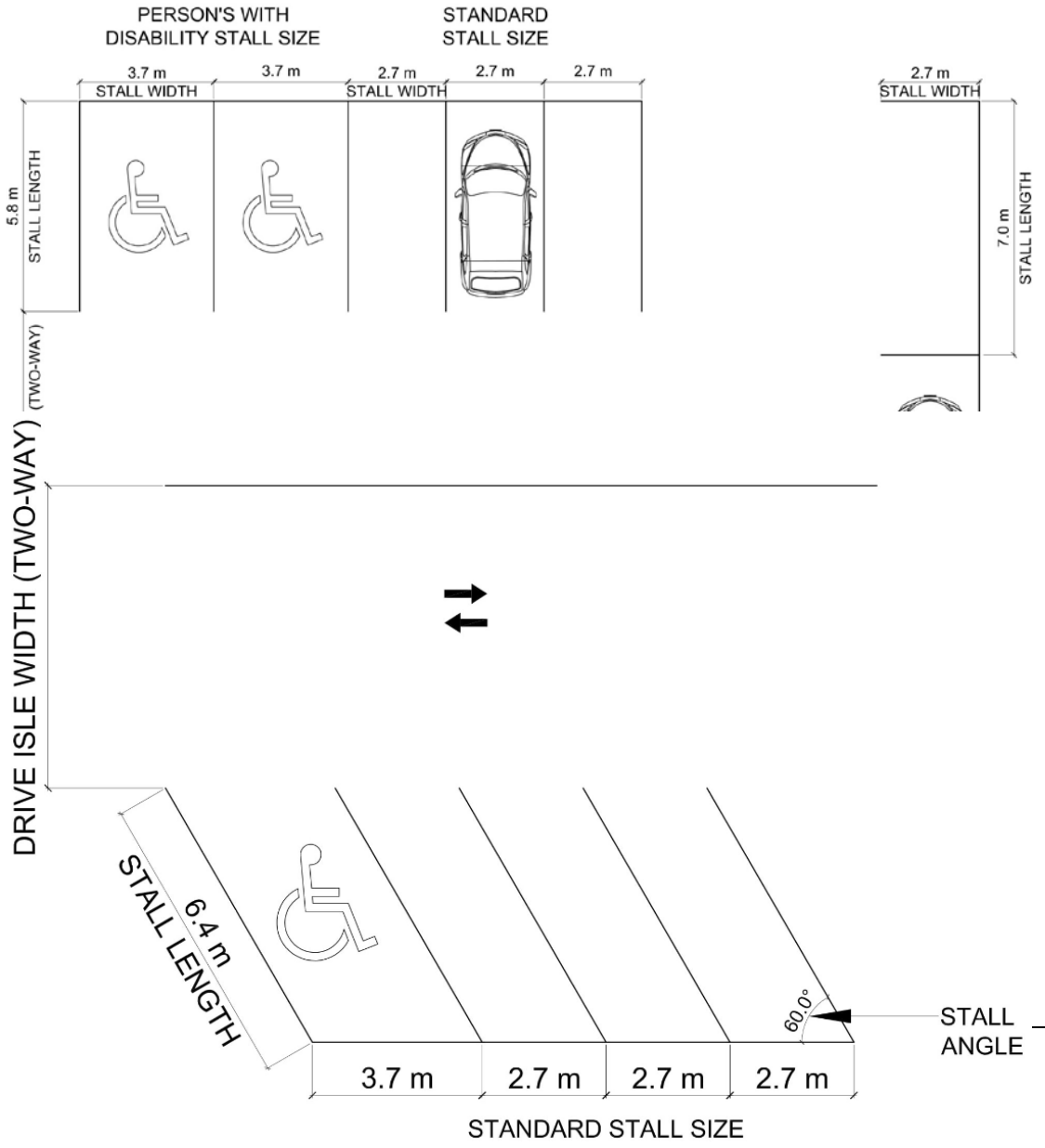
.4 ***Parking spaces*** shall have a vertical ***clearance*** of at least 2.0 m.

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)
90º	2.5	5.6	6.0	7.0
60º	2.5	5.1	5.5	6.6
45º	2.5	4.8	4.0	6.6
30º	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^2 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^2 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 ***Uses***	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 ***Uses*** (***Multiple Housing***)	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

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

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

NOTE: NFA = ***Net Floor Area***
NOTE: Number of spaces required shall be rounded to the nearest whole number

Chapter 7 - Specific Use Regulations

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 dwelling***s 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^2.

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^2.

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^2 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^2 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^2.

.2 Maximum ***gross floor area***: 90 m^2, or 40% of the habitable floor area of the building, whichever is less.

.3 Minimum ***amenity space:*** 15m^2 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^2, regardless of zoning
.2	Maximum ***building footprint***	
	FG (Forestry/Grazing), A (Agriculture), RC (Country Residential) Zones	150m^2, 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^2, 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^2 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	Not withstanding 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^2 of ***amenity space*** shall be provided individually the ***suite***.

8.3.2 ***Strata Titles***

A***n 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^2

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^2.

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 ***lot width***:	***N/A***
.2	Minimum ***lot area***:	16 ha
.3	Maximum ***lot coverage***:	10%
.4	Maximum ***height***:	
	i. ***principal building***	12.0 m
	ii. ***accessory building*** or ***structure***	13.5 m
.5	Minimum ***front yard***:	10.0 m
.6	Minimum ***side yard***:	
	i. ***interior side yard***	4.5 m
	ii. ***exterior side yard***	4.5 m
.7	Minimum ***rear yard***:	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 ***lot width***:	20% of ***lot*** depth
.2	Minimum ***lot area***:	2.0 ha
.3	Maximum ***lot coverage***:	
	i. residential ***buildings***	10%
	ii. including ***agricultural structures***	35%
	iii. including agricultural greenhouses with closed wastewater and storm water management, and re-circulating irrigation systems	75%
.4	Maximum ***height***:	
	i. ***principal building***	12.0 m
	ii. ***accessory building***	13.0 m
	iii. ***agricultural structure***	16.0 m
.5	***Principal building***:	
	i. minimum ***front yard***	9.0 m
	ii. minimum ***side yard***	
	(a) ***interior side yard***	4.5 m
	(b) ***exterior side yard***	9.0 m
	iii. minimum ***rear yard***	9.0 m
.6	***Accessory building***	
	i. Minimum **front yard**	9.0m
	ii. Minimum **side yard**	
	a. Interior side yard	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)	***Urban Area Boundary***	Natural ***Watercourse***	***Property Line***
Intensive impact agriculture	60.0m	30.0m	30.0m
All ***farm structures*** using exhaust fans	-	15.0m	15.0m
On-***farm*** 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^2

.2 ***farm retail sales*** area: 300 m^2

.3 ***winery*** and ***cidery***:
The area devoted to food and beverage service shall not exceed 125 m^2 indoors and 125 m^2 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^2 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.

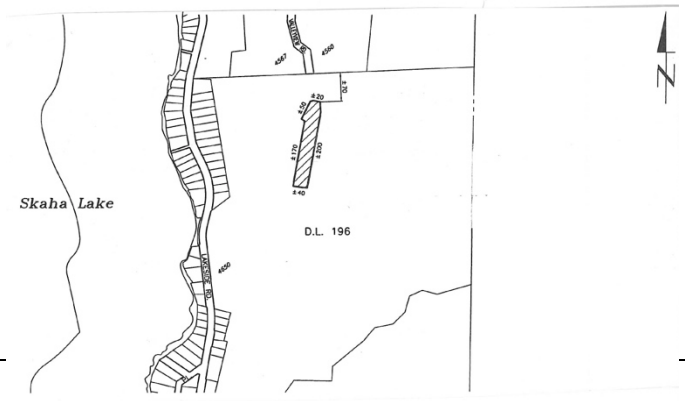


Figure 9.1: Location of public parking lot in the A zone

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

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 ***lot width***:	
	i. *standard* ***lot***	13 m
	ii. ***corner lot***	15 m
.2	Minimum ***lot area***:	390 m^2
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***height***:	
	i. ***principal building***	10.5 m
	ii. ***accessory building*** or ***structure***	4.5 m
.5	Minimum ***front yard*** (subject to general development regulation 4.2.5):	4.5 m
.6	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
.7	Minimum ***rear yard***:	
	i. ***principal building***	6.0 m
	ii. ***accessory building*** or ***structure***	1.5 m
.8	Maximum floor area of all accessory buildings	75 m^2

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 ***lot width***:	
	i. standard ***lot***	9.1 m
	ii. ***corner lot***	10.5 m
.2	Minimum ***lot area***:	275 m^2
.3	Maximum ***lot coverage***:	50%
.4	Maximum ***height***:	
	i. ***principal building***	10.5m
	ii. ***accessory building*** or ***structure***	4.5 m
.5	Minimum ***front yard***:	4.5 m
.6	Minimum interior ***side yards***:	
	i. ***principal building***	1.2 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
.7	Minimum ***rear yard***:	
	i. ***principal building***	6.0 m
	ii. ***accessory building*** or ***structure***	1.5 m
.8	Maximum area of all accessory buildings	75 m^2

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 ***lot width***:	50 m
.2	Minimum park ***lot*** depth:	50 m
.3	Minimum park ***lot area***:	2.0 ha
.4	Maximum ***density***:	25 ***dwelling***s / ha
.5	Maximum park ***lot coverage***:	45%
.6	Maximum ***height***:	
	i. ***principal building***	lesser of 6 m or 1 ***storey***
	ii. ***accessory building*** or ***structure***	4.5m
.7	Minimum ***setbacks*** for ***mobile home park***:	
	i. ***front yard***	6.0m
	ii. ***interior side yard***	6.0m
	iii. ***exterior side yard***	6.0m
	iv. ***rear yard***	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 ***lot width***:		
	i. standard ***lot***	20 m	15 m
	ii. ***corner lot***	22 m	16.5 m
.2	Minimum ***lot area***:	750 m^2	540 m^2
.3	Maximum ***lot coverage***:	50%	50%
.4	Maximum ***height***:		
	i. ***principal building***	10.5 m	
	ii. ***accessory building*** or ***structure***	4.5 m	
.5	Minimum ***front yard*** (subject to general development regulation 4.2.5):	6.0 m	4.5 m
.6	Minimum interior s***ide 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	
.7	Minimum ***rear yard***:		
	i. ***principal building***	6.0 m	
	ii. ***accessory building*** or ***structure***	1.5 m	
.8	Maximum area of all accessory buildings	75 m^2	

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^2
.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^2

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 ***parent parcel*** width:	40 m
.2	Minimum ***parent parcel*** area:	6000 m^2
.3	Maximum ***parent parcel density***:	40 ***dwellings***/ha
.4	***Parent parcel*** requirements:	
	i. Minimum ***front yard***	4.5 m
	ii. Minimum ***side yard***	
	a. ***interior side yard***	4.5 m
	b. ***exterior side yard***	4.5 m
	iii. Minimum ***rear yard***	4.5 m
.5	Maximum ***strata lot coverage***:	
	i. single ***storey building***	50%
	ii. two (2) ***storey building***	40%
.6	Maximum ***height***:	
	i. ***principal building***	8.5 m
	ii. ***accessory building*** or ***structure***	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 ***lot width***:	
	i. standard ***lot***	18 m
	ii. ***corner lot***	19.5 m
.2	Minimum ***lot area***:	540 m^2
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***density***:	0.8 FAR
.5	Maximum ***height***:	
	i. ***principal building***	12 m
	ii. ***accessory building*** or ***structure***	4.5 m
.6	Minimum ***front yard*** (subject to general development regulations 4.2.5)**:**	3.0 m
.7	Minimum ***interior side yard***:	
	i. ***principal building***	3.0m
	ii. ***accessory building or structure***	1.2 m
.8	Minimum ***exterior side yard***	
	i. ***principal building***	4.5 m
	ii. ***accessory building or structure***	1.2 m
.9	Minimum ***rear yard***	6.0 m

10.8.3 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20 m^2 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^2
.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^2 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 ***lot width***:	30 m
.2	Minimum ***lot area***:	2000 m^2
.3	Maximum ***lot coverage***:	75%
.4	Maximum ***density***:	2.0 ***FAR***
.5	Maximum ***height***:	
	i. ***principal building***	27 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***side yard***:	
	i. ***interior side yard***	4.5m
	ii. ***exterior side yard***	6.0 m
.8	Minimum ***rear yard***:	6.0 m

10.10.3 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20 m^2 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 ***height***:	
	i. ***principal building***	46.0m
.2	Minimum ***front yard***:	6.0 m
.3	Minimum ***rear yard***:	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*** s***etbacks***:	
	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 **lot width**:	10m
.2	Minimum **lot area**:	275m^2
.3	Maximum **lot coverage**:	100%
.4	Maximum **density**:	2.0 FAR
.5	Maximum **height**:	15m
.6	Minimum **front yard**:	2.5m
.7	Minimum **side yard**:	
	i. **Interior side yard**	0.0m
	ii. **Exterior side yard**	2.5m
.8	Minimum **rear yard**:	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^2 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 ***lot width***:	13.0 m
.2	Minimum ***lot area***:	550 m^2
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***height***:	10.5 m
.5	Minimum ***front yard***:	3.0 m
.6	Minimum ***side yard***:	
	i. ***interior side yard***	1.5 m
	ii. ***exterior side yard***	4.5 m
.7	Minimum ***rear yard***:	6.0 m

11.1.3 OTHER REGULATIONS

.1 A ***restaurant*** shall not exceed a maximum ***gross floor area*** of 100 m^2**.**

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

11.2.3 OTHER REGULATIONS

.1 Commercial ***uses*** shall not exceed a maximum ***gross floor area*** of 125 m^2***.***

.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 ***lot width***:	18.0 m
.2	Minimum ***lot area***:	1000 m^2
.3	Maximum ***lot coverage***:	50%
.4	Maximum ***density***:	2.0 ***FAR***
.5	Maximum ***height***:	18 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***side yard***:	
	i. ***interior side yard***	4.5 m
	ii. ***exterior side yard***	4.5 m
.8	Minimum ***rear yard***:	6.0 m

11.3.3 OTHER REGULATIONS

.1 A minimum area of 10.0 m^2 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^2
.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 ***side yard***:	
	i. ***interior side yard***	0 m and 4.5 m
	ii. ***exterior side yard***	4.5 m
	iii. except when a lot ***abuts***, or is ***adjacent*** to, a residential or institutional ***zone***	6.0 m
.8	Minimum ***rear yard***:	3.0 m
	i. except when ***lot abuts,*** or is ***adjacent*** to, a residential or institutional ***zone*** or ***abuts*** a ***lane*** that is ***adjacent*** to a residential or institutional ***zone***	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^2 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 ***lot width***:	9.0 m
.2	Minimum ***lot area***:	275 m^2
.3	Maximum ***lot coverage***:	100%

.4	Maximum ***density***:	6.0 ***FAR***
.5	Maximum ***height***:	36.6 m
	i. except Main ***Street*** – 100 Block up to and including 600 Block; and	15 m
	ii. Front ***Street***	15 m
.6	Minimum ***front yard***:	0 m
.7	Minimum ***side yard***:	
	i. ***interior side yard***	0 m
	ii. ***exterior side yard***	0 m
.8	Minimum ***rear yard***:	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 ***lot width***:	20.0 m
.2	Minimum ***lot area***:	650 m^2
.3	Maximum ***lot coverage***:	100%
.4	Maximum ***height:***	21 m
.5	Minimum ***front yard***:	0.0 m
.6	Minimum ***side yard:***	
	i. ***interior side yard***	0.0 m
	a. except when ***abutting*** a ***residential,***	3.0m

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

a. Lots 1-16, Plan KAS 1384, District Lot 366, Similkameen Division Yale District, located at 998 Creston Avenue;

b. Lot 1, Plan KAP3443, District Lot 250, Similkameen Division Yale District, Except Plan KAP596641, located at 1485 Main Street;

c. Lot 8, Plan KAP4762, Similkameen Division Yale District, located at 1706 Main Street;

d. Lot 7, Plan KAP4762, District Lot 1997S, Similkameen Division Yale District, located at 1742 Main Street;

e. Lot 1, Plan KAP70710, District Lot 116, Similkameen Division Yale District, located at 2406 Skaha Lake Road;

f. Lot A, Plan KAP13370, District Lot 116, Similkameen Division Yale District, located at 2387 Skaha Lake Road;

g. 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^2
.3	Maximum ***lot coverage***:	35%
.4	Maximum ***height:***	10.5 m
.5	Minimum ***front yard***:	4.5 m
.6	Minimum s***ide 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 ***lot width***:	30m
.2	Minimum ***lot area***:	550 m^2.
.3	Maximum ***lot coverage***:	60%.
.4	Maximum ***density***	1.75 ***FAR***
.5	Maximum ***height***:	24 m
.6	Minimum ***front yard***:	
	i. Marina Way	1.0 m
	ii. Vancouver Avenue	4.0 m
.7	Minimum ***side yard***;	
	Marina Way	
	i. ***interior side yard***:	0 m
	ii. ***exterior side yard***:	2.0 m
	Vancouver Avenue	
	i. ***interior side yard***:	2.0 m
	ii. ***exterior side yard***:	2.0 m

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

11.9.3 OTHER REGULATIONS

.1 A minimum area of 5.0 m^2 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^2
.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^2.

.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^2.

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^2 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^2 (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 Ration 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 ***lot width***:	30.0 m
.2	Minimum ***lot area***:	0.4 ha.
.3	Maximum ***height***:	10.5 m
.4	Minimum ***front yard***:	6.0 m.
.5	Minimum ***side yard***:	
	i. ***interior side yard***	4.5 m
	ii. ***exterior side yard***	4.5 m
	iii. except when ***abutting*** a ***residential*** or ***institutional zone***	6.0 m
.6	Minimum ***rear yard***:	4.5 m
	i. except when ***abutting*** a ***residential*** or ***institutional zone***	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^2 ***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 ***lot width***	50 m
.2	Minimum ***lot area***	0.4 ha
.3	Maximum ***lot coverage***	50%
.4	Maximum ***density***:	1.2 ***FAR***
.5	Maximum ***height***:	18 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***side yard***:	
	i. ***interior side yard***	6.0 m
	ii. ***exterior side yard***	6.0 m
.8	Minimum ***rear yard***:	9.0 m
.9	Minimum ***building*** separation from internal ***streets***, surface ***parking spaces*** or ***walkways***	2.0 m, or 3.0 m ***adjacent*** ground floor habitable room windows unless such ***streets*** or ***walkways*** are giving private exclusive access to those ***dwelling units***
.10	Notwithstanding Chapter 7, off street parking requirements are as follows:	
	Studio	0.75 spaces
	1 or 2 bedroom ***sleeping unit***	0.75 spaces
	2 bedroom unit with lock-off unit	1.3 spaces
	3 or more bedroom ***sleeping unit***	2 .0 spaces

11.12.3 OTHER REGULATIONS

.1 ***Resort residential building*** must include a minimum of 450 m^2 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^2 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^2
.3	Maximum ***height***:	15 m
.4	Minimum ***front yard***:	6.0 m

.5	Minimum ***side yard***:	
	i. ***interior side yard***	0 m and 3.5 m
	a. when ***abutting*** a ***residential, commercial, public*** or ***institutional zone***	6.0 m
	b. when ***abutting*** a ***lane***	3.0 m
	ii. ***exterior side yard***	4.5 m
.6	Minimum ***rear yard***:	0 m
	i. when ***abutting*** a ***residential, commercial, public*** or ***institutional zone***	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^2.

.4 A ***restaurant*** shall be limited to 100 m^2 ***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^2.

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 ***zon***e 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^2
.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^2
.3	Maximum ***height***:	50.0 m

.4	Minimum ***front yard***:	6.0 m
.5	Minimum ***side yard***:	
	i. ***interior side yard***	4.5m
	ii. ***exterior side yard***	6.0 m
.6	Minimum ***rear yard***:	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 ***lot width***:	30.0 m
.2	Minimum ***lot area***:	2000 m^2
.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

12.3.3 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 ***lot width***;	15.0 m
.2	Minimum ***lot area***;	560 m^2
.3	Maximum ***lot coverage***;	40%
.4	Maximum ***density***;	1.2 ***FAR***
.5	Maximum ***height***;	12 m
.6	Minimum ***front yard***;	6.0 m
.7	Minimum ***side yard***;	
	i. ***interior side yard***	4.5 m
	ii. ***exterior side yard***	6.0 m
.8	Minimum ***rear yard***:	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 ***lot width***:	15.0 m
.2	Minimum ***lot area***:	560 m^2
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***height***:	16 m
.5	Minimum ***front yard***:	6.0 m
.6	Minimum ***side yard***:	
	i. ***interior side yard***	4.5 m
	ii. ***exterior side yard***	6.0 m
.7	Minimum ***rear yard***:	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***: There is no maximum ***height*** for mechanical ***structures***	15.0 m
.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 ***lot width***:	146.0 m
.2	Minimum ***lot area***:	4400 m^2
.3	Maximum ***lot coverage***:	100%
.4	Maximum ***density***:	2.0 FAR
.5	Maximum ***height***:	73 m
.6	Minimum ***front yard***:	0 m
.7	Minimum ***side yard***:	
	i. ***interior side yard***	0 m
	ii. ***exterior side yard***	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 ***lot width***:	60.0 m
.2	Minimum ***lot area***:	9000 m^2
.3	Maximum ***lot coverage***:	65%
.4	Maximum ***density***:	2.0 FAR
.5	Maximum ***height***:	44 m and 15 stories
.6	Minimum ***front yard*** (Riverside Drive):	4.5 m
.7	Minimum ***side yard***:	
	i. ***interior side yard***	2.5 m
	ii. ***exterior side yard***	2.5 m
.8	Minimum ***rear yard*** (Wylie Street):	25 m

14.2.4 LIMITATIONS FOR LIVE WORK STUDIOS

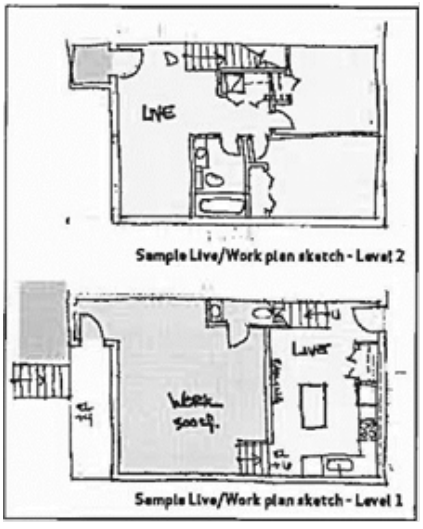
.1 A ***live work unit*** shall contain a minimum of 23 square meters (250 square feet) of permitted commercial space to a maximum of 28 square meters (300 square feet).

.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^2
.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^2
	(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^2 (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^2 of **amenity space** shall be provided per bachelor dwelling or group home bedroom, 10.0 m^2 of amenity space shall be provided per 1 bedroom dwelling, and 15.0 m^2 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 @ 12,710m2	2.0	2.5
Land Area 1 @ 4236 m2	2.0	2.5
Land Area 2 @ 4236 m2	2.0	2.5
Land Area 3 @ 4236 m2	2.0	2.5

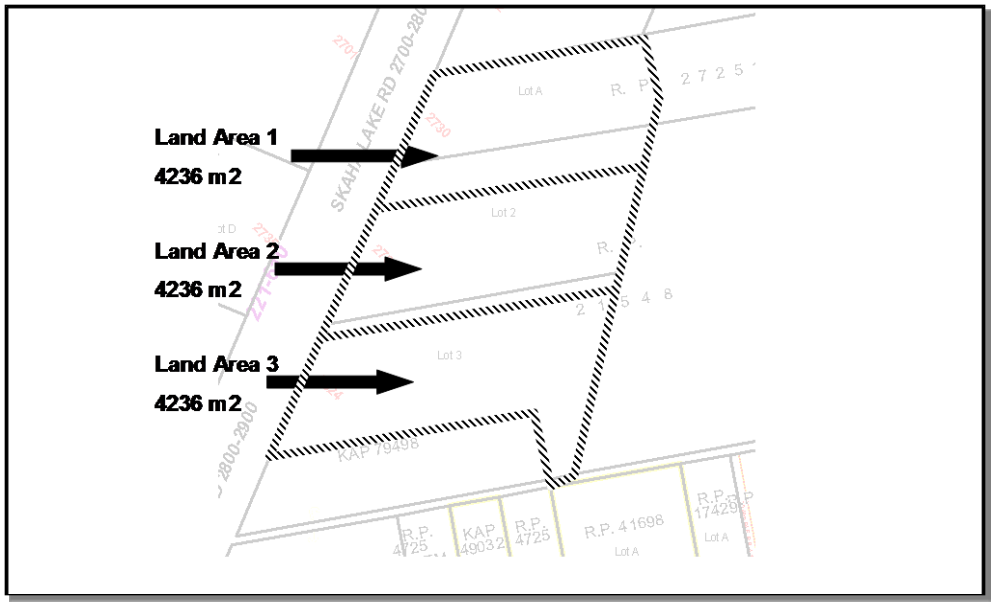


Figure 1: Phasing and Density Bonusing 2784 Skaha Lake Road

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^2

(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^2

(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^2 (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^2 per unit
- 1 bedroom dwelling – 17m^2 per unit
- 2 bedroom dwelling – 32m^2 per unit
- 3+ bedroom dwelling – 52m^2 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 m2
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

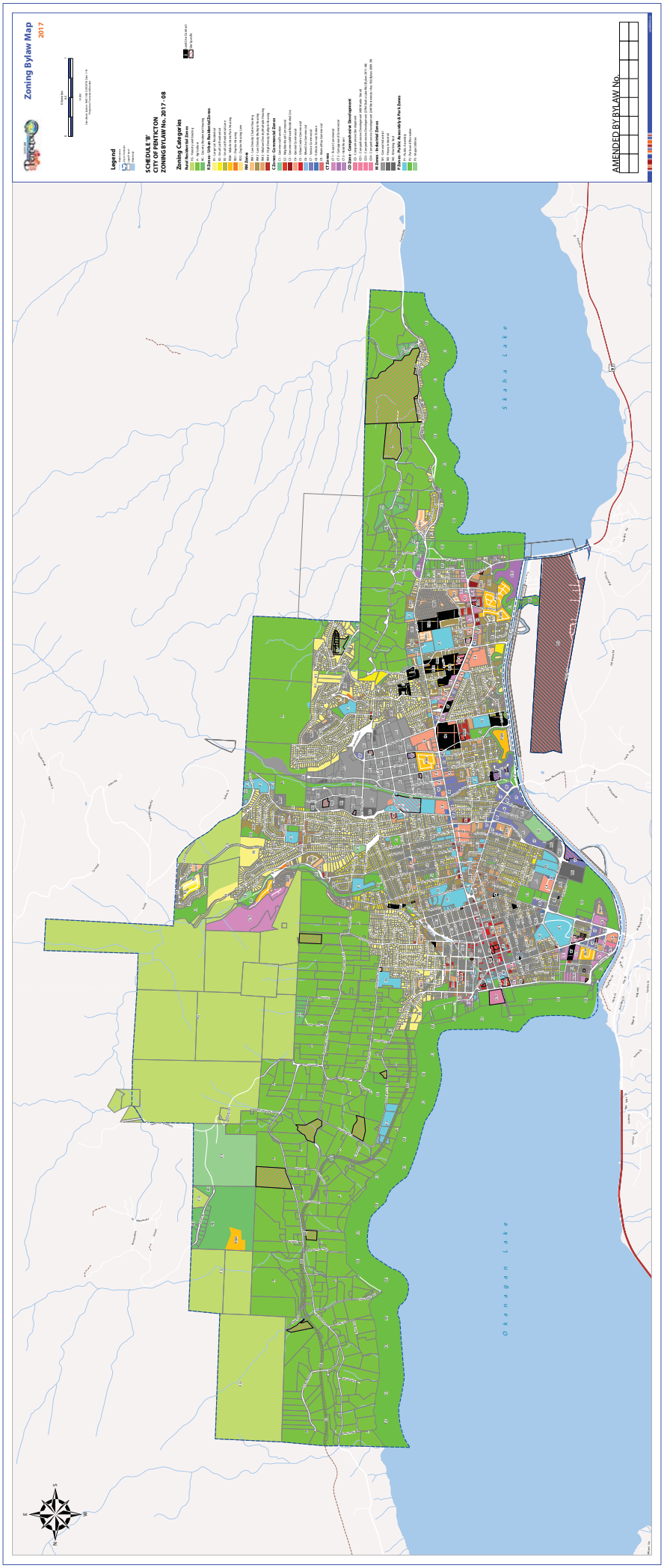
.2 Amenity space shall be provided at the following rate:

I. 5.0 m2 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.


Zoning Bylaw Map
2017
SCHEDULE 'B'
CITY OF PENTICTON
ZONING BYLAW No. 2017-08
Legend
Zoning Categories
Rural Residential Zones
Urban Residential Zones
Mobile Home
Commercial Zones
Comprehensive Development
Industrial Zones
Public Assembly & Park Zones
AMENDED BY BYLAW No.
Skaha Lake
Okanagan Lake

The Corporation of the City of Penticton

Bylaw No. 2017-09

A Bylaw to Amend Zoning Bylaw 2011-23

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.

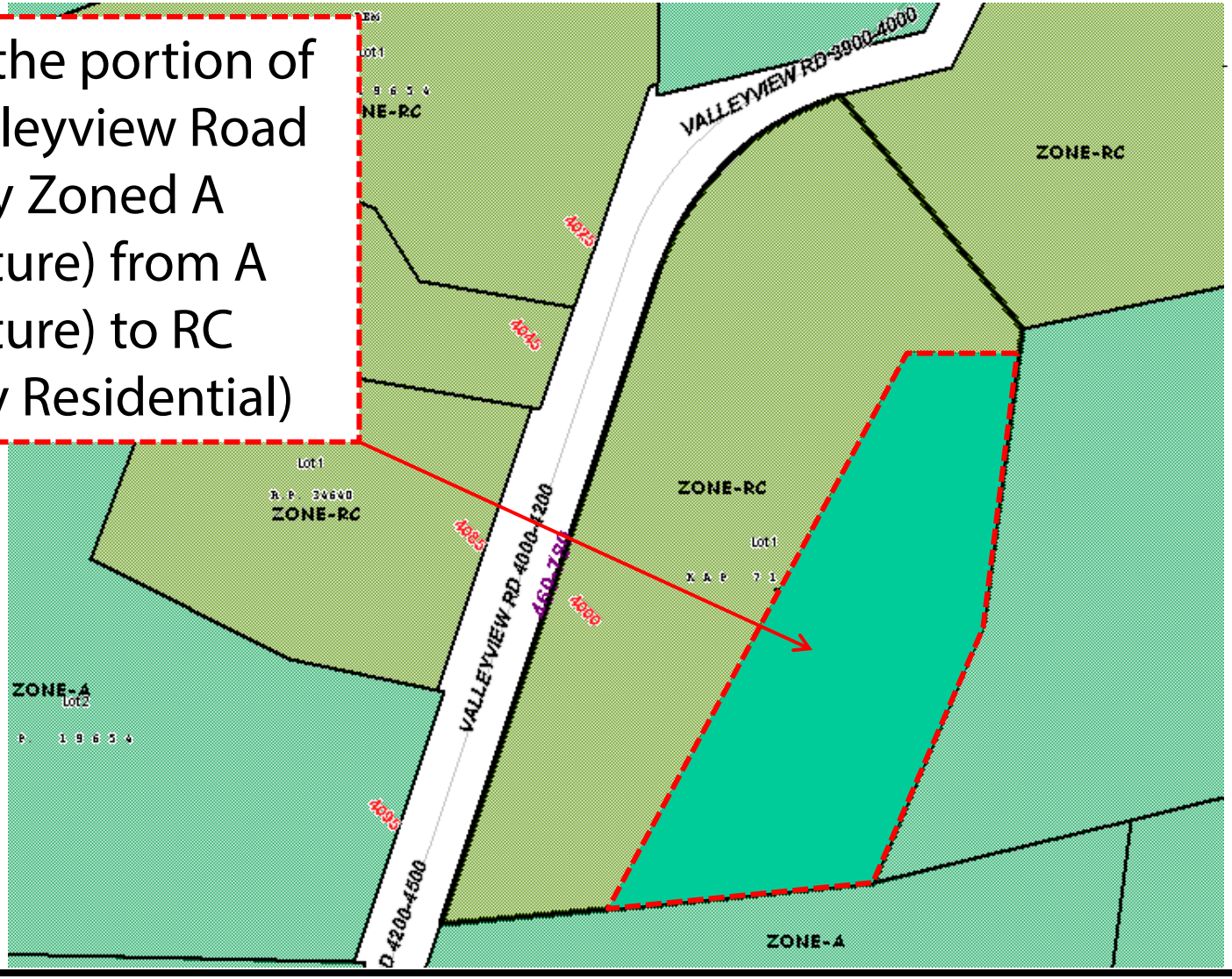
READ A FIRST time this	21	day of	February, 2017
A PUBLIC HEARING was held this	7	day of	March, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 24 day of February, 2017 and the 1 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-09

Date: _____ Corporate Officer: _____

The Corporation of the City of Penticton

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	21	day of	February, 2017
A PUBLIC HEARING was held this	7	day of	March, 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 24 of February, 2017 and the 1 of March, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

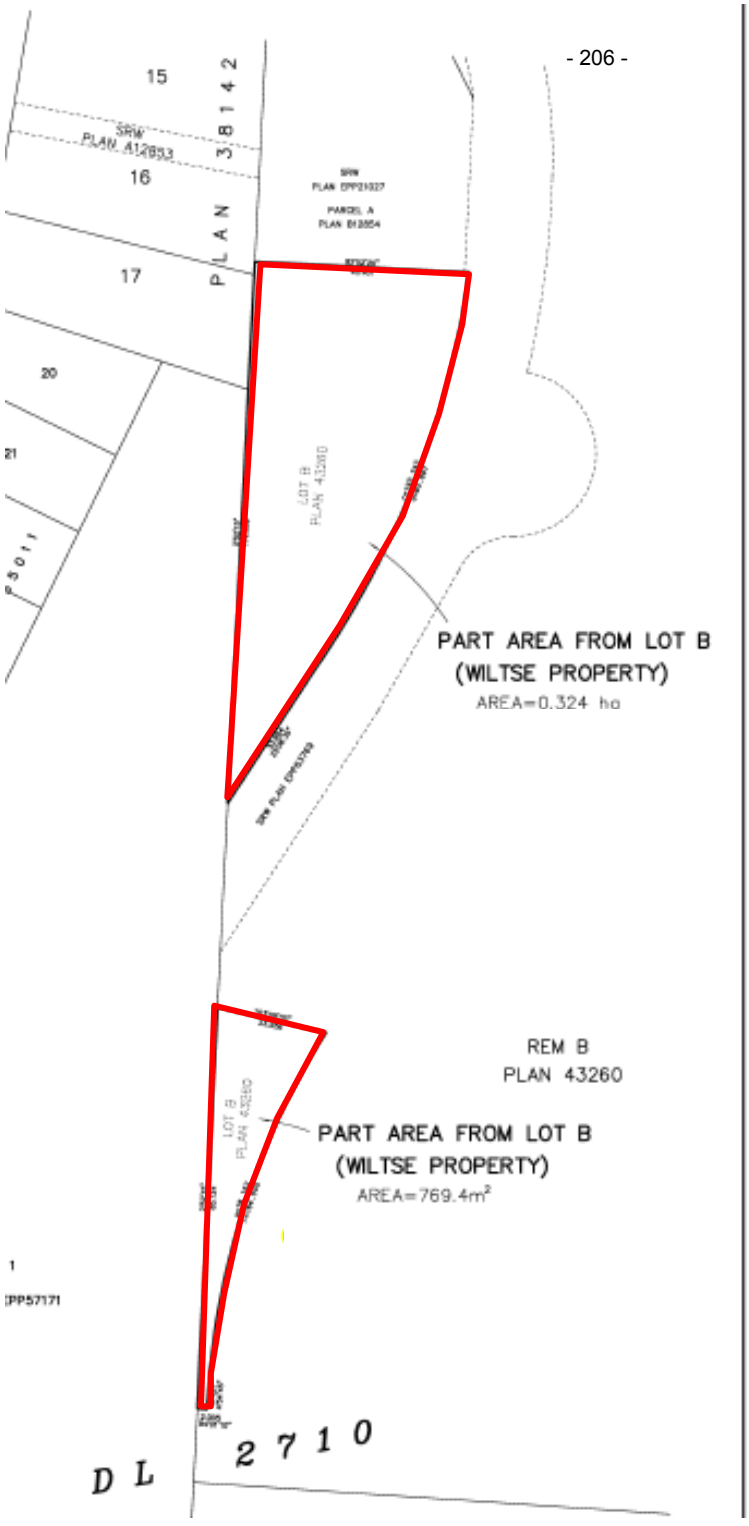
Andrew Jakubeit, Mayor

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:** _____

The Corporation of the City of Penticton

Bylaw No. 2017-11

A Bylaw to Amend Zoning Bylaw 2011-23

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.

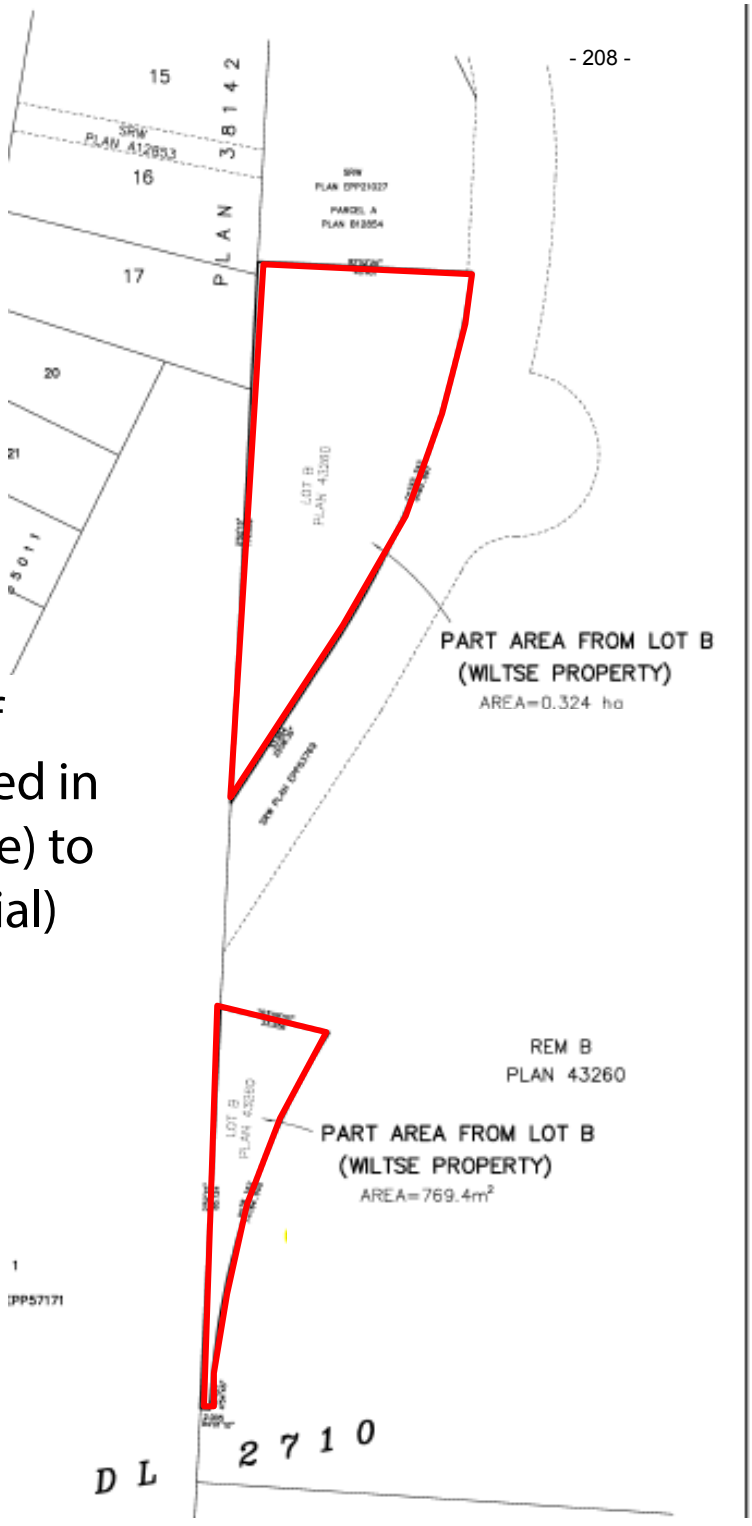
READ A FIRST time this	21	day of	February, 2017
A PUBLIC HEARING was held this	7	day of	March, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 24 day of February, 2017 and the 1 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

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:** _____

Council Report

penticton.ca

Date: March 7, 2017 File No: DVP PL2017-7828
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 3984 Finnerty Road

Subject: **Development Variance Permit PL2017-7828**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-7828" for Lot 14 District Lot 190 Similkameen Division Yale District Plan KAP55202, located at 3984 Finnerty Road, a permit to allow for a 0.6m deck projection into the south interior yard;

AND THAT staff be directed to issue "Development Variance Permit PL2017-7828."

Strategic priority objective

N/A

Background

The subject lot (Attachment 'A') is empty and is designated by the Official Community Plan (OCP) as LR (Low Density Residential) and is currently zoned R2 (Small Lot Residential). Photos of the site are included as Attachment 'D'. The adjacent property to the east is zoned RM1 (Low Density Cluster Hosing) with the remaining properties zoned R2 (Small Lot Residential).

The applicants submitted an application for a variance in early January 2017 which requested a variance to increase the maximum height of a retaining wall within the south interior yard from 1.2m to 4.5m. Since then, feedback from the neighbours has influenced the applicant to adjust his plans and apply for a variance for the 0.6m deck projection instead.

Proposal

The applicant intends to construct a Single Family Dwelling. The construction will result in a deck projection of 0.6m into the south interior yard. Table 5.1 of the Zoning Bylaw states that a deck may project into a front, exterior and rear yard, but not an interior yard. As such, a variance to that section of the bylaw is required.

The applicant is requesting a development variance permit to vary the following section of Zoning Bylaw No. 2011-23:

- Section 5.11.1: (Table 5.1) to allow for a 0.6m deck projection into the south interior yard.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns pertaining to on-site storm water management were raised, but will be addressed at the building permit stage. If the request for the variance is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Financial implication

N/A

Analysis

Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraint on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighboring properties and if the variance request is reasonable.

Section 5.11.1: (Table 5.1) to allow for a 0.6m deck projection into the south interior yard.

- The proposed deck will project 0.6m into the south interior yard to line up with the roof overhang. (*Figure 12)*. This extension of the deck will enable the applicant to maximise the view of the lake. A small vineyard acts as a buffer between the proposed dwelling and the house to the south (3986 Finnerty Road). Since the applicant is not proposing to project past the roof overhang, it is reasonable to support this variance.

Given the above, staff feel that the variance requested will not have an unreasonable impact on the adjacent properties and recommend that Council support the application.

Deny/Refer

Council may consider that the variance is not justified and will negatively affect the adjacent property. The need for a variance could be avoided if the house is moved further to the north, however the applicant is requesting the subject variance. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support "DVP PL2017-7828" with conditions.
2. THAT "DVP PL2017-7828" be referred back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Images of Subject Property
Attachment E:	Site Plan
Attachment F:	Elevations
Attachment G:	Letter of Intent
Attachment H:	"DVP PL2017-7828"

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
AH	PW

Attachment 'A' – Subject Property Location Map

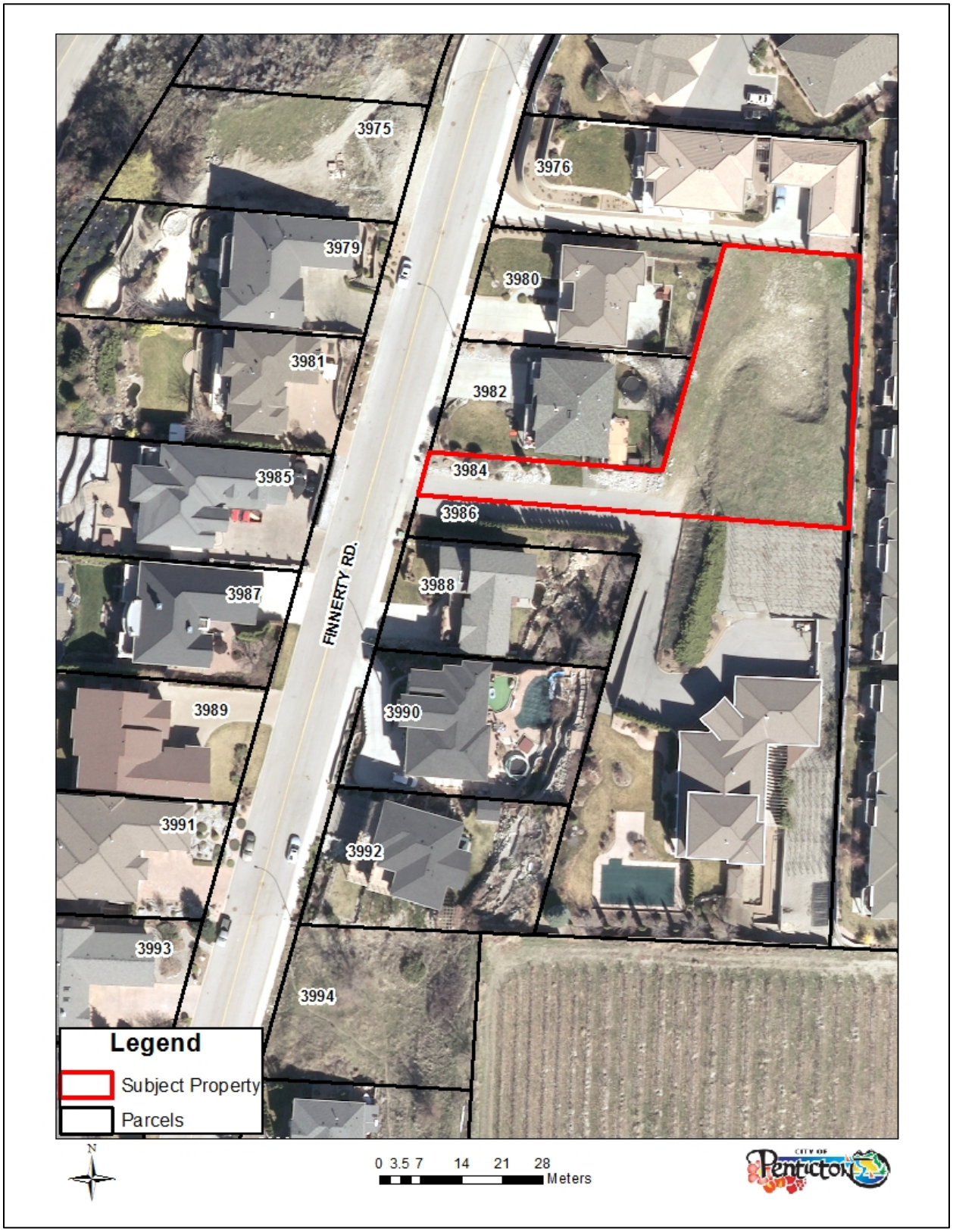


Figure 1: Subject Property

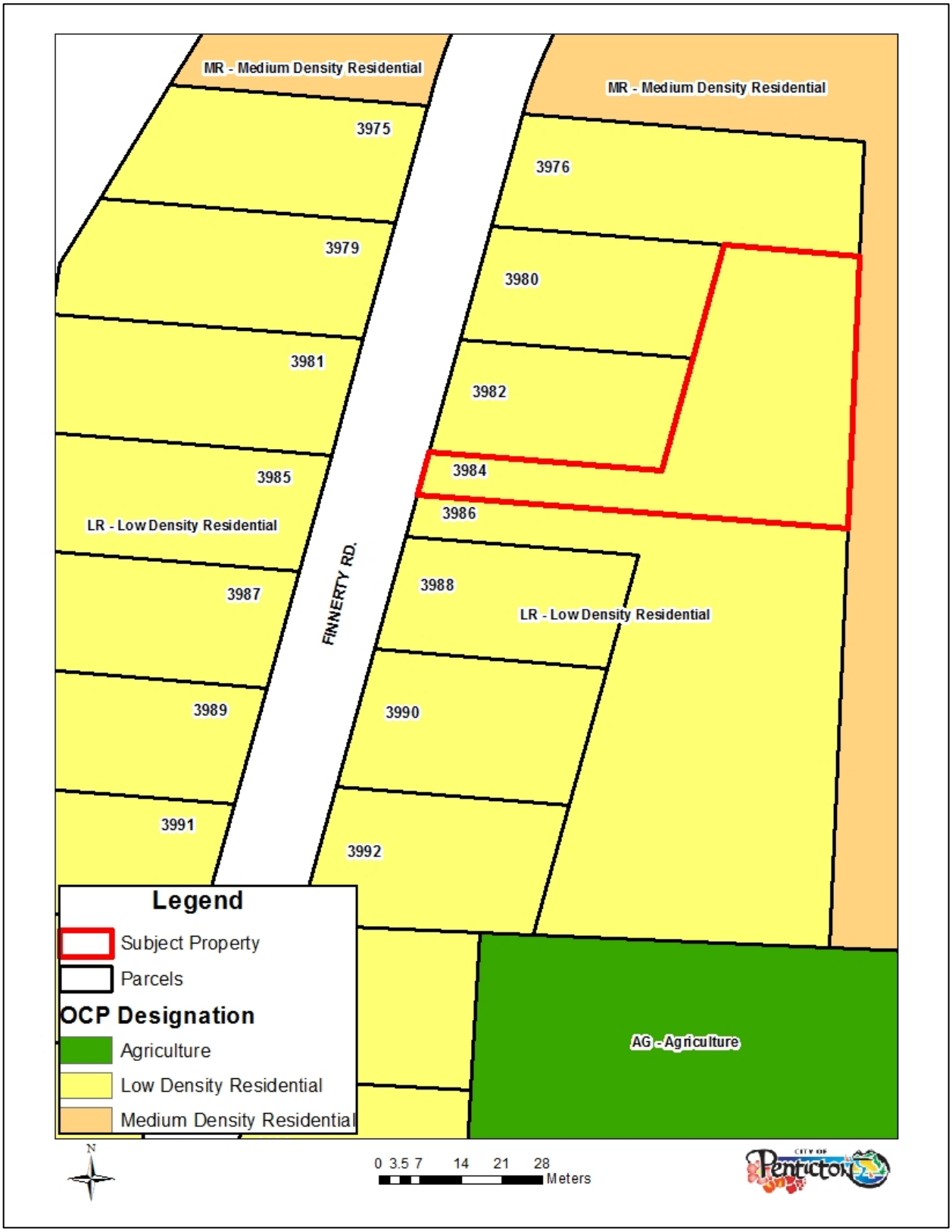


Figure 2: OCP Map

Attachment 'C' - Zoning Map

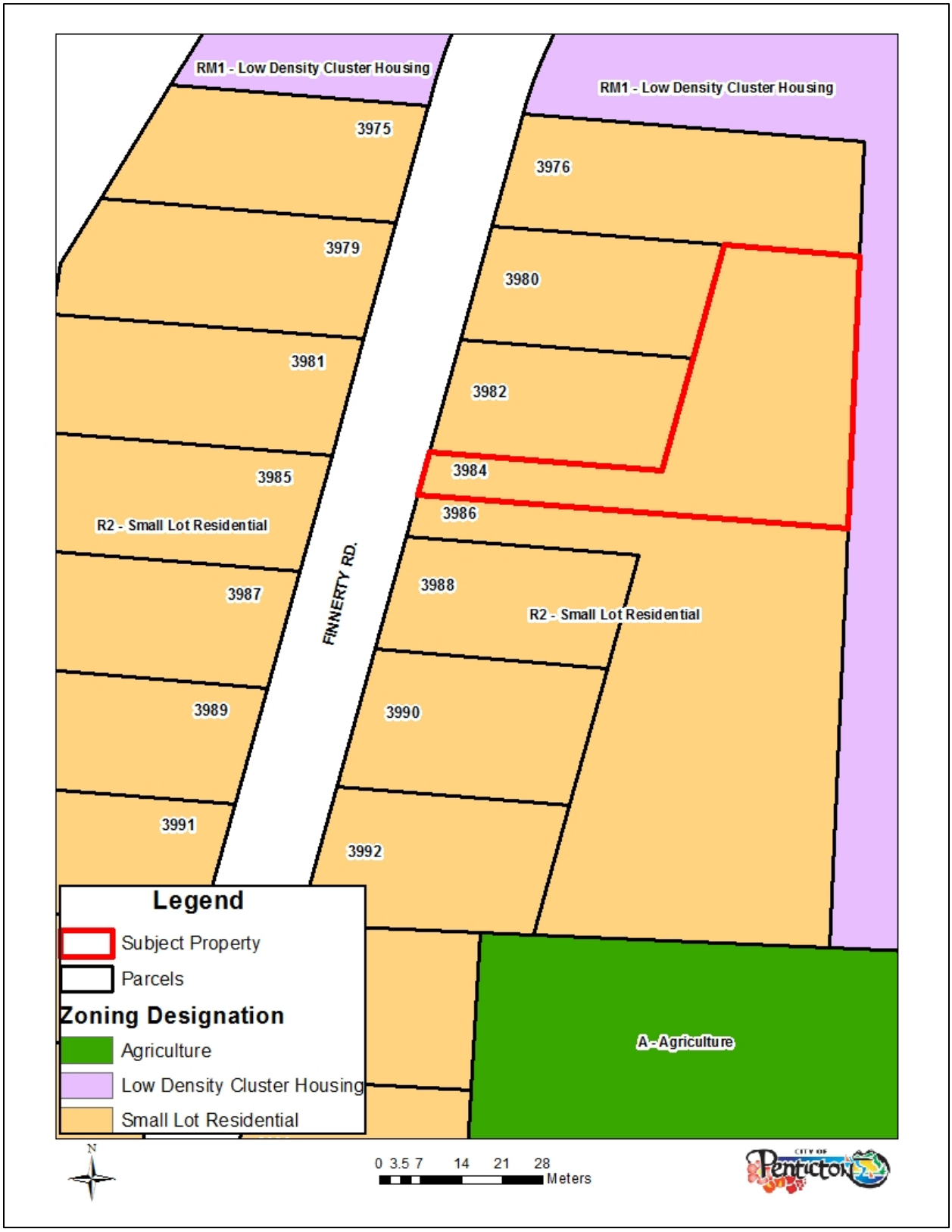


Figure 3: Zoning Map

Figure 4: South view

Figure 5: West View

Figure 6: East View

Attachment 'E' – Site Plan

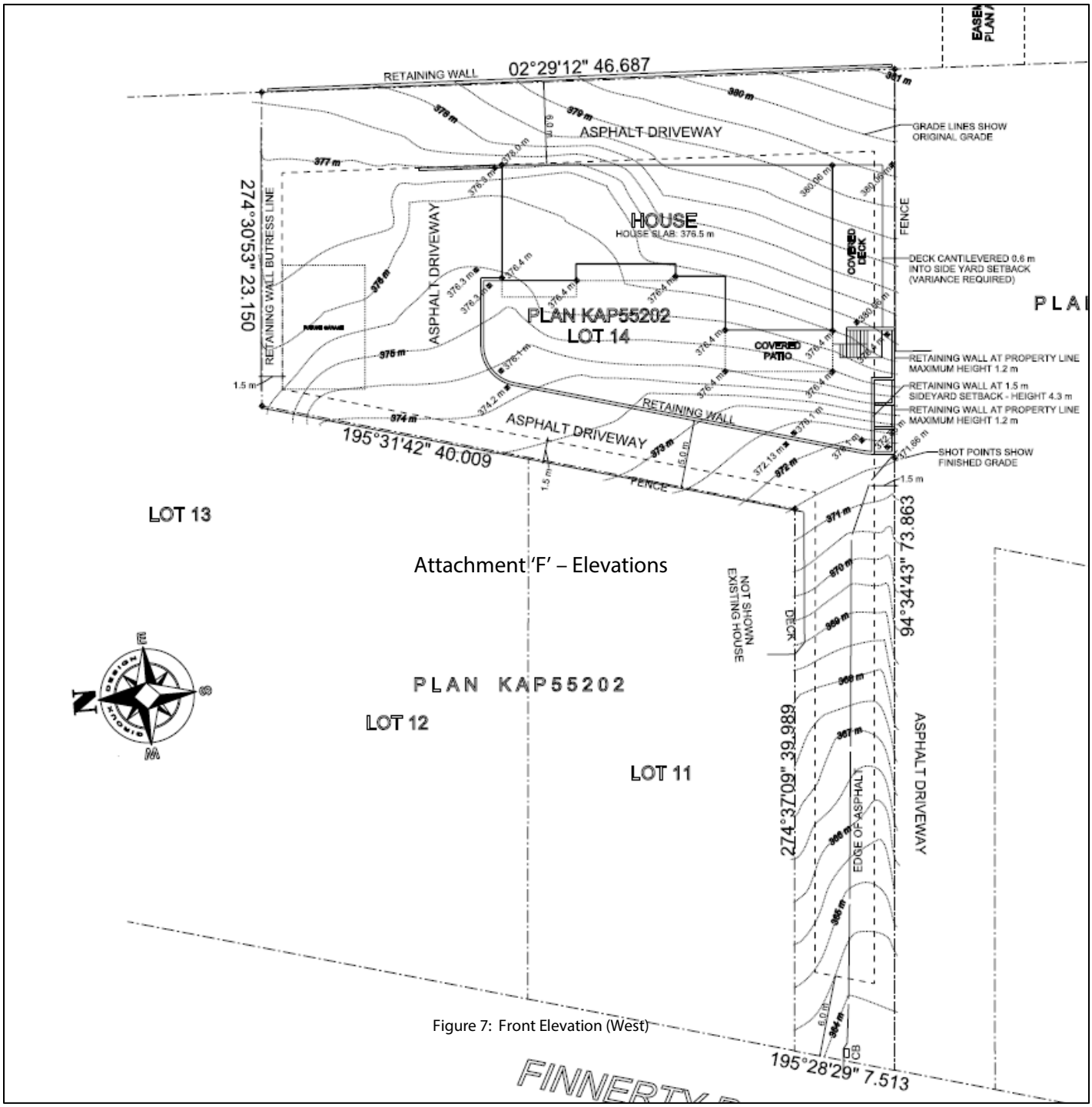


Figure 7: Front Elevation (West)

Figure 7: Site Plan

Figure 8: Front Elevation (west)

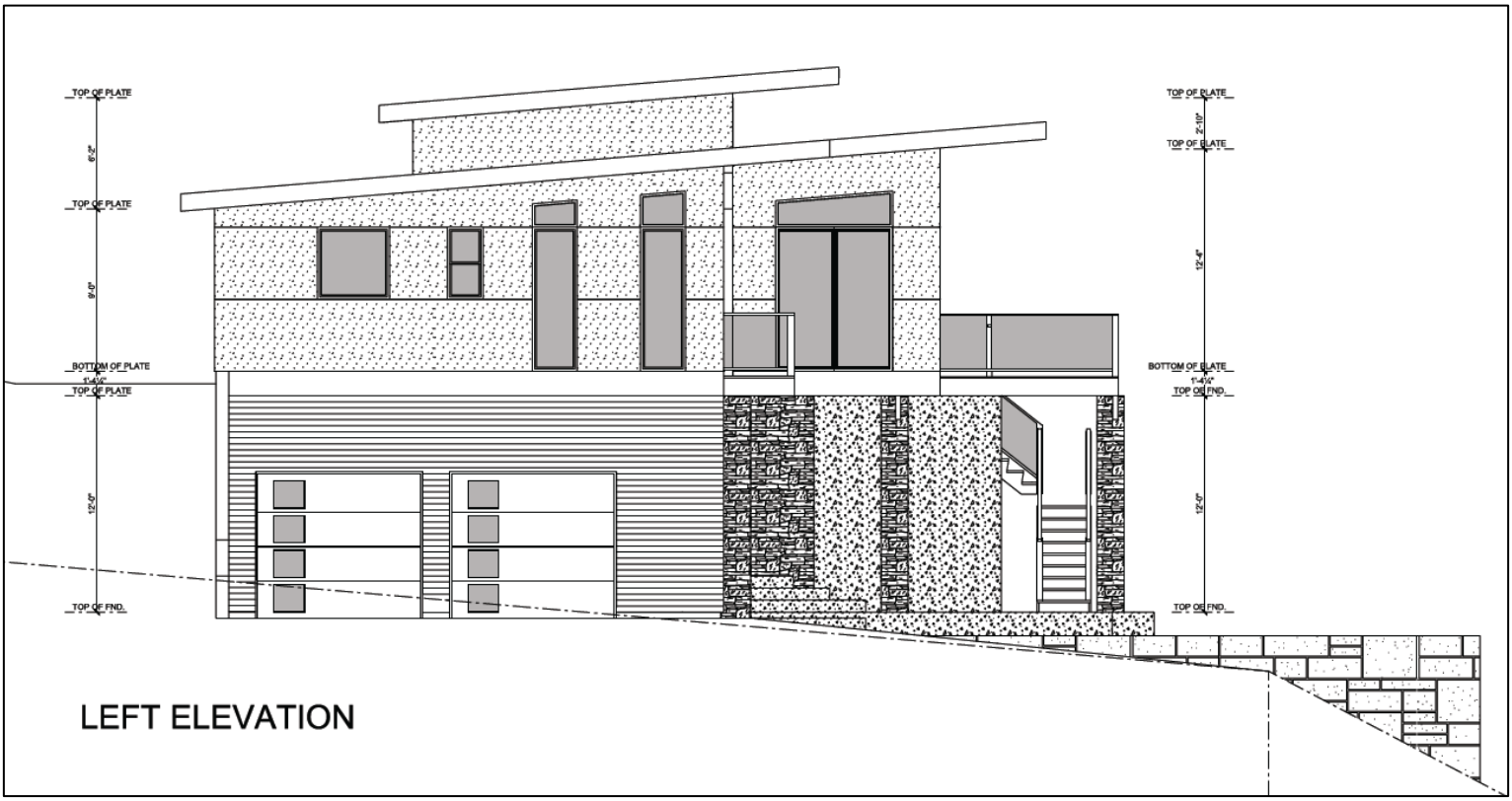


Figure 9: North Elevation

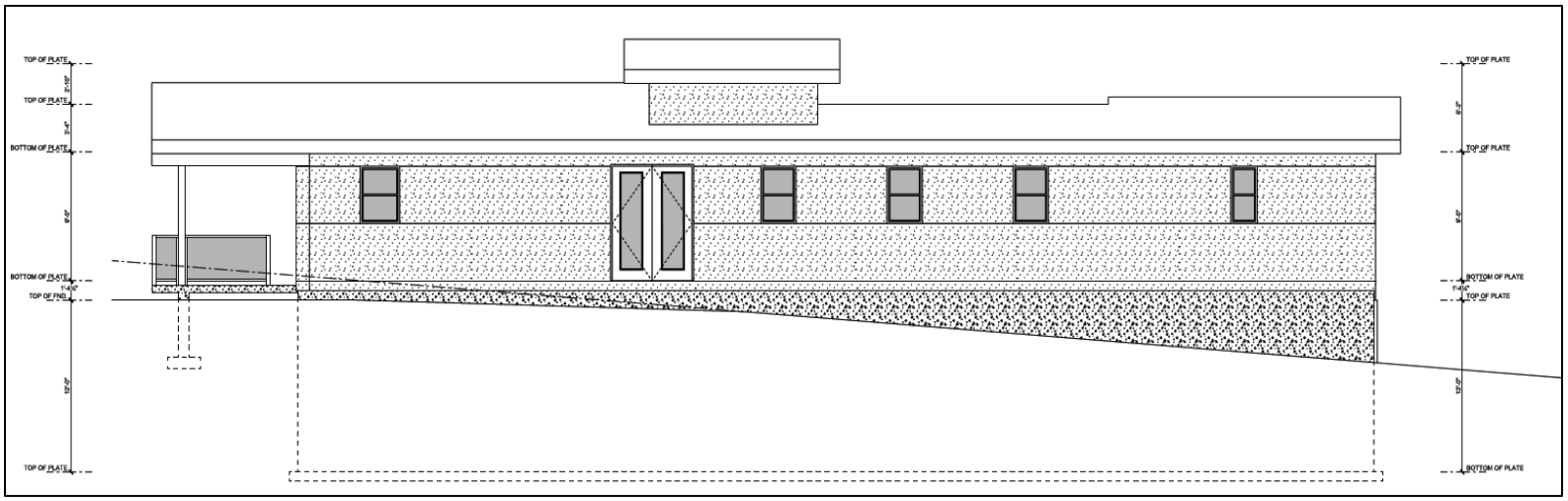


Figure 10: Rear Elevation (East)

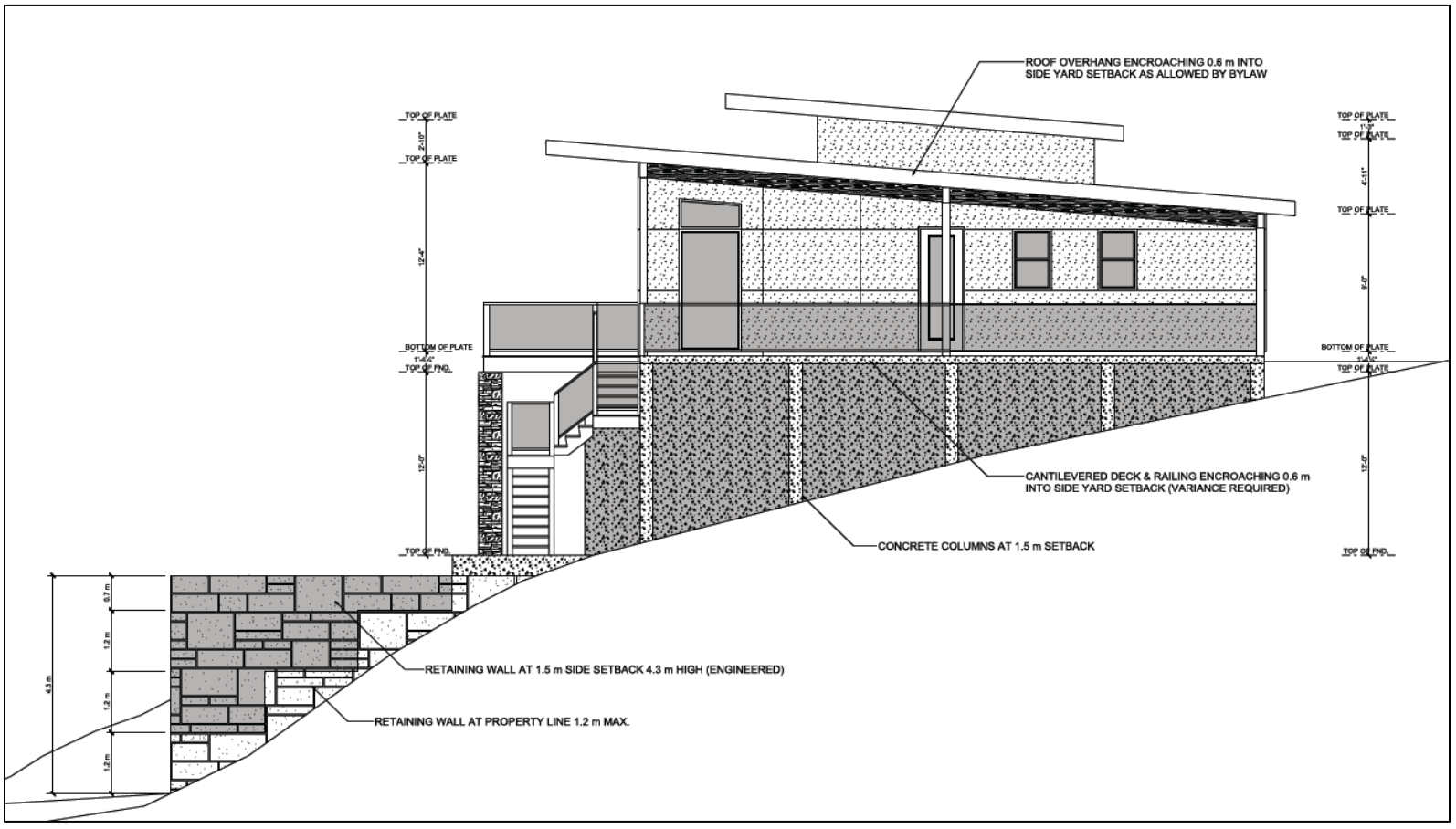


Figure 11: South Elevation

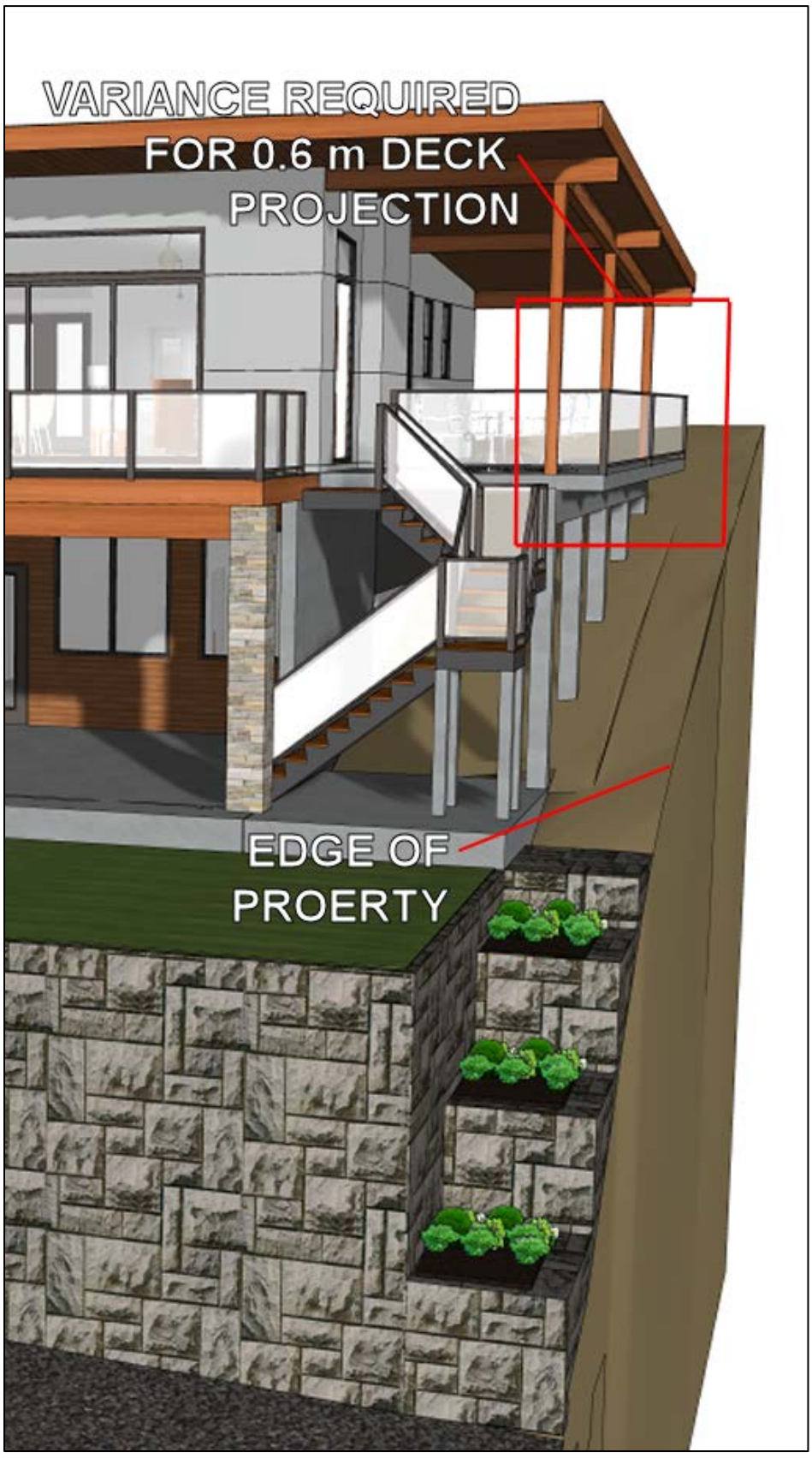


Figure 12: West Elevation

GIROUX DESIGN group
Custom Home and Building Design Since 1950

February 1, 2017

Giroux Design Group
1405-160 Lakeshore Drive W.
Penticton, BC V2A 9C2

City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Re: 3984 Finnerty Road Development Variance Permit Application

To City Planning Department,

This letter is in regards to a development variance application for a single-family development at 3984 Finnerty Road in Penticton. The variance requested is to allow for the projection of a deck and railing on the south property line of 0.6 meters (2'-0") into the side yard setback. This will be in line with the roof over the deck which also projects into the side yard, the roof requires no variance as the bylaw allows for this projection. No other structure of the house or any retaining walls will require variances, so the encroachment of the deck will have minor impact on the neighbor. The current design is for a non-combustible deck construction, concrete columns and a suspended concrete patio slab.

The submitted drawings show the deck in relation to the house and the neighboring property. The south property line is between the subject property and one property to the south. The reason for the requested variances is to take better advantage of the view of Skaha Lake. The variance with the deck and railing in no way will affect the neighboring townhouses to the East, or the single-family homes to the North and West. There will be difference to these neighbor's views whether the variance is approved or not as the house placement, height, and roof all conform to current bylaws. As there is a small vineyard between the proposed deck and the neighboring house to the south the impact of the deck encroachment is further minimized. We feel that because of the minor impact on the neighbor's and the benefit to the proposed project that this variance is very reasonable. Please feel free to contact us with any questions or concerns.

Best regards,

Tony Giroux BD.ASTTBC
Owner/Registered Building Designer
Giroux Design Group

Figure 13: Letter of Intent

City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: PL2017-7828

Name:
Address:

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

   Legal: Lot 14 District Lot 190 Similkameen Division Yale District Plan KAP55202
   Civic: 3984 Finnerty Road
   PID: 023-125-977

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2011-23 to allow for the construction of a Single Family Dwelling.

   - Section 5.11.1: (Table 5.1) to allow for a 0.6m deck projection into the south interior yard.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ___ day of _____, 2017

Issued this _____ day of _____, 2017

_____
Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: March 7, 2017 File No: DVP PL2017-7830
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner 1
Address: 4047 Lakeside Road

Subject: **Development Variance Permit PL2017-7830**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-7830" for Lot 26 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4047 Lakeside Road, a permit to vary the following regulations of Zoning Bylaw 2011-23:

- Increase the maximum height of a principal building from 10.5m to 12.5m;
- Decrease the minimum front yard from 6.0m to 3.0m;
- Decrease the minimum north interior yard from 1.5m to 0.9m;
- Increase the height of a retaining wall from 1.2m; and to
- Permit external stairs in a required yard

AND THAT staff be directed to issue "Development Variance Permit PL2017-7830."

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is one of seven challenging lots located on this section of Lakeside Road, which have direct frontage onto Skaha Lake. The lots are affected by a large City owned sewer easement running through the rear of the properties, a large setback from Skaha Lake required by the provincial Riparian Area Regulations (RAR) and extremely steep topography. Because of these hardships, there is very little buildable area available within the zoning bylaws required building setbacks.

The current property owner is proposing to construct a four storey single family houses on one of the lots. Because of the hardships noted above, several variances are being requests.

Property Description

The lands are designated by the Official Community Plan (OCP) as LR (Low Density Residential) and are currently zoned R1 (Large Lot Residential). The lot is currently vacant and is approximately 247m^2 (2658ft^2) in

size. Photos of the site are included as Attachment 'D'. The adjacent properties are zoned R1 (Large Lot Residential) and designated by the OCP as LR (Low Density Residential) as well.

Proposal

The proposed dwelling has a height of 12.5m. The Zoning Bylaw states that the maximum height of a principal building shall be 10.5m. As such, a variance to that section of the bylaw is required. The proposed construction will result in a 3.0m front yard. The Zoning Bylaw requires a minimum 6.0m front yard. As such, a variance to that section of the bylaw is required. The proposed construction will result in a 0.9m north interior yard. The Zoning Bylaw requires a minimum 1.5m interior yard. As such, a variance to that section of the bylaw is required.

The applicant is requesting a development variance permit to vary the following sections of Zoning Bylaw No. 2011-23:

- Section 10.1.2.4.i: To increase the maximum height of a principal building from 10.5m to 12.5m.
- Section 10.1.2.5: To decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: To decrease the minimum north interior yard from 1.5m to 0.9m.
- Section 6.5.2: To increase the maximum permitted height of a retaining wall from 1.2m to 3.0m.
- Section 5.11.1: To permit open stairways to project to the property line into a required interior yard

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns were raised pertaining to storm water management and building code requirements due to the topography of the site and proximity to the north property line. These issues will be addressed at the building permit stage. If the request for the variances is supported, BC Building Code and City bylaw provisions will apply.

Financial implication

N/A

Analysis

<u>Support Variance</u>

When considering a variance to a City bylaw, staff encourage Council to be mindful of any hardship on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighboring properties and if the variance request is reasonable.

Section 10.1.2.4.i: To increase the maximum height of a principal building from 10.5m to 12.5m:

The narrowness of the lot (9.144m) combined with the 10m riparian setback and City sewer right of way leave the applicants with a small building envelope. Increasing the height is the most effective way of gaining valuable floor space. The proposed height of 12.5m is measured from the lakeside. The height of the building from the road is only 8.5m. Approving the variance for the maximum height of 12.5m enables the applicant to build a sizeable house (2430ft^2).

Section 10.1.2.5: To decrease the minimum front yard from 6.0m to 3.0m:

Decreasing the minimum front yard to 3.0m enables the applicants to maximise the building area of the lot. On the road level, the garage will sit 4.5m from the east property line. This will still enable adequate driveway space to park a vehicle and not impede traffic. The 3rd and 4th storey will project 3.0m from the front property line. At the frontage of this lot, Lakeside Road is 23m (75ft) wide. As shown in Attachment 'A', there is a small road that branches off of Lakeside Road to access the lots to the south. Since the subject property is setback a fair distances from Lakeside Road, the buildings won't appear to sit too close to the front property line.

Section 10.1.2.6.i: To decrease the minimum north interior yard from 1.5m to 0.9m:

Since the lot is only 9.144m wide, the applicant is proposing to reduce the north interior yard to 1.0m to allow for an extra 0.5m of building footprint. The applicants have been working with their neighbours to the north to maximise the building area of the lots, therefore the neighbour has no objection to the proposed variance. Due to the narrowness of the lots, it is reasonable to reduce the north interior yard to 0.9m to allow for increased building footprint.

Section 6.5.2: To increase the maximum permitted height of a retaining wall from 1.2m to 3.0m:

Given the steep topography and relatively narrow width of the lot, retaining walls are required within both require interior side yards. Both of these walls will be higher then the 1.2m height permitted by the bylaw and are not able to be stepped as per the bylaw. It is likely that neighbouring construction will require similar variances and tie into the walls. The walls will not be visible from the street.

Section 5.11.1: To permit open stairways to project to the property line into a required interior yard:

With the steep topography of the lot, an open staircase is required on one side of the house leading from the parking area down to the rear yard. This stairway will encroach into a required side yard. Without the variance the stairway will not be able to be built and access to the rear of the lot would be unsafe.

While five variances may seem excessive for a single family lot, the steep topography of the lot and the relatively small buildable area created by the riparian area setbacks and the City sewer line, make the case for some variance. It is anticipated that most of the other lots along this section of Lakeside Road will also request similar variances.

Given the above, staff consider that the variances requested are reasonable and recommend that Council support the application.

Deny/Refer

Council may consider that the variances are not justified and will negatively affect the neighbourhood. If this is the case, Council should deny the variances.

Alternate Recommendations

1. THAT Council support "DVP PL2017-7830" with conditions.

2. THAT "DVP PL2017-7830" be referred back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Images of Subject Property
Attachment E:	Site Plan with requested variances
Attachment F:	Letter of Intent
Attachment G:	"DVP PL2017-7830"

Respectfully submitted,

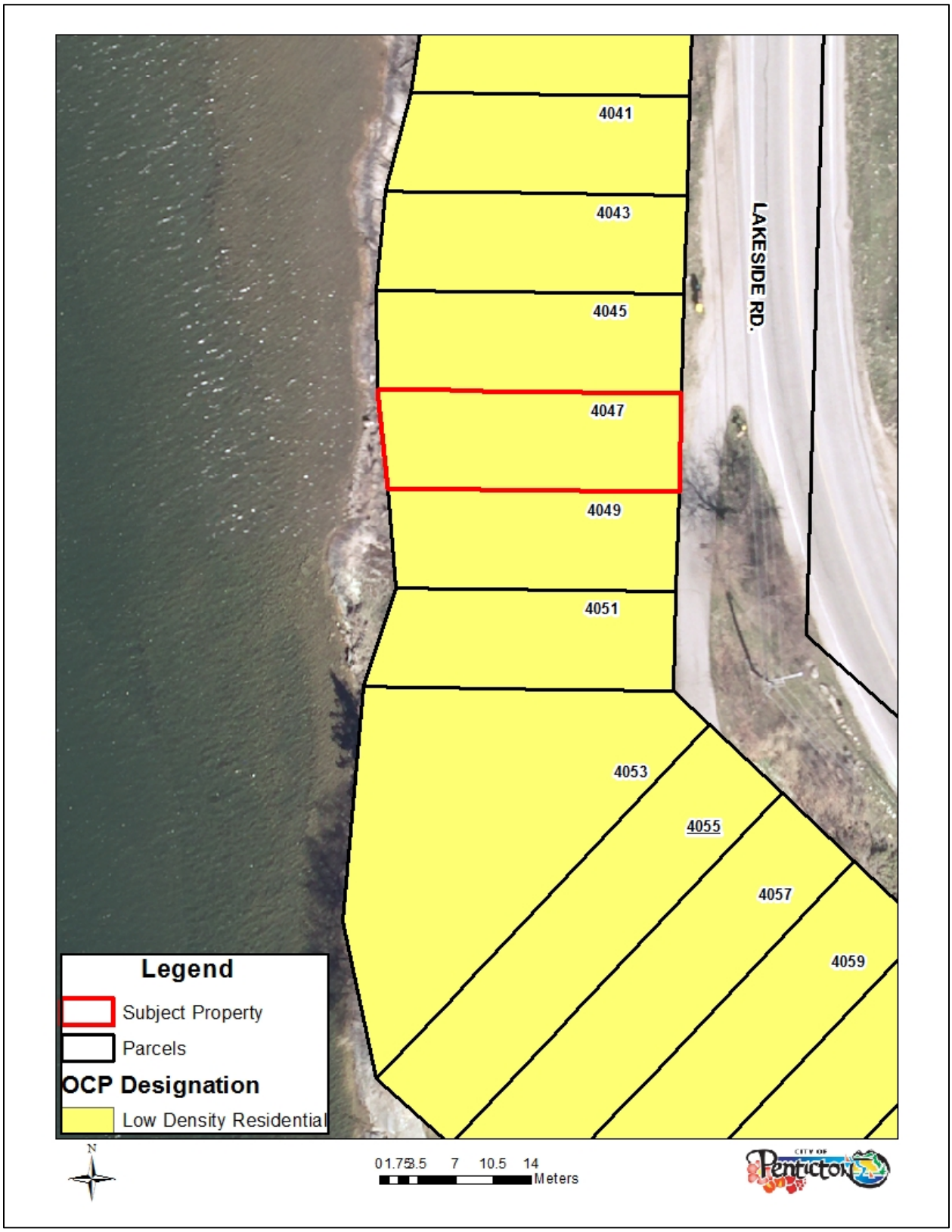
Randy Houle
Planner 1

Approvals

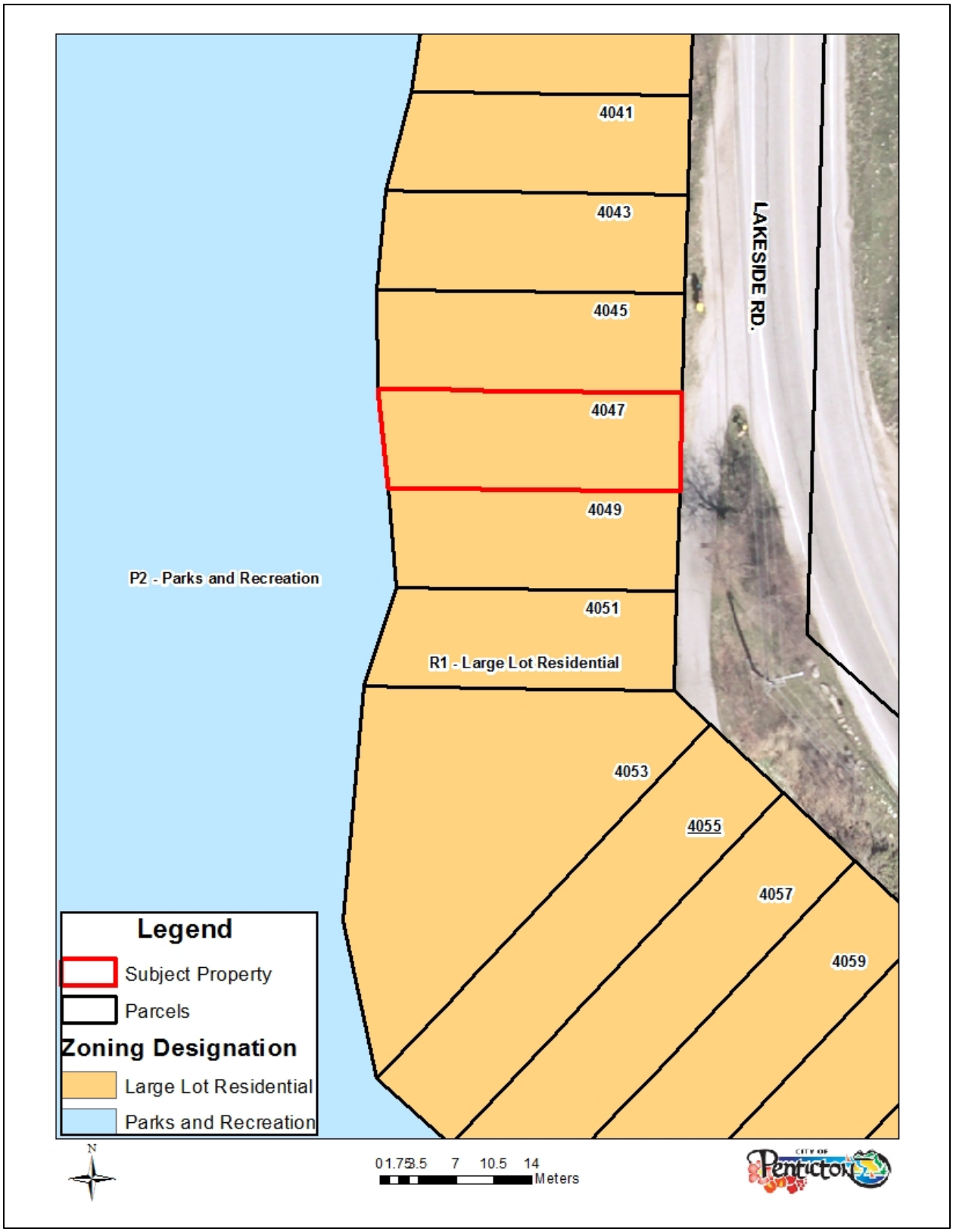
DDS	CAO
AH	PW

Attachment A – Subject Property Location Map

Attachment B – OCP Map



Attachment C - Zoning Map

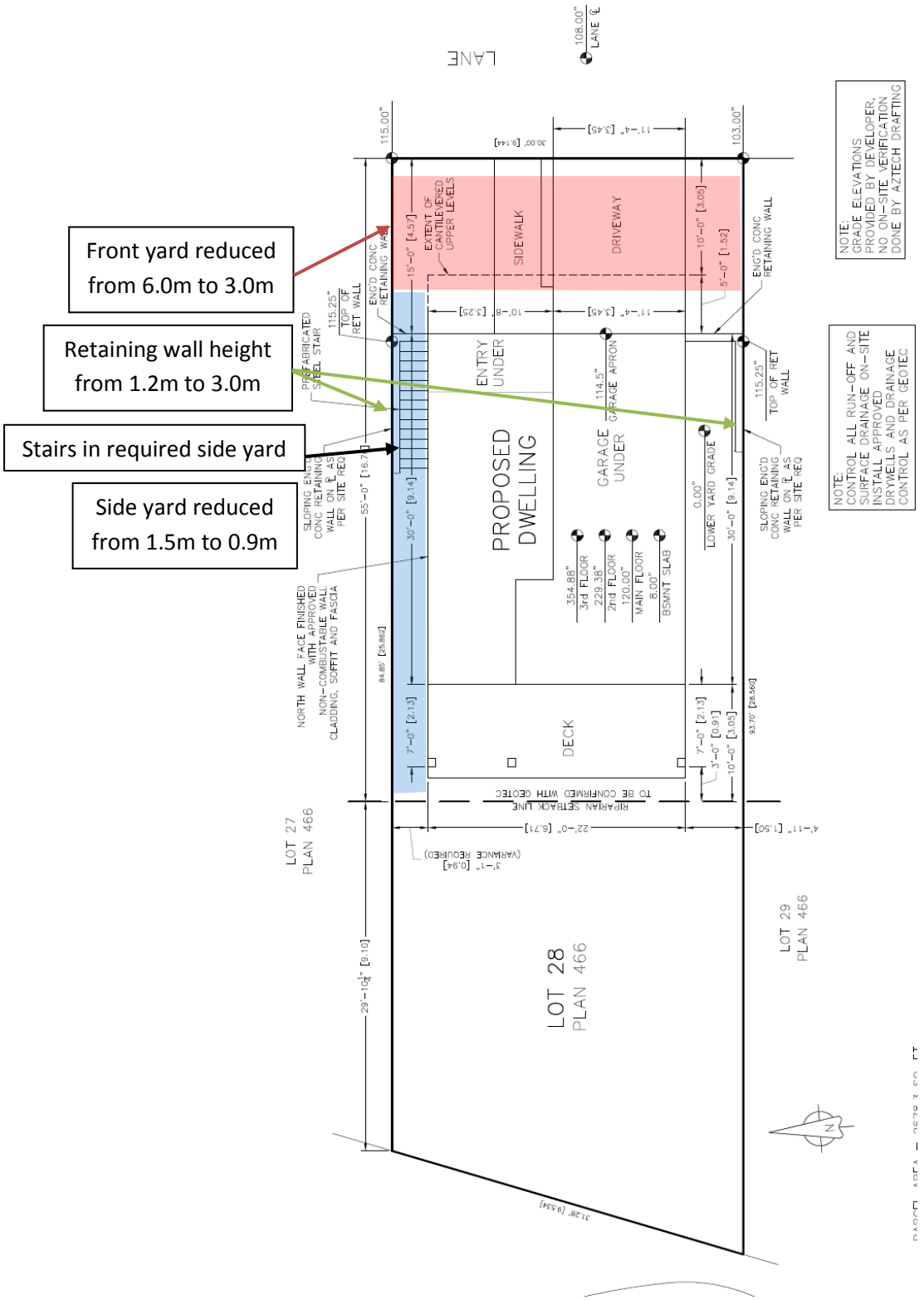


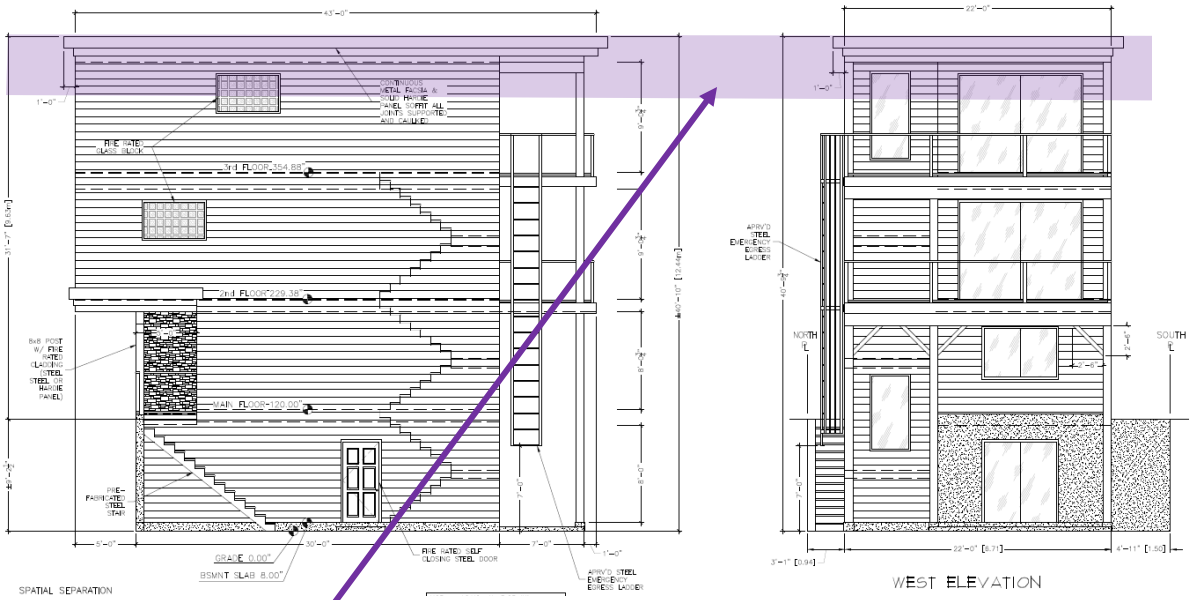
Attachment D - Images of the Subject Property

Figure 1: View looking North

Figure 2: View looking West

Attachment E
Site Plan and Elevation Showing Requested Variances





Height increased from 10.5m to 12.5m

Attachment F – Letter of Intent

Heather & Randy Thew

DEVELOPMENT VARIANCE APPLICATION
PID - 012 323 225
LOT 26, BLOCK 209, DL190 SDYD PLAN 466

CIVIC ADDRESS: 4047 LAKESIDE ROAD, PENTICTON

We are applying for a development variance (x3) to construct our new home at 4047 Lakeside Road.

Due to some hardship created by the riparian setback and the City Utility Right of Way, in order to build a decent size house within these parameters, we are asking for a variance on: -

- the front (roadside)setback from 6.0 meters to 3.0 meters,
- the north sideyard from 1.5 meters to 1.0 meters, and
- the height from 10.5 meters to 12.25 meters.

Our QEP Riparian Report has been filed with the Government offices, we appreciate your prompt response to our Development Permit and Variance Applications.

Heather & Randy Thew

Attachment G
DVP PL2017-7830

City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: PL2017-7830

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

   Legal: Lot 26 Block 209 District Lot 190 Similkameen Division Yale District Plan 466
   Civic: 4047 Lakeside Road
   PID: 012-323-225

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of the City of Penticton Zoning Bylaw and any amendments thereto, to allow for the construction of a Single Family Dwelling, as shown in the plans attached in Schedule 'A'.

   - Section 10.1.2.4.i: To increase the maximum height of a principal building from 10.5m to 12.5m.
   - Section 10.1.2.5: To decrease the minimum front yard from 6.0m to 3.0m.
   - Section 10.1.2.6.i: To decrease the minimum north interior yard from 1.5m to 1.0m.
   - Section 6.5.2: To increase the maximum permitted height of a retaining wall from 1.2m to 3.0m.
   - Section 5.11.1: To permit open stairways to project to the property line into a required interior yard

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of

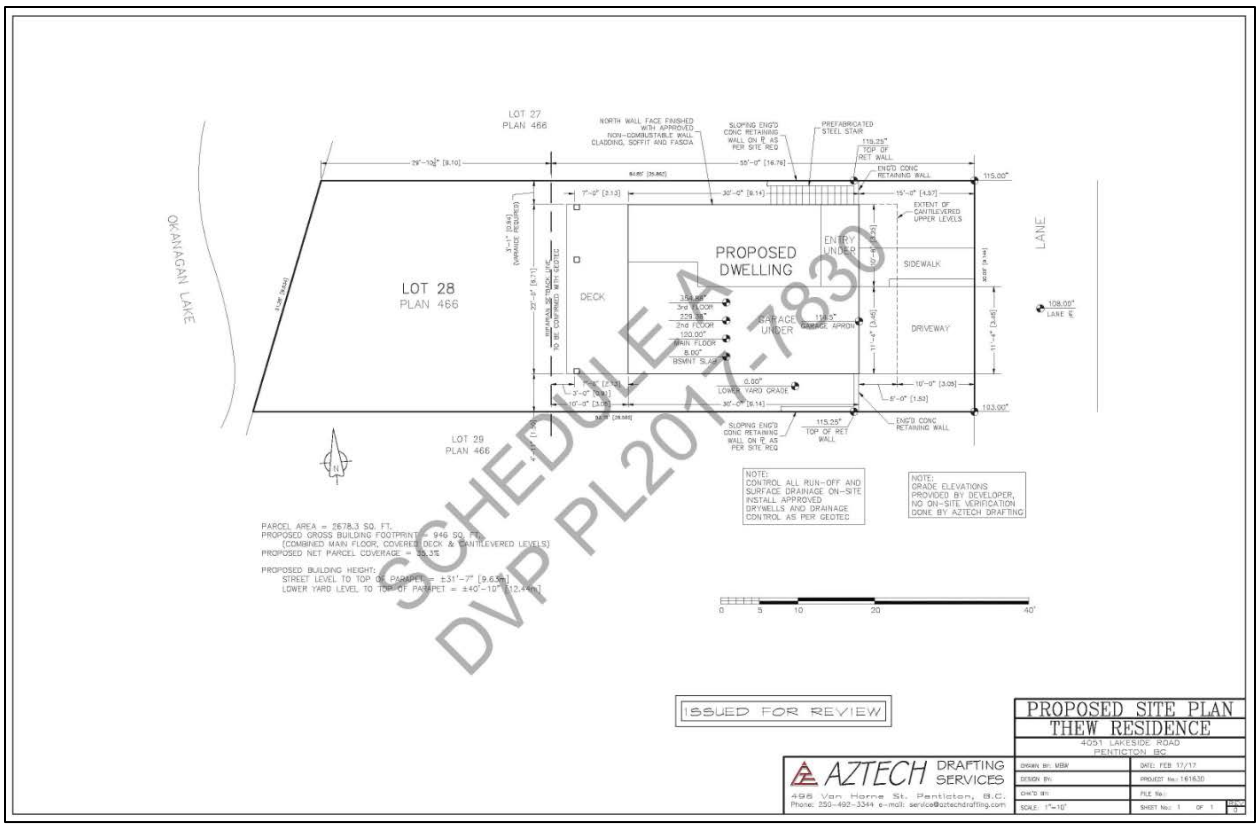
to commencing the development authorized by this permit.

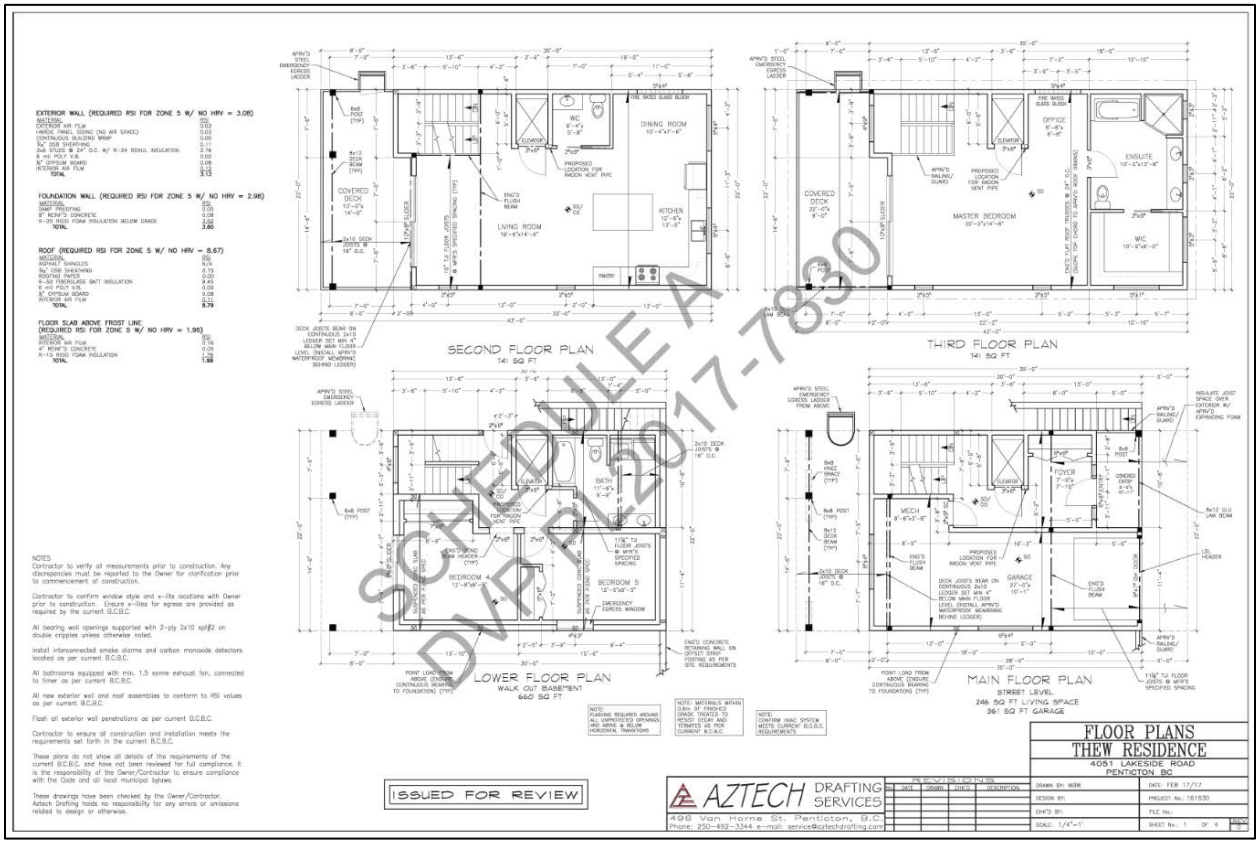
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

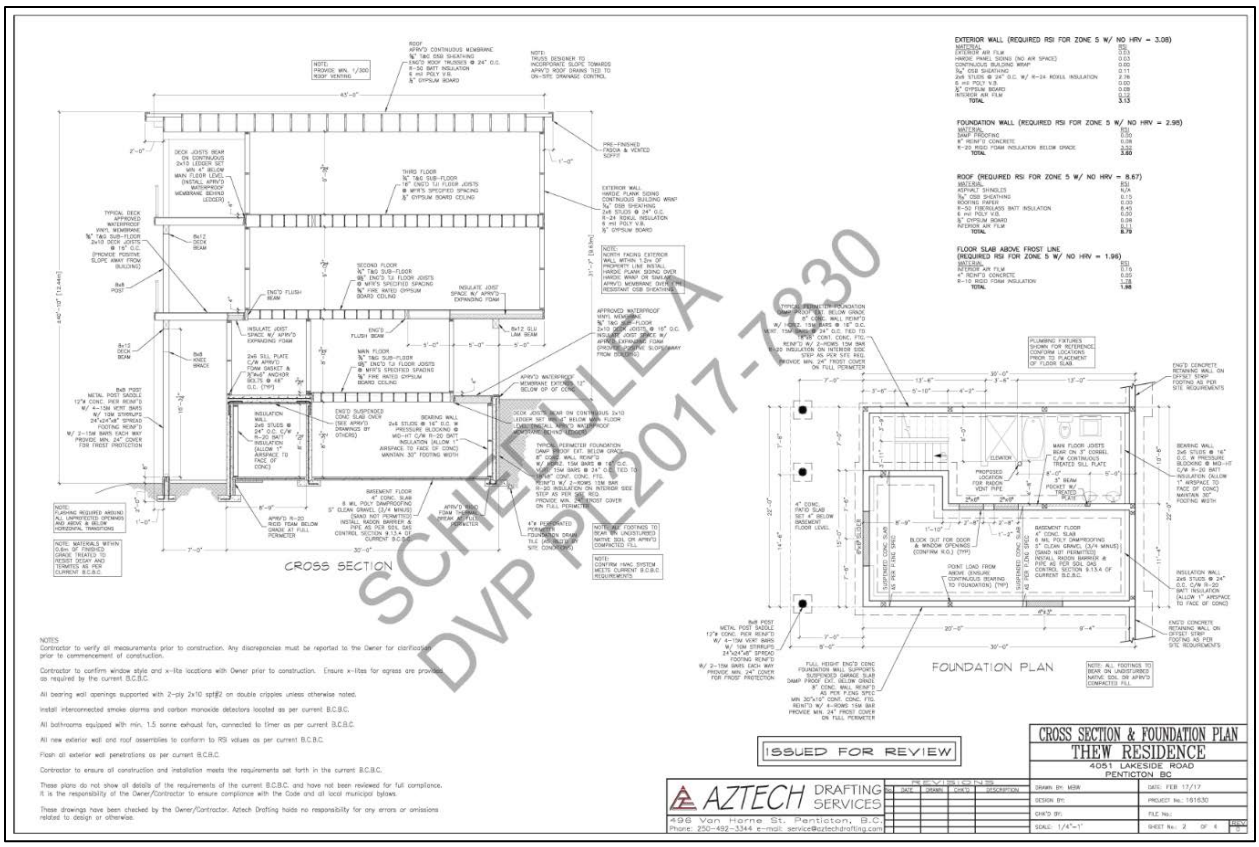
Authorized by City Council, the _____ day of _____, 2017

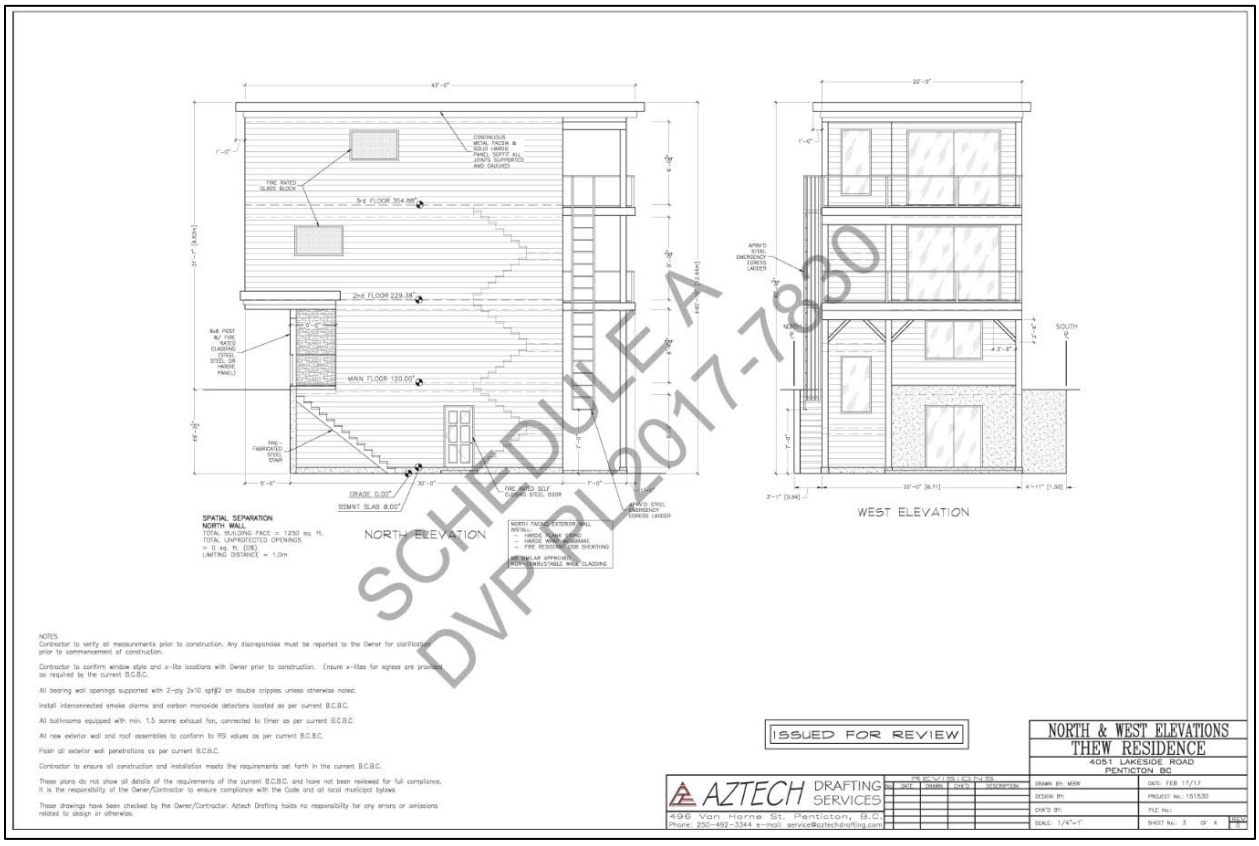
Issued this _____ day of _____, 2017

_____
Dana Schmidt,
Corporate Officer


LOT 27
PLAN 466
LOT 28
PLAN 466
LOT 29
PLAN 466
OKANAGAN LAKE
LANE
PROPOSED DWELLING
DECK
ENTRY UNDER
SIDEWALK
DRIVEWAY
EXTENT OF CANTILEVERED UPPER LEVELS
NORTH WALL FACE FINISHED WITH APPROVED NON-COMBUSTIBLE WALL CLADDING, SOFFIT AND FASCIA
SLOPING ENGD CONC RETAINING WALL ON 1:1 AS PER SITE REQ
PREFABRICATED STEEL STAIR
ENG'D CONC RETAINING WALL
SLOPING ENG'D CONC RETAINING WALL ON 1:1 AS PER SITE REQ
PARCEL AREA = 2678.3 SQ. FT.
PROPOSED GROSS BUILDING FOOTPRINT = 946 SQ. FT.
(COMBINED MAIN FLOOR, COVERED DECK & CANTILEVERED LEVELS)
PROPOSED NET PARCEL COVERAGE = 35.3%
PROPOSED BUILDING HEIGHT:
STREET LEVEL TO TOP OF PARAPET = ±31'-7" [9.63m]
LOWER YARD LEVEL TO TOP OF PARAPET = ±40'-10" [12.44m]
NOTE: CONTROL ALL RUN-OFF AND SURFACE DRAINAGE ON-SITE INSTALL APPROVED DRYWELLS AND DRAINAGE CONTROL AS PER GEOTEC
NOTE: GRADE ELEVATIONS PROVIDED BY DEVELOPER, NO ON-SITE VERIFICATION DONE BY AZTECH DRAFTING
SCHEDULE A
DVP PL2017-7830
ISSUED FOR REVIEW
PROPOSED SITE PLAN
THEW RESIDENCE
4051 LAKESIDE ROAD
PENTICTON BC
AZTECH DRAFTING SERVICES
498 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com


EXTERIOR WALL (REQUIRED RSI FOR ZONE 5 W/ NO HRV = 3.08)
FOUNDATION WALL (REQUIRED RSI FOR ZONE 5 W/ NO HRV = 2.98)
ROOF (REQUIRED RSI FOR ZONE 5 W/ NO HRV = 8.67)
FLOOR SLAB ABOVE FROST LINE (REQUIRED RSI FOR ZONE 5 W/ NO HRV = 1.96)
SECOND FLOOR PLAN
741 SQ FT
THIRD FLOOR PLAN
741 SQ FT
LOWER FLOOR PLAN
WALK OUT BASEMENT
660 SQ FT
MAIN FLOOR PLAN
STREET LEVEL
246 SQ FT LIVING SPACE
361 SQ FT GARAGE
DINING ROOM
KITCHEN
LIVING ROOM
COVERED DECK
MASTER BEDROOM
ENSUITE
OFFICE
FOYER
GARAGE
BEDROOM 4
BEDROOM 5
BATH
MECH
NOTES
Contractor to verify all measurements prior to construction. Any discrepancies must be reported to the Owner for clarification prior to commencement of construction.
Contractor to confirm window style and x-lite locations with Owner prior to construction. Ensure x-lites for egress are provided as required by the current B.C.B.C.
All bearing wall openings supported with 2-ply 2x10 spf#2 on double cripples unless otherwise noted.
Install interconnected smoke alarms and carbon monoxide detectors located as per current B.C.B.C.
All bathrooms equipped with min. 1.5 sone exhaust fan, connected to timer as per current B.C.B.C.
All new exterior wall and roof assemblies to conform to RSI values as per current B.C.B.C.
Flash all exterior wall penetrations as per current B.C.B.C.
Contractor to ensure all construction and installation meets the requirements set forth in the current B.C.B.C.
These plans do not show all details of the requirements of the current B.C.B.C. and have not been reviewed for full compliance. It is the responsibility of the Owner/Contractor to ensure compliance with the Code and all local municipal bylaws.
These drawings have been checked by the Owner/Contractor. Aztech Drafting holds no responsibility for any errors or omissions related to design or otherwise.
SCHEDULE A
DVP PL2017-7830
ISSUED FOR REVIEW
FLOOR PLANS
THEW RESIDENCE
4051 LAKESIDE ROAD
PENTICTON BC
AZTECH DRAFTING SERVICES
498 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com


CROSS SECTION
FOUNDATION PLAN
ISSUED FOR REVIEW
CROSS SECTION & FOUNDATION PLAN
THEW RESIDENCE
4051 LAKESIDE ROAD
PENTICTON BC
AZTECH DRAFTING SERVICES
496 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com
SCHEDULE A
DVP PL2017-7830


NORTH ELEVATION
WEST ELEVATION
ISSUED FOR REVIEW
NORTH & WEST ELEVATIONS
THEW RESIDENCE
4051 LAKESIDE ROAD
PENTICTON BC
AZTECH DRAFTING SERVICES
496 Van Horne St. Penticton, B.C.
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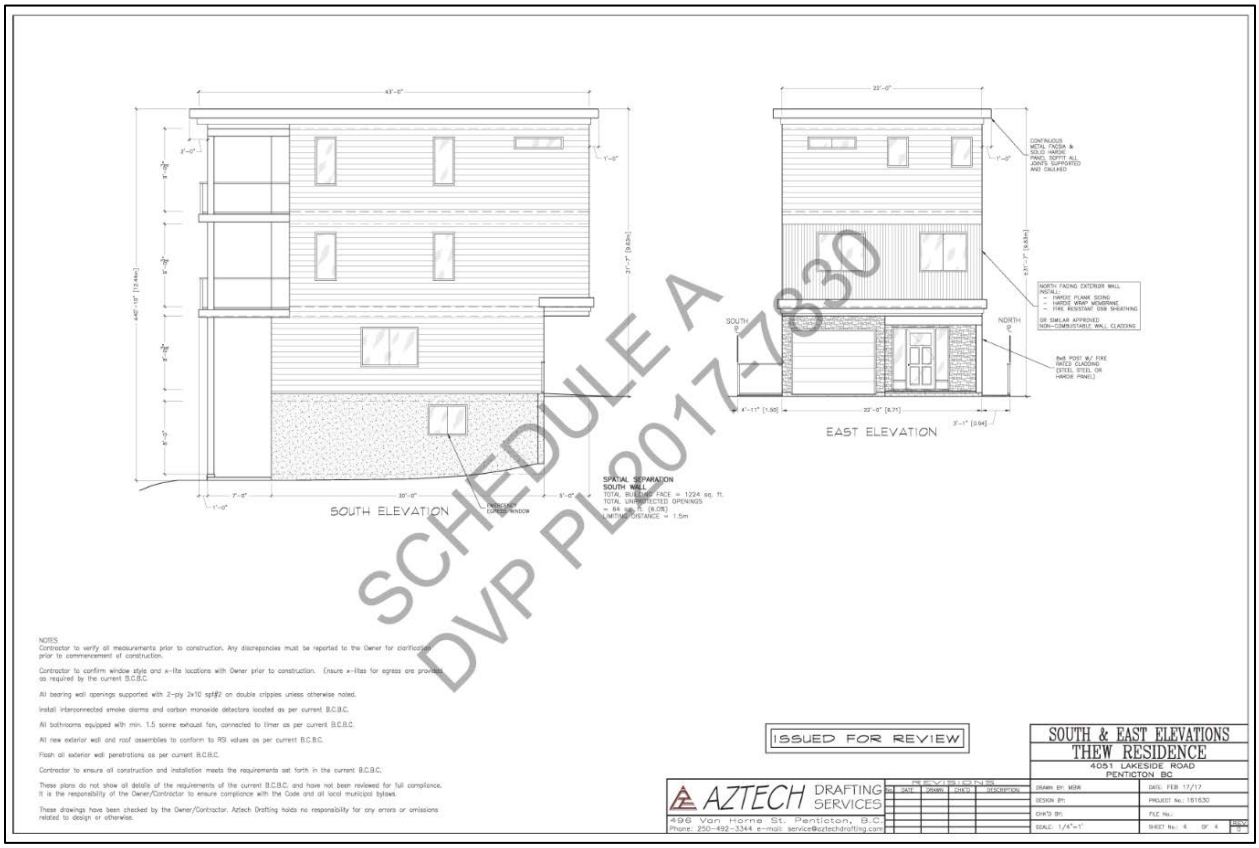
SCHEDULE A
DVP PL2017-7830


SOUTH ELEVATION
EAST ELEVATION
SCHEDULE A
DVP PL2017-7830
ISSUED FOR REVIEW
SOUTH & EAST ELEVATIONS
THEW RESIDENCE
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PENTICTON BC
AZTECH DRAFTING SERVICES
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Phone: 250-492-3344 e-mail: service@aztechdrafting.com