

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

Tuesday, March 21, 2017
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Adoption of Minutes:**
 - 4.1 Minutes of the March 7, 2017 Public Hearing 1-3 Receive
 - 4.2 Minutes of the March 7, 2017 Regular Council Meeting 4-9 Adopt
5. **Committee and Board Reports:**
 - 5.1 Penticton Arena Task Force Minutes of February 6, 2017 10-14
Recommendation: THAT Council receive the minutes of the Penticton Arena Task Force meeting of February 6, 2017.
 - 5.2 Community Sustainability Committee Minutes of March 1, 2017 15-17
Recommendation: THAT Council receive the draft minutes of the Community Sustainability Committee meeting of March 1, 2017.
 - 5.3 Downtown Revitalization Sub-Committee Minutes of March 10, 2017 18-20
Recommendation: THAT Council receive the draft minutes of the Downtown Revitalization Sub-Committee meeting of March 10, 2017.
Committee Recommendation: THAT Council approve the installation of a Timberwolf two unit precast concrete washroom with stainless steel fixtures and heat tracing.
Committee Recommendation: THAT Council direct staff to look at options for lighting and security during the construction of the 300 Block.
6. **Correspondence**
 - 6.1 BC Healthy Living Alliance 21-24
Re: Communities on the Move
 - 6.2 University of British Columbia Okanagan 25-27
Re: Requesting written support for a new degree program

7. Staff Reports:

- FC 7.1 Upper Carmi Fire Protection 28-30
Staff Recommendation: THAT Council supports adding Upper Carmi area, up to the 8km mark from Fire Station 202, into the RDOS Fire Protection Agreement.
- BSS 7.2 Kindness Meter Initiative 31-39
Re: Partnership between 100 Homes Penticton, DPA and Bylaw Services
Staff Recommendation: THAT Council support the "Kindness Meter" initiative in one pilot location (April 2017- April 2018) at the Main Street 200 block breezeway;
AND that Council direct staff to allocate funds from the existing Bylaw services budget towards the installation of the meter in the 200 Block of Main Street;
AND that Council support the donations from the Kindness Meter to "100 Homes Penticton" as a part of their "suite of strategies" for reducing homelessness in the community.
- DDS 7.3 Mobile Retail Vending 40-56
Staff Recommendation: THAT Council support the creation of a one-year pilot program for Mobile Retail Vending as part of the Mobile Food Vending License Program for 2017 that allows for:
- A maximum of two mobile retail vendors to be in operation at any one time in any of the locations approved for Mobile Food Vending, except the 'Gyro hub' or 'Winnipeg St & Lakeshore' locations.
 - All applicable fees associated with Mobile Food Vending Licenses and business Licences be paid for 2017;
- AND THAT Council direct staff deny approval for any mobile retail vending operations within vacant commercial sites in the Downtown 'Core' for 2017, as identified in Attachment C;
AND FURTHER THAT staff report back to Council in fall 2017 with a summary of issues and recommendations.
- BPM 7.4 Winery Lounge and Special Event Area (SEA) Endorsement Application 57-67
Re: Time Winery, 361 Martin Street
Staff Recommendation: THAT Council direct staff to commence public notification of the proposed Winery Lounge and Special Event Area Endorsement for Time Winery (Encore Vineyards Ltd);
AND THAT staff report back to Council at their meeting on April 18, 2017 with the results of the public consultation for Council's consideration.
- BPM 7.5 Brewery Lounge & Special Event Area Endorsement Application 68-75
Re: Highway 97 Brewing Company Ltd., 954 Eckhardt Avenue W
Staff Recommendation: THAT Council direct staff to commence public notification of the proposed Brewery Lounge & Special Event Area (SEA) Endorsement for Highway 97 Brewing Company Ltd;
AND THAT staff report back to Council at their meeting on April 4, 2017 with the results of the public consultation for Council's consideration.
- BPM 7.6 Winery Lounge Endorsement Application 76-85
Re: Little Engine Wines, 851 Naramata Road
Staff Recommendation: THAT Council direct staff to commence public notification of the proposed Winery Lounge Endorsement for Little Engine Wines (Little Engine Wines Ltd.);
AND THAT staff report back to Council at their meeting on April 18th, 2017 with the results of the public consultation for Council's consideration.
- DDS 7.7 Parking Update 86-88
Staff Recommendation: THAT Council support a review of the 2012 parking strategy through further consultation with the community and the Transportation Advisory Committee;
AND THAT Council suspend plans to implement Commercial Paid Parking along Lakeshore, at Lakawanna Park, along Riverside Drive, and at Loco Landing while the review is completed and further consultation is undertaken;
AND THAT Council endorse the expansion of the Hospital Resident Only parking program to areas requested and suspend plans to charge a fee for the program until further consultation is undertaken;
AND THAT Council endorse the expansion of the Downtown Resident Only parking program to the areas requested and suspend plans to charge a fee for the program until further consultation is undertaken.

DDS 7.8 Short Term Rental Program 89-102
Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-14" and forward to the April 4, 2017 Public Hearing;

THAT Council give first, second and third reading to "Business Licence Amendment Bylaw No. 2017-15" and provide an opportunity for persons who consider they are affected by the bylaw to make representation to Council at the April 4, 2017 meeting;

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-16";

THAT Council give first, second and third reading to "Bylaw Enforcement Amendment Bylaw No. 2017-17";

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-18".

CAO 7.9 Eventful Penticton Sponsorships 103-105
Staff Recommendation: THAT Council approve a \$10,000 sponsorship for the 2017 Canadian Sport School Hockey League (CSSHL) Championships;
 AND THAT Council approve a \$10,000 sponsorship for the 2017 Western Canada Cup.

8. **Public Question Period**

9. **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:

- (a) personal information about an identifiable individual who holds or is being considered for a municipal position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (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;
- (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;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

10. **Reconvene the Regular Meeting of Council at 6:00 p.m.**

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

11.1	2017-2021 Five Year Financial Plan Bylaw No. 2017-13	106-109	Adopt
11.2	Zoning Bylaw No. 2017-08	110-226	Adopt
11.3	Zoning Amendment Bylaw No. 2017-04 DVP PL2016-7786 & DP PL2016-7787 Re: 251 Rigsby Street	227-232	3 rd Amend/Adopt Approve
11.4	Zoning Amendment Bylaw No. 2017-09 Re: 4000 Valleyview Road	233-234	3 rd Amend/Adopt

11.5 Zoning Amendment Bylaw No. 2017-11 235-236 3rdAmend/Adopt
Re: 850 Wiltse Blvd

12. **Land Matters:**

- BSS 12.1 Suspension of Business Licence and Injunctive Action 237-245 Owner
Re: Herbal Green, 256 Westminster Avenue W
Staff Recommendation:
#1.
THAT Council receive this report for the purpose of considering whether:
- a) *the suspension of the City of Penticton Business Licence for Herbal Green (City of Penticton Business Licence No. 00015528), as set out in the March 13, 2017 letter from the Bylaw Services Supervisor, should be upheld; and*
 - b) *whether the Business License for Herbal Greens, 256 Westminister Ave W, Penticton, BC, should be cancelled;*
- AND THAT Council provide Mr. Jukka Laurio, owner and operator, or other representative of Herbal Green, with an opportunity to be heard in relation to this report and the recommendations contained in it.*
- #2.**
THAT after providing Mr. Jukka Laurio, or other representative of Herbal Green, with an opportunity to be heard by Council, Council consider:
- a) *upholding the suspension of the City of Penticton business licence for Herbal Green (City of Penticton Business Licence No. 00015528), as set out in the March 13, 2017 letter from the Bylaw Services Supervisor; and*
 - b) *cancelling the Business License for Herbal Green, 256 Westminister Ave W, Penticton, BC:*
- AND THAT after consideration of the above, Council authorizes and directs the Bylaw Services Supervisor to retain and instruct legal counsel to bring a proceeding in the City's name in Supreme Court under s. 274 of the Community Charter, S.B.C. 2003, c. 26 to enforce and to prevent and restrain the violation of the city's bylaws in relation to the marijuana dispensary located at 256 Westminister Ave W., Penticton, B.C. and for ancillary relief.*
- BPM 12.2 Liquor Primary Endorsements 246-249 Del/Sub
Re: Cascades Casino Penticton, 553 Veas Drive
Staff Recommendation: *THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications for Liquor Primary Licence Endorsements for Cascades Casino Penticton (Gateway Casinos & Entertainment Ltd).*
- DDS 12.3 Development Variance Permit PL2017-7830 (deferred from March 7) 250-266 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."*
- DDS 12.4 Development Variance Permit PL2017-7840 267-280 Del/Sub
Re: 2203 Dartmouth Drive
Staff Recommendation: *THAT Council approve "Development Variance Permit PL2017-7840" for Lot B District Lot 3821S Similkameen Division Yale District Plan KAP79585 Except Strata Plan KAS3795 (Phase 1), located at 2203*

Dartmouth Drive, a permit to decrease the required minimum interior side yards from 4.5m & 0m to 0m on both sides;

AND THAT staff be directed to issue "Development Variance Permit PL2017-7840."

- DDS 12.5 Zoning Amendment Bylaw No. 2017-19 281-296
Re: 769/777 Ontario Street
Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-19," a bylaw to Rezone Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and to Rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), and to add Section 10.6.4.5: "In the case of Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street," be given first reading and forwarded to the April 4, 2017 Public Hearing.
- DDS 12.6 Zoning Amendment Bylaw No. 2017-20 297-320
DVP PL2017-7845, DP PL2017-7846, DP PL2017-7847
Re: 708 Revelstoke Avenue/865 Railway Street
Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-20," a bylaw to Rezone Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and to Rezone Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the April 4, 2017 Public Hearing;
AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," a road dedication in accordance with Attachment 'H' is registered with the Land Title Office;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," the developers pay the cost of frontage upgrades which includes curb, gutter and sidewalk.

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7845" for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, a permit to decrease the minimum west interior side yard from 1.5m to 1.2m and to decrease the minimum exterior side yard from 3.0m to 1.6m.

AND THAT "DVP PL2017-7845" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-20".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-20," approve Development Permit PL2017-7846 for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, and Development Permit PL2017-7847 for Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, a permit that allows for the construction of two front to back duplexes.
- DDS 12.7 Zoning Amendment Bylaw No. 2017-21 321-339
DVP PL2016-7826, DP PL2016-7825
Re: 634 Westminster Avenue W & 201 Maple Street
Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-21", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the April 4, 2017 Public Hearing;
THAT delegations and submissions for "Development Variance Permit PL2016-7826" on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (FORMERLY YALE LYTTON) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, a permit to reduce the required parking

from 16 stalls to 12 stalls and decrease the rear yard setback from 6m to 4.5m, be heard at the April 4, 2017 Public Hearing; AND THAT Council consider "DVP PL2016-7826" following the adoption of "Zoning Amendment Bylaw No. 2017-21".

THAT Council receive DP PL2016-7825, a permit to develop a three (3) storey apartment building on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7 Similkameen (FORMERLY YALE LYTTON) Division Yale District Plan 1175 located at 634 Westminster Avenue West; AND THAT Council consider "DP PL2016-7825" following the adoption of "Zoning Amendment Bylaw No. 2017-21".

DDS 12.8 Zoning Amendment Bylaw No. 2017-22 340-348
Re: 230 Brunswick Street
Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-22", a bylaw adding section 11.6.4.2: " In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted", be introduced, read a first time and be forwarded to the April 4, 2017 Public Hearing.

DDS 12.9 Zoning Amendment Bylaw No. 2017-23 349-357
Re: 453 Winnipeg Street and 232 Wade Avenue
Staff Recommendation: THAT "Zoning Amendment Bylaw 2017-23", being a bylaw to amend "Zoning Bylaw No. 2017-08" by adding the use 'office' as a site specific use to Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan KAP77551 located at 453 Winnipeg Street and the use 'parking' on Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, be given first reading and be forwarded to the April 4, 2017 Public Hearing.

DDS 12.10 OCP Amendment Bylaw No. 2017-24 358-379
DVP PL2016-7813
Re: 135 Front Street
Staff Recommendation: THAT prior to consideration of OCP Amendment Bylaw No. 2017-24 and in accordance with Section 475 of 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. 2017-24", being a bylaw to amend "OCP Bylaw No. 2002-20" shown as Attachment 'J' of this report to allow a 5 storey building at 135 Front Street; be introduced, given first reading and be forwarded to the April 4th, 2017 Public Hearing.

13. **Notice of Motion**

14. **Business Arising**

15. **Council Round Table**

16. **Public Question Period**

17. **Adjournment**

Public Hearing
City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, March 7, 2017
at 6:00 p.m.

- Present:** Mayor Jakubeit
Councillor Sentes
Councillor Watt
Councillor Picton
Councillor Martin
Councillor Sayeed
- Absent:** Councillor Konanz
- Staff:** Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Mitch Moroziuk, General Manager of Infrastructure
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for "Zoning Bylaw No. 2017-08", "Zoning Amendment Bylaw No. 2017-09", "OCP Amendment Bylaw No. 2017-10" and "Zoning Amendment Bylaw No. 2017-11". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

"Zoning Bylaw No. 2017-08" (Repeals 2011-23)

The purpose of "Zoning Bylaw No. 2017-08" is to repeal and replace Zoning Bylaw No. 2011-23 and deliver an effective zoning bylaw that is easy to interpret.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for "Zoning Bylaw No. 2017-08" was terminated at 6:04 p.m. and no new information can be received on this matter.

2. "Zoning Amendment Bylaw No. 2017-09" (4000 Valleyview Road)

The purpose of "Zoning Amendment Bylaw No. 2017-09" is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot 1, District Lot 190, Similkameen Division Yale District Plan KAP71656, located at 4000 Valleyview Road, from a split zone of A (Agriculture) and RC (Country Residential) to a singular zone of RC (Country Residential) in support of an application for a two lot subdivision.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-09" was terminated at 6:06 p.m. and no new information can be received on this matter.

3. “Official Community Plan Amendment Bylaw No. 2017-10” and “Zoning Amendment Bylaw No. 2017-11” (850 Wiltse Blvd)

The purpose of “Official Community Plan Amendment Bylaw No. 2017-10” is to amend Official Community Plan Bylaw 2002-20 as follows:

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 Blvd, from Multi Family to Low Density Residential and Figure 13, Appendix A of Schedule ‘M’ Upper Wiltse Area Structure Plan.

The purpose of “Zoning Amendment Bylaw No. 2017-11” is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone those portions of Lot B, District Lot 2710, Similkameen Division Yale District, Plan 43260 from A (Agriculture) to R1 (Large Lot Residential).

The lands in question are adjacent to a 22 lot single family residential development currently under construction and will ultimately for part of the development allowing for an additional 10 lots.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Eric Kachra, Evergreen Drive, concerned with slope problems, request Council refer back to staff and applicant to conduct further slope work and consultation.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for “OCP Amendment Bylaw No. 2017-10” and “Zoning Amendment Bylaw No. 2017-11” was terminated at 6:20 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

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

Present: Mayor Jakubeit
Councillor Konanz (until 6:00 p.m.)
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 1:01 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

155/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on March 7, 2017 as amended to include correspondence from BC Transit.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the February 21, 2017 Special Council Meeting

156/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 21, 2017 Special Council Meeting as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the February 21, 2017 Regular Council Meeting

157/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 21, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

4.3 Minutes of the February 22, 2017 Special Council Meeting

158/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 22, 2017 Special Council Meeting as presented.

CARRIED UNANIMOUSLY

4.4 Minutes of the February 23, 2017 Special Council Meeting

159/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 23, 2017 Special Council Meeting as presented.

CARRIED UNANIMOUSLY

4.5 Minutes of the February 28, 2017 Special Council Meeting

160/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 28, 2017 Special Council Meeting as presented.

CARRIED UNANIMOUSLY

5. **Committee and Board Reports**

5.1 Parks & Recreation Master Plan Steering Committee Minutes of February 8, 2017

161/2017

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

162/2017

It was MOVED and SECONDED

THAT Council refer the Parks & Recreation Master Plan Steering Committee recommendation to establish a Parks & Recreation Advisory Committee to staff for consideration with the committees overview.

CARRIED UNANIMOUSLY

5.2 SOEC Select Committee Minutes of February 17, 2017

163/2017

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

6. **Correspondence**

6.1 Pee Wee Hockey Grant – In – Aid Request

Council agreed by consensus to deny the funding request made by South Okanagan Minor Hockey for travel to attend provincials.

Councillor Sayeed declared a conflict of interest as he is a provincial candidate and left the meeting at 1:08 p.m.

6.2 BC Transit

164/2017

It was MOVED and SECONDED

THAT Council approve free transit on May 9, 2017 for the 2017 Provincial General Election.

CARRIED UNANIMOUSLY

Councillor Sayeed returned to the meeting at 1:13 p.m.

7. Staff Reports:

7.1 2017 – 2021 Five Year Financial Plan Bylaw No. 2017-13

165/2017

It was MOVED and SECONDED

THAT Council give first, second and third reading to the “2017-2021 Five Year Financial Plan Bylaw No. 2017-13”.

CARRIED

Councillors Konanz and Martin, Opposed

7.2 Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03
Re: 100 – 200 Main Street Revitalization Work

166/2017

It was MOVED and SECONDED

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 Councillors Konanz, Sentes and Watt 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.

CARRIED UNANIMOUSLY

7.3 New Liquor Primary Licences – Cascades Casino Penticton
Re: Gateway Casinos & Entertainment Limited

167/2017

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

7.4 Boundary Expansion Request
Re: Wiltse South Block

168/2017

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

7.5 Renewal Provincial Licence for Foreshore Rights at Sudbury Beach

169/2017

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

7.6 Eventful Penticton

170/2017

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

8. Public Question Period

9. Recess to In-Camera Meeting

171/2017

It was MOVED and SECONDED

THAT Council recess at 2:02 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;

CARRIED UNANIMOUSLY

10. Public Hearing at 6:00 p.m.

11. Reconvene the Regular Council Meeting following the Public Hearing

Council reconvened the Regular Council Meeting at 6:20 p.m.
Councillor Konanz was absent.

12. Reconsideration of Bylaws and Permits

12.1 Zoning Bylaw No. 2017-08

172/2017

It was MOVED and SECONDED

THAT Council give second as amended to "Zoning Bylaw No. 2017-08";
AND THAT Council give third reading to "Zoning Bylaw No. 2017-08".

CARRIED UNANIMOUSLY

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

173/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-09".

CARRIED UNANIMOUSLY

12.3 OCP Amendment Bylaw No. 2017-10
Re: 850 Wiltse Blvd

174/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "OCP Amendment Bylaw No. 2017-10";
AND THAT Council adopt "OCP Amendment Bylaw No. 2017-10".

CARRIED UNANIMOUSLY

12.4 Zoning Amendment Bylaw No. 2017-11
Re: 850 Wiltse Blvd

175/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-11".

CARRIED UNANIMOUSLY

13. Land Matters:

13.1 Development Variance Permit PL2017-7828
Re: 3984 Finnerty Road

Delegations/Submissions: Marco Galdames , owner, the impact is only two feet.

176/2017

It was MOVED and SECONDED

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."

CARRIED UNANIMOUSLY

13.2 Development Variance Permit PL2017-7830

Re: 4047 Lakeside Road

Delegations/Submissions:

- Tiffany Saunders, Finnerty Road, requested Council defer this matter to April 4, received little notice and don't feel all neighbours have been given enough time to review the information and how they will be impacted. Requested Council broaden the reach of the notice requirement. Will set a precedent for other lots in future. Height variance is detrimental to our view, concerned with safety variance for driveway, already congested. If secondary suites, don't know where parking will be.
- Randy Thew, owner, 30x90 lot, only 30x55 lot usable due to riparian area, only choice is build up. Need variances to build livable home, applying for height because measure from low end.
- Lorraine Cove, Finnerty Road, received notices Sunday, don't feel enough time to find out how it will affect me, would like Council to defer to April 4.

177/2017

It was MOVED and SECONDED

THAT Council defer "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

to March 21, 2017 and expand the notification area to include all properties within 45 meters of 4037 Lakeside Road to 4065 Lakeside Road.

CARRIED UNANIMOUSLY

14. Notice of Motion

15. Business Arising

16. Council Round Table

17. Public Question Period

18. Adjournment

178/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, March 7, 2017 at 7:14 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

A decorative horizontal bar consisting of a series of colored squares in blue, red, and orange, followed by a solid blue bar containing the text "penticton.ca".

penticton.ca

Penticton Arena Task Force Meeting

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

Monday, February 6, 2017
at 6:00 p.m.

Present: Helena Konanz, Councillor
Andy Oakes, Okanagan Hockey Group Representative
Fred Harbinson – Veas Representative
Mike Hopkin, Adult League Representative
Pam MacDonald, Dry Floor Representative
Trevor Buttenham, Figure Skating Representative
Stewart Ladyman, Member at Large
Frank Regehr, Member at Large
Bruce Millington, Member at Large
Neil Jamieson, Member at Large
Garth Astles, Member at Large
Ryan Schulz, Member at Large
Larry Lund, Member at Large
Larry Kenyon, Member at Large

Staff: Bregje Kozak, Manager of Facilities
JoAnne Kleb, Community Engagement Officer
Mitch Moroziuk, General Manager of Infrastructure
Lorraine Williston, Committee Secretary

1. **Call to Order**

The Penticton Arena Task Force was called to order by the Chair at 6:03 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Penticton Arena Task Force adopt the agenda for the meeting held on February 6, 2017 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton Arena Task Force adopt the minutes of the January 23, 2017 meeting as amended.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Reading List Prioritization

The Manager of Facilities reviewed the prioritized reading list that includes the following:

- Arena Needs Analysis (GDH Solutions) June 2016
- Arena Upgrade/Replacement Opinion of Probable Costs (LTA Consultants) July 2016
- Memorial and McLaren, Building Condition Summary, January 2017
- GDH Q&A Report for ATF, February 3, 2017

A recommended reading list was also provided and reviewed. Staff noted the McLaren Arena Hazardous Materials Report will be available soon.

4.2 Work Plan Update

The Manager of Facilities reviewed the work plan stating that the Task Force is on track. An overview of 'Phase 2 – Needs Analysis' was presented noting in this phase confirmation of the number of surfaces is needed, the user needs understood and functional program requirements developed. A Statement of Needs (Scope of Service) can then be provided to the consultant teams. Discussion and questions followed.

The Manager of Facilities reviewed 'Phase 3 – Options Analysis' that will include consideration of facility options and scenarios, engage consultant teams, analyze options and NPV cost estimates. Discussion and questions followed on consultant costs and what information will that provide. The Manager of Facilities stated once the Task Force narrows down what additional details are needed, the consultants can provide that specific information. A basic scope and options does need to be developed first. The Chair confirmed the aim tonight is to start narrowing down those options and details.

5. **New Business**

5.1 Needs Analysis

i. Confirm Number of Surfaces

Roundtable discussion ensued on how many number of surfaces are needed. It was generally agreed that four (4) functional surfaces are needed to maintain the current uses and programs. Discussion followed on the functionality of the existing ice surfaces and availability/usage including non-ice related events specifically with respect to the SOEC. Staff to enquire how often rentals are bumped due to an event booking. Both the Okanagan Hockey Group and Veas representatives stated their schedules are booked around annual event bookings and for additional bookings, all parties do their best to accommodate each other's schedules.

A question was raised about the ice revenue as noted in the GDH Arena Usage Analysis and if a breakdown of the revenue by categories can be provided. The Manager of Facilities to ask the consultant for the breakdown and Spectra staff to confirm booking numbers. Frank Regehr noted a calculation error of ice use hours on page 2 of the Arena Analysis summary. Staff to notify the consultant of the error.

ii. Confirm Functional Needs

The Manager of Facilities provided an overview of the survey responses circulated to the Task Force members regarding functional requirements as follows:

Size:

The Okanagan Hockey Group representative stated if you do not have NHL size (85 x 200) ice surfaces, it greatly limits the caliber of events and tournaments you can host noting Penticton would be the perfect location for the Women's World's Ice Hockey Championships. Without NHL size rinks, you start to exclude elite hockey at the provincial, national and international levels. With the smaller rinks there are also increased safety issues. Discussion and questions followed on other user group needs i.e. adult hockey leagues and concerns were raised over potential increases in costs for the larger surfaces. The question was raised if all four surfaces needed to be the NHL size and/or if three would suffice. It was suggested that we should consider the future use and not limit ourselves. Discussion followed on the pros and cons of increasing the surface size at Memorial Arena to the NHL size.

Spectator Capacity:

The survey resulted in a spectator capacity range of 400-1000. Discussion followed. It was stated that any championship games or higher volume events are always moved to the SOEC. Larry Lund suggested an adequate range would be 400-500 and by consensus, the Task Force was in agreement.

Location:

All survey responses noted it would be preferable to have all the arenas together. It was noted Penticton has a unique situation with the number of facilities we currently have in one location being the SOEC and Memorial Arenas, Curling Rink, Casino, Community Centre, PTCC and hotels nearby. Not a lot of other cities have that. A roundtable debate followed on adding additional facilities to the SOEC site as space is limited and if another building could be added. A question was asked if Vernon Avenue was needed as a thoroughfare or if it could be closed and that land developed.

Dressing Rooms:

The majority of survey responses selected four (4) standard dressing rooms with a note that some groups would like dedicated rooms. The number of dressing rooms does determine the size of event/tournament you can attract. Larger and more elite events require a minimum of four rooms. The Manager of Facilities stated it is too early to get into detail designs yet but did want to gauge the Task Force's thoughts.

Height:

The Dry Floor representative stated they require a minimum ceiling height of 25 ft. The McLaren Arena ceiling height is only 16 ft. and the curling rink is only 19 ft. A ceiling height greater than 25 ft. should be considered as it will increase the flexibility of use.

Challenges:

Parking was noted as the main challenge.

All survey responses stated the importance of having facilities that are multi-purpose with the flexibility to accommodate multiple user groups.

iii. Confirm Amenities

The Manager of Facilities reviewed the survey results on building amenities as follows:

Desired amenities included:

- Concession
- Gathering areas
- Skate room
- Multi-purpose spaces
- Fitness room
- Memorabilia/display cases

Discussion followed on multi-purpose rooms and it was noted a dedicated space is needed to secure raffle prizes and other related items for hosting tournaments and/or for groups/teams needing a space to meet or bring in food etc. The multi-purpose room can also be used for fitness/dryland training.

Additional requests included:

- Storage space (PMHA, GSC)
- Office space (PMHA, GSC)
- Indoor viewing area
- Tournament Room

5.2 Action Items List

The Manager of Facilities presented a list of action items and explained the purpose for the Action Items Log is to keep track of all the questions being asked by the Task Force members and the status of each question. This list will be sent out with the meeting minutes. If anyone has any further questions to add to the list to please email her.

5.3 Existing Building Assessments & Feasibility Analysis

The Manager of Facilities stated the intent is to engage technical consultants to provide a deeper level scope and cost estimates for upgrading existing facilities. The objectives are to:

- Re-evaluate base building improvements (scope and timing)
- Consider functional upgrades and develop upgrade matrix
- Validate exiting cost estimates
- Provide costs for newly developed scopes of work

The Manager of Facilities presented upgrade options for Memorial and McLaren as follows:

- Base building only (includes code compliance upgrades)
- Increase to NHL size floor surface
- Modernize lobbies and public areas (Memorial)
- Modernize facility (McLaren)
- Enlarge and modernize dressing rooms (Memorial)
- Convert to dry floor facility
- Convert to curling rink (McLaren)
- Players benches updates (McLaren)
- Dryland training area (McLaren)

The Manager of Facilities stated staff are looking for direction on how to direct the consultant and asked the Task Force to consider all options including combinations of options. Discussion and questions followed. Additional suggestions included comparing the cost to add another sheet of ice to the SOEC site vs costs to upgrade McLaren Arena and adding a permafrost floor to McLaren Arena.

Feasibility Analysis

The Manager of Facilities stated the intent is to engage the consultant to provide detailed analysis on the feasibility of various facility options, to meet the Statement of Needs. The objectives:

- The consultant report will provide understanding of each option including: risks, opportunities, financial analysis, life cycle costing, schedule, site and operational impacts
- Conclude with a preferred option and recommendation to Council

The Manager of Facilities presented options for the Task Force to consider and narrow down for the next meeting as follows:

1. Upgrade Memorial and McLaren arenas;
2. Upgrade Memorial, replace McLaren with a one pad arena at the SOEC site;
3. Build a new two pad arena, re-purpose Memorial to a dry-land facility, dispose McLaren;
4. Dispose of Memorial and McLaren, build a new two pad facility;
5. Upgrade Memorial, dispose of Curling Rink to build parkade, build new arena, renovate McLaren to accommodate curling.

Discussion and questions followed. The General Manager of Infrastructure suggested if new arenas are being considered at the SOEC site, a traffic impact study will be needed.

6. **Community Engagement Update**

The Community Engagement Officer reviewed the upcoming community engagement schedule noting they are taking advantage of upcoming events at Memorial and McLaren arenas and are looking at attending Vees games. Task Force members were asked to volunteer for a couple of hours. On Feb. 8 staff will be shooting a video about the work of the Task Force and condition of Memorial Arena.

7. **Next Meeting**

The next regularly scheduled meeting of the Penticton Arena Task Force will be February 20, 2017.

8. **Adjournment**

The Penticton Arena Task Force adjourned the meeting at 8:00: p.m.

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Community Sustainability Committee Meeting

held at The City of Penticton, Committee Room B
171 Main Street, Penticton, B.C.

Wednesday, March 1, 2017
at 1:30 p.m.

- Present:** Tarik Sayeed, Councillor
Chris Allen, Chair
Pam Moore, Interior Health Representative
Anne Hargrave, Member at Large
Phil Hawkes, Member at Large
Zoe Kirk, Member at Large
Ryan Foster, Member at Large
- Staff:** Audrey Tanguay, Long Range Planner
Lorraine Williston, Corporate Committee Secretary
- Guest:** Rick Hatch
Kristi Estergaard, IH Registered Dietician

1. **Call to Order**

The Community Sustainability Committee was called to order by the Chair at 1:33 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Community Sustainability Committee adopt the agenda for the meeting held on March 1, 2017 as amended (refer to item 6.1).

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Community Sustainability Committee adopt the minutes of the December 14, 2016 meeting as circulated.

CARRIED UNANIMOUSLY

4. **Delegation**

5.1 Rick Hatch re: Permaculture

Rick Hatch presented information on permaculture. Permaculture is a creative design process based on whole-systems thinking informed by ethics and design principles. This approach guides us to mimic the patterns and relationships we can find in nature and can be applied to all aspects of human habitation, from agriculture to ecological building, from appropriate technology to education and even economics. By adopting the ethics and applying these principles in our daily life we can make the transition from being dependent consumers to becoming responsible producers by building skills and resilience at home and in our local communities.

Mr. Hatch provided statistics on deforestation, soil degradation and industrial agriculture, graphs on energy return on energy invested (oil and gas) and the economic system and an example of how to apply these principles. Discussion and questions followed. It was noted that the City of Calgary is doing a lot of work establishing food forests. It was suggested that this committee should look at the short term items that can be implemented quickly. The Interior Health representative stated Interior Health has implemented some regulations around composting toilets and noted a lot of Vancouver Island communities have these systems in place and can provide the committee with some information.

5. **Business Arising from Prior Meetings**

5.1 First Things First Okanagan – Staff Update

The Chair confirmed that Council has approved the recommendation to become a major sponsor for the symposium at \$1,000 and staff from the Electrical Department will have a booth set up with information on net metering and the City's Home Energy Loan program.

6. **New Business**

6.1 Budget Update

The Long Range Planner stated Council has approved the budget for a permanent Sustainability Coordinator. This position will be divided between the Planning Department and Public Works to assist with monitoring emissions and recycling and waste initiatives. This position will also be the staff liaison for the committee and will assist in the implementation of any recommendations.

7. **Council Outcome**

Council Resolutions 35/2017 and 36/2017 from the minutes dated December 14, 2016 were received.

8. **Next Meeting**

The next regularly scheduled meeting of the Community Sustainability Committee to be determined.

9. **Adjournment**

It was MOVED and SECONDED

That the Community Sustainability Committee adjourn the meeting held on Wednesday, March 1, 2017 at 2:42 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Downtown Revitalization Sub-Committee Meeting

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

Friday, March 10, 2017
at 3:00 p.m.

Present: Judy Sentes, Councillor
Campbell Watt, Councillor
Tim Scott, Chair
Lynn Allin, Downtown Penticton Association Representative
Tracy Van Raes, Chamber of Commerce Representative
James Ludvigson, Member at Large
Jim Meyer, Member at Large

Staff: Mitch Moroziuk, General Manager of Infrastructure
Ian Chapman, City Engineer
Blake Laven, Planning Manager
Tyler Figgitt, Design Supervisor
Bregje Kozak, Manager of Facilities
Lorraine Williston, Corporate Committee Secretary

1. **Call to Order**

The Downtown Revitalization Sub-Committee was called to order by the Chair at 3:02 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Downtown Revitalization Sub-Committee adopt the agenda for the meeting held on March 10, 2017 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Downtown Revitalization Sub-Committee adopt the minutes of the January 18, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Downtown Washrooms Update

The Manager of Facilities presented designs for a precast concrete two unit washroom building manufactured by Timberwolf. Discussion and questions followed on options available for exterior finish, interior fixtures, operating hours during summer and winter including heating the building in winter and location. By general consensus, the committee agreed and recommended the following features and options:

- wood grain pattern impressed into concrete walls
- stainless steel fixtures to include a small sink
- non-heated building with heat tracing lines installed
- washroom closed during winter months and porta potties provided for use

The Planning Manager presented information on a new proposed development that may impact the original location of the washroom. It was generally agreed the washrooms should remain in close proximity to the breezeway. Concerns were raised regarding the esthetics of the washroom facility for the new development and the possibility of building an enclosure for the porta potties. The Planning Manager stated he will be meeting with the developer and will bring back options to the committee for a location.

It was MOVED and SECONDED that the Downtown Revitalization Sub-Committee recommends that Council approve the installation of a Timberwolf two unit precast concrete washroom with stainless steel fixtures and heat tracing.

CARRIED UNANIMOUSLY

4.2 100 & 200 Block Revitalization Update

The City Engineer reported the contractor is on site doing deficiency corrections for the pavers and should be done by the end of the month.

4.3 Downtown Revitalization – Next Steps

The City Engineer confirmed the 2017 budget does include funds to complete the design for the 300 Block and Council will be approving the budget on March 21, 2017. For the 2018 budget, staff will present Council with the total cost for the 300 Block construction project for approval.

A question was raised about downtown store front improvements. The Planning Manager stated the City currently has an incentive program in place and it's up to the business owners to take advantage of the program. The DPA representative offered to circulate the information to the business owners. Discussion followed over signage guidelines and if it can be regulated. The Planning Manager stated he can do some research to see what other municipalities are doing and will bring back options to the committee.

4.4 Committee Debrief – Discussion/Instruction

The Chair asked members to bring forth any matters for discussion. The DPA representative requested that costs for security be factored into the Downtown revitalization costs and lighting be provided on the street during construction, noting that this was an unexpected cost for the Downtown Penticton Association. Discussion and questions followed. The City

Engineer stated it is difficult to provide lightning once that utility has been taken out during the construction and suggested one option could be to have business owners provide lighting from their store fronts. The Chair noted that discussions regarding security and lighting will need to happen prior to construction.

It was MOVED and SECONDED that the Downtown Revite Sub-committee recommends THAT Council direct staff to look at options for lighting and security during the construction of the 300 Block.

CARRIED UNANIMOUSLY

5. **New Business**

6. **Council Outcome**

Council Resolutions 32/2017 and 33/2017 from the minutes dated January 18, 2017 were received.

7. **Next Meeting**

The next regularly scheduled meeting of the Downtown Revitalization Sub-Committee to be determined.

8. **Adjournment**

It was MOVED and SECONDED

THAT the Downtown Revitalization Sub-Committee adjourn the meeting held on Friday, March 10, 2017 at 4:18 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Subject: FW: Communities on the Move

From: Ally Fleck [<mailto:afleck@bchealthyliving.ca>]

Sent: March-09-17 2:17 PM

To: Receptionist

Subject: Communities on the Move

Good afternoon,

My name is Ally Fleck, and I am with the BC Healthy Living Alliance. I am contacting you about an innovative initiative called 'Communities on the Move' – a way to join forces with other municipalities and organizations calling for more provincial funding for active transportation and public transit. I would like to encourage Penticton to sign on to the declaration.

What is Communities on the Move?

The Communities on the Move declaration is intended to outline a vision for a healthy transportation system that meets the needs of all British Columbians.

- It lays out core values of safety, health, equity, environmental sustainability and economic opportunity that guide the vision and recommendations.
- The recommendations include a call for significant provincial investments in transit, active transportation planning and facilities, and support for rural transportation, in addition to measures to enhance access among vulnerable populations and to improve safety.

The ultimate goal is to convince provincial decision-makers to put in place the necessary funding and policy supports for a robust, active and public transportation system that serves all British Columbians.

Why endorse Communities on the Move?

The declaration will shine a spotlight on the resources needed by communities to provide residents with more and healthier transportation options.

By signing on to the declaration, you will be joining together with other local governments, health organizations, unions, community advocates and businesses to make a strong united call for the provincial government to increase investment in community infrastructure.

How to endorse Communities on the Move?

We encourage you to show your support for Communities on the Move, please visit http://www.bchealthyliving.ca/movebc_declaration/ to add your endorsement.

Together, we can create communities that have convenient, healthy, and affordable transportation options for all! I would be happy to speak with you by phone or e-mail if you have any questions about the declaration or the endorsement process.

Cheers,

Ally Fleck, B.Sc.
Practicum Student
BC Healthy Living Alliance
#310 – 1212 West Broadway
Vancouver, BC V6H 3V2
Tel: 604-629-1630
Fax: 604-629-1633

Sign our Communities on the Move Declaration



CREATING SMART, FAIR AND HEALTHY TRANSPORTATION OPTIONS FOR ALL BC COMMUNITIES

Go [here](#) to sign our Communities on the Move Declaration and join us in our combined commitment to a healthier British Columbia for all.

VISION

We envision that in 10 years, neighbourhoods across BC will be connected by transportation systems that make it easy, safe and enjoyable to get around whether by walking, biking, public transit, driving, ride-sharing or in a wheelchair. We want to see government making progressive investments that support active and healthy communities with a wide range of mobility needs.

This vision is guided by the following VALUES:

- Safety for All Road Users: The design and rules of the road should work towards a goal of zero fatalities so all British Columbians can arrive at their destination safely.
- Healthy Communities: It is easier for British Columbians to be active and healthy when there are safe biking and walking routes, good street design and regular transit.
- Mobility for All: Communities need transportation options to enable everyone – including vulnerable groups such as children, older adults and those with low incomes as well as non-drivers – to access education, employment, healthcare, recreation and cultural events and to foster important social connections.
- Clean Air and Environment: Public transit and active modes of transportation reduce local air pollution and carbon emissions that contribute to climate change.
- Consideration of Community Needs: All BC communities, regardless of their size or location, should have a range of convenient, affordable transportation options.
- Cost Savings and Economic Opportunities: Investments in active and public transportation can help to control rising healthcare costs while stimulating local business and tourism.

What will it take:

- Increased support and long-term funding for transit
 - Provide secure, stable funding and predictable revenue tools for the full implementation of the Metro Vancouver Mayor's Plan.
 - Provide full funding (\$400M/year) and policy support for implementation of the BC Transit Strategic Plan 2030 and local government 'Transit Future Plans' to grow transit service and meet local needs.
- A Provincial Active Transportation Strategy
 - Allocate \$100M per year over the next ten years to support the development of local cycling and walking infrastructure within a larger provincial network. Priority should go to completing connected cycling and walking transportation networks.
 - Fund Active School Travel Planning and standardized cycling education for healthy, active children.

- Increase capacity within the Ministry of Transportation by developing an Active Transportation unit that has the professional expertise to work on policy and planning.
- Commitment to equity
 - Improve handyDART service to meet demand and to expand accessibility to evenings, Sundays and holidays.
 - Revert back to the \$45 annual fee for Annual Bus Passes for Persons-with-Disability.
 - Ensure all public transit systems have affordable options for people with low incomes.
- Regional considerations
 - Work with local governments to establish a Rural Transportation Strategy. Develop and fund innovative community transportation systems that can serve rural and remote British Columbians including those who can't drive or don't have access to a vehicle.
 - Support the Metro Vancouver Mayor's Council to pursue alternative funding mechanisms – such as vehicle levies, road pricing (including tolling), local fuel and parking taxes and expansion of community/group passes (such as the U-Pass).
- Commitment to Safety
 - Support the BC Road Safety Strategy and work with all levels of government and other partners to achieve a goal of safe streets and zero fatalities.
 - Prioritize safety measures for vulnerable road users such as pedestrians, cyclists and those in wheelchairs and mobility devices.



9 March 2017

Andrew Jakubeit
City of Penticton
171 Main Street
Penticton, BC V2A 5A8

Dear Andrew:

The ever increasing volume and importance of data in business, decision and policy making, and all things innovative requires new levels of education and attentiveness to the power of data. As the Okanagan economy continues to shift toward data-intensive industries, including digital technology, communications, health, and advanced manufacturing, the need for graduates in our region with expertise in Data Science and Data Analytics will only continue to grow. I'm writing to seek your written support for a new degree program at UBC's Okanagan campus that will help fill the gap in the training available to students in our region.

UBC Okanagan is developing a new Master of Data Science (MDS) degree which will offer students in fields like Economics, Engineering, Management, and Psychology with the tools they need to gain a competitive advantage in the job market and meet growing demand for the data-intensive jobs of today and tomorrow. What's different relative to existing Data Science programs, including the MDS degree offered by UBC in Vancouver, is that we will offer a fast track timeline for students looking to enter the job market as professionals with a master's degree, as well as practical experience, in just five years. Moreover, the benefits to our community of establishing the MDS program at UBC Okanagan will be felt almost immediately, given nearly two thirds of UBCO alumni remain in the region following graduation.

A comprehensive plan for the Master of Data Science has been prepared by the Faculty of Arts and Sciences (a two-page summary is enclosed for your reference) with intake set to begin in September 2017, pending final internal approvals. I would be most grateful if you would provide a short letter of support for the MDS program at UBC Okanagan to affirm the community's support for this initiative and help get us to the finish line.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah Buszard'.

Deborah Buszard
Deputy Vice-Chancellor and Principal

Enclosure

Master of Data Science (MDS)*

Faculty of Arts and Sciences | University of British Columbia | Okanagan Campus

** The Master in Data Science is pending final approval by the Okanagan Senate and the UBC Board of Governors. It is anticipated to begin September 2017 for dual-degree entry and May 2018 for direct-entry.*

The University of British Columbia is a comprehensive research-intensive university, consistently ranked among the 40 best universities in the world. It creates an exceptional learning environment that fosters global citizenship, advances a civil and sustainable society, and supports outstanding research to serve the people of British Columbia, Canada and the world. Since 1915, UBC's West Coast spirit has embraced innovation and challenged the status quo. Its entrepreneurial perspective encourages students, staff and faculty to challenge convention, lead discovery and explore new ways of learning.

Educational Context

Data Science and Data Analytics graduate programs have been in increasing demand all over the world due to the increasing reliance on quantitative information. Such programs offer training in Computer Science, Mathematics and Statistics. Researchers create more efficient algorithms to extract information from data, these algorithms are implemented in numerical libraries in various programming languages before they are carefully selected to extract information from our ever growing collection of data.

MDS Overview

Focuses on the appropriate selection and usage of existing algorithms and implementing newly created algorithms.

Targets students in a scientific discipline (e.g., Biology, Economics, Engineering, Management, Psychology) who wish to gain a competitive advantage and meet the ever-increasing demand in data-intensive jobs.

Features

Two-entry pathways

1. Dual-degree:
 - register at the beginning of year 1, 2, 3 or 4, while completing bachelor's degree at UBC Okanagan
 - Tuition frozen once registered and student meets requirements
 - Double-count 6-credits from undergraduate to graduate studies
 - access to a career advisor
2. Direct: enter in May after completing bachelor's degree

Fast track timeline

Professional program follows an accelerated format at a speed of 1 credit per week, providing a fast entry into the job market.

Graduate with both bachelor's and master's degrees in 5 years

Anticipated completion for master's portion:

Dual-degree: 7.3 months

Direct: 9 months

Project experience

Capstone provides an outstanding opportunity for students to get project experience and apply their skills on real data.

Positive economic impact

Builds on success of past graduates, many who have remained in North America, to work at: Microsoft Corp., Amazon.com Inc., Google, Autodesk Inc., etc. MDS specifically targets domestic and international students who wish to work in industry.

Learning Outcomes

The program will provide a solid foundation in logic, critical thinking, visualization and problem solving complemented with technical skills in programming, modeling, and statistical analysis

Software building

Apply basic software engineering principles for productivity and quality control: computational thinking, simple design, quality control.

Modeling

Carry out a sound statistical argument to explain results and their limitations: causality, model building, uncertainty quantification.

Communication

Communicate technical findings through a storyline or effective visualization to support evidence-based decisions.

Application domain

Integrate relevant analytical methods to a specific domain and evaluate the limitations of such methods; support evidence-based decision making.

Data wrangling

Implement the full data pipeline from acquisition through cleaning, manipulation, interpretation, validation to visualization.

Scientific method

Follow the scientific method from hypothesis formulation through design of experiment to validation.

Note: The MDS maintains the same outcomes as the program offered on the Vancouver campus (MDSV) but the content was split slightly differently to reflect the expertise of faculty members on the Okanagan campus.

Courses

Courses focus on computer science (data manipulation and cleaning) and statistics (modeling and understanding). For a complete list of course offerings, contact UBC Okanagan.

Potential Areas of Employment

The 2015 Information and Communications Technology Council Bid Data & the Intelligent Economy report¹ predicts a 33% increase in data analytics specialists jobs and mentions the combined growth of cloud computing, analytics and advanced data science as the primary source of skill shortages, which is compounded by relatively few post-secondary offerings; it further recommends that post-secondary institutions develop data analytics programs.

The Closing Canada's Big Data Talent Gap report² estimates "Canada's Big Data Talent Gap of 10,500 to 19,000 professionals with deep data and analytical skills (e.g. to fill Data Scientist positions) while the gap for professionals with solid data and analytical literacy to make better decision is estimated at 150,000". It predicts a growing lack of talented professionals with data skills and calls for an expansion of academic curriculum at all levels. The present program aims to answer such a demand.

The best jobs of 2015 list³ includes #6 Data Scientist (\$124K/yr) ahead of #8 Software Engineer (\$83K/yr) and #10 Computer System Analyst (\$81K/yr).

Contact

Dr. Yves Lucet, Professor, Computer Science,
I. K. Barber School of Arts & Sciences, UBCO
yves.lucet@ubc.ca, 250.807.9505

¹ <http://www.ictc-ctic.ca/wp-content/uploads/2015/12/BIG-DATA-2015.pdf>

² <http://www.careercast.com/jobs-rated/best-jobs-2015>

³ <http://www.careercast.com/jobs-rated/best-jobs-2015>

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Larry Watkinson, Fire Chief
Subject: **Upper Carmi Fire Protection**

File No: 7320-20

Staff Recommendation

THAT Council supports adding Upper Carmi area, up to the 8km mark from Fire Station 202, into the RDOS Fire Protection Agreement.

Background

The Fire Chief presented the concept of expanding the Fire Service Agreement in a closed council meeting November 21, 2016 with the following resolution:

IC230/2016

It was MOVED and SECONDED

THAT Council direct staff to draft a proposal for the Regional District Okanagan Similkameen (RDOS) that will add Upper Carmi area (up to the 8km mark from Fire Station 202) into the Fire Protection Agreement which will satisfy the requirements of the Fire Underwriters Survey (FUS) for semi protected.

At this time the Fire Protection Agreement does not include Upper Carmi and this area currently has no fire protection. Residents in this area are within a recognizable response distance (8km) for PFD to meet the requirements of the Fire Underwriters Survey (FUS) as Semi Protected (meaning no hydrants and within 8km of a Fire Station) which, if added to the Fire Protection Agreement would see significant insurance reductions and a much greater emergency response mechanism in this area. November 30, 2016 the City of Penticton Fire Chief presented the idea at a town hall meeting of residents in the Upper Carmi area, where it was clearly supported – the residents wanted fire protection.

Financial implication

RDOS payment for services would be applied exactly as outlined in the RDOS Fire Protection Agreement and based on the total assessed value before exemptions.

Analysis

Fire protection areas, like Upper Carmi, desiring fire insurance grading recognition should be organized on a sound financial basis, such as a tax levy, as we have established in the Fire Protection Agreement with RDOS. Additionally, fire protection service areas must provide contiguous service to be recognized for fire insurance grading purposes. Attachment A is a letter from the Fire Underwriters Survey supporting the expected change in insurance grading from unprotected to Dwelling Protection Grade 3B.

The PFD has the capacity to provide fire protection to this area and would not jeopardize the safety of the City of Penticton nor its residents; similar to the RDOS' West Bench commitment to provide fire protection. The PFD has the ability with highly trained fire fighters and modern fire equipment effective in meeting the requirements of FUS, to provide semi protected insurance rates. Furthermore, this area would receive medical and rescue services as outlined in the RDOS Fire Protection Agreement.

Alternate recommendations

That Council denies inclusion of Upper Carmi Area to the RDOS Fire Protection Agreement.

Attachments

Attachment A – FUS letter

Respectfully submitted,

Larry Watkinson.
Fire Chief

Approvals

CAO
PW

Attachment A



FIRE UNDERWRITERS SURVEY
A SERVICE TO INSURERS AND MUNICIPALITIES

c/o Optis Information Intelligence

February 24th, 2017

Penticton Fire Department,
250 Nanaimo Avenue West,
Penticton, B.C.,
V2A 1N5

Attention: Larry Watkinson, Fire Chief

Re: Upper Carmi Contract Fire Protection

Dear Chief Watkinson,

This letter concerns the expected Fire Insurance Grades that would apply to the Upper Carmi area with contract fire protection provided by the City of Penticton.

Assuming that a fire response protocol would automatically dispatch both a Triple Combination Pumper from Fire Hall 202 and a Mobile Water Supply apparatus from Fire Hall 201, Dwelling Protection Grade (DPG) 3B would apply within 8km road response distance of Fire Hall 202 in the Upper Carmi Area.

Please contact our office if there are any questions or comments regarding the intent or content throughout this letter.

Sincerely,

Robert McGuinness
Public Fire Protection Specialist
Fire Underwriters Survey

Coun

Western Canada 3999 Henning Drive Burnaby, BC V5C 6P9 1 (800) 665-5661	Ontario 150 Commerce Valley Drive West Markham, ON L3T 7Z3 1 (800) 268-8080	Quebec 1611 Cremazie Boulevard East Montreal, QC H2M 2P2 1 (800) 263-5361	Atlantic Canada 238 Brownlow Avenue, Suite 300 Dartmouth, NS B3B 1Y2 1 (800) 639-4528
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Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor

File No:

Subject: Kindness Meter Initiative – Partnership between 100 Homes Penticton, Downtown Penticton Association and Bylaw Services

Staff Recommendation

THAT Council support the “Kindness Meter” initiative in one pilot location (April 2017- April 2018) at the Main Street 200 block breezeway;

AND that Council direct staff to allocate funds from the existing Bylaw services budget towards the installation of the meter in the 200 Block of Main Street;

AND that Council support the donations from the Kindness Meter to “100 Homes Penticton” as a part of their “suite of strategies” for reducing homelessness in the community.

Strategic priority objective

Panhandling is an issue that many communities face across B.C. and Canada. Complex social issues like panhandling require coordinated community responses that address root causes. Many Penticton businesses and residents are concerned about panhandlers interfering with business or making areas where panhandlers gather uninviting to businesses, tourists and residents alike. The proposed “Kindness Meter” will provide a positive contribution to the downtown by encouraging people to donate to homeless resources and programs, rather than panhandlers themselves. This will assist in promoting a more sustainable and livable community.

Background

A kindness meter is a coin parking meter that is decorated and repurposed for donations to the homeless. They are often located in areas where panhandling is a problem. The proposed location for Penticton’s kindness meter is adjacent to the 200 Block of Main Street Breezeway (Attachment A-Proposed Location), a “hot spot” area for panhandlers.

Kindness meters have been in-place in a variety of differing sized communities for over 10 years, including Kamloops, Vernon and Victoria. These decorated and identifiable meters (Attachment B - Examples of a

“Kindness meter”) allow citizens and tourists to have an opportunity to donate their spare change to a group of charitable agencies serving the disadvantaged or homeless, rather than giving directly to an individual panhandler. A number of communities have chosen orange or green as a colour to identify the kindness meters. For Penticton, a colorful artist rendered meter is proposed so that it would not be mistaken by motorists as a parking meter and also add to the recent downtown revitalization works. Local artist, Diane Way of Front Street Gallery has volunteered to paint the meter and meter pole. (Attachment C- Proposed City of Penticton “Kindness meter”).

The Kindness meter initiative is the result of local businesses, municipal government and our community groups, working together to try something new and different. The meter will give people who live, work and play near Main Street a way to contribute to an issue that is very important to the city – homelessness. The Downtown Penticton Association fully supports this initiative with an understanding that it will not eliminate the panhandling problem downtown; it is simply a part of a solution that will hopefully reduce the number of panhandlers and provide some monetary support to local agencies.

Further, on February 28, 2017 the Kindness Meter Initiative presentation was provided to the Steering Committee of 100 Homes Penticton seeking their collective support. At this meeting, the Committee endorsed the Kindness Meter pilot as part of 100 Homes “suite of strategies” for reducing homelessness in the community through public education, shared resources and coordinated service delivery.

Financial implication

This initiative is relatively low cost for the city as we are able to use an old, but functioning parking meter. There will be a cost of approximately \$500 for installation and decaling. The local artist of Front Street Gallery has volunteered to paint the meter so there are no associated painting/decorating costs.

It is recommended by staff, the DPA and the 100 Homes Steering Committee that donations from the Kindness meter be provided directly to 100 Homes Penticton so that they can oversee the funds for local service providers such as South Okanagan Brain Injury Society, Penticton Soupateria Society, Pathways Addictions Resource Centre, and Salvation Army-Compass House. Each local organization provides support, and some physical housing, to people experiencing homelessness. It is unknown how much revenue the meter will generate for donation which will be overseen through our Finance department. The revenues will be deposited into a work order and funds will be provided directly to 100 Homes Penticton.

Analysis

By supporting this initiative, the public will become more aware of homelessness and panhandling in our community. Penticton residents care about each other and want to help others. However, giving money directly to panhandlers may not be the best way to help people as it can perpetuate the cycle of panhandling. The City and the DPA have prepared an information bulletin (Attachment E) to inform citizens and businesses about panhandling, related bylaws, and tips for how to respond when approached by a panhandler.

Given the above, staff are recommending that council support this initiative and direct funds towards the installation of the meter in the 200 Block of Main Street.

Attachments

Attachment A – Proposed Location, 200 Block Main St Breezeway

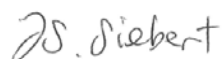
Attachment B – Examples of a “Kindness meter”

Attachment C – Proposed City of Penticton “Kindness meter”

Attachment D- Letter of Support from DPA

Attachment E- Panhandling Information bulletin

Respectfully submitted,



Tina Siebert
Bylaw Services Supervisor

Approvals

Director <i>AH</i>	CAO PW
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Attachment A- Proposed Location, 200 Block Main St Breezeway





Attachment B- Examples of a “Kindness meter” from other municipalities



City of Vernon



City of Kamloops



City of Victoria

Attachment C- Proposed City of Penticton "Kindness meter"





Local Artist:

Diane Way- www.dianewayart.com - of Front Street Gallery

Attachment D- Letter of Support from DPA



December 14, 2016

City of Penticton
171 Main Street
Penticton BC V2A 5A9
Attention: Development Services – Bylaw Services, Tina Siebert, Bylaw Services Supervisor

RE: Installing of Kindness Meters

Dear Tina,

Please accept this letter of support for the idea of installing a “kindness meter” on the 200 block of Main Street. With the research the DPA has done on ways to help the homeless, we agree with the idea of providing the public a way of donating to homelessness through a meter is something we would like to see as a pilot project for downtown Penticton. There are success stories in other communities that have installed meters. These meters provide the public with a way of “helping” panhandlers and the homeless without having to give to each person on the street. As a city, we will never have zero panhandlers or homeless but we may reduce the number of new panhandlers coming to Penticton if they are aware that the public will be favouring feeding meters than dropping money into cups and hats.

From our understanding, the Vernon Kindness Meters have been successful. The meters have reduced panhandling and have provided local agencies with additional funding, though not a large amount of money, to assist with their community safety focus.

The money collected from the meters should go to a variety of Penticton agencies which help the homeless and, hopefully, reduce the number of panhandlers downtown. We would recommend that each of the following are the agencies to be part of this project. It would be also recommended that each of the three receive 4months of meter income on a rotating basis.

- Salvation Army
- Pathways
- Penticton Soupateria Society

If you would like the DPA assistance on this pilot- project, please let me know.

Kind regards,

Lynn Allin
Executive Director
Downtown Penticton Association
P: 250.493.8540 | F: 250.493.9170 | C: 250.328.5959

Attachment E- Panhandling Information bulletin



Panhandling

penticton.ca

Is panhandling a problem in Penticton?

Panhandling is an issue that many communities face across B.C. and Canada. Complex social issues like panhandling require coordinated community responses that address root causes. Many Penticton businesses and residents are concerned about panhandlers interfering with business or making areas where panhandlers gather uninviting to residents, businesses and their customers.

Is panhandling illegal?

Panhandling is legal and deciding whether to give to a panhandler or not is a personal decision. However, giving change directly to panhandlers can lead to more, not fewer problems. It is illegal to violate the Safe Streets Act and the Trespass Act to panhandle. This includes aggressive panhandling or panhandling from medians or roadways. Further, the City of Penticton's Good Neighbor Bylaw No. 2012-5030 regulates where panhandling may not occur.

Obstruction means to panhandle (beg for, or without consideration, ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one's self or for any other person) on a highway/road within ten (10) meters of:

an entrance to a bank or trust company, an automated teller machine, a bus stop, a bus shelter, the entrance to any liquor store, entrance to a movie theatre or sidewalk café, a pay telephone, an entrance to or within an enclosed or covered pedestrian walkway- (which includes the breezeways on Main Street), a public washroom, an entrance to a church or place of worship

Tips when approached by a panhandler

- ✓ Briefly acknowledge them with a glance
- ✓ If asked for money, simply say, "Sorry"
- ✓ Move purposefully on
- ✓ Do not engage them or allow yourself to be engaged
- ✓ Do not fumble for change and pretend to have none or make excuses
- ✓ Donate to the City of Penticton Kindness meter if you would like to help



What is the City doing to help?

The City provides information to businesses and residents about strategies for interacting with panhandlers. If you see or experience aggressive behaviour, do not ignore it- call Bylaw Services Department (250) 490 2440. This allows either the RCMP or a Bylaw Officer to assist in dealing with the aggressive or obstructive panhandling. Panhandlers need help, not handouts. All of the money collected in the City of Penticton Kindness Meter (200 Block Main Street Breezeway) will be donated to agencies that provide support to people in our community who need aid.

City of Penticton, Bylaw Services Department- Bylaw@penticton.ca

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

File No: RMS

Subject: Mobile Retail Vending

Staff Recommendation

THAT Council support the creation of a one-year pilot program for Mobile Retail Vending as part of the Mobile Food Vending License Program for 2017 that allows for:

- A maximum of two mobile retail vendors to be in operation at any one time in any of the locations approved for Mobile Food Vending, except the 'Gyro hub' or 'Winnipeg St & Lakeshore' locations.
- All applicable fees associated with Mobile Food Vending Licenses and business Licences be paid for 2017;

AND THAT Council direct staff deny approval for any mobile retail vending operations within vacant commercial sites in the Downtown 'Core' for 2017, as identified in Attachment C;

AND FURTHER THAT staff report back to Council in fall 2017 with a summary of issues and recommendations.

Strategic priority objective

Mobile vending supports the vision of a vibrant waterfront City.

Background

In the fall of 2016 an entrepreneur requested a license to operate as a mobile clothing vendor as part of the City's Mobile Vendor program. Staff reviewed the request, however the City's current regulations would permit this use only as part of the community market, as part of Special Events and on commercial zoned properties.

Mobile retail vendors are permitted to sell in the community market as the truck falls under the umbrella license that covers the entire market for the Downtown Penticton Association. For all other licenses, retail vending does not and has not ever fit the allowable use. There have been no other requests for non-food vendor for the Mobile Vendor program and in order to accommodate the operator's request, changes to the Mobile Vendor Program would be required.

This issue was brought forward to Council on October 16, 2016, and the following resolution was passed with regards to Mobile Vending:

452/2016 **It was MOVED and SECONDED**

THAT Council direct staff to develop a mobile vending pilot project that includes retail sales and report back to Council with options.

CARRIED UNANIMOUSLY

Since then, staff have consulted with the Chamber of Commerce and Downtown Penticton Association, resulting in their formal responses to this issue, seen in Attachment 1 & Attachment 2 to this report, which is summarized below. In addition, an analysis of other municipalities has been completed and a summary provided below in an effort to provide Council with the full realm of information for decision making.

Chamber of Commerce

The Board of the Penticton & Wine Country Chamber of Commerce completed a detailed analysis with their membership around this issue. Their recommendations and consultation process is outlined in Attachment 'A', including recommendations based on input from mobile vendors and permanent clothing businesses. Four recommendations from the Chamber include:

- That the City of Penticton institute a pilot project for one year with clear measurable results to determine the viability of the program and the effects on local business.
- Either base the mobile vending permit for products on the permit that already exists for food vendors with some minor amendments OR include all mobile businesses under one vendor permit regardless of what they sell with areas on the application form distinct to food sales vs. other product sales.
- That more research be done into mobile vending programs in similar sized cities across Canada.
- That an educational component be added to inform permanent businesses and the public of the details of the program before it is launched to alleviate myths and concerns.

Downtown Penticton Association (DPA)

The DPA's Board of Directors have advised that they are not in favour of permitting or licensing retail mobile trucks to operate in downtown Penticton. As stated in Attachment 'B', the DPA would not have any issue with Retail Mobile Trucks operating in other areas of the City of Penticton outside of the downtown core area. As part of Council's review process, they have requested that the City not permit Retail Mobile Trucks to operate in downtown with the exception of local Community Markets and special events located off the main streets of downtown, and again, the DPA will not have any issue with the operation of Retail Mobile Trucks operating in other locations in Penticton outside of the downtown core area.

Other Municipalities

Staff reviewed vending regulations with a number of municipalities in British Columbia with the majority in a similar position to Penticton. Akin to similar concerns identified through this process, many municipalities do not permit retail vendors within close proximity to existing businesses, except during special events. Along the same lines as not locating food vendors close to where existing businesses sell similar food

products, the issue of competition and fairness to the existing established business community is the major concern. Locally, the City of Kelowna does not permit mobile retail vendors as part of their vending program – citing issues with their existing retail base of businesses.

The question as to whether or not these uses can coexist is being dealt with in many places throughout North America. To look at a farther example, City of Boston has a highly restrictive regulation for those with retail goods in established business and commercial centres. Within their downtown, between the hours of 8am and 8pm, no retail vending is permitted. Outside of those hours, they can vend, but they have to move after every sale or five minutes, whichever is less. Enforcement of a regulation like this in a smaller municipality would be onerous. The City of Boston is initiating a pilot program to review potential impacts on the existing retail community.

This issue is certainly emerging, similar to the emergence of food vendors over recent years and has the potential to provide additional layers of vibrancy to areas of the community. These retail vending uses are certainly valued when part of a special event or community market and also provide a unique opportunity for entrepreneurs to start a small business. As is outlined in the staff recommendation and report, the proposed pilot program will need to be closely monitored for impacts on the existing business community, which provide an important service and value to our community.

Existing Regulations

Currently the City has 4 license types:

- Market and Special Events – All vendor types - fall under licence umbrella for market or event.
 - Mobile Retail Vendors are permitted
- Private Lots – Seasonal Business Licence required
 - Mobile Retail Vendors are permitted (see Zoning below)
- Beach & Street Vendors – Business Licence with vendor agreements through Land Administration.
 - Mobile Retail Vendors are not permitted
- Mobile vending program – Business Licence with vendor agreements through Recreation Dept.
 - Mobile Retail Vendors are permitted (see Mobile Program below)

Current Zoning regulations:

The Zoning Bylaw permits both food and retail vending as outlined in the definition below:

MOBILE VENDING UNIT means a self-contained mobile unit not exceeding 20m² in ground coverage intended to be moved from location to location for the purpose of offering for sale food or retail products.

While this use is not permitted in any Zone, Section 1.6.1 of the Zoning Bylaw (Exclusions) outlines that the bylaw does not apply to:

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**.

What this means is that for these temporary/short term types of vending uses, they are permitted on all commercially zoned property and all City owned land and privately owned land in commercial zones in

accordance with the definition and all other City regulations. Even though the Zoning Bylaw would allow for "retail mobile vendor" to operate on private property they would still not be permitted within the Mobile Vending Program.

Current Mobile Vendor Program

The current Mobile Vendor Program that is in place is broken into two categories:

- Beach Vending Sites – these permit retail vendors, however the locations are not appropriate for the Retail Vending operations proposed.
- Mobile Food Vending License Sites – these do not permit retail vendors, however the locations identified have the ability to accommodate the proposed retail vending operations.
 - o Should Council wish to support changes to this program, the retail vendors could be permitted in the appropriate locations.

Financial implication

The City revenues are generated primarily by property tax revenues which are based on the assessed value of land and improvements. Mobile vendors do not pay property taxes. Private lots with mobile vending do not pay more property tax than unimproved lots.

The City earns revenues from the licenses for mobile vending. In 2014 and 2015, the revenues were \$54,082 and \$55,121 respectively. For 2016, revenues were \$38,675 for beach and street vending plus \$5,728 for mobile food trucks. The decrease was due to a reduction in the number of available locations.

Proposal

As directed by Council, in an effort to create a pilot program to accommodate the mobile retail vendor request, changes to the Mobile Food Vending License Program would be required. The 2017 Mobile Food Vending License Program has already commenced with applications due to be submitted by March 1st 2017 and decisions made by March 8th 2017. There is still space available and should Council endorse the pilot Program, staff would work with the retail vendors to find a location within the scope of the existing program, except for the downtown locations.

As opposed to amending this regulation right now, the simplest form of change to allow Mobile Retail Vendors to operate under the scope of the Mobile Food Vending Licence Program, would be for Council to pass a resolution directing staff to allow Mobile Retail Vending as part of the 2017 Program.

In consideration of the DPA's concerns, the only location that is currently permitted to place Vendors is within the 'Gyro Hub location' along the new Link Road created as part of the 100 Block of Main Street Downtown Revitalization Project. Other than this location, and in consideration of the availability of space throughout the Vending season, staff are recommending that through the proposed 2017 Pilot Program, all other locations be considered appropriate for the retail vendors.

In consideration of Section 1.6.1 of the Zoning bylaw that would permit mobile retail vendors to locate on vacant sites in the downtown core (subject to property owner approval and licencing requirements), and in consideration of the concerns identified by the DPA, as opposed to amendment the Zoning bylaw at this time, staff are recommending that Council direct staff to not support any mobile retail vendors on any

vacant sites in the Downtown Core. Any other vacant commercially zoned property in the City could then accommodate the mobile retail vendors, through the appropriate approval process and landowner support.

Analysis

The proposed solution is considered to be simplest for the upcoming 2017 year to enable retail vendors requesting this to occur. The solution proposed, although an interim measure, will allow for an appropriate review of these uses to occur over the 2017 year and for staff to report back to Council at the conclusion of vending season with recommendations as how to move forward.

Alternate recommendations

1. THAT Council direct staff in an alternative manner.
2. THAT Council deny support for the creation of a Pilot Program for Mobile Retail Vending in 2017.

Attachments

Attachment A: Chamber correspondence

Attachment B: DPA correspondence

Attachment C: Downtown Map – Downtown Exclusion Area for Mobile Retail Vendors

Attachment D: Potential Locations for Retail Vendors

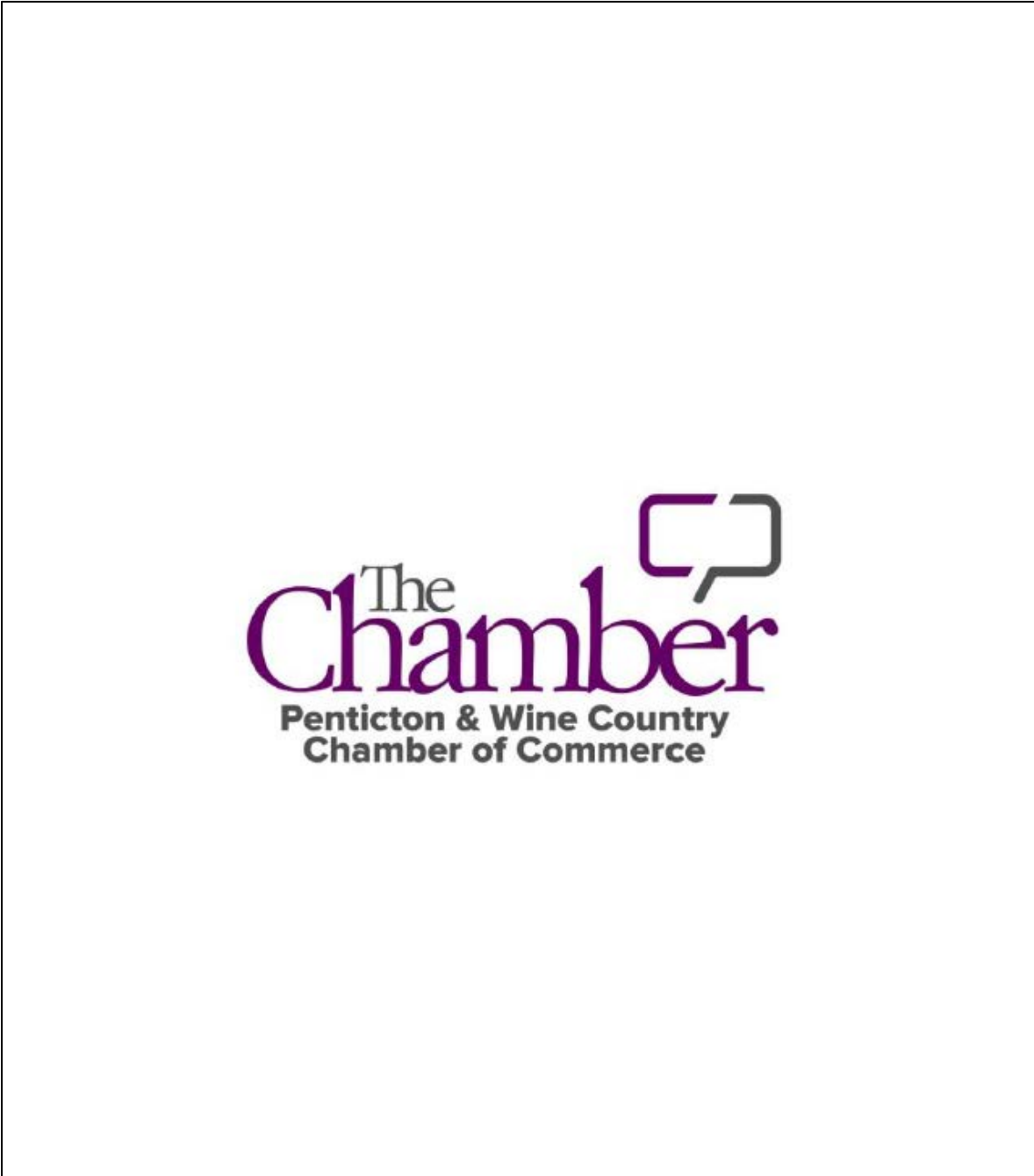
Respectfully submitted,

Anthony Haddad
Director of Development Services

Approvals

Director <i>AH</i>	CAO PW
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Attachment A – Chamber of Commerce



MOBILE LICENSING RECOMMENDATIONS

The Penticton & Wine Country Chamber gains a unique perspective straight from its member base on issues pertaining to business. We met with and spoke to mobile vendors and permanent business owner members in the retail clothing business.

PENTICTON & WINE COUNTRY CHAMBER OF COMMERCE RECOMMENDATIONS

The Board of the Penticton & Wine Country Chamber of Commerce recommends the following based on input from mobile vendors and permanent clothing businesses.

1. That the City of Penticton institute a pilot project for one year with clear measurable results to determine the viability of the program and the effects on local business.
2. Either base the mobile vending permit for products on the permit that already exists for food vendors with some minor amendments OR include all mobile businesses under one vendor permit regardless of what they sell with areas on the application form distinct to food sales vs. other product sales.
3. That more research be done into mobile vending programs in similar sized cities across Canada.
4. That an educational component be added to inform permanent businesses and the public of the details of the program before it is launched to alleviate myths and concerns.

MOBILE BUSINESS ROUND TABLE - PENTICTON

Topic 1 - MOBILE FOOD VENDORS VS. MOBILE CLOTHING VENDORS

1. The mobile clothing vendor licensing can simply be modeled after the mobile food vendor licenses that are in place right now with a few suggestions.
2. Remove food specific requirements.
3. Consider extending 7am to dusk with lighting.
4. Rather than calling it fashion or clothing mobile vendors, call it product or goods/services vendors.

Topic 2 – ZONING AND DISTANCES

1. The zones are OK. There needs to be a city staff led educational component to show businesses the fees, zoning areas, and other restrictions. Many think the fees are much lower than they are and that mobiles can set up anywhere. We need to dispel the myths.
2. The dozen spots that are proposed or exist are acceptable – mobile product vendors just need the green light.
3. All mobile vendor signs should be turned around or be double sided and spots should be accessible at all times.
4. Mobile vendors agreed that a 50M zone away from permanent competing stores was acceptable.

Topic 3 – AUCTION, BIDDING OR LOTTERY PROCESS

1. All mobile vendors answered this with a resounding NO to a bidding or lottery process.
2. Bigger vendors from outside Penticton may be able to outbid and take over and locals will miss out.
3. It seems now there are a dozen spots and only about 4 vendor permits in place, so just allow more local vendors to fill the spots.

Topic 4 – LICENSE TERMS

1. The consensus was that a one year license would be acceptable.

Topic 5 – ANNUAL OR PER USE ELECTRICAL FEES

1. The vendors felt this was already in place. If they do not have their own generator, they pay for the electricity they use. Annual fees would not be appropriate for those who have a generator and do not use municipal electricity.

Topic 6 – COMMERCIAL AND RESIDENTIAL SALES EVENTS

1. They should be by invitation only to commercial and residential areas
2. No permanent set ups or overnights.
3. The same allowances should be made for food vendors and product vendors.
4. The truck is the feature so sales should be allowed inside the truck or inside the residence.
5. Large truck parking should be permissible on a public residential street where parking is normally allowed or in the driveway of the residence.
6. There should be a maximum of one day (daylight hours) rather than 3 hours which is not enough time.

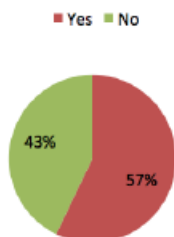
Topic 7 – OTHER ISSUES AT THIS TIME

1. FEES - \$1840 + GST. Food and product vendors should pay the same price for the same opportunities.
2. TIMELINE – the city should bring more urgency to the timeline because some vendors are open for business all year round, some vendors are allowed and others aren't and there is no consistency between communities about what is allowed.
3. The city should take a look at regional vendor permits like Kelowna's that extend from Salmon Arm to Osoyoos. Look at the Kelowna model because it even seems they are allowed to do business in Penticton. If food vendors are able to have an inter-community license, then the same should be put forth for mobile product vendors as well.

PERMANENT BUSINESS MEMBER SURVEY - PENTICTON

Topic 1 – ARE YOU AWARE OF NEW FASHION MOBILE VENDING TRUCKS IN PENTICTON?

Are you aware of the new mobile trucks?

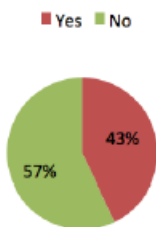


Representative Comments;

- Yes, I've seen them. Fair competition is good but it has to be fair. They should have to pay the same.
- Yes, they are awesome – I do business with them.

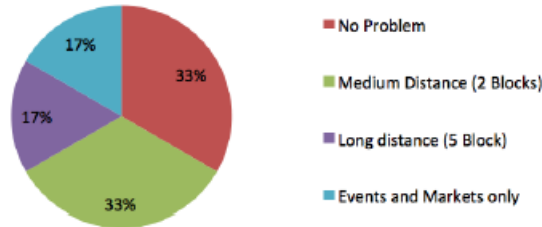
Topic 2 – WERE YOU AWARE THAT CITY COUNCIL DIRECTED STAFF TO CREATE A PILOT PROJECT PROPOSAL?

Are you aware that City Council directed staff to create a pilot project proposal?



Topic 3 – HOW DO YOU FEEL ABOUT ZONING, DISTANCE AND OTHER LOCATION RESTRICTIONS?

Zoning/distance and other restrictions?



Representative Comments;

- At least 2 blocks away. 50M is not enough even during market events.
- At least 5 blocks away and Skaha is even better.
- All good, let them be open to the public.
- Yes, no problem but I would hope they don't sell the same products as me for cheaper because they have less taxes and overhead. But distributors don't usually sell to multiple businesses in the same area.

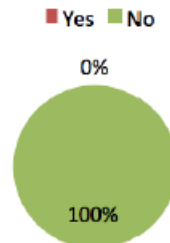
Topic 4 – DO YOU THINK THERE IS A DIFFERENCE BETWEEN FOOD VENDORS AND PRODUCT OR SERVICE VENDORS?

Representative Comments;

- Why does this work elsewhere? Research needs to be done.
- It is all the same. People have a finite budget.
- No - all the same. They pay no overhead and give nothing to the community.
- Doesn't matter - all in good competition.
- They are all the same and none of it should be allowed.
- They are completely different. There is a finite budget for clothing so they won't go to a few stores. People will spend \$100 and then stop.
- They are very different and we should allow businesses that benefit everyone.

Topic 5 – WOULD YOU CONSIDER ADDING A MOBILE VEHICLE TO EXPAND THE REACH YOUR BUSINESS?

Would you consider adding mobile vending to your business?



Representative Comments;

- No, I'd rather keep my biz as a destination.
- No, we are too high end and it is not the right market.
- No, prefer to open a 2nd store location than a mobile truck.
- No, way more daily work so they should pay less. They have to pack in and out of locations – you get what you pay for – yuck! I get to show up to my heated shop.

Topic 6 - ANY OTHER COMMENTS OR RECOMMENDATIONS FOR THE MOBILE VENDING PILOT PROJECT?

Representative Comments;

- I would be in favour if there were clear guidelines and I feel they should pay the same as stores.
- We should all work together. I like to work together with my competition to serve Penticton better.
- I think there should be more incentive to fill vacant retail space in bricks and mortar vacancies.
- Women's clothing trucks aren't really an issue for me.

- I love the idea of these being available all year round. I started my business out of my home and could not afford a shop at first. We all start somewhere.
- This takes away from permanent businesses.
- The more unique businesses, the healthier the community.

Key quotes for and against;

“The more unique businesses, the healthier the community.”

“I’m not in favour unless there are clear guidelines. I may change my mind but they should pay the same as stores.”

Attachment B – Downtown Penticton Association



Downtown Penticton Association's response to Retail Mobile Trucks in the downtown core area:

The DPA's Board of Directors is not in favour in permitting or licensing retail mobile trucks to operate in downtown Penticton. The DPA would not have any issue with Retail Mobile Trucks operating in other areas of the City of Penticton outside of the downtown core area. Many municipal governments are dealing with how to go forward with this type of business but as of yet fashion/retail mobile trucks are not permitted to operate on city properties within most BC cities. For those retail trucks allowed to operate on private properties they must still have a city business license to be permitted to park and sell product.

The DPA understands the appeal of this new business model is lower overhead with considerable savings on rent, staffing, insurance, WCB, taxes and utilities. These are the same reasons the "bricks and mortar" business owners are not in favour of inviting the mobile retail trucks to park on the main streets downtown Penticton competing with them.

When, and if, major city centres permit retail trucks to operate on city property, there must be new policy and regulations in place to allow for protection and integrity of the property/business owners are ready operating within these city centres.

This kind of business practice might be acceptable in Vancouver and Victoria as the population of shoppers is large enough to be shared with both styles of retail sales. In smaller cities, the shopping population would not be large enough to be shared between mobile trucks and retail shops already in place. As well, with the expectation of lower price tags on similar products, the mobile trucks will have an unfair advantage against the bricks and mortar shops.

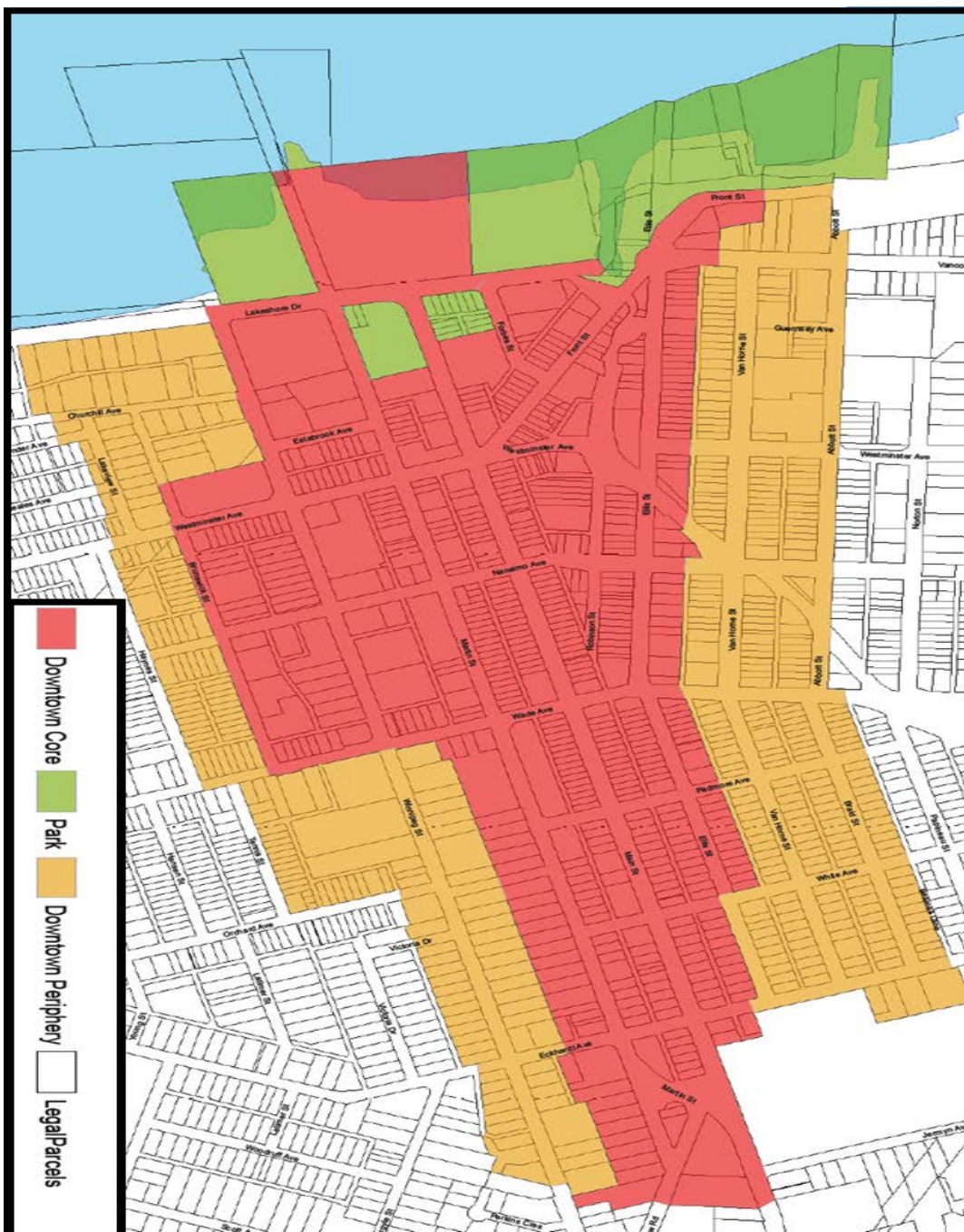
In terms of what is happening currently in downtown Penticton, merchants are in support of the Downtown Revitalization and have agreed to pay their portion of the costs. This commitment to the City of Penticton must be realized by City Council and to allow retail mobile trucks to park within a walking distance to similar stores would drastically reduce the ability to cover costs. Commitment of our revitalization from local retailers help build our city and this kind of support will not be found from Retail Mobile Truck owners. Recognizing as well, the bricks and mortar businesses' have invested in Penticton by signing long term leases and in some cases mortgages to help build a stronger and vibrant downtown area.

The Downtown Penticton Association would ask that the City of Penticton and City Council not permit Retail Mobile Trucks to operate in downtown with the exception of local Community Markets and special events located off the main streets of downtown, and again, the DPA will not have any issue with the operation of Retail Mobile Trucks operating in other locations in Penticton outside of the downtown core area.

At the time of preparing this report, the DPA Executive Director spoke with the Kelowna Chamber of Commerce Manager and the Downtown Kelowna's Executive Director and found that Retail Mobile Trucks are not operating in their downtown area and this issue is not on their agenda.

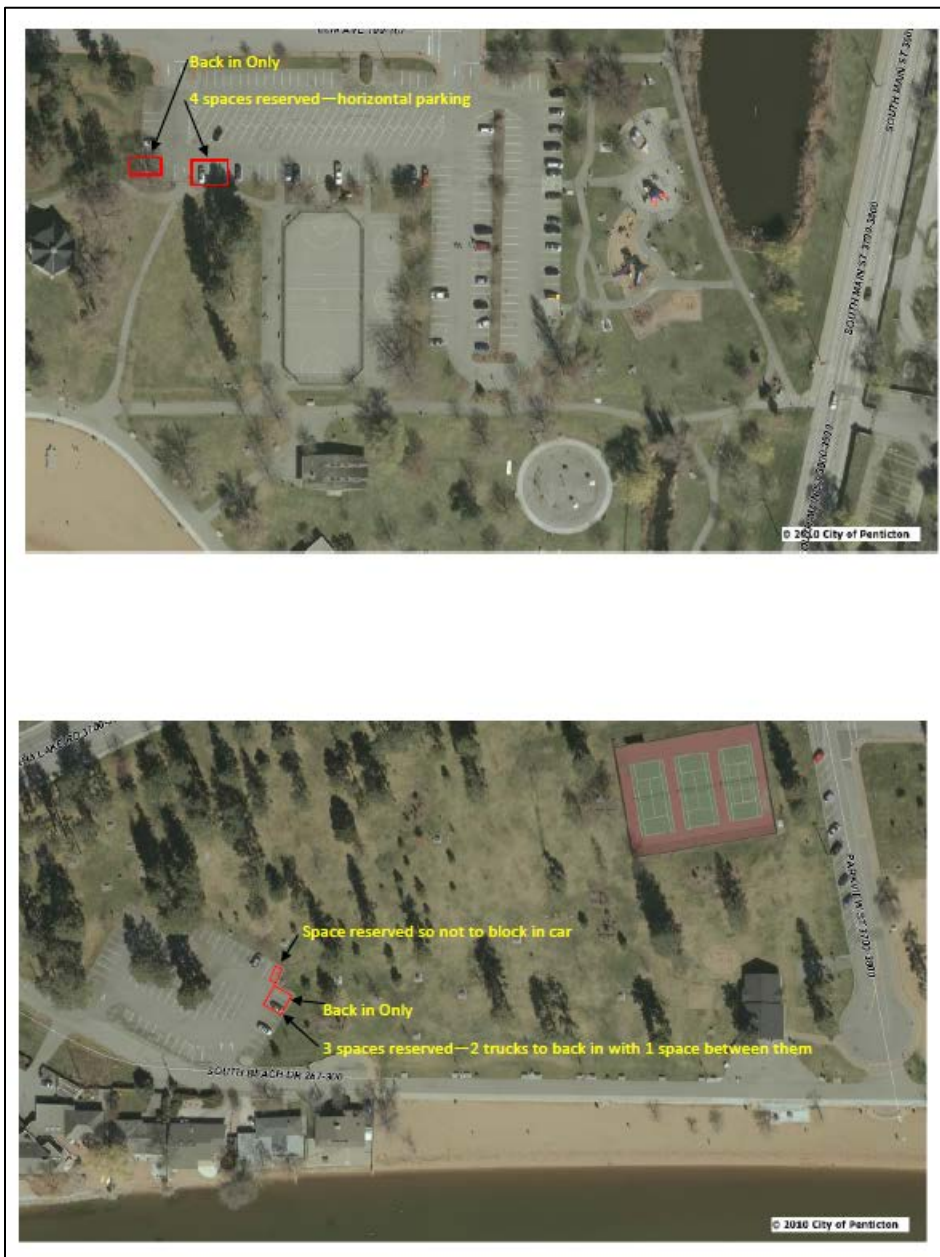
Attachment C – Downtown Map

(Mobile Retail Vendors Excluded from Downtown Core Area for 2017)



Attachment D – Potential Locations for Retail Vendors

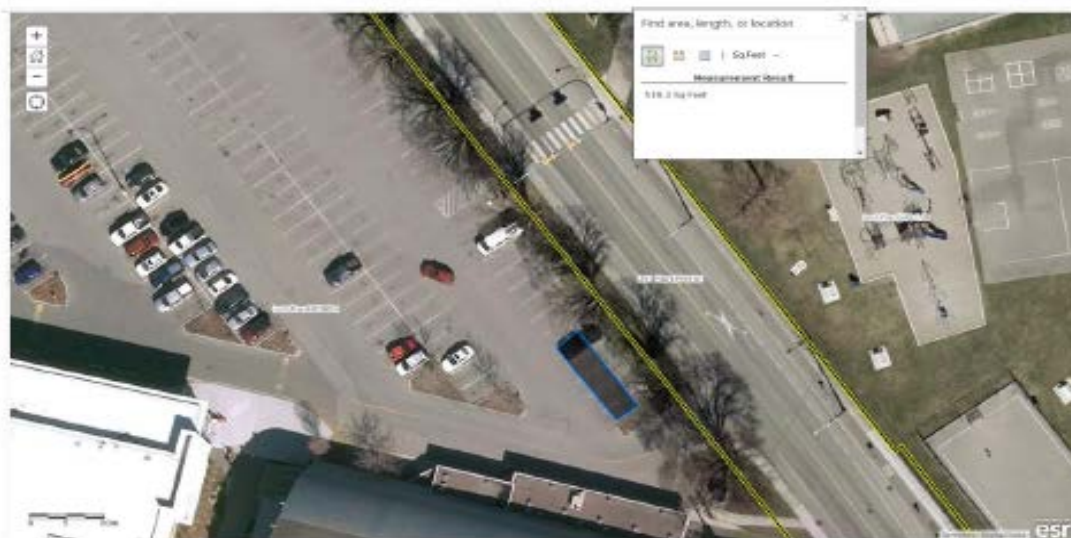
Skaha Lake locations



Lakeshore and Riverside Drive
SS. Sicamous - 2 trucks (one large, one small)



Power Street - Community Centre - 1 Truck



Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 361 Martin Street

File No: Civic

Subject: Winery Lounge and Special Event Area (SEA) Endorsement Application – Time Winery

Staff Recommendation

THAT Council direct staff to commence public notification of the proposed Winery Lounge and Special Event Area Endorsement for Time Winery (Encore Vineyards Ltd);

AND THAT staff report back to Council at their meeting on April 18th, 2017 with the results of the public consultation for Council's consideration.

Background

The City has received an application from Harry McWatters, representing Time Winery; located at 361 Martin Ave (Site Location - Attachment A) proposing to add a Winery Lounge and Special Event Area (SEA) in combination with their manufacturing & retail operations.

Total person capacity/occupant load requested for the Lounge: 217 persons consisting of:

- Indoor lounge: 137
- Indoor lounge: 30
- Patio: 50

Total person capacity/occupant load requested for the SEA: 358 persons consisting of:

- Indoor Theatre: 134
- Indoor cellar area: 114
- Outdoor Area (parking lot) 80

Hours of Operation requested for the Lounge and SEA (SEA hours in effect during special events only) will be 9:00am to 12 midnight. An intent 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 C5 (Urban Centre Commercial) with an OCP designation of Downtown Commercial. The property is located in an area of mixed residential, entertainment and commercial uses. Time Winery will be the first urban Winery in Penticton.

LCLB Legislation, Policy and Bylaw Review

Liquor Control and Licencing Act

Section 11 of the Liquor Control and Licencing Act requires the LCLB to consult local government 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 recommendations and to gather views of residents within the area.

The Winery Lounge and SEA Endorsement Areas, if approved, will allow the licensed winery, to sell and serve any kind of liquor for consumption on site in the approved areas, provided the cost of liquor products other than those manufactured on site does not exceed 20% of the total cost of products for sale in any given quarter.

Food and non-alcoholic beverages must be available at reasonable prices to customers. Hours of service and capacity are subject to local government consideration and comment.

Minors are permitted when accompanied by a parent or guardian.

Official Community Plan Bylaw No.2002-20

The subject property is designated by the Official Community Plan (OCP) as DC (Downtown Commercial). This area supports a wide range of pedestrian oriented retail including uses such as entertainment and food and beverage.

Zoning Bylaw No. 2011-23

The subject property is currently zoned C5 (Urban Centre Commercial). Since a winery is not a permitted use in the C5 zone, Council supported a site-specific zoning amendment in July of 2016 to add "winery" as a permitted use on this property.

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

The LLTRC is in support of the winery lounge application.

Technical Review - Expected Regulatory Criteria to be considered

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Winery Lounge area
 - The subject property is located on a Major Urban Collector road, within the Downtown core area. This area is primary utilized commercial, entertainment and high density residential use.
 - This will be the first winery in the downtown core.

No Concerns

2. The proximity of the establishment to other social or recreational facilities and public buildings

- Currently there are a two urban breweries and one distillery within the downtown core area. Two of have lounge endorsements.
- There are over five Food or Liquor Primary establishments within 0.5km of the property.
- There are no schools or other social institutions within the local area.

No concerns

3. The person capacity of the proposed areas (patios)

- No outstanding permit issues. Renovation work is continuing under permits. Maximum occupant load signage will be posted.

No concerns

4. The hours of liquor service of the establishment

- Interior proposed hours of service are from 9:00am to 12 midnight and should not negatively impact local residents.
- There may be some impact to neighbouring residential properties related to the exterior patio lounge and Special Event Area. Other storefront uses (café areas) located in the 200 block of Martin Street are permitted to operate to 11:00pm.
- This site is located within an existing and emerging entertainment district and the proposed use is supported by the Downtown Plan and Official Community Plan.

Further consideration maybe required regarding exterior areas

5. Traffic, noise, parking and zoning

- Martin Street is classified as an Urban Collector. The City of Penticton Engineering department has no concerns with increased traffic in relation to road volume capacity design along Martin Street.
- The subject property has one main access point from Martin Street, with two intersections within 0.5km of the site (Nanaimo Ave W and Wade Ave W).
- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence.
- Further restrictions on amplified music could be proposed as part of Council's endorsement,
- Final parking will be reviewed as part of the building permit process to ensure compliance with zoning requirements.

No concerns

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism with the City.
- There appears to be no significant impact to traffic in the area.
- The RCMP does not have any issues with this application.

- The LLTRC member representing social health and addictions has no concerns with this application.

No concerns

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 as well as the placement of a public notice sign 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 April 4th, 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 or music. 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 Time Winery Lounge and or Special Event Area endorsement application.
2. THAT Council refers the Time Winery Lounge and or Special Event Area endorsement application back to staff for further review.

Attachments

- Attachment A – Location Map
- Attachment B – Floor & Site Plan
- Attachment C – Applicant Intent Statement
- Attachment D – LCLB Application Summary

Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DS Director <i>AK</i>	CAO PW
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Attachment A Site Location – 361 Martin Ave



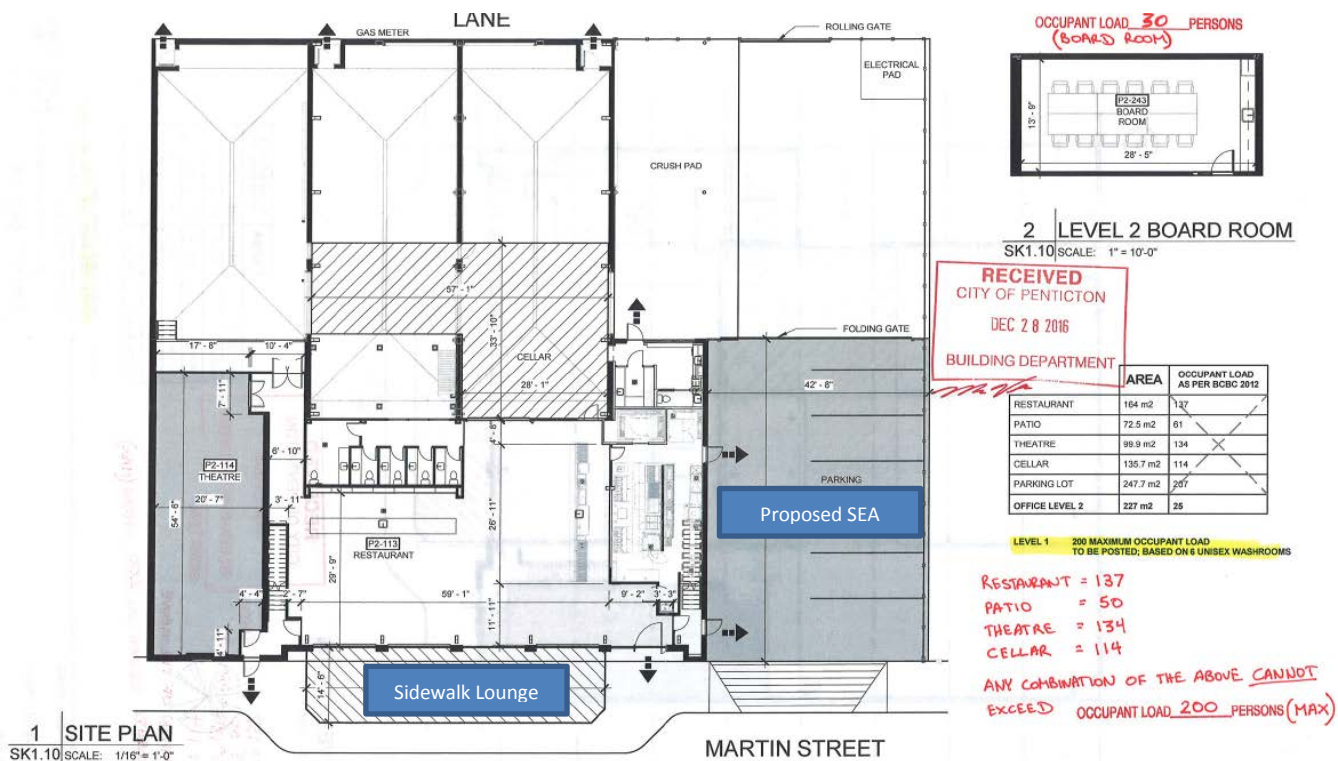
Current Zoning

Attachment B Proposed Project and Floor Plan

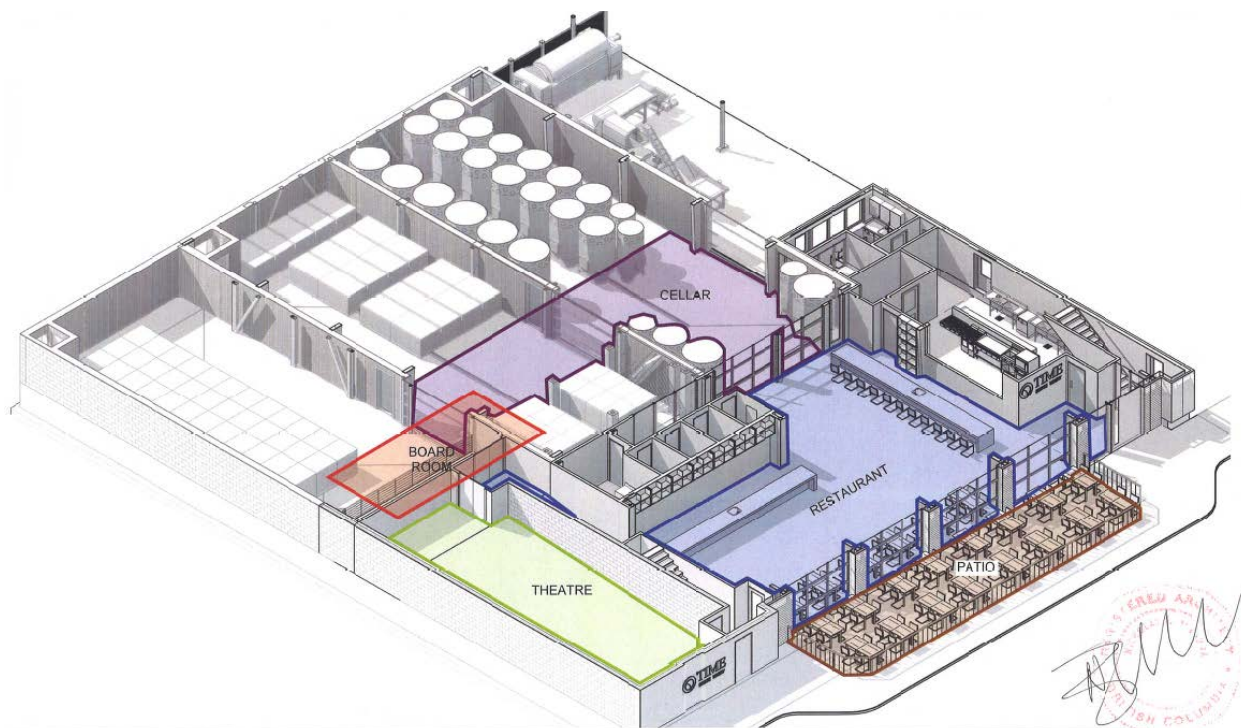


TIME WINERY - PHASE 2

Proposed Elevation – North West



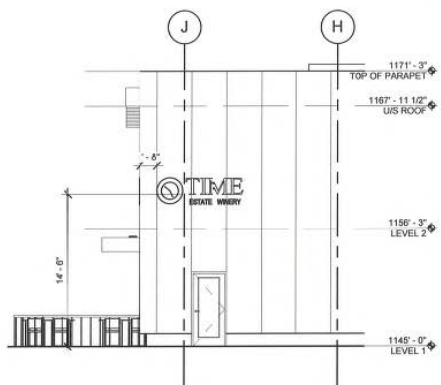
Proposed Site & Occupant Plan



PROJECT: TIME WINERY - PHASE 2

PROJECT No: 2016-015

Proposed Interior Layout



1 NORTH ELEVATION
SK1.13 SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SK1.13 SCALE: 1/8" = 1'-0"



PROJECT: TIME WINERY - PHASE 2



PROJECT No: 2016-015

Proposed Front Exterior

Attachment C
Applicants Intent Statement



Att: Emma Ross, Senior Licensing Analyst
Liquor Control and Licensing Branch
Ministry of Small Business and Red Tape Reduction and Minister Responsible for Liquor
Distribution

Letter of Intent
Part 5 of LCLB049a
TIME Estate Winery – New application 29160044-01

1. Purpose of endorsement

Food and wine gallery, tasting room and restaurant. We intend to do tours, wine education, entertainment and special events dinners.

2. Target market

- Urban locals
- Suburban locals
- Neighbouring communities
- Tourists
- Wine and tourism media

3. Neighbourhood composition

- Commercial
- Residential
- Urban
- Downtown
- Neighbouring residents

4. Street map

Attached. Site is outlined in red.

5. Benefits to the community

This winery reinforces the agricultural base, contributes to tourism, arts and culture. We will also offer educational seminars on wine touring and tasting. Local businesses and the arts community will have access to the use of the theatre.

6. Impact of noise on the surrounding community

The facility is located in a downtown urban/commercial area. The patio opens to a busy street. Security cameras will be in place. This facility will not significantly add to the current noise level in the community. Most daily business will take place inside the facility.

7. Other impacts on the surrounding community

The old theatre on this site was unoccupied and becoming derelict. Our project will help to revitalize the neighbourhood by renovating the existing building and reusing some elements of the old theatre. The site is located in an economic development zone. We are experiencing full support from the community and the city council.

Thank you for giving us this opportunity to express how we believe this project will benefit the surrounding community. Please don't hesitate to get in touch with us if you require further details.

Sincerely,



Harry McWatters
President & CEO
Encore Vineyards Ltd.
Direct: 250-490-7946

Attachment D
LCLB Application Summary



February 1, 2017

Mr. Ken Kunka
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Mr. Kunka:

Re: Application Summary - Manufacturer - Winery Lounge & Special Event Area Endorsements
Applicant: Encore Vineyards Ltd. – Winery Licence #307251
Establishment Name: Time Winery
Site Address: 361 Martin Street, Penticton

The above-noted proposed winery has applied to the Liquor Control and Licensing Branch (the Branch) for a winery lounge endorsement and a special event area endorsement to be located at the winery site. The Branch has completed the initial review of the applications to determine applicant suitability and eligibility of the establishment type for licensing endorsements.

Having determined applicant eligibility, the application is now proceeding to the Site and Community Assessment approval (SCA) stage which is the stage for Local Government input.

The Council for the City of Penticton is requested to consider the application and provide a resolution with their comments and recommendation with respect to the licence endorsement application. To assist with Council's assessment of the statutory criteria that must be considered, Branch staff has prepared a summary report for review and consideration by Council. The summary report is based on information provided by the applicant and by Branch staff.

Council has 90 days to provide comments, in the form of a Council resolution, to the General Manager of the Branch. 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.

If LG wishes to "opt out" of the process, please provide written confirmation, signed by a senior district official, and the Branch will then move forward with the application process.

If providing comment, upon receipt of the Council Resolution, the Branch will review the Resolution to determine if all the regulatory criteria have been met in accordance with section 71 of the Liquor Control and Licensing Regulation and, if recommended by local government, assess whether the granting of the xxx licence (if approved) would be contrary to the public interest.

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>

Please note that effective January 23, 2017, there has been a change in the regulatory criteria that Council is asked to consider and comment on. The amended regulatory criteria are reflected in the attached summary report.

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.

Following the decision by the General Manager as to whether to grant Site and Community Approval (SCA), the Applicant and the local government will be advised in writing.

Once granted SCA, the application proceeds to the building assessment stage of the 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.

Further details of the liquor licensing application process can be found in the "Local Government and First Nations Q&A's" guide, available on the branch website at <http://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/publications-resources>.

If you have any questions regarding this application please contact me at 250 952-5752 or by email at Vicky.Tooby@gov.bc.ca.

Yours sincerely,



Vicky Tooby
Senior Licensing Analyst

Enclosures

Council Report

penticton.ca

Date: March 21, 2017 File No: Civic
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 954 Eckhardt Avenue W

Subject: Brewery Lounge & Special Event Area Endorsement Application – Highway 97 Brewing Company Ltd.

Staff Recommendation

THAT Council direct staff to commence public notification of the proposed Brewery Lounge & Special Event Area (SEA) Endorsement for Highway 97 Brewing Company Ltd;

AND THAT staff report back to Council at their meeting on April 4, 2017 with the results of the public consultation for Council's consideration.

Background

The City has received an application from John Kapusty, President/Owner, of Highway 97 Brewing Company Ltd., located at 954 Eckhardt Ave W (Site Location - Attachment A) proposing to add a Brewery Lounge and Special Event Area (SEA) in combination with their manufacturing & retail operations.

Total person capacity/occupant load requested for the Lounge & SEA will be 30 persons (interior) & 16 persons (exterior).

Hours of Operation requested for the Lounge will be 10:00am to 11:00pm and for the SEA will be 1:00pm to 11:00pm

An intent statement provided from 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 will be concurrently reviewed with local government Site and Community Assessment (SCA).

Site Context

The property is zoned C7 (Service Commercial) with an OCP designation of General Commercial. The property is located in a mixed area of commercial and hotel uses. There are 4 businesses with Liquor Primary and no other wineries or breweries within 0.5km of this site.

LCLB Legislation, Policy and Bylaw Review

Liquor Control and Licencing Act

Section 11 of the Liquor Control and Licencing Act requires the LCLB to consult local government 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 recommendations and to gather views of residents within the area.

A Brewery Lounge and Special Event Area, if approved, will allow the licensed winery, to sell and serve any kind of liquor for consumption on site in the approved areas, provided the cost of liquor products other than those manufactured on site does not exceed 20% of the total cost of products for sale in any given quarter.

Food and non-alcoholic beverages must be available at reasonable prices to customers. Hours of service and capacity are subject to local government consideration and comment.

Minors are permitted when accompanied by a parent or guardian.

LCLB Requirements for Local Government Input/Resolution consideration:

- a. The location of the lounge
- b. The proximity of the lounge to other social and recreational facilities and public buildings
- c. The person capacity and hours of liquor service of the lounge
- d. The impact of noise on the community in the immediate vicinity of the lounge
- e. The impact on the community if the application is approved.

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

The LLTRC is in support of the winery lounge application.

Technical Review - Expected Regulatory Criteria to be considered

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Brewery Lounge area
 - The subject property is located on an Arterial road within an area primarily utilized for commercial, tourism accommodation and mixed residential use.

No concerns

2. The proximity of the establishment to other social or recreational facilities and public buildings
 - Currently there are a four liquor/food primary within 0.5 kilometers of the subject property. This will be the first brewery lounge/SEA in the local area.
 - There are no schools or other social institutions within the local area.
 - This operation will likely compliment other businesses including the hotel and SOEC.

No concerns

3. The person capacity of the proposed areas (patios)
 - No outstanding permit issues. Renovation work has been completed under permits. Maximum occupant load signage will be posted.

No concerns

4. The hours of liquor service of the establishment

- Interior proposed hours of service are from 10:00am to 11:00pm and should not negatively impact local residents or businesses
- There may be some impact to neighbouring nearby residential properties related to the exterior patio lounge but typically the business will not operate to 11:00pm.

No concerns

5. Traffic, noise, parking and zoning

- Eckhardt Ave W is classified as an Arterial Road and under the jurisdiction of the Ministry of Highways. The City of Penticton Engineering department has recommended that an inquiry be forwarded to the Ministry of Highways for comments on traffic and parking.
- The subject property has one main access point from Eckhardt Ave and south lane, with two intersections within 0.5km of the site (Comox St. and Alberni St.).
- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence.
- Further restrictions on amplified music could be proposed as part of Council's endorsement,
- Final parking has been reviewed and will meet Zoning regulations.

Recommendation to obtain input from Ministry of Transportation prior to final resolution.

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine/brewery tourism within the City,
- The RCMP does not have any issues with this application,
- The LLTRC member representing social health and addictions has no concerns with this application.

No concerns

Public Consultation

As per the Liquor Licensing Act, staff will be seeking comments from adjacent property and business owners. Public notices will be sent out to neighbouring properties within a 100m radius as well as the placement of a public notice sign 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 including Ministry of Highways and public comments to the **April 4th, 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 or music. 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 Highway 97 Brewery Lounge and Special Event Area endorsement application.
2. THAT Council refers the Highway 97 Brewery lounge and Special Event Area endorsement application back to staff for further review.

Attachments

- Attachment A – Location Map
- Attachment B – Floor & Site Plan
- Attachment C – Applicant Intent Statement

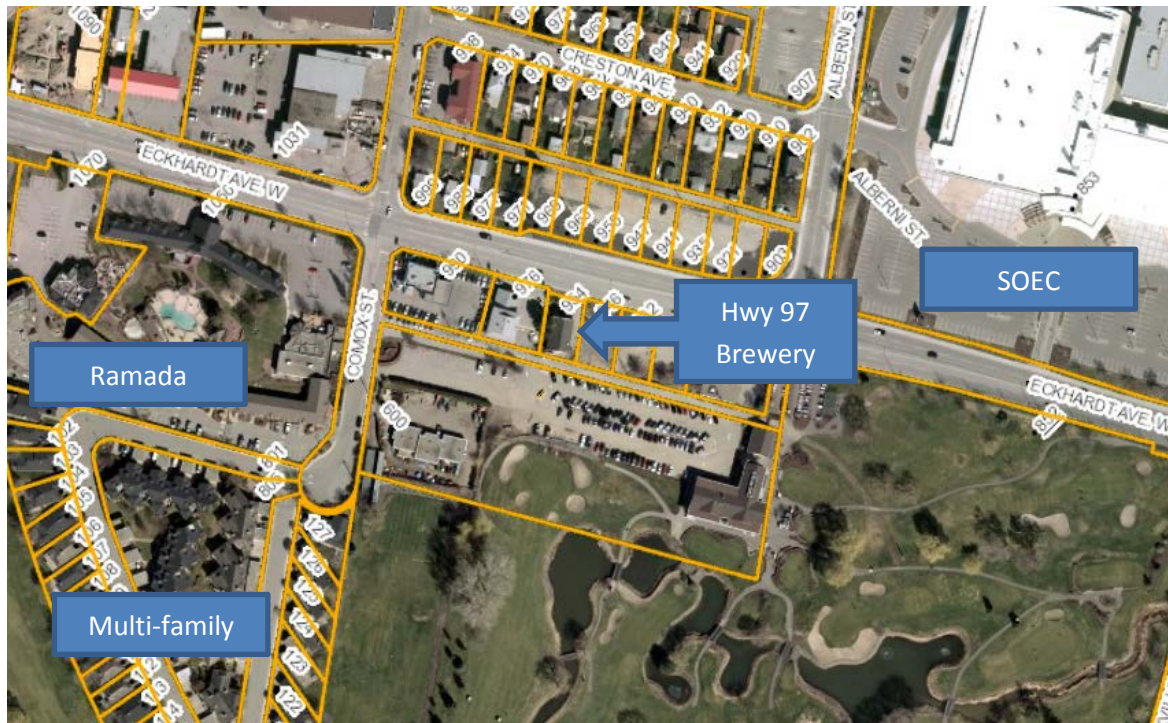
Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DS Director <i>AK</i>	CAO PW
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Attachment A Site Location – 954 Eckhardt Ave W

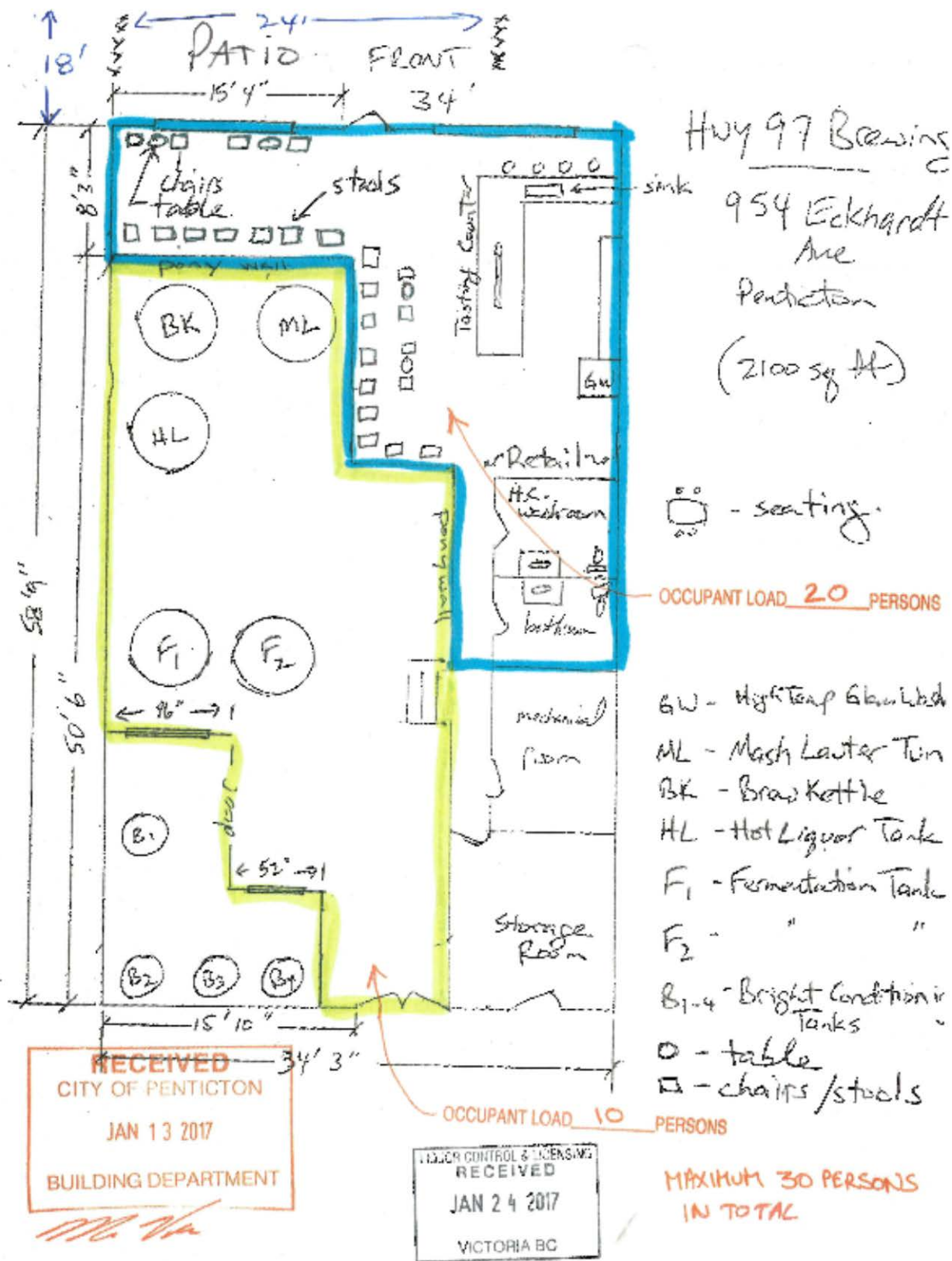


Current Zoning



Liquor Primary

Attachment B Site and Floor Plan



Attachment C

Applicants Intent Statement

Letter of Intent

Highway 97 Brewing company seeks to a Manufacturer Lounge within its respective building and patio. The purpose of the Lounge is to sell our product to consumers on site. Our goals is to sell the beer that we sell on site along with BC VQA wine from other wineries. Highway 97 Brewing Company has a unique location that will generate lots of traffic from people travelling on the Highway in the summer months. Given the fact that we are located on Highway 97, and adjacent to the Penticton Golf and Country Club, and near the South Okanagan Events Centre provides us with access to 3 distinct target markets that we intend to reach with our Manufacturers Lounge.

1. Suburban Locals. Since we are close to the golf course and South Okanagan Events Centre, our goal is to have locals stop in for a beer after golf or before and after a concert or hockey game.
2. Urban locals. We would like the locals who live nearby to stop in to purchase a beer and then walk back home after enjoying it.
3. Tourists. Given our proximity and high traffic count on Hwy 97, we would like to have numerous tourists come through to have a tour and enjoy a beer. We are also going to leverage the golfing community as well as having this as a stop on Wine Tours as something different post sampling wine.

Street Map

Please see attached street map for Highway 97 Brewing Company. Essentially, it is in the former Tin Whistle Brewery site. It is near a golf course and a commercial area far beyond a reasonable distance from the social and public facilities listed on the application form.

Benefits to the Community

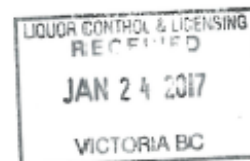
The key benefits to the community are:

1. Employment: We will create jobs in brewing and hospitality.
2. New Brewery: The additional brewery will help Penticton shape its brand as not only a wine destination a brewery destination.
3. New establishment: The proximity to the event center will allow a new place for people to congregate.

Noise

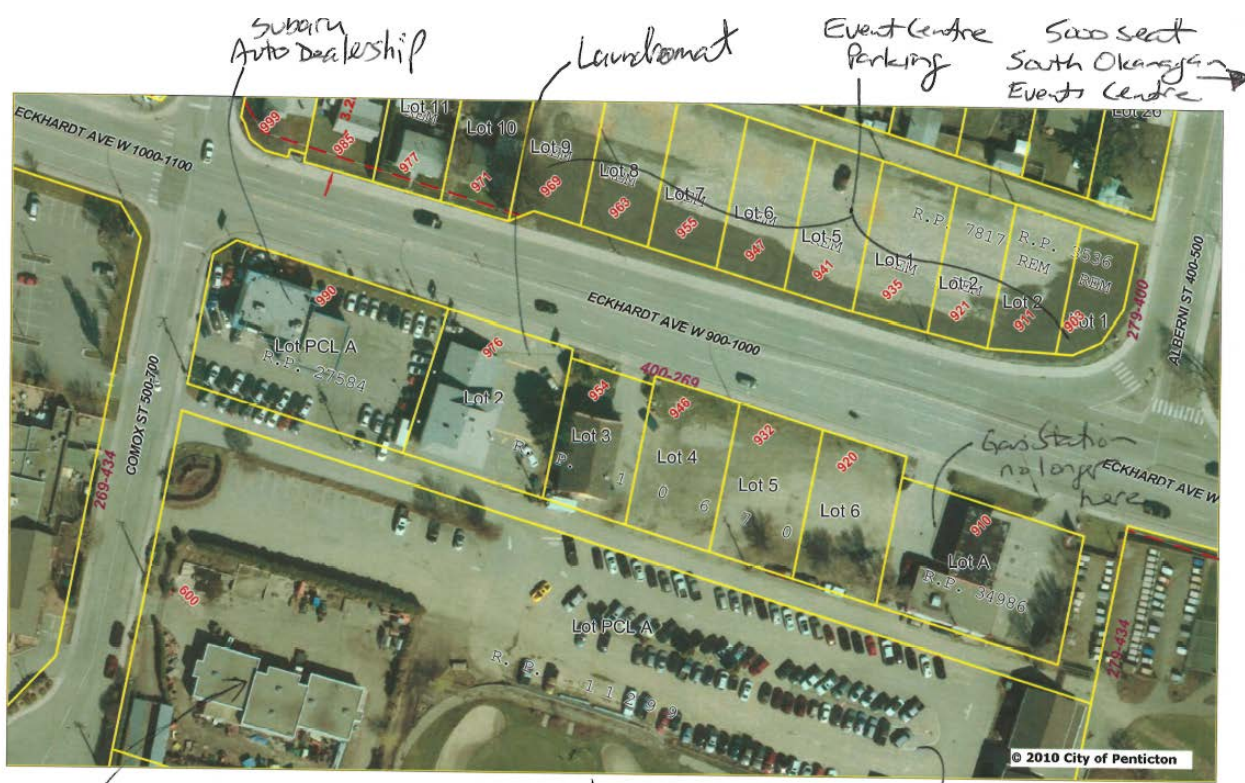
The establishment is largely a tasting lounge with little major night life. Additionally it is on a main thoroughfare with little residential nearby. There is also a pub about a block away, in front of it is a major highway and behind is the Penticton Golf and Country Club.

Other impacts



Essentially it will help other businesses as more people may stop as a tourist destination and this will help the city of Penticton as a whole.

Site Map



SCALE 1 : 1,029
20 0 20 40 60
METERS
Golf Course Maintenance Buildings

golf course
LIQUOR CONTROL & LICENSING
RECEIVED
JAN 24 2017
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Council Report

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Date: March 21, 2017
To: Peter Weeber, CAO
From: Ken Kunka, Building and Permitting Manager
Address: 851 Naramata Road

File No: Civic

Subject: Winery Lounge Endorsement Application – Little Engine Wines

Staff Recommendation

THAT Council direct staff to commence public notification of the proposed Winery Lounge Endorsement for Little Engine Wines (Little Engine Wines Ltd.);

AND THAT staff report back to Council at their meeting on April 18th, 2017 with the results of the public consultation for Council's consideration.

Background

The City has received an application from Steven French, President, of Little Engine Wines Ltd. located at 851 Naramata Road (Site Location - Attachment A) proposing to add a Winery Lounge to their manufacturing & retail operations.

The winery will have an occupant load: (see floor plan – Attachment B)

- interior lounge 19 persons, and
- exterior lounge patio of 24 persons

The proposed hours of operation for the winery lounge are 11:00am to 06:00pm Monday to Sunday. An intent 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 A (Agricultural) with an OCP designation of Agricultural Use. The property is located in a mixed rural area of single family, farming and winery commercial uses. There are 4 wineries within 0.5km of this site, one of which has a lounge endorsement.

LCLB Legislation, Policy and Bylaw Review

Agricultural Land Reserve, Subdivision and Procedure Regulation

Part 2 of the Regulations designate a food and beverage service lounge as a farm use, provided that the area does not exceed 125m² indoors and 125m² outdoors. Furthermore, the Regulation permits licensed wineries

on a parcel in the ALR, provided at least 50% of the farm products (fruit) used to make the wine is produced on the farm on which the winery is located. These uses may not be prohibited by a local government. The applicant has confirmed that over 50% of the grapes for their wine products are produced on-site.

Liquor Control and Licencing Act

Section 11 of the Liquor Control and Licencing Act requires the LCLB to consult local government 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 recommendations and to gather views of residents within the area.

Winery Lounge Endorsement (LCLB)

This endorsement is subject to local government/First Nation and public consultation. The lounge permits the sale and service of liquor for onsite consumption. The lounge may be located indoors or on a patio or both. Food must be available to patrons in the lounge.

Official Community Plan Bylaw No.2002-20

The subject property maintains a Future Land Use designation of Agricultural. This designation is anticipated for properties that are intended for agricultural operations, most of which are wholly or in part located in the ALR. The designation supports crop growing, food processing, agri-tourism and other industries in support of the agricultural sector.

Zoning Bylaw No.2017-08

The subject property is zoned Agriculture, A1. This zone is intended for 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). Wineries and wine lounges are permitted uses in the A zone as accessory to the agricultural use of a property. A winery is only permitted in the A zone where at least 50% of the farm product is produced on the farm. A farm may include a number of properties under the control of the owner.

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

The LLTRC is in support of the winery lounge application.

Technical Review - Expected Regulatory Criteria to be considered

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Winery Lounge area
 - The subject property is located on a Rural Collector road, within the Naramata Bench area. This area is primary utilized for agricultural (orchard and winery) and low density residential uses.
 - There have been a growing number of wineries in the Naramata Bench area with a small percentage including winery lounge and special event area endorsements.

No Concerns

2. The proximity of the establishment to other social or recreational facilities and public buildings

- Currently there are 4 other wineries within 0.5 kilometers of the subject property. One (Red Rooster) has a winery lounge endorsement.
- There are no schools or other social institutions within the local area.

No concerns

3. The person capacity of the proposed areas (patios)

- There is currently an open building permit with an outstanding issue related to Firefighting water supply that may prohibit proposed public assembly use.
- Washroom facilities are adequate for proposed occupant loads
- Maximum occupant load signage will be posted.

Recommended that final confirmation on-site water supply confirmed prior to final resolution.

4. The hours of liquor service of the establishment

- The proposed hours of service are limited from 11:00am to 6:00pm and should not negatively impact local residents. Most winery lounges in area operate from 11:00am to 10:00pm. Other establishments in the near vicinity have average hours exceeding proposed.

No concerns

5. Traffic, noise, parking and zoning

- Naramata Road is classified as a Rural Collector. The City of Penticton Engineering department has no concerns with increased traffic in relation to road volume capacity design along Munson Ave and Lower and Upper Bench Rd.
- The subject property has one main access point from Naramata Road with two intersections within 0.5km of the site (Evans Ave and Randolph Rd).
- Some residents in the Naramata Bench area have expressed concerns to the growing number of commercial winery operations, in particularly potential noise created by lounges and special event areas.
- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence.
- Further restrictions on amplified music could be proposed as part of Council's endorsement.
- Parking was reviewed as part of the original building permit and meets zoning requirements.
- The ALC allows a certain number of special events a year and that area does not count towards the 125m² inside, 125m² outside rule. Note: 2012 ALC support of amended maximum winery patio areas.

Council may consider restrictions on exterior amplified music.

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism with the City.
- There appears to be no significant impact to traffic in the area based on proposed occupant loads, parking is provided on-site.
- The RCMP does not have any issues with this application.

- The LLTRC member representing social health and addictions has no concerns with this application.

No concerns

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 500 meter radius as well as the placement of a public notice sign 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 comments to the April 18th, 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 or music. 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 Little Engine Wines lounge endorsement application.
2. THAT Council refers the Little Engine Wines endorsement application back to staff for further review.

Attachments

- Attachment A – Location Map
- Attachment B – Floor & Site Plan
- Attachment C – Applicant Intent Statement
- Attachment D – LCLB Application Summary

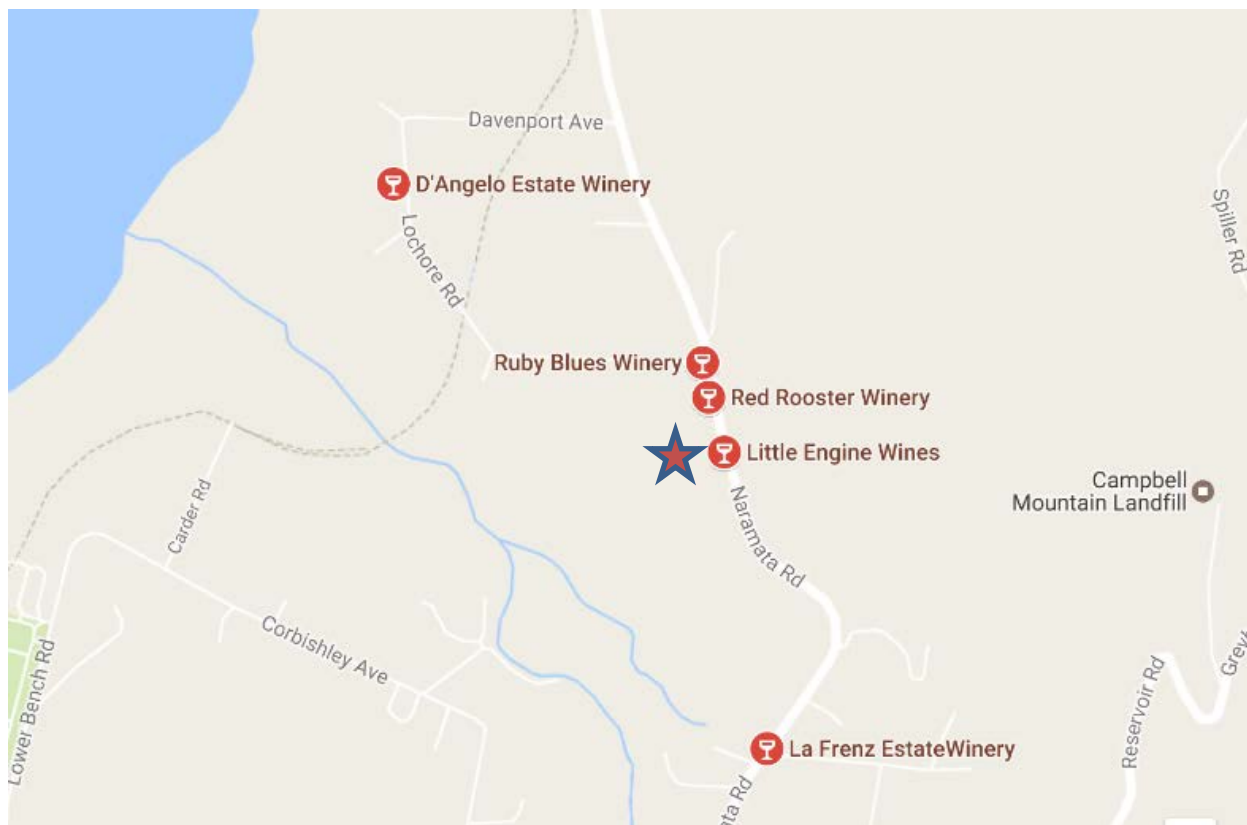
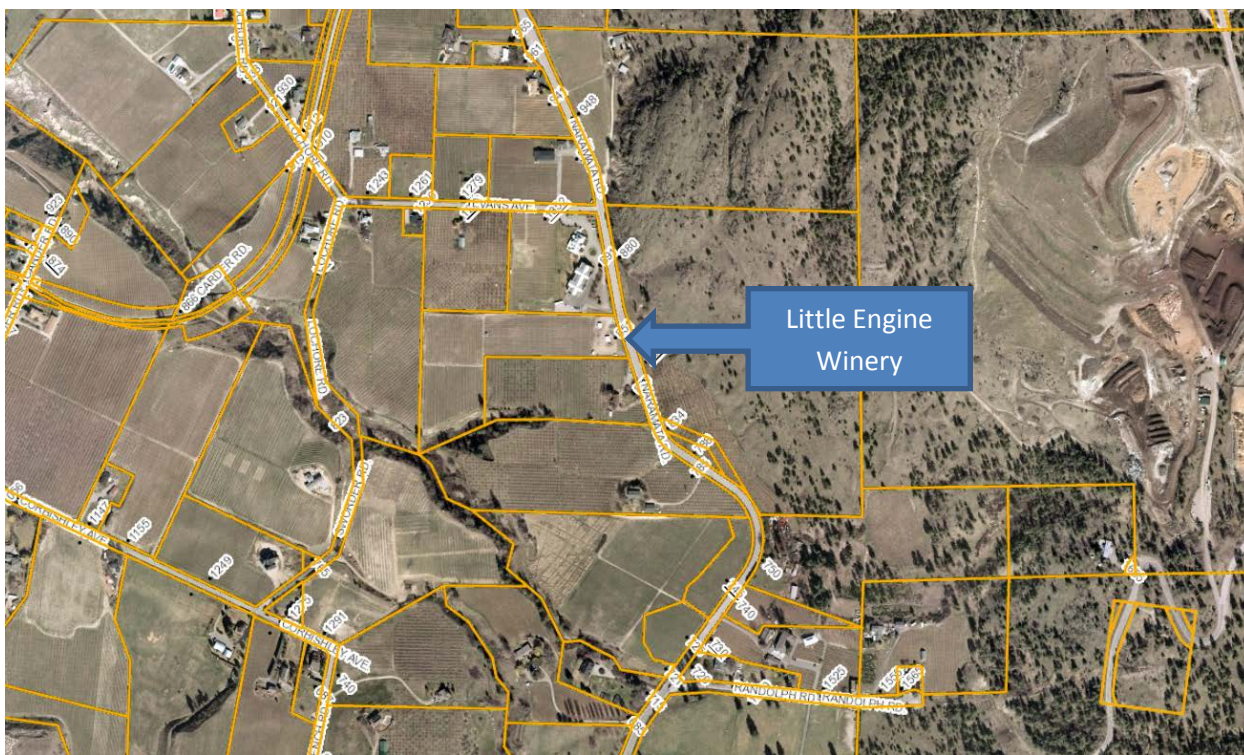
Respectfully submitted,

Ken Kunka, Building and Permitting Manager

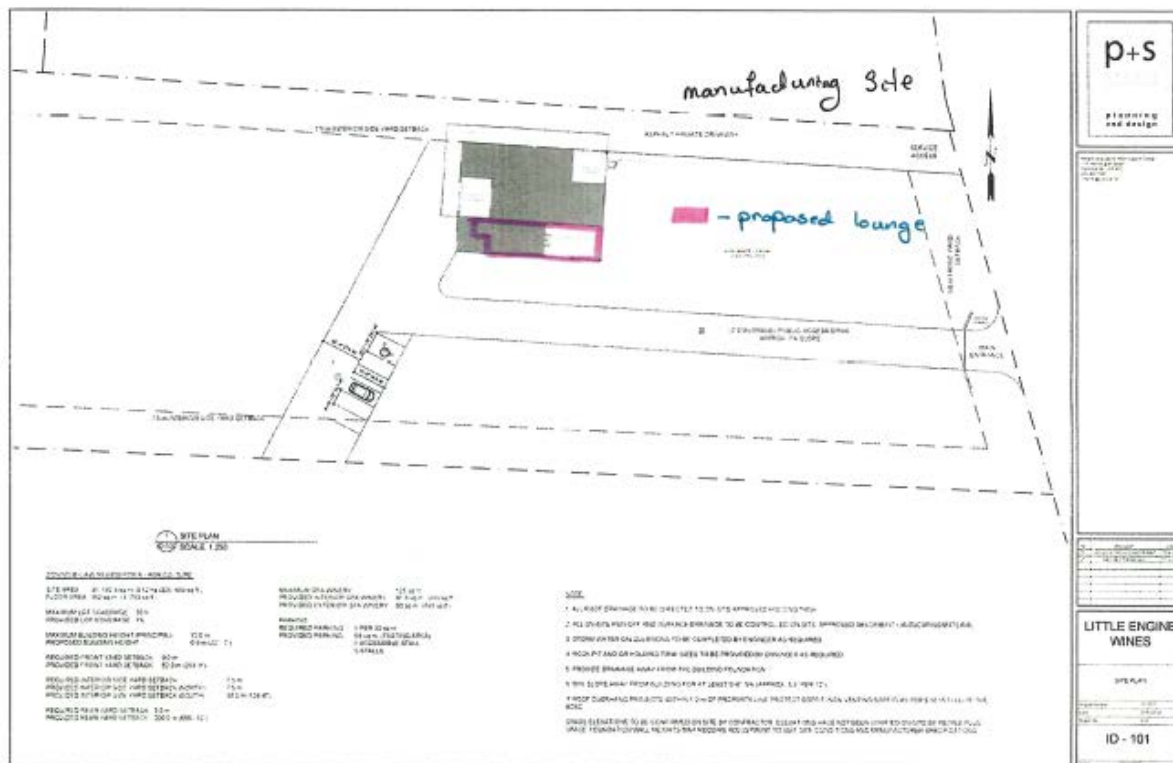
Approvals

DS <i>AK</i>	CAO PW
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Attachment A Site Location – 1250 Munson Ave.



Attachment B Site and Floor Plan

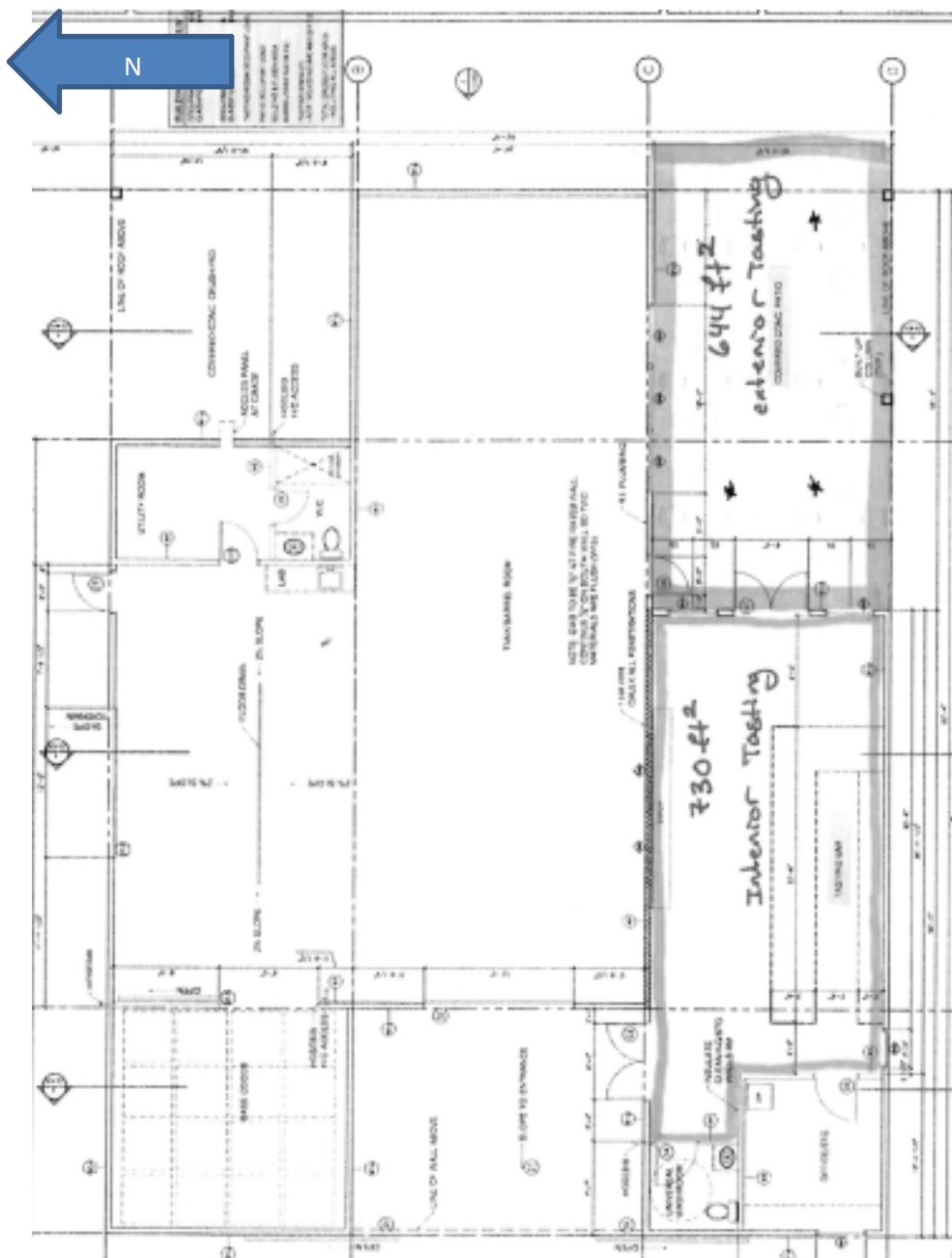


Received at LCLB 24/11/2016

Site Plan



Existing Building – Manufacturing & Retail



Floor Plan – Occupant Load

Attachment C
Applicant's Intent Statement

Part 5: Letter of Intent (functions and services to be provided)

1. Purpose:

The purpose of this lounge license is to provide our patrons with a seated outdoor area where they can taste our wines. The lounge will have comfortable seating and tables where our wines can be poured by our staff.

2. Describe the Target Market:

Our target market is primarily made up of visiting tourists.

3. Composition of the neighbourhood: ALR

4. See accompanying map

5. Benefits to the community:

The proposed lounge will attract tourism and provide employment as staff are required to service patrons. Little Engine Wines is in a location that is one of the most visited wine regions in all of Canada. The lounge license we are applying for will aid the area in attracting new visitors to the area.

6. Impact of Noise on the Surrounding Community.

Our proposed lounge is adjacent to our tasting room and is set in a quiet serene area that is surrounded with vines, small retaining walls, a privacy screen and small plants and flowers. Our plan is to tranquil and serene tasting environment that will be anything but loud and obtrusive. Our outdoor patio will follow our tasting room hours and will be closed by 6:00pm. We also follow and adhere to all bylaws concerning noise regulations.

7. Other Impacts on the surrounding community:

No impacts on the surrounding community will be experienced.

8. Other Information and Requests: N/A

**Attachment D
LCLB Application Summary**

	<p>APPLICATION SUMMARY For Applicant and Local Government/First Nation Lounge Endorsement</p>
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Date: February 9, 2017

Job # 28649886-001

Re: Application for a Winery Lounge Endorsement
 Manufacturer Name: Little Engine Wines Ltd
 Applicant Name: Little Engine Wines
 Proposed Site Address: 851 Naramata Road in Penticton
 Winery Licence # 306949

1. Application Information

Date Application deemed complete: February 8, 2017

Local Government or First Nation Jurisdiction: City of Penticton

The primary business focus of the proposed endorsement area: Food and Beverage

Person Capacity/Occupant Load Requested: Person 01 = 19 persons (interior lounge)
 Patio 1 = 24 persons (exterior lounge)

Liquor Service Hours Requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM

Statutory Prohibitions to Consider: none identified

Terms and Conditions Requested: none

2. Location/Site Factors

The Winery Lounge Endorsement Area, if approved, will allow a licensed winery to sell and serve all types of liquor by the glass. In a manufacturer lounge, sale and service may also include any kind of liquor for consumption on site, provided the cost of products other than the manufacturer's own product does not exceed 20% of the total cost of products for sale in any given quarter.

Food and non-alcoholic beverages must be available at a reasonable price to customers.

Hours of service and capacity are subject to local government consideration and comment. Minors are permitted in a lounge endorsement area when accompanied by a parent or guardian.

The legal description of the site is: PID 012-527-998. The proposed winery lounge endorsement consists of one interior areas and one patio of the manufacturing facility. Patio 1 is a separate and distinct area, while Person 01 will overlap the on-site store and tasting room endorsement area (see attached site plan).

Events, other than an occasional BBQ for staff, are not planned for the proposed lounge areas. The only type of entertainment will be recorded music played in both areas through a sound system.

Community Indicators

Contravention Statistics

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

Population and Socio-Economic Information:

- Circle population statistics for 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca

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/comment 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 LG/FN opts out, written notification must be provided to the Branch, and the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If more than 90 days is required, provide a written request for extension to the Branch.

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director, Development Services

File No: 5480-01

Subject: Parking Update

Staff Recommendation

THAT Council support a review of the 2012 parking strategy through further consultation with the community and the Transportation Advisory Committee;

AND THAT Council suspend plans to implement Commercial Paid Parking along Lakeshore, at Lakawanna Park, along Riverside Drive, and at Loco Landing while the review is completed and further consultation is undertaken;

AND THAT Council endorse the expansion of the Hospital Resident Only parking program to areas requested and suspend plans to charge a fee for the program until further consultation is undertaken;

AND THAT Council endorse the expansion of the Downtown Resident Only parking program to the areas requested and suspend plans to charge a fee for the program until further consultation is undertaken.

Strategic priority objective

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

Background

One of the benefits of living in Penticton is convenient and free parking throughout much of the City. With efforts to revitalize the downtown, increase densification, develop the South Okanagan Event Centre campus, attract festivals and events, pressure on parking is building. In the past few years, the downtown areas has lost over 250 informal free parking spots with new developments and the conversion of free private lots to pay lots. This has caused spillover of employee and visitor parking into residential areas downtown. The City predicts that another 250 spaces will be lost in the next few years as new developments move ahead and densification increases. This will result in more demand for daily and monthly parking, or further encroachment into the residential areas surrounding downtown.

In 2012, Council anticipated these growing parking pressures and endorsed a parking strategy in order to provide relief for residents, treat parking as an asset that can be self-funding, earn revenue for the city and introduce modern technology and systems that would enable effective management of the parking programs.

Recommendations from this strategy have been implemented gradually. To date, the City has introduced:

- Pay parking Downtown and along the 100 blocks of Martin and Winnipeg Streets;
- Resident Only parking in three areas (Downtown East, Downtown West, and Carmi/Duncan around the Hospital); and recently,
- The City also introduced pay parking at Lakawanna Park, along Riverside Drive and at Loco Landing.

Council endorsed further implementation of the 2012 parking strategy in September 2016. Council resolution (384/2016) introduced:

- Metering of the commercial sections of Lakeshore Drive;
- Minor expansions of the resident only parking program; and
- the development of a carpool and car share program in the downtown, among some other minor changes.

The plan also proposed charging residents for the resident only parking permit in the downtown and around the hospital. The proposed fee per residence of \$15.00 (2017) and \$30.00 (2018 and beyond) was intended to cover the administrative costs of the program. Those costs include ordering and printing the permits, installation of signage, administration, patrolling and enforcement in the resident only areas.

When residents in the affected areas were notified or became aware of the changes, many sent emails or spoke with Council members to express their concerns about the changes. Businesses also expressed their concerns about the changes and its effect on parking for their employees.

Parking has also been a contentious topic in the newspapers and online forums as implementation of paid parking along the Lakeshore approaches. Through engagement activities, residents of Penticton have advised staff that they value the ease and convenience of parking in the City. Many citizens have expressed their opposition to measures to control and charge for parking.

In December 2016, Council directed staff to review this matter and after discussions with a variety of stakeholders, staff concluded that much more work is needed around consultation prior to any decisions being made.

Proposal

Staff is proposing that the City review its parking strategy given that:

- it has been five years since the strategy was first developed;
- parking pressures have and are anticipated to increase downtown;
- there is new pressure on costs to maintain and enforce parking due to the infrastructure deficit
- there is low awareness of the need for parking controls and buy-in to the approach from the community; and
- new ideas on how to address the parking needs have been suggested for consideration (i.e. parkade).

As the mandate of the Transportation Advisory Committee is to make recommendations to Council on all matters referred to the Committee including *"Parking location, quantity, type, policies, regulations and fees;"* staff is proposing that Council refer the review to the Committee to steward and prepare recommendations to proceed in September 2017. As part of the review, the Transportation Advisory Committee will also be asked to give the community the opportunity to be involved in the review and the development of the recommendations to Council.

Staff is also proposing an interim strategy to suspend plans to implement pay parking along Lakeshore and continue the resident only program including the expansion while the committee reviews the strategy. This will allow for some of the more urgent components of this program to be put in place, while the larger more complex elements will be dealt with through further consultation.

Alternative

Should Council wish to move ahead with the entire program, as approved in September 2016, staff recommend the following changes, which support the direction of Council, with changes to respond to community concerns, while having no detrimental impact on the revenue projections.

THAT Commercial Paid Parking along Lakeshore Drive (from Power Street to the Sicamous and along Riverside Drive) continue as approved by Council for implementation in Spring 2017 with the following changes:

- Metered parking only be in effect from May 1st to September 31st
- Correspondence to be sent to the impacted business advising them of the changes

AND THAT Council endorse the expansion of the Hospital Resident Only parking program to areas requested with the following changes:

- A fee of \$15 per parking pass, per year be applied to the program
- Correspondence to be sent to residents advising them of the changes and proposed process for consultation in 2017

AND THAT Council endorse the expansion of the Downtown Resident Only parking program to the areas requested with a fee of \$15 per parking pass, per year.

- A fee of \$15 per parking pass, per year be applied to the program
- Correspondence to be sent to residents advising them of the changes and proposed process for consultation in 2017

In addition to the above, staff will commence consultation with the impacted stakeholders and the Transportation Advisory Committee, in particular with regards to the downtown area and upcoming changes that will impact parking availability over the coming years.

Respectfully submitted,

Anthony Haddad

Director, Development Services

Approvals

Director <i>AH</i>	Chief Administrative Officer PW
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Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director, Development Services

File No: 4300-01

Subject: Short Term Rental Program

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-14" and forward to the April 4, 2017 Public Hearing;

THAT Council give first, second and third reading to "Business Licence Amendment Bylaw No. 2017-15" and provide an opportunity for persons who consider they are affected by the bylaw to make representation to Council at the April 4, 2017 meeting;

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-16";

THAT Council give first, second and third reading to "Bylaw Enforcement Amendment Bylaw No. 2017-17";

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-18".

Strategic priority objective

Effective management of vacation rental businesses ensures that Penticton is a livable, thriving, safe and sustainable city.

Vacation rentals contribute to the local economy in a variety of ways, allowing local residents and homeowners the ability to increase their yearly income and to provide accommodation to the visiting public.

Background

On February 7, 2017, Council endorsed a staff report proposing amendments to various municipal bylaws in an effort to better regulate the short term rental industry in Penticton.

Council supported the proposed amendments as outlined below (Resolution 40/2017):

It was MOVED and SECONDED

THAT Council support the proposed amendments to the Zoning, Business Licence, Fees and Charges, and Enforcement Bylaws in regard to the regulations and licensing of vacation rentals in Penticton as outlined in the Short Term Rental Program report dated February 7, 2017;

AND THAT Council direct staff to bring back bylaw amendments in support of the proposed regulatory changes for the March 7, 2017 regular meeting of Council;

AND THAT Council direct staff to begin efforts to bring greater compliance to the vacation rental industry.

CARRIED UNANIMOUSLY

Council were supportive of the proposed amendments with one change being requested around increasing the maximum occupancy of a vacation rental from 5 to a total of 6, to better reflect the requirement around having a maximum of 2 persons per bedroom. Staff have included this request in the proposed amendments.

Proposal

The proposed amendments to support the direction of Council, from February 7, 2017, are provided in Attachments A-E. As part of the implementation of the Short Term Rental changes, staff proposes to engage in an education campaign via newspaper, website and social media to promote the revamped Vacation Rental Program including a neighbour complaint program.

Discussion at Council also involved ensuring that staff were prepared to implement that changes and ensure that the process to gain compliance in the community was simple for those wishing to comply. Staff will be preparing the appropriate information for the community and will present to Council as part of the April 4th Council meeting.

Analysis

Staff believe that the proposed recommendations will help meet the needs of visitors to Penticton and provide opportunities for hosts in the following ways:

- by diversifying the accommodation offerings in the community;
- ensuring the safety and improving the visitor experience of those options;
- allowing Penticton residents to run small businesses;
- creating a more level playing field for traditional Bed & Breakfast and Hotel operators.

The proposed changes were reviewed in conjunction with the Economic Development, Planning, and Bylaw Services departments, and through support of resourcing to assist with administration of the proposed changes, staff are confident that this proposal will move towards successful implementation.

Staff are also investigating other technologies and services provides such as 'Host Compliance' that can provide additional services and resources for dealing with this issue and if deemed appropriate will bring back for Council review and consideration as we move forward.

Alternate recommendations

1. THAT Council direct staff to make no amendments to the current bylaws, fees or charges.

- 2. That Council direct staff to make recommendations with different regulations for vacation rentals that Council feels are appropriate.

Attachments

Attachment A – Zoning Bylaw Amendments

Attachment B – Business Licence Bylaw Amendments

Attachment C – Fees & Charges Bylaw Amendments


Attachment D – Enforcement Bylaw Amendments

- Attachment E - Zoning Amendment Bylaw No. 2017-14
 - Business Licence Amendment Bylaw No. 2017-15
 - Fees and Charges Amendment Bylaw No. 2017-16
 - Bylaw Notice Enforcement Amendment Bylaw No. 2017-17
 - Municipal Ticket Information Amendment Bylaw No. 2017-18

Respectfully submitted,

Anthony Haddad
Director, Development Services

Approvals

Director 	CAO PW
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Attachment A
Zoning Bylaw Amendments

Changes to Zoning Bylaw 2017-08:

- a. Amend Section 3.2, amending the definition of 'vacation rental':

From:

Vacation Rental means the rental of a dwelling unit to tourists or the vacationing public for a period of one month or less

To:

Vacation Rental means the rental of a dwelling unit to the vacationing public for a period of one month or less. Rentals of a dwelling unit for less than 14 days in a calendar year are not considered vacation rentals.

- b. Amend Section 7.6.1 ownership

From:

.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 license under the Business License Bylaw

To:

.2 A residential dwelling unit subject to this section of the Bylaw shall only be rented out by the owner of the property in question, or by a tenant with the owner's permission

.3 Remove

- c. Amend Section 7.6.3.2:

From:

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

To:

A maximum of two 2 persons per bedroom is permitted per vacation rental dwelling unit.

Attachment B

Business Licence Bylaw Amendments

Changes to Business Licence Bylaw 2012-5020:

- a. To reclassify short term rental licensing classifications based on possible impact to adjacent neighbours and the community at large:

Section 1.0 Definitions

Add the following definition terms;

Home Stay Rental – meaning a short term rental of less than 14 days within a year or where there is no financial transaction such as a home exchange. No licensing registration would be required; however the maximum number of rental guests would be restricted to 6 overnight occupants.

Vacation Rental (Minor)– meaning a vacation rental operation of less than 30 rental days within a year and the owner is a principal resident during guest use. Maximum rental accommodation would be 2 persons per bedroom with a maximum of 6 guests. This would involve the rental of room(s), legal secondary suite or carriage home.

Vacation Rental (Major) – meaning a vacation rental operation of more than 30 rental days within a year or with a non-resident owner during guest use. Maximum rental accommodation would be 2 persons per bedroom with a maximum of 6 guests. This would involve the rental of any dwelling unit or single family dwelling.

Vacation Rental (Major High Occupant) – meaning a major vacation rental use with more than 5 guests for a minor or major vacation rental. This would require additional staff review time and public consultation with the adjacent neighbouring properties.

14.0 Regulations

Create new sub-section for Vacation Rental requirements:

14.2 Vacation Rentals

14.2.1 Except for multi-family buildings, only one Vacation Rental operation is permissible per Real property.

14.2.2 Minor and Major vacation rentals require the following:

- a. Posting of contact numbers and maximum overnight occupant load in a visible location inside the rental;
- b. Contact numbers for responsible party to be listed on the City of Penticton Business Directory;
- c. Require all advertising to include the City of Penticton Business Licence number;
- d. Require notification to all adjacent residents of the vacation rental business for high occupant vacation rental (City to do neighbourhood notification); and,
- e. Require a “responsible host” review to consider renewals based on repeated Bylaw infractions or nuisance enforcement files.

Attachment C
Fees & Charges Bylaw Amendments

2. Fees and Charges Bylaw No. 2014-07 – Appendix 5

a. Reclassify the Annual Business Licensing fee.

Category	Fee	Comments
Vacation Rental & Bed and Breakfast	Base Fee plus Tourism Fee	
Bed and Breakfast	\$175	Annual Fee (renewal – could include audit safety inspection).
Vacation Rental Application Fee (*waived until May 31, 2017)	\$75	First year fee for set up administration and site safety inspections per unit. (Home Stay exempt)
Vacation Rental (Home Stay)	NA	
Vacation Rental (Minor)	\$100	Annual Fee (renewal – could include audit safety inspection) per unit
Vacation Rental (Major)	\$150	Annual Fee (renewal – could include audit safety inspection) per unit
Vacation Rental (Major with high occupant)	\$250 + \$250	Annual Fee (renewal – could include audit safety inspection) per unit plus First year public notification fee.

b. Adjust the existing Tourism Fee to ensure the vacation rental owners contribute to the marketing of the area. The tourism fee would be variable:

Category	Fee	
Bed and Breakfast	\$200	Annual tourism fee
Vacation Rental (Home Stay)	NA	
Vacation Rental (Minor)	\$100	Annual tourism fee per unit
Vacation Rental (Major)	\$200	Annual tourism fee per unit
Vacation Rental (Major with high occupant)	\$300	Annual tourism fee per unit

Attachment D
Bylaw Notice of Enforcement Bylaw & MTI Bylaw Amendments

Bylaw Notice Enforcement Bylaw No.2012-5037

Add new fine to Appendix 4

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
operating or advertising a vacation rental without a license	5.2	\$250.00	\$225.00	\$275.00	Yes

Municipal Ticketing Information Bylaw No. 2012-5021:

Schedule A for Bylaw 5021

Delete and Replace item 4 from:

Business Licence Bylaw No. 2010-90

To

Business Licence Bylaw No. 2012-5020

Schedule B4 to Bylaw 5021

Delete and replace Bylaw reference from:

BUSINESS LICENCE BYLAW NO. 2010-90

TO

BUSINESS LICENCE BYLAW NO. 2012-5020

Schedule B7 to Bylaw 5021

Increase fine from \$100.00 to \$500.00

ZONING BYLAW 2011-23	SECTION	FINE
10. Operating a Vacation Rental on Residential Property contrary to the Zoning Bylaw.	8.9	\$500.00

Bylaw No. 2017-14

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-14".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Amend section 3.2 Definitions and replace with the following:

VACATION RENTAL means the rental of a dwelling unit to the vacationing public for a period of one month or less. Rentals of a dwelling unit for less than 14 days in a calendar year are not considered vacation rentals.

2.2 Amend section 7.6.1 Vacation Rentals Ownership and replace with the following:

.2 A residential dwelling unit subject to this section of the Bylaw shall only be rented out by the owner of the property in question, or by a tenant with the owner's permission.

.3 Delete in its entirety.

2.3 Amend section 7.6.3 Operation of Vacation Rental and replace with the following:

.2 A maximum of two (2) persons per bedroom is permitted per vacation rental dwelling unit.

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

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

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2017

for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Bylaw No. 2017-15

A Bylaw to Amend City of Penticton Business Licence Bylaw No. 2012-5020

WHEREAS the Council of the City of Penticton has adopted a Business Licence Bylaw pursuant the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend City of Penticton Business Licence Bylaw No. 2012-5020;

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 "Business Licence Amendment Bylaw No. 2017-15".

2. **Amendment:**

Business Licence Bylaw No. 2012-5020 is hereby amended as follows:

2.1 Amend section 1.0 Definitions and add or replace with the following:

"Home Stay Rental" means a short term rental of less than 14 days within a year or where there is no financial transaction such as a home exchange. No licensing registration would be required; however the maximum number of rental guests would be restricted to six (6) overnight occupants.

"Vacation Rental (Minor)" means a vacation rental operation of less than 30 rental days within a year and the owner is a principal resident during guest use. Maximum rental accommodation would be two (2) persons per bedroom with a maximum of six (6) guests. This would involve the rental of room(s), legal secondary suite or carriage home.

"Vacation Rental (Major)" means a vacation rental operation of more than 30 rental days within a year or with a non-resident owner during guest use. Maximum rental accommodation would be two (2) persons per bedroom with a maximum of six (6) guests. This would involve the rental of any dwelling unit or single family dwelling.

"Vacation Rental (Major High Occupant)" means a major vacation rental use with more than five (5) guests for a minor or major vacation rental. This would require additional staff review time and public consultation with the adjacent neighbouring properties.

"Zoning Bylaw" means the City of Penticton Zoning Bylaw No. 2017-08 as amended from time to time or superseded.

2.2 Add the following to section 14.0 Regulations:

14.2 Vacation Rentals

14.2.1 Except for multi-family buildings, only one Vacation Rental operation is permissible per real property.

14.2.2 Vacation rentals require the following:

- a) posting of contact numbers and maximum overnight occupant load in a visible location from the street for a home rental or from the public areas in a multi-unit building;
- b) Contact numbers for responsible party to be listed on the City of Penticton Business Directory;
- c) Require all advertising to include the City of Penticton Business Licence number;
- d) Require notification to all adjacent residents of the vacation rental business for high occupant vacation rental; and
- e) Require a "responsible host" review to consider renewals based on repeated bylaw infractions or nuisance enforcement files.

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

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Bylaw No. 2017-16

A bylaw to amend the Fees and Charges Bylaw No. 2014-07

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Fees and Charges Bylaw No. 2014-07";

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 "Fees and Charges Amendment Bylaw No. 2017-16".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by adding the following to Appendix 5– Business Licence Fees:

	Effective 2017
Bed and Breakfast	Base Fee plus Tourism Fee
Vacation Rental Application Fee	\$75 (effective May 31, 2017)
Vacation Rental (Home Stay)	No Fees
Vacation Rental (Minor)	\$100 Annual Fee plus \$100 Tourism Fee
Vacation Rental (Major)	\$150 Annual Fee plus \$200 Tourism Fee
Vacation Rental (Major High Occupant)	\$250 Annual Fee, \$250 first year public notification fee plus \$300 Tourism Fee

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

The Corporation of the City of Penticton

Bylaw No. 2017-17

An amendment to regulate enforcement of bylaw notices

WHEREAS pursuant to the *Local Government Bylaw Notice Enforcement Act* and the *Community Charter*, the City may establish fine amounts for contravention of City bylaws;

AND WHEREAS the City of Penticton has adopted "Bylaw Notice Enforcement Bylaw No. 2012 – 5037";

AND WHEREAS the City of Penticton wishes to amend Schedule 'A' to "Bylaw Notice Enforcement Bylaw No. 2012 - 5037";

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

1. Title:

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2017-17."

2. Amendment:

2.1 Amend Schedule 'A' by adding the following to Appendix 4 – Business Licence Bylaw No. 2012-5020:

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Advertise, solicit or promote without a licence.	5.2	\$250.00	\$225.00	\$275.00	Yes

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

Bylaw No. 2017-18

A bylaw to amend the Municipal Ticketing Information Bylaw No. 2012-5021

WHEREAS the Council of the City of Penticton has adopted a Municipal Ticketing Information Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Municipal Ticketing Information Bylaw No. 2012-5021";

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

1. Title:

This Bylaw may be cited as "Municipal Ticketing Information Amendment Bylaw No. 2017-18".

2. Amendment:

2.1 Amend "Municipal Ticketing Information Bylaw No. 2012-5021" by deleting and replacing the following title of Schedule A:

4. Business Licence Bylaw No. 2012-5020

2.2 Amend and add the following to Schedule B4 to Bylaw 5021:

Business Licence Bylaw No. 2012-5020

	Section	Fine
Advertise, solicit or promote without a licence	5.2	\$500

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

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Chad Douglas, Sports & Events Project Manager
Subject: **Eventful Penticton Sponsorships**

File No:

Staff Recommendation

THAT Council approve a \$10,000 sponsorship for the 2017 Canadian Sport School Hockey League (CSSHL) Championships;

AND THAT Council approve a \$10,000 sponsorship for the 2017 Western Canada Cup.

Strategic priority objective

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

Connected and Strong: Be a premier visitor destination.

Background

Council received a report on August 2, 2016 from the Sports & Events Project Manager detailing an Eventful Penticton strategy. The goals of the strategy are as follows:

- Expand support network for strategic events during off-peak season months
- Enable event hosts operating outside sports and summer
- Engage key event markets and corporate sponsors
- Encourage sharing of best practices, content and data

To help assess opportunities and requests through Economic Development, Council on March 7, 2017 approved an Eventful Penticton vetting process and an evaluation matrix.

Financial implication

Sponsoring the Western Canada Cup and CSSHL Championships requires \$10,000 for each event from the Economic Development budget in 2017.

Analysis

The Eventful Penticton strategy targets entrepreneurs, including premium retirees, by promoting mid-week and off-peak season events. By sponsoring the 2017 CSSHL Championships, March 13-19, and 2017 Western

Canada Cup, April 29-May 7, the City receives value beyond visitation by reinforcing Penticton's reputation as a centre of excellence in hockey.

Host Okanagan Hockey Group (OHG) announced the CSHL committed its fast-growing Championships to Penticton through March 2020. That show of confidence came in part from a partnership between the City and Travel Penticton in supporting the event. OHG and Spectra are also working together to establish a legacy, one that will position Penticton as a permanent and popular site for the Championships.

Penticton will be positioned to bid on the RBC Cup National Junior A Championships once the Penticton Vees are successful in first hosting a Western Canada Cup. Hockey Canada national championships such as the RBC Cup add national television viewers to regional visitors who will consider relocating their families or business interests to Penticton.

OHG and the Vees will add to Penticton's drawing power should Hockey Canada consider potential sites for training camps and exhibition games leading to the 2019 International Ice Hockey Federation (IIHF) World Junior Championship in Vancouver and Victoria. Penticton gained international hockey hosting experience in welcoming the 2010 World Junior A Challenge.

Council will receive a report in June detailing benefits to the City of sponsoring these hockey tournaments.

Attachment A – Evaluation Matrix

Respectfully submitted,

Chad Douglas
Sports & Events Project Manager

Approvals

Chief Administrative Officer PW

Attachment A: Evaluation Matrix

Criteria	CSSL Champs	Western Canada Cup	Scotties	BreakOut West	CARHA World Cup
Qualifying	2017	2017	2018	2018	2020
Dates	Mar	Apr-May	Jan-Feb	Oct	Mar
Venues	√	√	√	√	TBD
Budget (City)	\$10K	\$10K	\$200K	\$225K	\$750K
Good Standing	√	√	√	√	√
Experience	√	√	√	√	√
Impact/Visitors	\$2.5M EI, 900 Visit	\$2.4M EI, 600 Visit	\$6M EI, 2,000 Visit	\$1.5M EI, 1,000 Visit	\$10M EI, 2,500 Visit
Ranking	1	3	3	5	2
Branding (2)	2	2	0	0	2
Timing (6)	5	4	5	3	5
Venue (2)	1	1	2	2	1
Duration (8)	8	6	6	4	6
Visitation (7)	7	5	6	6	7
Profile (3)	1	1	3	1	3
Sustainability (6)	4	3	4	3	4
Markets (10)	3	3	5	5	5
Principles (6)	5	6	4	6	5
Risk (0)	-2	-1	-5	-3	-5
Total Score (50)	34	30	30	27	33

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	7 day of	March, 2017
READ A SECOND time this	7 day of	March, 2017
READ A THIRD time this	7 day of	March, 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)
	<u>(130,661,483)</u>	<u>(133,714,401)</u>	<u>(137,740,365)</u>	<u>(141,743,987)</u>	<u>(145,464,327)</u>
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
	<u>114,263,855</u>	<u>114,290,139</u>	<u>114,789,768</u>	<u>117,871,432</u>	<u>121,006,635</u>
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
	<u>15,979,687</u>	<u>26,202,229</u>	<u>31,239,431</u>	<u>22,082,602</u>	<u>22,363,262</u>
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	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

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%
	<u>130,661,483</u>	<u>100%</u>

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

Current Property Class Multiples

<u>Ratio</u>	<u>2017 est</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
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 calculations. 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.

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 AS AMENDED this	7	day of	March, 2017
READ A THIRD time this	7	day of	March, 2017
RECEIVED the approval of the Ministry of Transportation on the	13	day of	March, 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*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this 13th day of MARCH, 2017
Robert Bitt
for Minister of Transportation & Infrastructure

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.

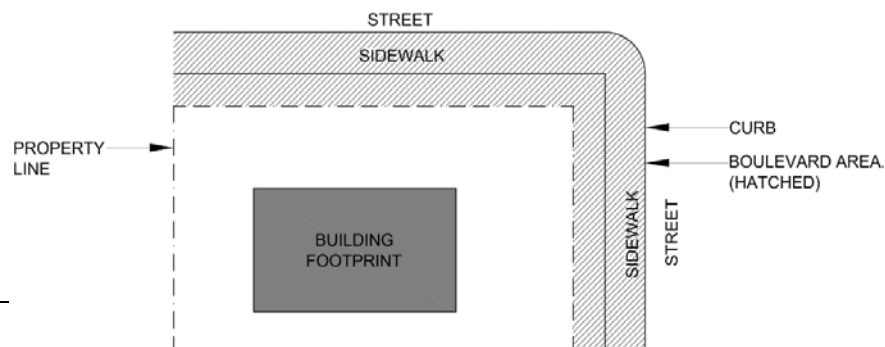
BED AND BREAKFAST INN means the **use** of a **building** containing **dwelling units** within which not more than 10 sleeping units may be rented for the temporary accommodation of the travelling public and where the room rate may include meals served on the premises.

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**.

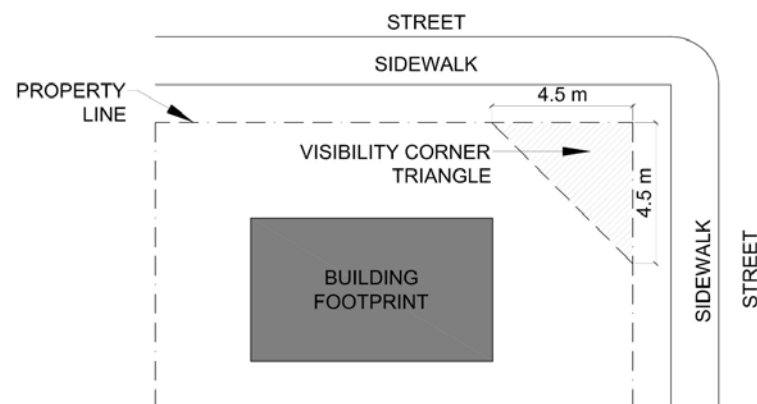
CONTRACTOR SERVICES, LIMITED means development used for the provision of electrical, plumbing, heating, painting and similar contractor services and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed **building**, and there are 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 250m² in **gross floor area**. Typical **uses** include but are not limited to small food stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, printed matter, or the rental of videos. This use does not include the sale of alcoholic beverages.

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

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

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



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

CRAFT BREWERY/DISTILLERY means a **building** used for production of alcoholic beverages, with a maximum **gross floor area** of 1,000m². 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.

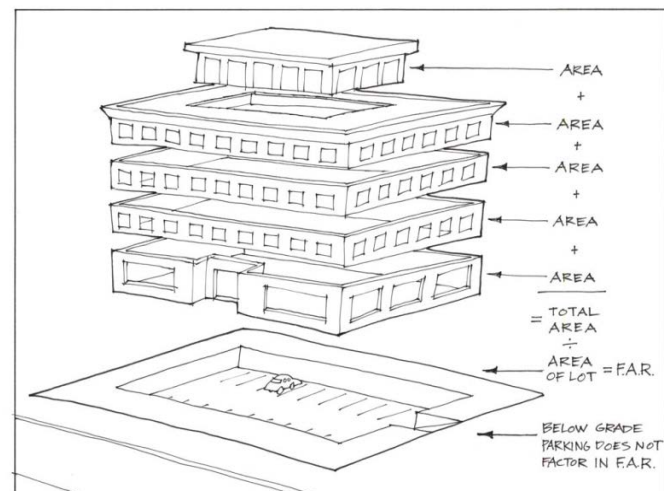
FRONT LOT LINE (see [LOT LINE, FRONT](#))

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.

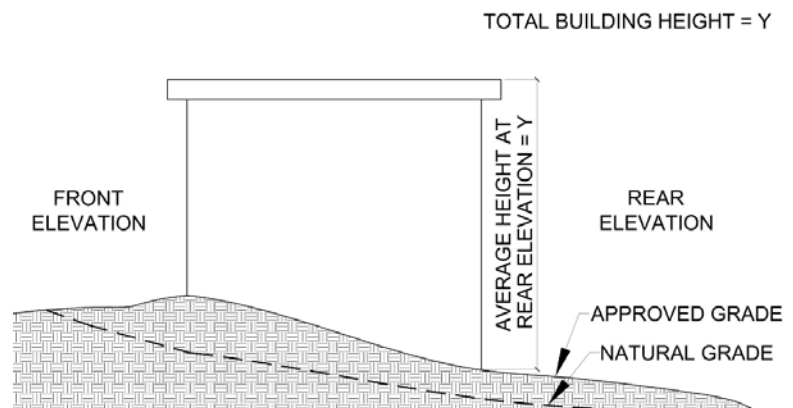


GENERAL CONTRACTOR SERVICES (see [CONTRACTOR SERVICES, GENERAL](#))

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 m² (10,000 sq feet), including storage space, primarily retailing in a general line of foods, including canned, dry and frozen foods, fresh fruit and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products, snack foods, non-liquor beverages and general household products and pharmaceuticals. This use can include retail liquor sales with a store-within-a-store model as licensed by the Liquor Control and Licensing Branch (LCLB) or the sale of 100% BC wine, with a wine-on-the-shelf model, as licensed by the LCLB, but not both in the same location.

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

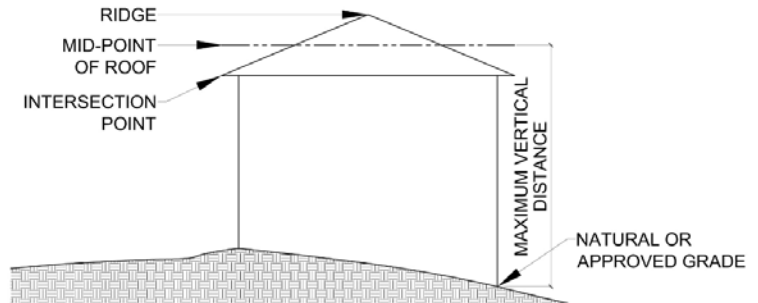
H

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

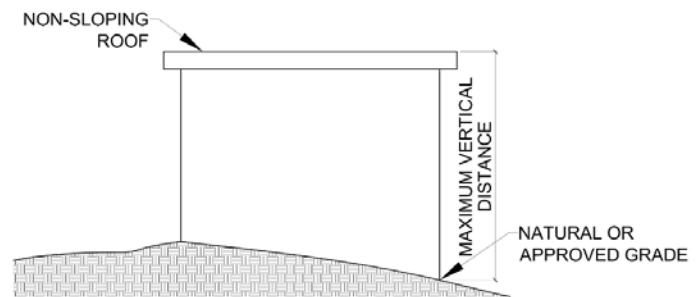
HEALTH SERVICE means the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical **uses** include but are not limited to medical and dental **offices**, chiropractors,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

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

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



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



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

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

HOUSEHOLD means:

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

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

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

I

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

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

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

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

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

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

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

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

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

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

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

J**K**

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

L

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

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

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

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

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

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

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

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

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

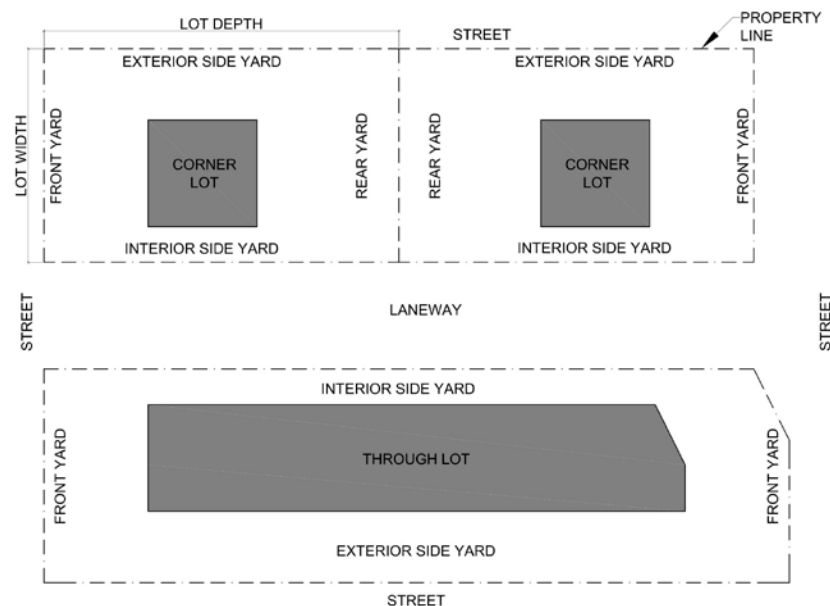
LOT, BARELAND STRATA means the smallest unit of land defined on a horizontal plane according to a bareland strata plan under the provisions of regulations pursuant to the *Strata Property Act*.

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

LOT COVERAGE means the percentage of the total horizontal area of a **lot** or **lots** that may be built upon with **buildings, accessory buildings or structures**, including **garages; parking structures** and **carports**; covered **patios** larger than 23 m²; 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:

- where a **lot** has parallel **side lot lines**, the distance between the **side lot lines** at the **front yard setback** line;
- 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**.
- 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 20m² 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 m² and containing a group of **retail stores** and other **businesses** which share common services, parking, and other facilities on one (1) or more **lots**.

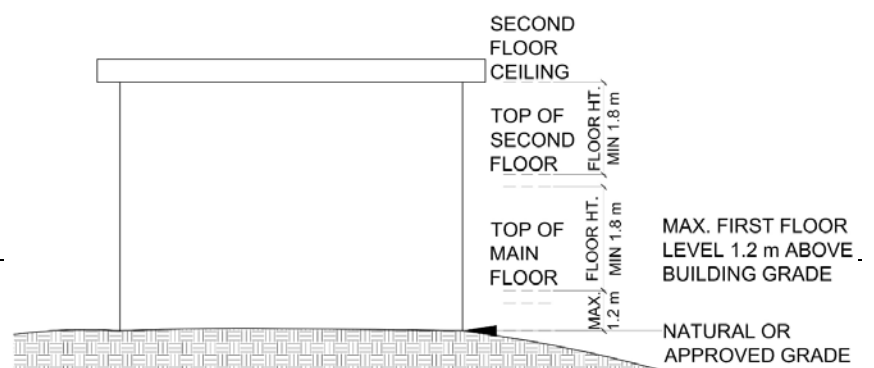
SIDE LOT LINE (see [LOT LINE, SIDE](#))

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

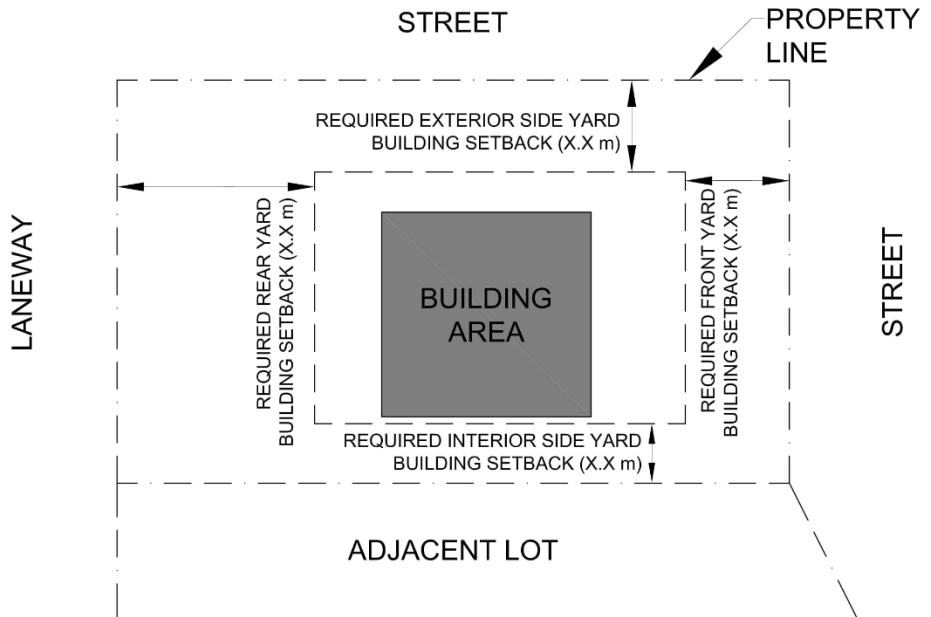
Y

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.

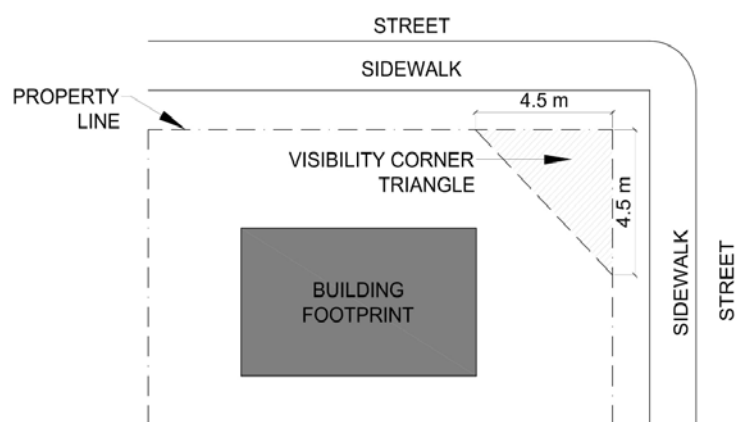
4.2 Accessory Buildings, Structures, Garages and Carports

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 10m² or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the **principal building**.
- 4.2.3** The following are permitted anywhere on a **lot**:
- .1 fences, in accordance with the regulations of 5.6.1;
 - .2 **retaining walls**, in accordance with the regulations of 5.6.2;
 - .3 trellises, pergolas; or
 - .4 children's play equipment.
- 4.2.4** All **structures** connected by foundation, roofline or roof **structure** (including but not limited to pergolas or trellises) to the **principal building** are deemed to be a portion of the **principal building**.
- 4.2.5** Where a **garage** or **carport** has driveway access from the **front yard** or **exterior side yard** to the **street**, the minimum required distance from the **garage** or **carport** to the back of the curb or sidewalk shall be 6.0m.

4.3 Corner Visibility Triangle

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



4.4 Height and Grade

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

4.5 Airport Regulations

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

4.6 Highway Setbacks and Future Road Right-of-Way

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

4.7 Swimming Pools and Hot Tubs

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

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

4.8 Temporary Uses and Buildings

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

- 4.8.1 **Fabric Covered Metal Frame Buildings**

The **use** of fabric-covered metal frame **buildings** over 10 m², 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 **walkways** and driveways. Deciduous trees shall be a minimum **caliper** of 60mm and a minimum clear stem height of 1.5m. Coniferous trees shall be a minimum 2.5m in height.
 - .2 One (1) shrub for every linear meter of required buffer area, including **walkways** and driveways. The shrubs shall be a minimum No. 2 pot shrub.
- 5.3.2 Required **landscape buffers** shall be continuous along the affected property boundaries, interrupted only by walkways and driveways providing access to the property.
- 5.3.3 All required **landscape buffer** areas shall be watered by a fully automatic irrigation system.

Table 5.2 Required Landscape Buffers

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

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

5.4 Tree Requirement and Protection

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

- 5.4.2** Trees required as per 5.4.1 are required to be either a deciduous tree with a minimum caliper of 60mm and a clear stem height of 1.5m or a coniferous tree with a minimum height of 2.5m.

5.5 Screening of Utility Kiosks, Dumpsters and Containers

- 5.5.1** **Screening** and/or **landscaping** is required around all utility kiosks and dumpsters, containers
- 5.5.2** **Screening** required in 5.5.1 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

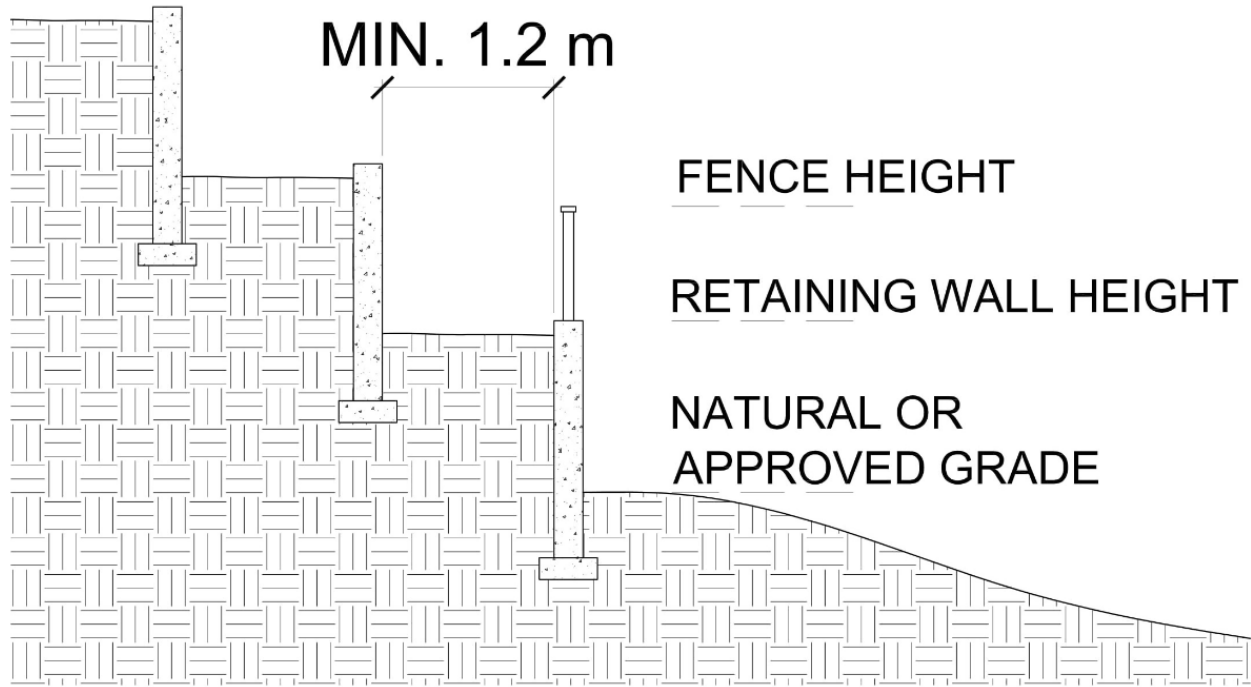
- .1 Subject to **corner visibility triangle**, section 4.3, the following height limitations shall apply to fences, decorative (non-retaining) walls and hedges in all **zones**:
 - .1 1.2 m
 - .2 1.8 m if situated behind the **front yard setback**; and
 - .3 1.8 m if situated within the **interior, 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.



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 6.5
- .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**.
- .8 When any new Development is commenced or when any existing Development is enlarged or Use changed, for properties having or proposing direct access to Hwy 97, vehicle parking and loading spaces shall be provided and maintained by the property owner in accordance with the Ministry of Transportation & Infrastructure standards.

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 6.1. 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 Table 6.5, up to 25% of off-street parking spaces may be designed as small car parking spaces in accordance with Table 6.3. Such spaces shall be clearly marked with "small car".

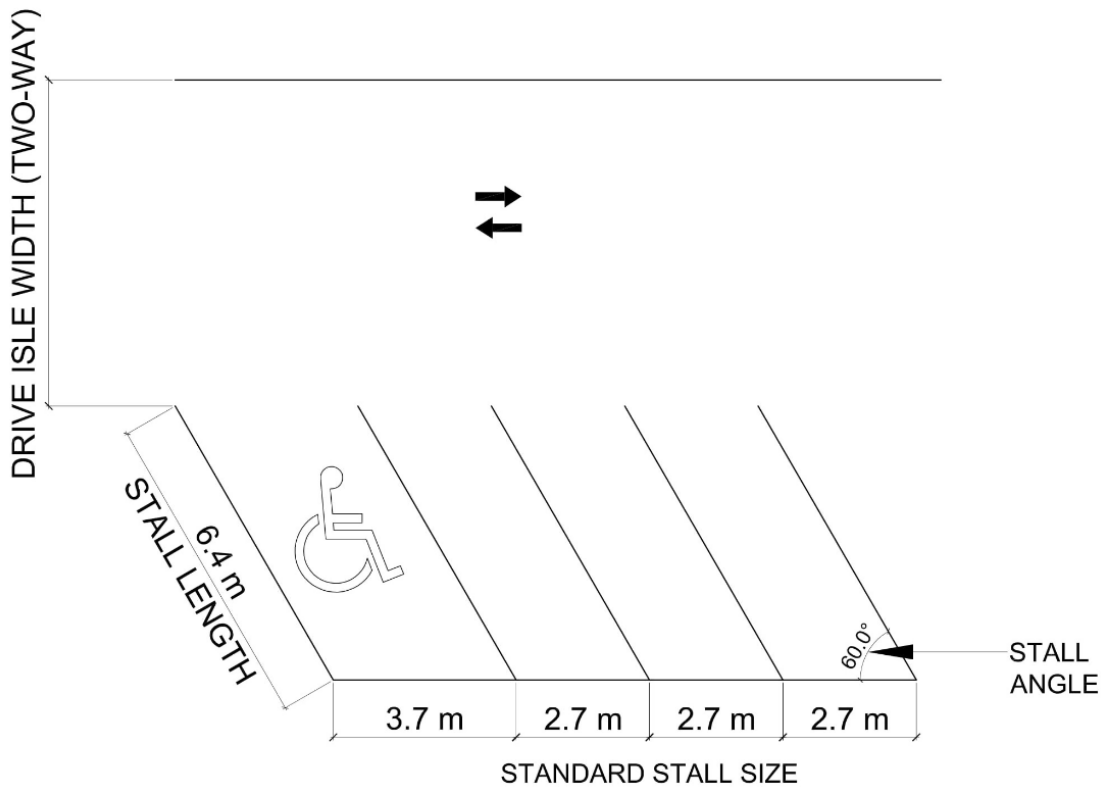
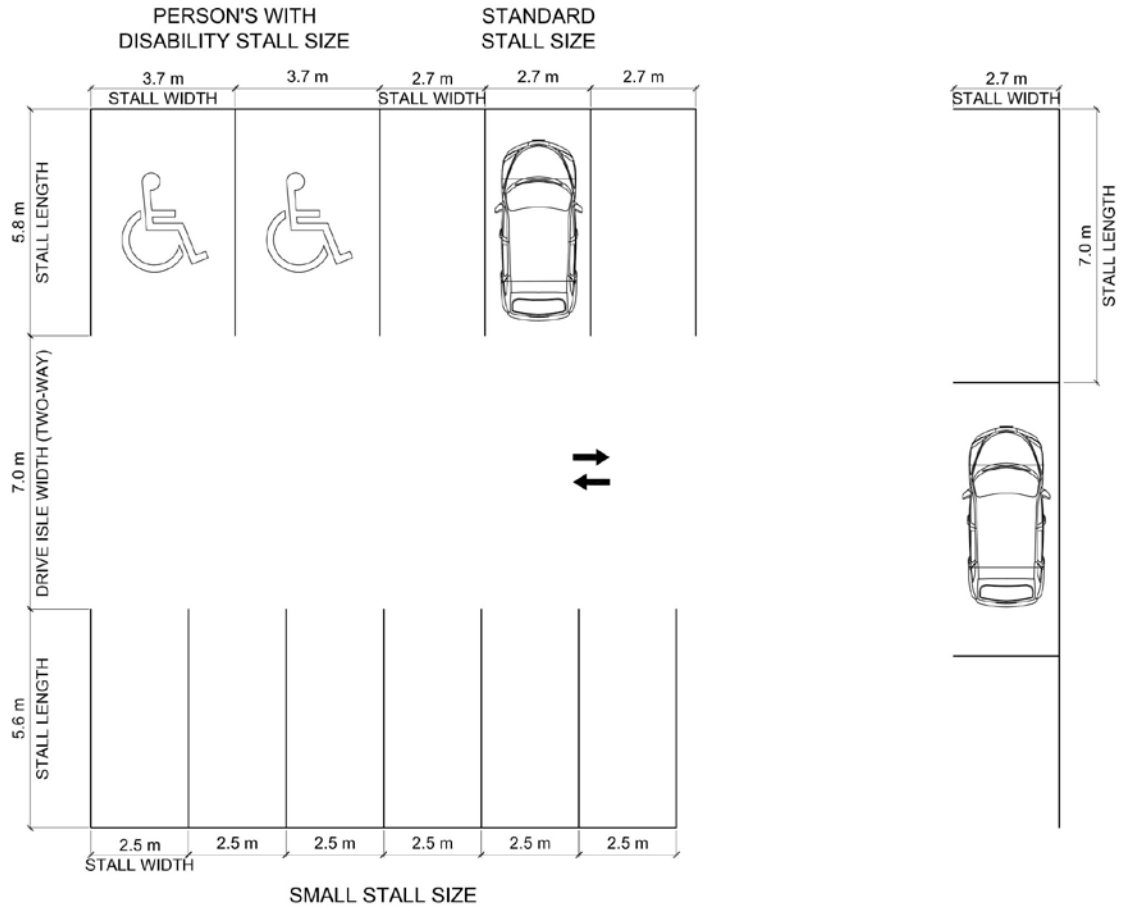
- .4 **Parking spaces** shall have a vertical **clearance** of at least 2.0 m.

Table 6.3 Angle Parking Dimensions for Small Car Parking

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

6.1.6 Tandem Parking

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



6.2 Off-Street Loading Spaces

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

6.2.1 Number of Spaces for Single and Shared Uses

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

6.2.2 Size and Access

- .1 **Loading spaces** shall be of adequate size and accessibility to accommodate the **vehicles** expected to load and unload, but in no case shall a **loading space** be less than 28 m² 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 m² 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 6.4, 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 m ² over 250 m ²	Minimum of 2, plus one for every 125 m ² over 250 m ²
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
Duplex, Live-Work unit	1 per unit	0
Bed and Breakfast Home	1 per <i>bedroom</i> 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
	<i>plus 2 for the required corresponding principal dwelling unit</i>	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 dwellings** shall be preserved and the amenities of the neighbourhood shall not be adversely affected.
- 7.3.6 A **minor home occupation** shall not generate more than one (1) client visit to the site from which the **business** is being operated on any given day. Additionally, no more than one (1) commercial **vehicle** visit per day is permitted. The permitted commercial **vehicle** visit must be between the hours of 8:00 a.m. and 6:00 p.m.

- 7.3.7 This **use** does not include the repair or painting of **vehicles**, trailers or boats, tow-truck operations, manufacturing and industrial **uses**, social escort services, cabinet making, welding or machine shops, **major care centre**, meat cutting, commercial animal breeding, parking or storage of industrial or construction equipment or materials.
- 7.3.8 No person other than residents of the property on which the **minor home occupation** is being carried out shall be engaged in the **minor home occupation**.
- 7.3.9 The total area of a **minor home occupation** shall not exceed 25% of the floor area of the **dwelling** up to a maximum area of 20 m².
- 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 m².
- 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 m² 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 7.8.1, 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 m² 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 m².
- .2 Maximum **gross floor area**: 90 m², or 40% of the habitable floor area of the building, whichever is less.
- .3 Minimum **amenity space**: 15m² 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**: 370m², regardless of zoning
- .2 Maximum **building footprint**
FG (Forestry/Grazing), A (Agriculture),
RC (Country Residential) Zones 150m², 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) 90m², 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** 15m² each for the principal **dwelling** and for the **carriage house**.
- .7 **Landscaping** and Screening The structure containing the **carriage house** shall be **landscaped** or fenced in a manner that reasonably minimizes negative visual impact on adjacent residential properties.
- .8 Conversion of Pre-Existing Buildings Notwithstanding Section 8.2.3.4, 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 8.2.3.4.

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

8.2.5 **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**: 15m² of **amenity space** shall be provided individually the **suite**.

8.3.2 Strata Titles

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

8.3.3 Parking and Access Requirements

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

8.4 Flex Units

8.4.1 Limitation of Suites

Flex units are limited to a maximum floor area of 40% of the total **net floor area** of the principal residence, up to a maximum of 150m²

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

8.4.3 Notwithstanding subsection 4.9, 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 m².

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 |

- 4.5m
- b. Exterior side yard**
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 m² 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.

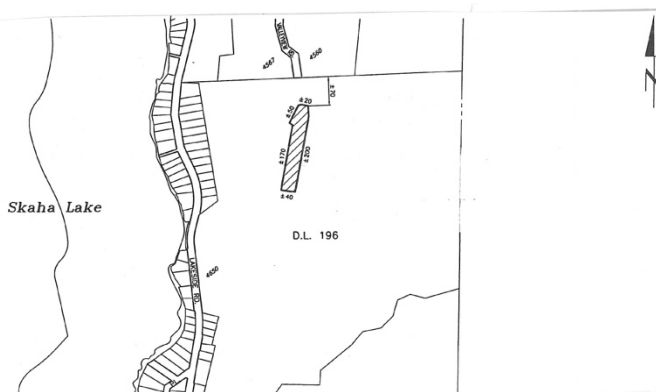


Figure 9.1: Location of public parking lot in the A zone

- .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 suites 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 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 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 m² 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 m²
- .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 m² 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 m² 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 setbacks : | |
| | principal building | |
| | i. west side yard | 7.6 m |
| | ii. south side yard | 7.6 m |
| | accessory building | |
| | i. west side yard | 5.0 m |
| | ii. south side yard | 5.0 m |
| .4 | Notwithstanding Chapter 6, off street parking requirements are as follows:: | 1.0 per unit |
| | i. bachelor dwelling unit | 1.5 per unit |
| | ii. 1 bedroom dwelling unit | 1.5 per unit |
| | iii. 2 bedroom dwelling unit | 2.0 per unit |
| | iv. 3 bedroom dwelling unit and greater | |
| | 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**: 275m²
- .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 150m² 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 m².
- .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 m².
- .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 m² 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 m² 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 4.9 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 4.9 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 4.9 and 4.9 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 4.6 and 4.9 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 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:
- Lots 1-16, Plan KAS 1384, District Lot 366, Similkameen Division Yale District, located at 998 Creston Avenue;
 - Lot 1, Plan KAP3443, District Lot 250, Similkameen Division Yale District, Except Plan KAP596641, located at 1485 Main Street;
 - Lot 8, Plan KAP4762, Similkameen Division Yale District, located at 1706 Main Street;
 - Lot 7, Plan KAP4762, District Lot 1997S, Similkameen Division Yale District, located at 1742 Main Street;
 - Lot 1, Plan KAP70710, District Lot 116, Similkameen Division Yale District, located at 2406 Skaha Lake Road;
 - Lot A, Plan KAP13370, District Lot 116, Similkameen Division Yale District, located at 2387 Skaha Lake Road;
 - Lot 6, Plan KAP10827, District Lot 116, Similkameen Division Yale District, Except Plan 13370, located at 2307 Skaha Lake Road.

11.8 C8 – Vehicle Service Station

PURPOSE

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

11.8.1 PERMITTED USES

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

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

11.8.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 30 m
- .2 Minimum **lot area**: 1000 m²
- .3 Maximum **lot coverage**: 35%
- .4 Maximum **height**: 10.5 m
- .5 Minimum **front yard**: 4.5 m
- .6 Minimum **side yard**:
 - i. **interior side yard** 4.5 m
 - ii. **exterior side yard** 4.5 m
- .7 Minimum **rear yard**: 4.5 m
 - i. except when **abutting**, or **adjacent** to, a **residential** or **institutional zone** or **abutting** a **lane** that **abuts** a **residential** or **institutional zone** 6.0 m

11.9 C9 - Marina Way Commercial

PURPOSE

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

11.9.1 PERMITTED USES

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

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

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

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

11.9.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- | | | |
|----|---------------------------------|----------------------|
| .1 | Minimum 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 m² 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 m²
- .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 m².
- .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 m².

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 100m² 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 900m² (9690 sq.ft.)
- .9 Notwithstanding the Subdivision and Development Regulations in Section 11.10.2, the following regulations apply to these properties:
 - a. Maximum Lot Coverage 40%
 - b. Maximum Floor Area Ratio 1.75
 - c. Minimum Parcel Size 0.4ha
 - d. Maximum Height 40m (subject to Penticton Airport Zoning Regulations).
- .10 Notwithstanding the Parking Requirements in Section 7.6, the following regulations apply to these properties:

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

11.11 CT2 – Campground Commercial

PURPOSE

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

11.11.1 PERMITTED USES

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

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

11.11.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- | | | |
|----|--|---------|
| .1 | Minimum 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 m² **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 6 , 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 m² 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 m² 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 m²
- .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 m².
- .4 A **restaurant** shall be limited to 100 m² **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 m².

12.2 M2 – Heavy Industrial

PURPOSE

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

12.2.1 PERMITTED USES

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

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

12.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 30.0 m
- .2 Minimum **lot area**: 2000 m²
- .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 m²
- .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**: 15.0 m
There is no maximum **height** for mechanical **structures**
- .2 Minimum **front, side** and **rear yards**: 6.0 m

13.3.3 OTHER REGULATIONS

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

Chapter 14 - Comprehensive Development

14.1 CD1 – Comprehensive Development (400 Martin Street)

14.1.1 PURPOSE

This **zone** provides for the comprehensive design and mix of **uses** for the 400 Block of Martin Street that is consistent with the intent of **Official Community Plan** Bylaw 2002-20. 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

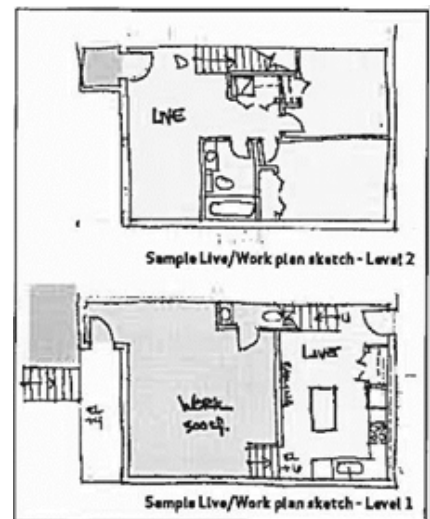
- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **campground with maximum 30 campsites**
- .4 **commercial uses as part of a live-work unit,**
- .5 **convenience store in conjunction with a campground or motel use**
- .6 **live-work unit**
- .7 **motel with a maximum of 19 units 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 4.9, 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 m²
- .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 28m²
 - (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 4.9

- (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 m² (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 m² of **amenity space** shall be provided per bachelor dwelling or group home bedroom, 10.0 m² of amenity space shall be provided per 1 bedroom dwelling, and 15.0 m² of amenity space shall be provided per dwelling with more than 1 bedroom.
- (b) A mixed use **building** incorporating residential and other uses shall provide functional commercial space on the first floor which must occupy a minimum of 90% of all Skaha Road **street** frontages. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.

14.3.6 Site-Specific Provisions

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

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

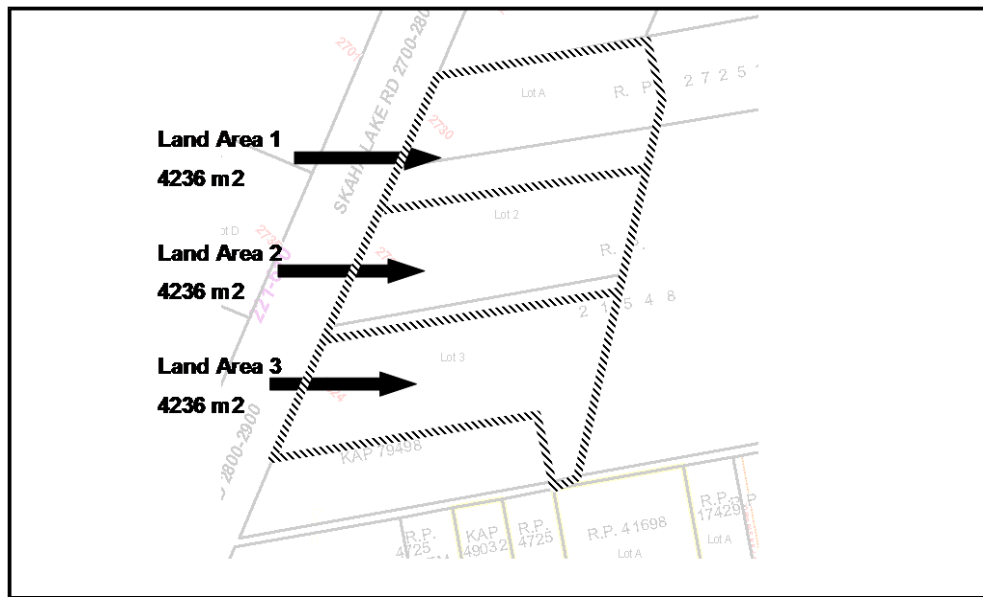


Figure 1: Phasing and Density Bonusing 2784 Skaha Lake Road

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 m²
- (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 28m²
- (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 4.9 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 m² (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 6.4 of this Bylaw.

14.4.7 Amenity Space Requirements

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

- bachelor dwelling – 15m² per unit
- 1 bedroom dwelling – 17m² per unit
- 2 bedroom dwelling – 32m² per unit
- 3+ bedroom dwelling – 52m² per unit

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

14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)

14.5.1 PURPOSE

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

14.5.2 PERMITTED USES

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

14.5.3 DEVELOPMENT REGULATIONS

Minimum parcel size	4000 m ²
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 6.5 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.

Bylaw No. 2017-04

A Bylaw to Amend Zoning Bylaw ~~2011-23~~ 2017-08

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~~ 2017-08;

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. 2017-04".

2. Amendment:

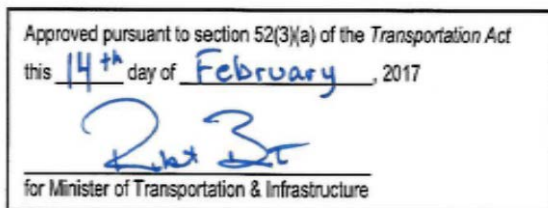
2.1 Zoning Bylaw ~~2011-23~~ 2017-08 is hereby amended as follows:

Rezone Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	17 day of	January, 2017
A PUBLIC HEARING was held this	7 day of	February, 2017
READ A SECOND time this	7 day of	February, 2017
READ A THIRD time this	7 day of	February, 2017
RECEIVED the approval of the	14 day of	February, 2017
Ministry of Transportation on the		
RESCIND THIRD and read THIRD as	day of	, 2017
AMENDED		
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of January, 2017 and the 1 day of February, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

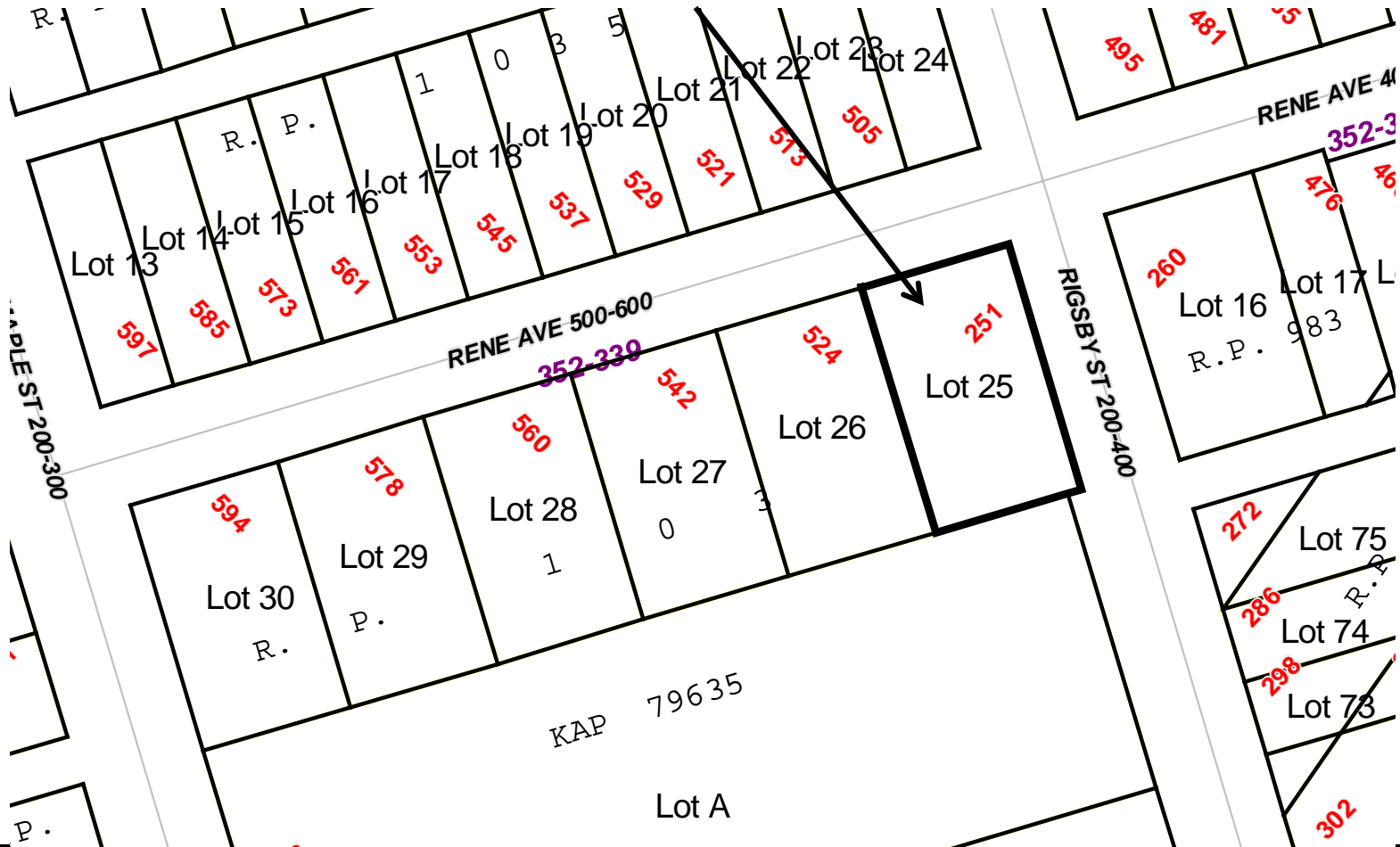


Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

251 Rigsby Street - Rezone

From RD2 (Duplex Housing: Lane) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-04

Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2016-7786

Morra Holdings INC., INC. NO. BC0994372
1190 Victoria Drive
Vancouver BC, V5L 4G5

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 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton)
District, Plan 1035
Civic: 251 Rigsby Street
PID: 011-855-525
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2011-23 to allow for the construction of a townhouse as shown in the plans attached as Schedule 'A'.
 - Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.
 - Section 10.8.2.7.i: To decrease the minimum south interior side yard from 3.0m to 1.5m.
 - Section 10.8.2.7.ii: To decrease the minimum exterior side yard from 6.0m to 4.4m.
 - Section 10.8.2.8: To decrease the minimum rear yard from 6.0m to 3.5m.

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 7th day of February, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Development Permit

Permit Number: DP PL2016-7787

Morra Holdings INC., INC. NO. BC0994372
1190 Victoria Drive
Vancouver BC, V5L 4G5

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 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton)
District, Plan 1035
Civic: 251 Rigsby Street
PID: 011-855-525
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a townhouse, as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$7272 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) 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.
8. A 1.8m fence is to be installed on the west property line at the developer's expense (1.2m along the exterior yard).
9. 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.
10. 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.
11. 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.
12. 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 7th day of February, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-09

A Bylaw to Amend Zoning Bylaw ~~2011-23~~ 2017-08

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~~ 2017-08;

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~~ 2017-08 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.

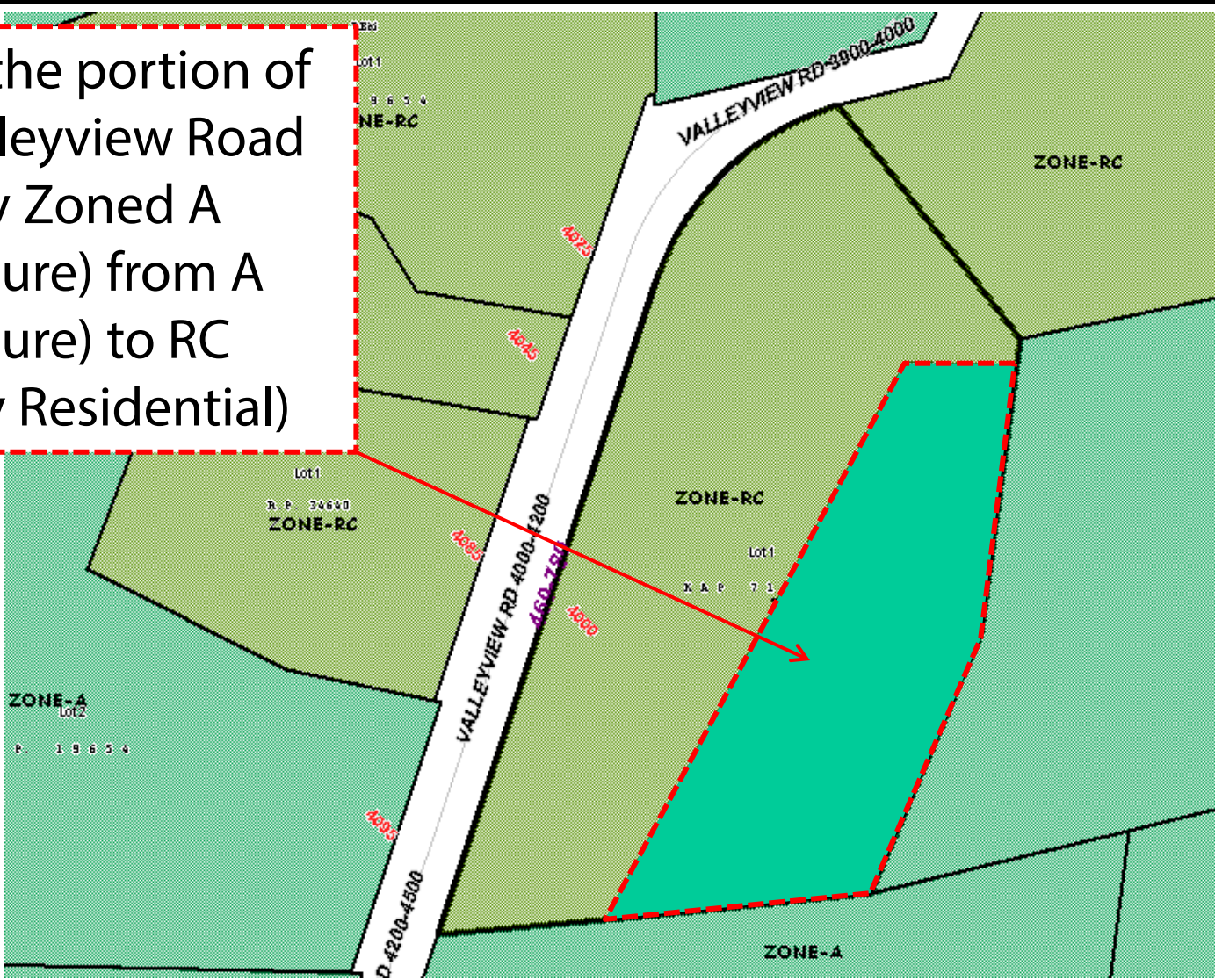
READ A FIRST time this	21	day of	February, 2017
A PUBLIC HEARING was held this	7	day of	March, 2017
READ A SECOND time this	7	day of	March, 2017
READ A THIRD time this	7	day of	March, 2017
RESCIND THIRD and read THIRD as AMENDED		day of	, 2017
ADOPTED this		day of	, 2017

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) to RC
(Country Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-09

Date: _____

Corporate Officer: _____

Bylaw No. 2017-11

A Bylaw to Amend Zoning Bylaw ~~2011-23~~ 2017-08

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~~ 2017-08;

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~~ 2017-08 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).

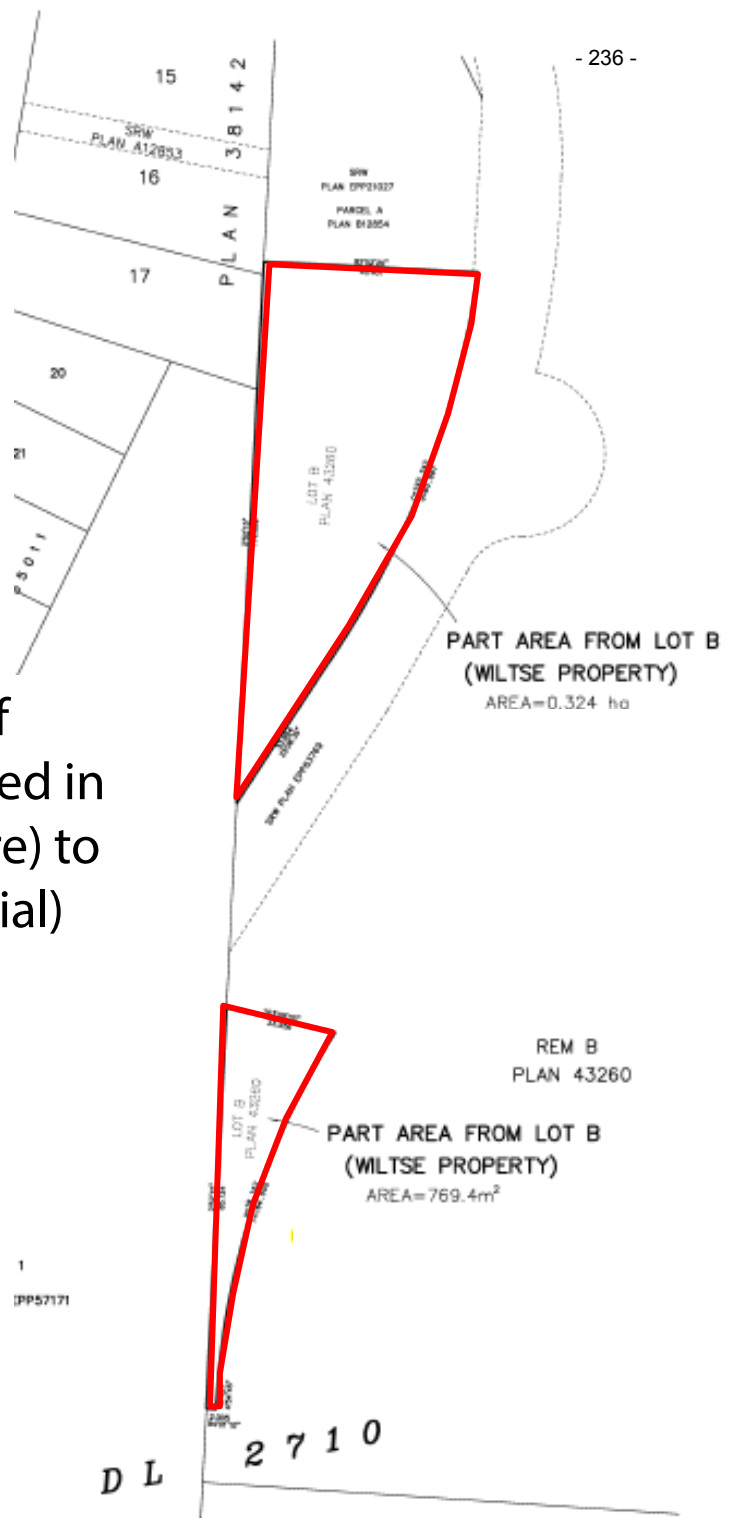
2.2 Schedule 'A' attached hereto forms part of this bylaw.

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	7	day of	March, 2017
READ A THIRD time this	7	day of	March, 2017
RESCIND THIRD and read THIRD as AMENDED		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 21, 2017 File No: Civic
To: Peter Weeber, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor
Subject: **256 Westminster Ave W – Herbal Green Suspension of Business License and Injunctive Action**

Staff Recommendation

#1.

THAT Council receive this report for the purpose of considering whether:

- a) the suspension of the City of Penticton Business Licence for Herbal Green (City of Penticton Business Licence No. 00015528), as set out in the March 13, 2017 letter from the Bylaw Services Supervisor, should be upheld; and
- b) whether the Business License for Herbal Greens, 256 Westminster Ave W, Penticton, BC, should be cancelled;

AND THAT Council provide Mr. Jukka Laurio, owner and operator, or other representative of Herbal Green, with an opportunity to be heard in relation to this report and the recommendations contained in it.

#2.

THAT after providing Mr. Jukka Laurio, or other representative of Herbal Green, with an opportunity to be heard by Council, Council consider:

- a) upholding the suspension of the City of Penticton business licence for Herbal Green (City of Penticton Business Licence No. 00015528), as set out in the March 13, 2017 letter from the Bylaw Services Supervisor; and
- b) cancelling the Business License for Herbal Green, 256 Westminster Ave W, Penticton, BC:

AND THAT after consideration of the above, Council authorizes and directs the Bylaw Services Supervisor to retain and instruct legal counsel to bring a proceeding in the City's name in Supreme Court under s. 274 of the Community Charter, S.B.C. 2003, c. 26 to enforce and to prevent and restrain the violation of the city's bylaws in relation to the marijuana dispensary located at 256 Westminster Ave W., Penticton, B.C. and for ancillary relief.

Background

City Regulations – Business Licence Bylaw No.2012-5020

Business Licence Bylaw No.2012-5020 ensures that businesses are operating in compliance with the City's Zoning Bylaw, conform to safety regulations for workers and patrons, and that the operation of a business does not become a nuisance to surrounding businesses and residences.

Section 3.3 of the Business Licence Bylaw states:

All Premises from which an applicant for a Business Licence proposes to carry on or conduct any Business in respect of which a Business License is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the City before a Business Licence is granted; and the applicant shall upon request produce such certificates or letters of approval as may be required by Federal, Provincial or City authorities with respect to the Business.

Business Bylaw No 2012-5020 – Refusal, Suspension or Cancellation of Business Licence

Under the *Community Charter*, section 60(2), a business licence may be suspended or cancelled for reasonable cause. Before council considers suspending or canceling a business licence, council must give the licence holder notice of the proposed action and an opportunity to be heard (*Community Charter* section 60(3)).

The *Community Charter* authorizes Council to delegate the authority to suspend or cancel a licence (section 60(4)), but in that case the holder of the licence is entitled to have Council reconsider the matter (section 60(5)).

The Business Licence Bylaw includes the following provisions:

- 12.2 A Business Licence may be suspended or cancelled, by the Manager or Council, for reasonable cause including, but not limited to, failure to comply with a term or condition of a Business License or failure to comply with this or any other Bylaw of the City.
- 12.3 Before suspending or canceling a Business Licence, the Manager shall:
 - 12.3.1 give written notice to the holder of the Business Licence indicating that the Business Licence is suspended or cancelled and that the Business must cease operation within 7 days of the date of the written notice. The written notice shall indicate the reasons for the suspension or cancellation and provide instructions to the Business Licence holder for the removal of the suspension or cancellation of the Business Licence.
 - 12.3.2 give the date and time of a show cause hearing and invite the Business Licence holder to attend the hearing to speak before Council regarding the suspension or cancellation of the Business Licence.
- 13.1 Any Person, who wishes to appeal a decision of the Manager as it pertains to the authority exercised by the Licence Inspector under this Bylaw, may appeal to have

Council reconsider the decision by giving written notice of appeal to the Corporate Officer. Such written notice of appeal shall state the grounds upon which the appeal is made. Upon receipt of a written notice of appeal the Corporate Officer shall set a time and a place for a hearing of the appeal pursuant to the Delegations section of the Procedure Bylaw. After hearing the appeal, Council may confirm, vary or set aside such decisions made by the Licence Inspector, as it may deem appropriate.

Storefront sale of cannabis is not currently a permitted use in the City of Penticton. Nevertheless, as in most communities across BC, dispensaries have been operating here both without licensing, or with licensing under another business type (café, retail store etc.) As the legal status of these types of businesses is being addressed at a federal level, local governments in BC have been trying to establish a regulatory framework that will accommodate the services the dispensaries offer and address overall public safety concerns.

On July 19th, 2016 Council supported the cancellation of the Business License for the Rush In and Finish Café; owned and operated by Jukka Laurio for using the café to sell marijuana. A No Occupancy notice was posted on the front door of 256 Westminster Ave W the same day. The Manager of Building and Permitting completed and issued two (2) Bylaw Offence Notices to Mr. Laurio for Operating a Business without a license.

On September 21st, 2016 Bylaw Officer, Pat O'Sullivan personally issued eleven (11) Municipal Ticket Information (MTIs) to Mr. Laurio in the lobby of 256 Westminster for Carrying on a Business without a license at the Rush In and Finish Café. Officer O'Sullivan made it clear in his conversation with Mr. Laurio that since the building at 256 Westminster was cleared for occupancy at this time; he could use it for food-related retail store (milk, bread, coffee, etc) but not for the sales of marijuana. Officer O'Sullivan stated that the retail store was to be for legal product only and Mr. Laurio fully understood.

On November 9th, 2016 Mr. Laurio submitted an application for a new Business License for Herbal Green at 256 Westminster Ave W for a food and nutritional product retail store. (Attachment A)

In November 2016, when the process for issuing of Temporary Use Permits (TUP) was commenced, all outstanding BON and MTI fines were required to be paid before any dispensary was permitted to apply for a TUP. Mr. Laurio paid all his outstanding fines and made application for a TUP.

On December 6, 2016 staff brought forward to Council seven (7) Temporary Use Permits that would permit the use of a marijuana dispensary. At this meeting, Council denied a Temporary Use Permit at 256 Westminister Avenue W:

548/2016

It was MOVED and SECONDED

THAT Council deny "Temporary Use Permit PL2016-7748", a permit permitting the use 'marijuana dispensary' in the C6 zone on Lot 7, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 871, located at 256 Westminister Avenue W

Since the denial of the TUP in December, 2016, staff have observed that the business did not close down and that there continues to be regular sale of marijuana and marijuana products at 256 Westminister Ave W.

On December 19, 2016 staff received an application for Non-Profit organization- Association for Medical Marijuana Awareness

On January 3rd, 2017 Mr Laurio, 256 Westminster Ave W received Business license No. 00015528 from the City of Penticton. The license was issued for food and nutritional retail sale and he assured city staff that it would not include the sale of marijuana products. It was later witnessed by staff that marijuana products were being advertised and sold at the front counter.

On February 7th, 2017 staff brought forward to Council the Non Profit application as Mr Laurio appealed the decision. Mr Laurio was not present at the meeting, and as such was not heard.

On February 22nd, 2017 Mr Laurio was provided a letter from the City of Penticton advising him the fascia sign attached to the outside of the building at 256 Westminster Ave W, advertising Herbal Green is not permitted. This is the name of the business which was denied a TUP by Council on December 6th, 2016. The City of Penticton will not issue a Sign Permit for an illegal business and as such it was requested the sign be removed by March 9th, 2017. The fascia sign has recently been removed but window signs remain in place.

On February 28th, 2017 staff brought forward reconsideration-appeal of denial Non Profit Registration where Mr. Laurio was heard. Council denied the appeal at this meeting.

On March 13, 2017 Bylaw Services Department provided Mr Laurio with a hand delivered letter stating that his Business License # #00015528 is being cancelled and operations must cease within 7 days (by March 20th, 2017). (Attachment B)

Financial implication

The City has collected \$26,900 in fines from the non-compliant operating dispensaries to date. Bylaw Services ceased issuing fines while the application process for the Temporary User Permits was underway. Since the TUP was denied at 256 Westminster Ave W location (as of March 10th) the fines are:

- Two (2) Bylaw Offence Notices-\$250.00 each=\$500
- Fifty nine, (59) Municipal Ticket Information- \$500 =\$29,500.
- The total amount owing to the City of Penticton is: \$30,000.

After March 10th, 2017 daily enforcement will continue in the amount of \$3,500 per week until such time as this dispensary is closed either voluntarily or through injunctive action. All BON's and MTI's have been disputed. Some have been processed for a Provincial Court trial through the city's legal representatives.

The City to date has spent over \$10,000 in legal fees and labour costs dealing with marijuana dispensaries. The city's legal representatives estimates in the range of \$3,000 to \$7,000 plus tax and disbursements to prepare the materials, manage the file, and to prepare for and attend the hearing (injunctive action).

Analysis

The illegal sales of marijuana has been occurring since a citizen complaint in November 2015. Between November 2015 and December 2016, subsequent investigations and inspections resulted in Council supporting the cancellation of the café's business license. Numerous Bylaw Offence Notice (BON's) and Municipal Ticket Information (MTI's) were issued to the owner of the café and the dispensary which relocated to the property next door at 256 Westminster Ave W in April 2016.

Mr. Laurio has continued to operate the medical marihuana dispensary in total defiance of not only City Council's authority but also their authority found in the BC Community Charter to institute bylaws to regulate business but also to operate in defiance of the Federal Controlled Drugs and Substances Act.

For these reasons, staff recommend that Mr Laurio's business license No. 00015528 for a retail store at 256 Westminster Ave W. be cancelled and that staff retain and instruct legal counsel to bring a proceeding in the city's name in Supreme Court under s. 274 of the Community Charter, S.B.C. 2003, c. 26 to enforce and to prevent and restrain the violation of the city's bylaws in relation to the marijuana dispensary located at 256 Westminster Ave W., Penticton, B.C. and for ancillary relief.

Alternate recommendations

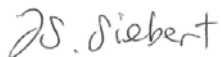
1. Council denies staff request to cancel Business Licence No. 00015528
2. Council denies staff request to seek injunctive action.

Attachments

Attachment A – Business License Application for retail nutritional products

Attachment B – Letter of notification for Business License cancellation

Respectfully submitted,



Tina Siebert
Bylaw Services Supervisor

Approvals

Director <i>AA</i>	CAO PW
---------------------------	---------------

Attachment A – Business License Application for retail nutritional products



Business Licence Application

171 Main St. | Penticton B.C. | V2A 5A9
 www.penticton.ca | 250-490-2488
 businesslicences@penticton.ca



Type of application (check all that apply)		Cost
<input checked="" type="checkbox"/> Commercial location	<input type="checkbox"/> Location outside of Penticton limits	\$175/ year to do business in Penticton
<input type="checkbox"/> Home occupation	<input type="checkbox"/> Bed & breakfast (in the home)	
<input type="checkbox"/> Rental Property - Secondary Suite or Apartment Building		
<input type="checkbox"/> Vacation rental		\$175 licence + \$200/ year tourism fee
<input type="checkbox"/> Seasonal - 6 month <input type="checkbox"/> Seasonal - 1 month <input type="checkbox"/> Special Event		\$100/ 6 month or \$35/ 1 month
<input type="checkbox"/> Intercommunity business licence (if you work in all of the Okanagan)		\$150/ year + \$175 Penticton licence fee
Owner information		
Name: <i>Jukka Laurio</i>		
Mailing address: <i>PO Box 23047</i>		City: <i>Penticton</i> Province: <i>BC</i> Postal code: <i>V2A 8L7</i>
Owner information (for multiple owners)		
Name:		E-mail address:
		Phone #: Cell #:
Mailing address:		City:
		Province: Postal code:
Business information		
Legal name of company: <i>Herbal Green</i>		
Doing business as (trade name): <i>same ↑</i>		
Business phone #: <i>250-462-2813</i>		Business website:
Location of business: <i>256 Westminister Ave. W.</i>		
Mailing address (if different from above): <i>PO Box 23047</i>		City: <i>Penticton</i> Province: <i>BC</i> Postal code: <i>V2A 8L7</i>
Business description: <i>retail - nutritional products</i>		
Online E-Directory Listing - Would you like your business name, phone number, description & website included in our E-Directory on the Penticton.ca website? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Business information continued	
Please describe your products, particularly the most popular. What do you do or sell? <i>edible hemp products - oil, protein powder, flour</i>	
NAICS code (leave blank if unknown):	The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data.
For trades	
Plumbing #: _____	Fire Suppression #: _____
Gas #: _____	Electrical #: _____
For rental accommodations (including B&Bs, vacation rentals, secondary suites, RV parks & campgrounds)	
How many rooms (or campsites) are available for rent?	
For home occupations	
Total Sq. ft. of residence:	Sq. ft. of business area:
How many non-resident employees will you have?	
Emergency contact/ out of office - Emergency contacts are very important. The City would use these to provide timely information about urgent service disruptions or evacuations. Make sure the numbers you provide are best for out of hours contact. Personal information is collected pursuant to sec. 26 of the FIPP act.	
Name: <i>Jukka Laurio</i>	Phone #: <i>250-4</i>
E-mail address:	
Permits	
1. Will you use a commercial vehicle to deliver goods, move between job sites, or complete other business activities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you answered yes, you may require a Commercial Vehicle Decal.	
2. Will you be doing any renovations to the building? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered yes, you may require a Building Permit.	
3. For public safety, signs mounted to the building exterior require professional installation and permits. Are you adding a new sign? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered yes, you may require a Sign Permit.	
Please note: Interior Health approval will be required for business' operating as daycares, food retail or personal services (i.e. tattoo shops, tanning salons, hair salons, therapists, etc)	
Data collection	
# of Penticton employees: Fulltime <u>5</u> Part-time <u>1</u> Seasonal _____ Do you expand seasonally? <u>yes</u>	
Where are your customers? <input checked="" type="checkbox"/> Local <input checked="" type="checkbox"/> Regional <input type="checkbox"/> Provincial <input type="checkbox"/> National <input type="checkbox"/> International	
Permissions	
CASL & Electronic City Communication - I understand that from time to time my organization may receive informational email messages related to doing business in the City of Penticton. <input type="checkbox"/> I agree <input checked="" type="checkbox"/> I would not like to receive these messages	The Chamber of Commerce - If you would like the Chamber to connect with you about membership, please let us know. <input type="checkbox"/> Share my info with the Chamber <input checked="" type="checkbox"/> No, thank you
For more information about the collection, use & disclosure of your personal information under the FIPP Act, contact Corporate Services 250-490-2405	
Acknowledgement	
I hereby make application for a licence in accordance with the particulars as stated in this application, and declare the information in the application to be true and correct. I undertake to supply to the Licence Inspector all documents requested by this or any other Federal, Provincial or Local Government Act or Regulations. I undertake to comply with all present and future Bylaws of the City of Penticton. I also understand, payment of the business licence fee in advance does not guarantee approval of the licence and I cannot commence business until such time as a business licence has been approved and issued.	
Date: <i>Nov 9/16</i>	Name: <i>Jukka Laurio</i> Signature: <i>[Signature]</i>

N:\city\ARMS\3700-4699 LEGISLATIVE AND REGULATORY SERVICES\4300 Licenses - General\4300-01 General\Forms\Applications\2016\Business Licence Application Form-2016

Attachment B – Letter of notification for Business License cancellation



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

HAND DELIVERED

March 13, 2017

Jukka Laurio
256 Westminster Avenue West
Penticton BC V2A 1J9

Dear Mr. Laurio:

Re: Business Licence cancellation –HerbalGreen, 256 Westminster Ave West

Please be advised that your current Business Licence #00015528 for retail-nutritional products is being suspended since investigations by the RCMP and Bylaw Enforcement staff indicate that the sale of marijuana is taking place, which is an illegal activity and violates the conditions of your Business Licence within the City of Penticton Business Bylaw 2012-5020. Operations must cease within **7 days** of this written notice.

12.0 REFUSAL, SUSPENSION OR CANCELLATION OF BUSINESS LICENCE

12.2 A Business Licence may be suspended or cancelled, by the Manager or Council, for reasonable cause including, but not limited to, failure to comply with a term or condition of a Business Licence or failure to comply with this or any other Bylaw of the City.

3.0 AUTHORITY

3.3 All Premises from which an applicant for a Business Licence proposes to carry on or conduct any Business in respect of which a Business License is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the City before a Business Licence is granted; and the applicant shall upon request produce such certificates or letters of approval as may be required by Federal, Provincial or City authorities with respect to the Business.

You are advised that staff will be seeking City of Penticton Council resolution to support the suspension and recommendation to cancel your business licence during the Regular Council meeting to be held **March 21st, 2017**. You may appeal this order under Section 13 of the City's Business Licence bylaw by requesting reconsideration by City of Penticton Council (noted below). Failure to abide by conditions noted above or reconsideration by Council ~~have~~ led to escalating enforcement action.

13.0 APPEAL OF DECISION OF LICENCE INSPECTOR

13.1 Any Person, who wishes to appeal a decision of the Manager as it pertains to the authority exercised by the Licence Inspector under this Bylaw, may appeal to have Council reconsider the decision by giving written notice of appeal to the Corporate Officer. Such written notice of appeal shall state the grounds upon which the appeal is made. Upon receipt of a written notice of appeal the Corporate Officer shall set a time and a place for a hearing of the appeal pursuant to the Delegations section of the Procedure Bylaw. After hearing the appeal, Council may confirm, vary or set aside such decisions made by the Licence Inspector, as it may deem appropriate.



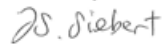
Staff will also be seeking Council authorization to retain and instruct legal counsel for further injunctive action to seek proceedings and to prevent and restrain the violation of the City's bylaws in relation to the marijuana dispensary.

Please advise me if you wish to appeal the cancellation of the business licence by **Thursday March 16th, 2017**. Arrangements will be made for your appeal during the **Tuesday March 21st, 2017** Regular Council meeting.

Should you have any questions, please call 250-490-2465 or tina.siebert@penticton.ca

We thank you in advance for your cooperation.

Yours truly,



Tina Siebert
Bylaw Services Supervisor
City of Penticton

Cc: Ken Kunka, Building and Permitting Manager

For Office: \\ADDRESS\Westminster Ave W\256\BUSINESS LICENSE 2016\Bylaw Enforcement\Correspondence\2017-03-13 Suspension of Licence Herbal Greens.docx

Council Report

pentiction.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 553 Veas Drive

File No: Civic

Subject: Liquor Primary Endorsements – Cascades Casino Penticton

Staff Recommendation

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications for Liquor Primary Licence Endorsements for Cascades Casino Penticton (Gateway Casinos & Entertainment Ltd).

Background

On March 07, 2017 Council directed staff (Resolution #: 67/2017) to commence public notification of the proposed Liquor Primary Licences (Casino & Match Eatery and Public House) Endorsements for Cascades Casino Penticton and that staff report back to Council on March 21, 2017 with the public consultation results for final consideration.

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on specific criteria related to noise and potential impact on the community as well as public consultation. As part of March 07, 2017 report staff conducted a review and supported the proposal along with the City's Liquor Licence Technical Review Committee (LLTRC) and provided commentary on the required criteria. (See Attachment A)

Staff concerns related to possible late night noise generated from the exterior patios were addressed with Council and a response was provided from the applicant.

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee. Additional signage costs will be incurred by the applicant.

Analysis

As per the Liquor Licensing Act, staff conducted public consultation to gather comments from adjacent property and business owners. Public notification was completed by:

- sending notices to neighbouring properties within the surrounding area of the SOEC and convention center campus (See Attachment B),
- placement of three public notice signs along the east, west and south portions of the property boundary, and
- two notices within the local newspaper.

As a result, there have been no letters or comments provided at the time of this reports completion. Staff has no further comments to provide and recommend final resolution endorsement.

Alternate recommendations

1. THAT Council denies support of the Cascades Casino Penticton (Gateway Casinos & Entertainment Limited) Liquor Primary applications.
2. THAT Council refers the Cascades Casino Penticton (Gateway Casinos & Entertainment Limited) Liquor Primary applications back to staff for further review.


Attachments

Attachment A – March 07, 2017 staff report excerpt of LCLB endorsement criteria

Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DS Director 	CAO PW
--	---------------

Attachment A

March 07, 2017 Report excerpt regarding LCLB Liquor Primary Considerations

The LLTRC is in support of the winery lounge application.

Technical Review - Expected Regulatory Criteria to be considered

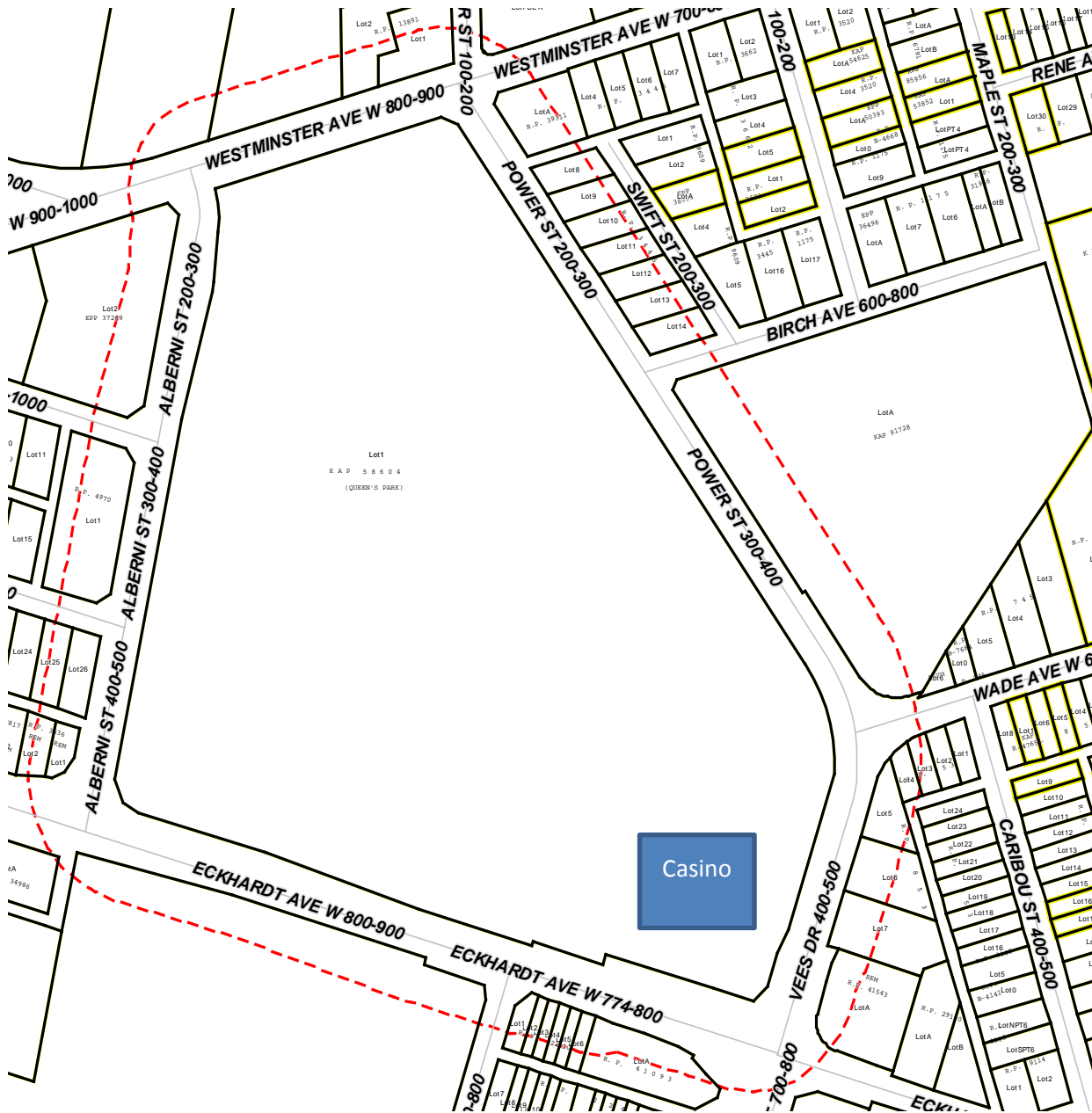
The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on the specific criteria related to potential for noise and impact to the community. In consideration of these criteria, the following information has been provided:

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.

Attachment B Public Notification Map



Council Report

penticton.ca

Date: March 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner 1
Address: 4047 Lakeside Road

File No: DVP PL2017-7830

Deferred item from March 7

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 247m² (2658ft²) 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

Support Variance

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 (2430ft²).

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"

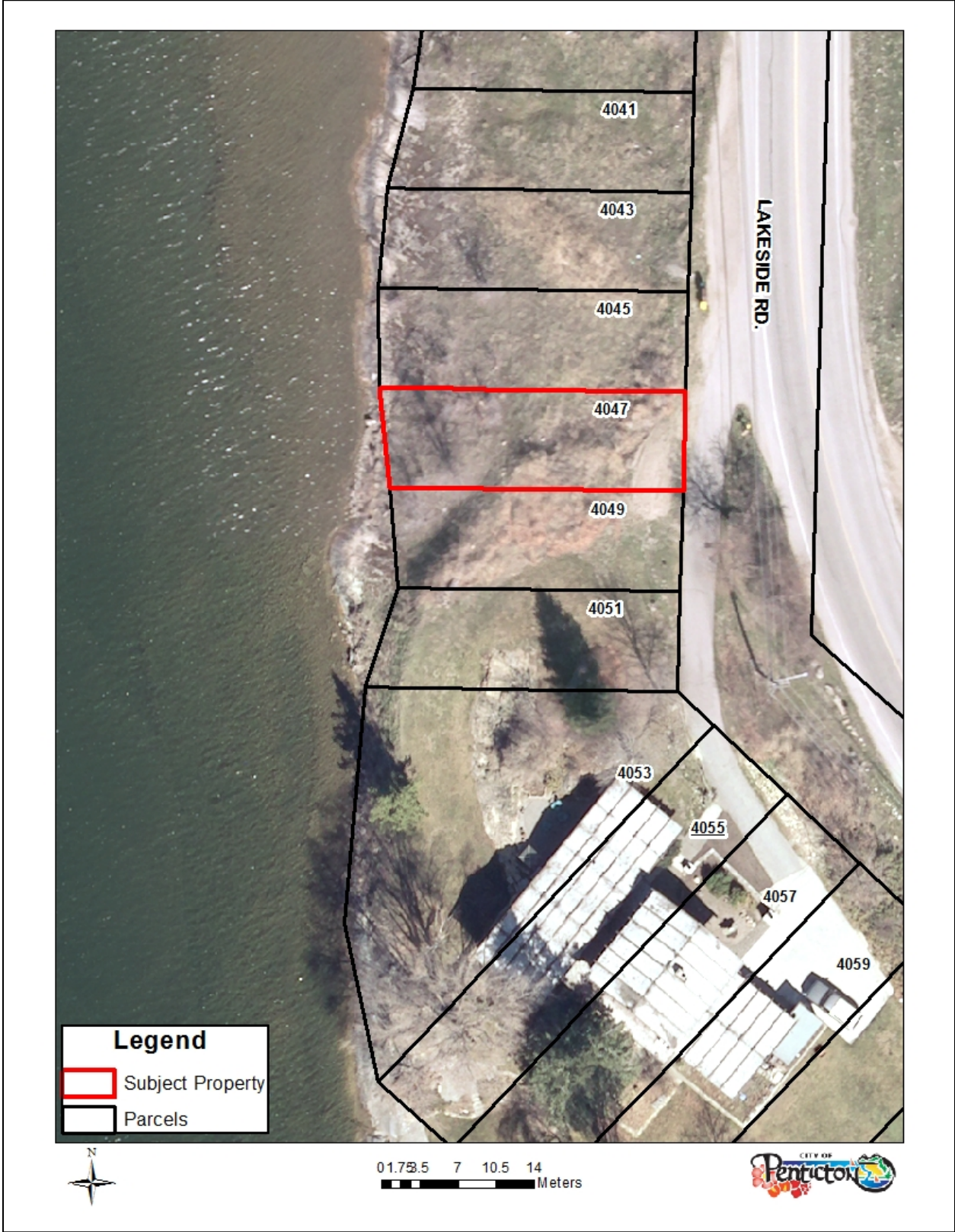
Respectfully submitted,

Randy Houle
Planner 1

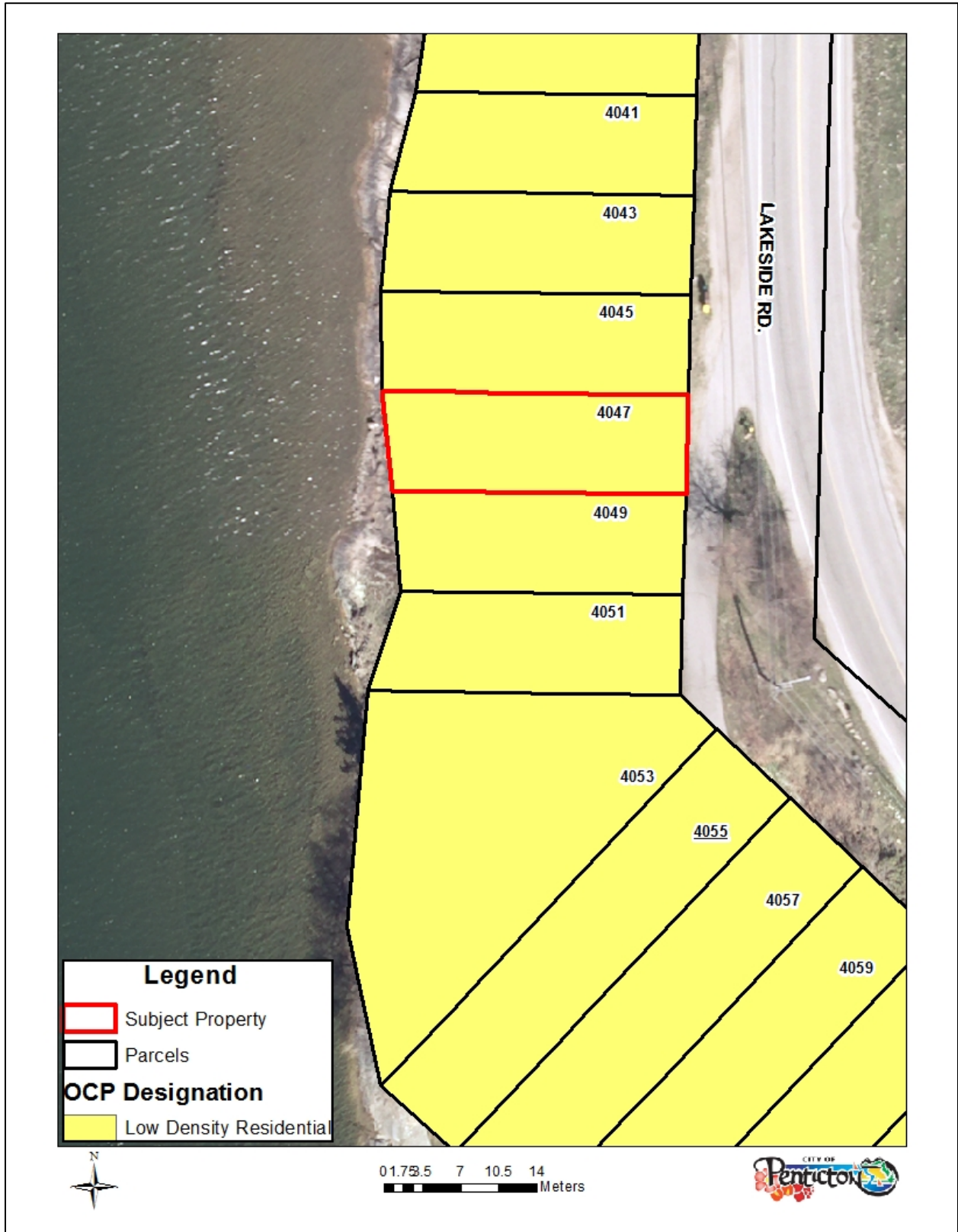
Approvals

DDS <i>AH</i>	CAO <i>PH</i>
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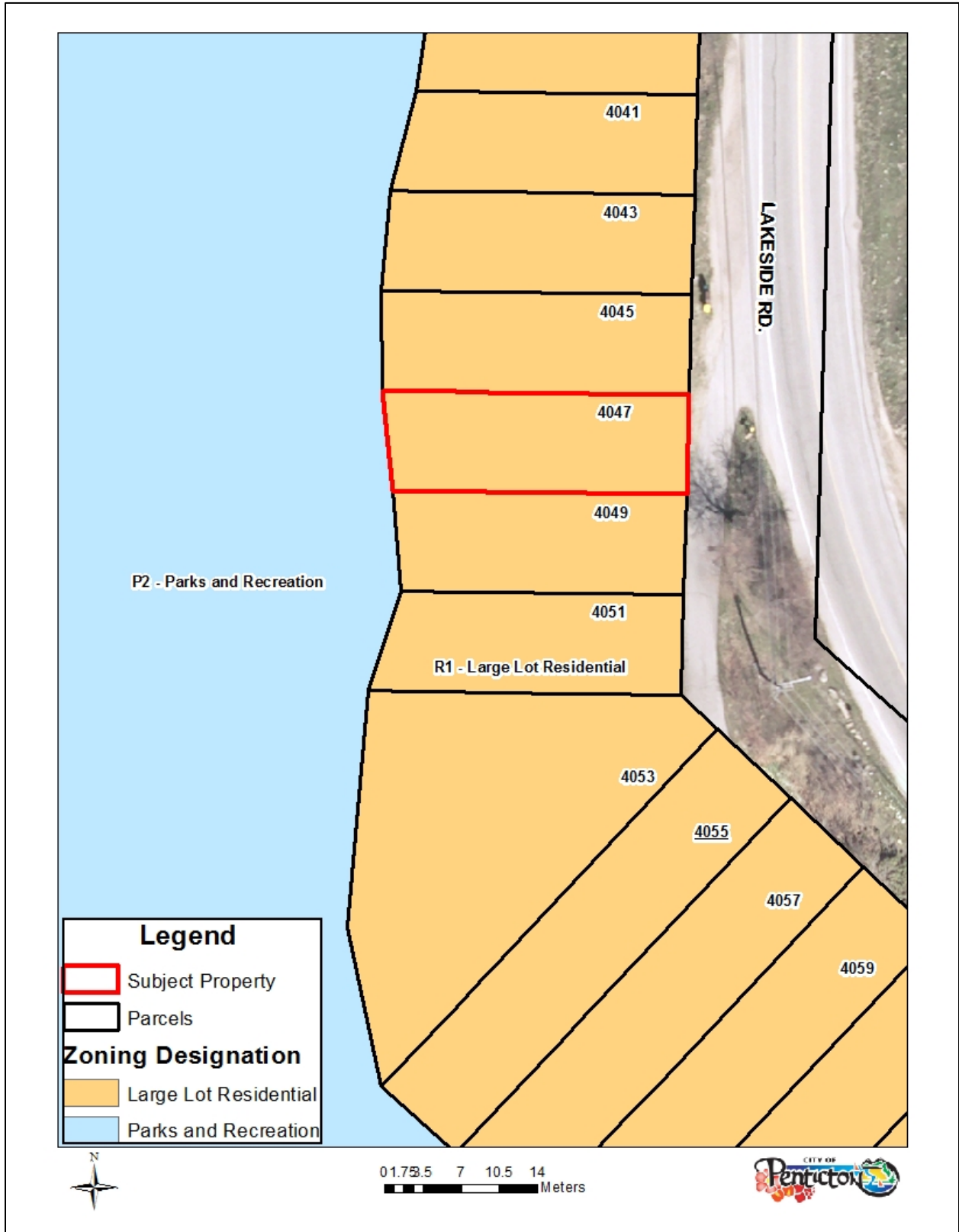
Attachment A – Subject Property Location Map



Attachment B – OCP Map



Attachment C - Zoning Map



Attachment D - Images of the Subject Property

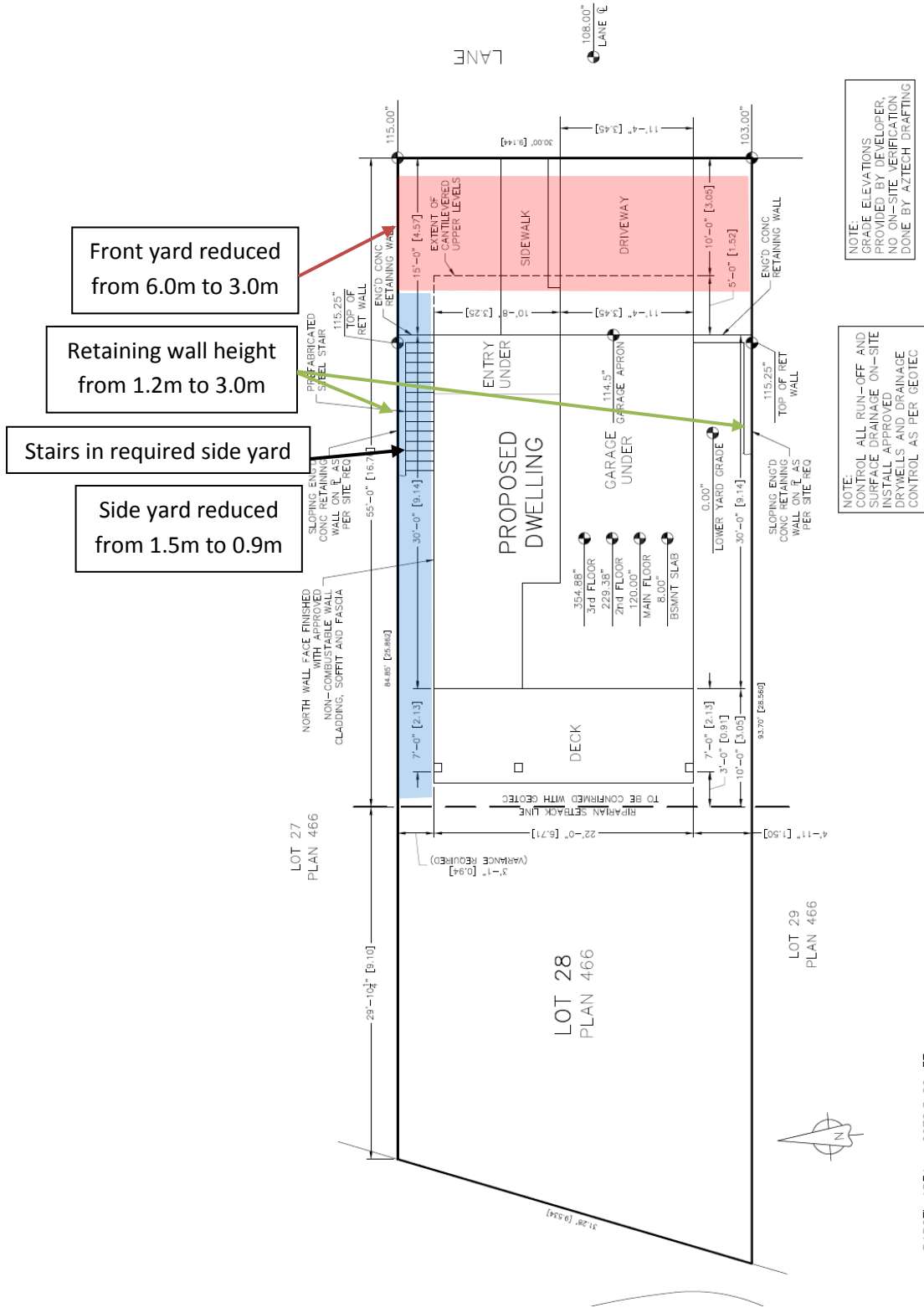


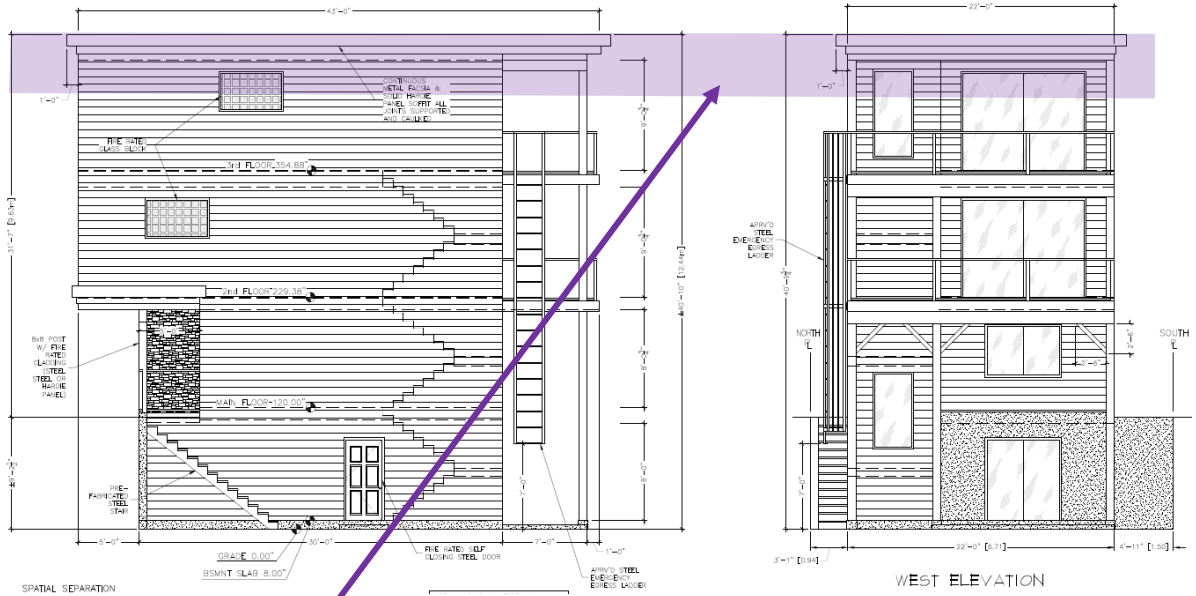
Figure 1: View looking North



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

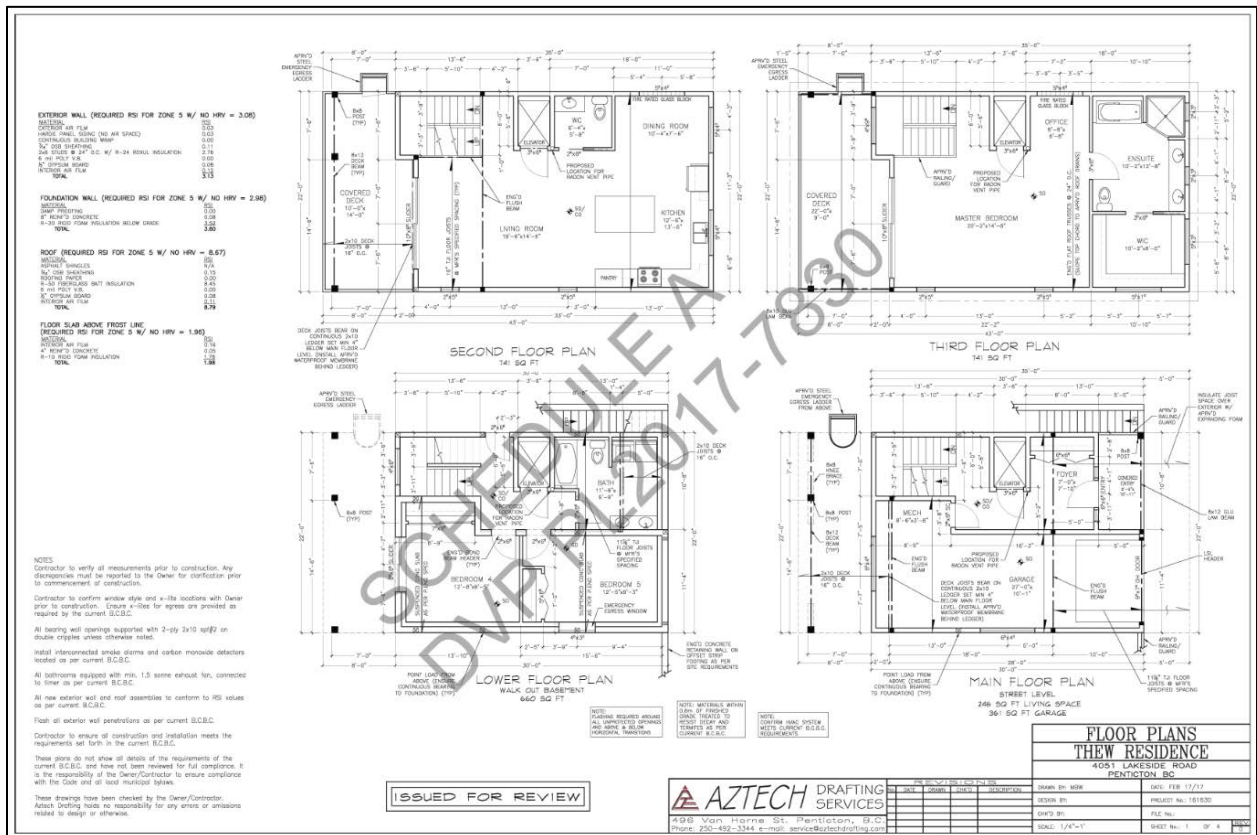
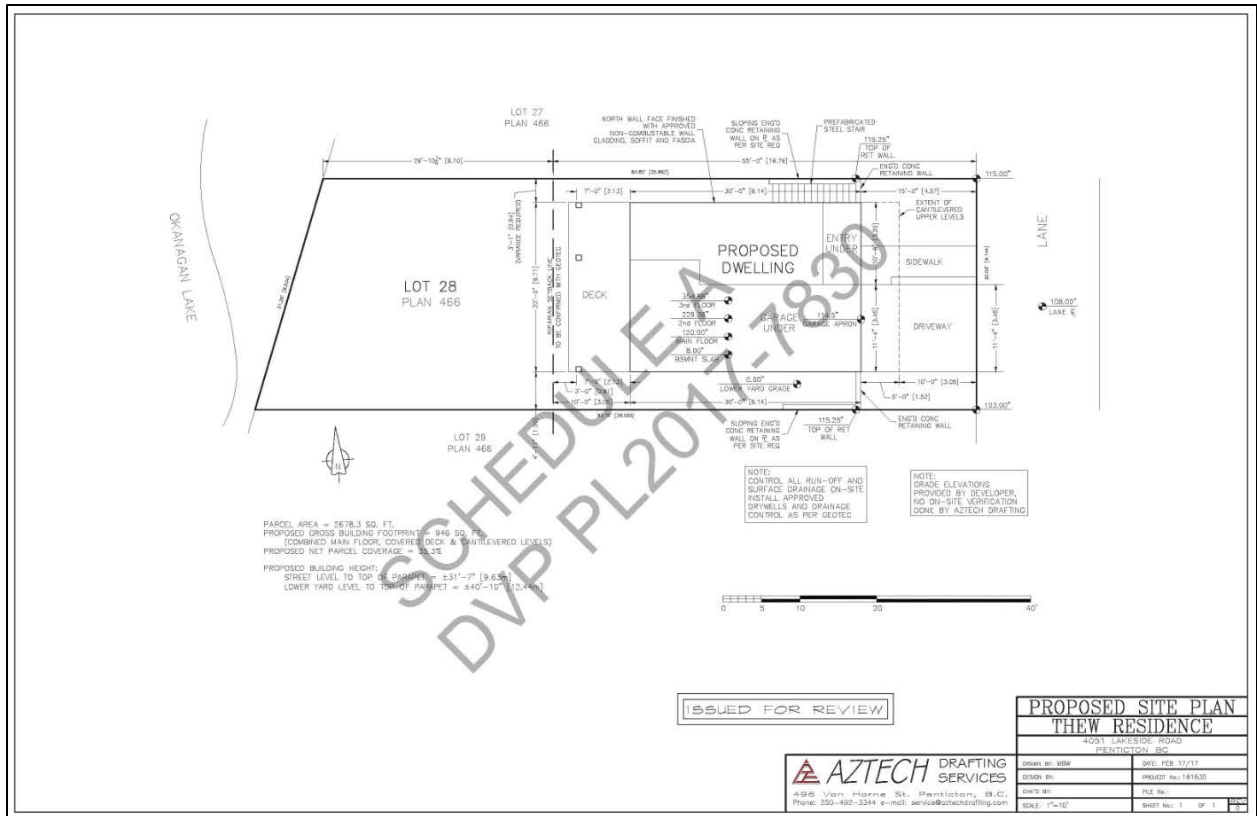
to commencing the development authorized by this permit.

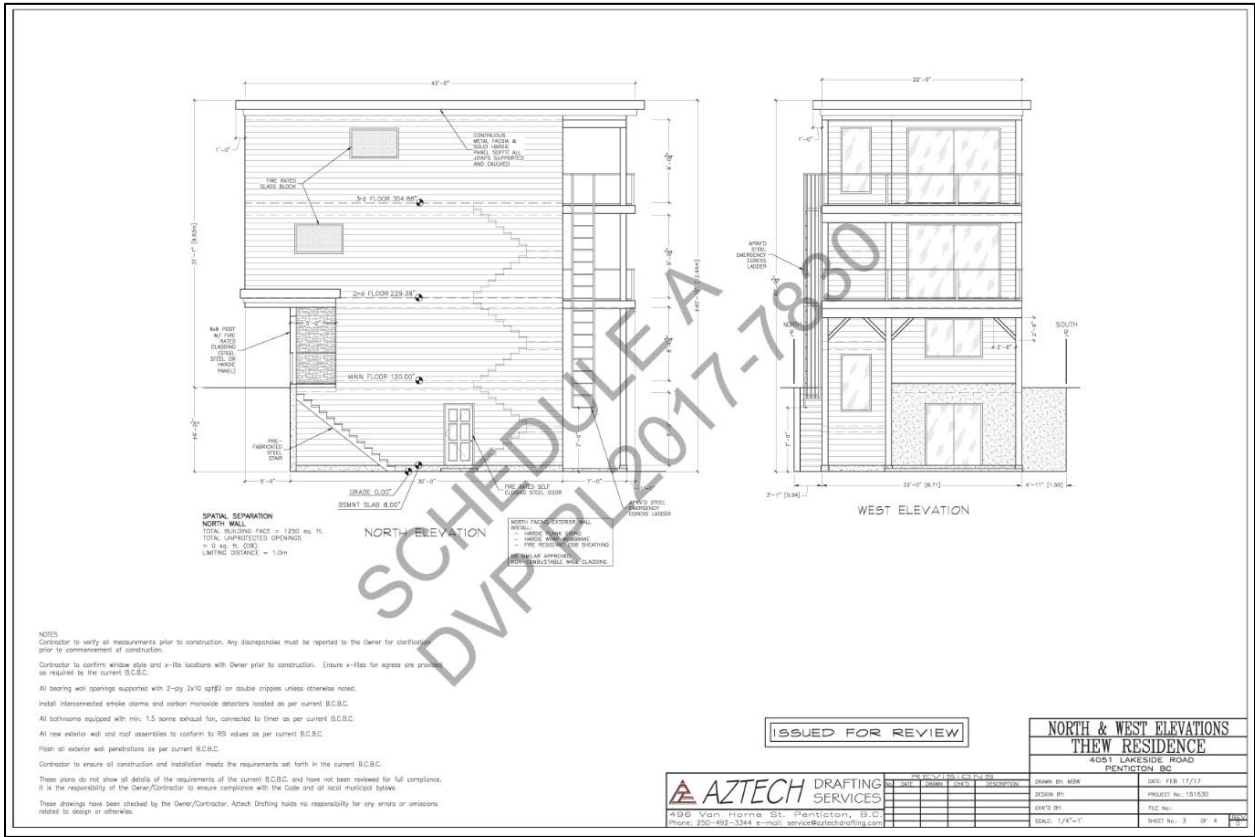
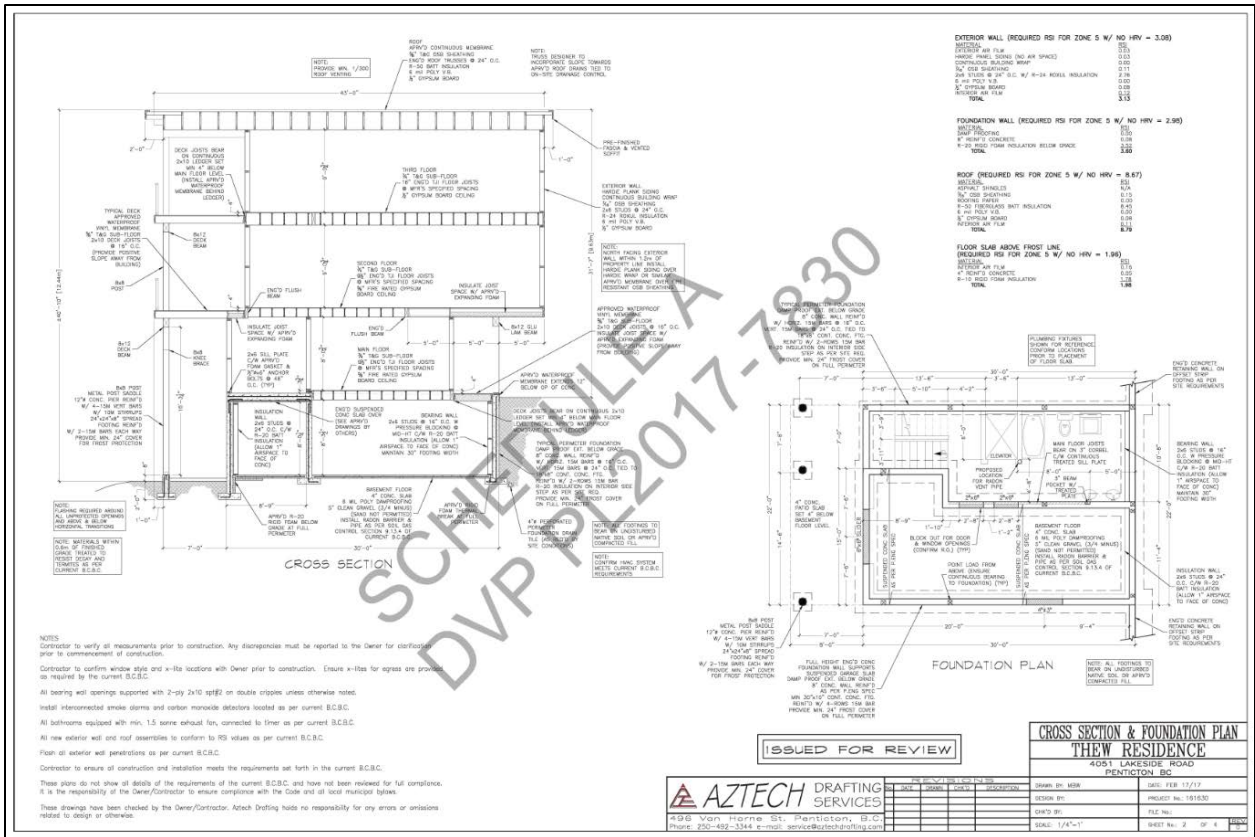
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information 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





SPATIAL SEPARATION SOUTH SIDE
 TOTAL BLEND FACE = 1224 sq. ft.
 TOTAL UNINSPECTED OPENINGS = 84 sq. ft. (6.2%)
 MINIMUM DISTANCE = 1.5m

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-tilt locations with Owner prior to construction. (Ensure x-tilts for egress are provided as required by the current B.C.B.C.)
 All hearing aid magnets supported with 2-ply 2x10 s2f2 on double trusses 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 scfm exhaust fan, connected to liner as per current B.C.B.C.
 All new exterior wall and roof assemblies to conform to RB values as per current B.C.B.C.
 Finish 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.

ISSUED FOR REVIEW

SOUTH & EAST ELEVATIONS			
THEW RESIDENCE			
4051 LAKESIDE ROAD			
PENTICTON, B.C.			
DATE: 11/27	DESIGN BY: AZTECH	PROJECT NO: 101530	DATE: FEB 11/17
	DRAWN BY:	FILE NO:	
	CHECKED BY:	SCALE: 1/4"=1'	SHEET NO. 4 OF 4

AZTECH DRAFTING SERVICES
 7575 Van Horne St. Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com

Subject: Penticton Website - Staff Directory - re 4047 Lakeside rd. Penticton

From:

Sent: Tuesday, March 14, 2017 4:34 PM

To: Blake Laven <Blake.Laven@penticton.ca>

Subject: Penticton Website - Staff Directory - re 4047 Lakeside rd. Penticton

You have received an email from Branko and Zdravka Kraljevic from 4001 Finnerty rd. Penticton via the City of Penticton website:

Name: Branko and Zdravka Kraljevic from 4001 Finnerty rd. Penticton

Topic: re 4047 Lakeside rd. Penticton

Message:

We are objecting this proposing to construct a 4 storey single family dwelling and also 3 storey as well. We,d like to see 2 storey single family dwelling just like the older houses next to these building lots. This will block the view that now we have. This is the reason that we bought the house in the first place. We are just -up next st. from the subject property. Thank you, Branko Kraljevic

Date: Tuesday, March 14, 2017 4:34:12 PM

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 2203 Dartmouth Drive
Subject: **Development Variance Permit PL2017-7840**

File No: DVP PL2017-7840

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-7840" for Lot B District Lot 38215 Similkameen Division Yale District Plan KAP79585 Except Strata Plan KAS3795 (Phase 1), located at 2203 Dartmouth Drive, a permit to decrease the required minimum interior side yards from 4.5m & 0m to 0m on both sides;

AND THAT staff be directed to issue "Development Variance Permit PL2017-7840."

Strategic priority objective

N/A

Background

The subject lot (Attachment 'A') is designated by the Official Community Plan (OCP) as SC (Service Commercial) and is currently zoned C7 (Service Commercial). The area of the subject lot is approximately 2768m² (29,793ft²) and currently features Phase 1 of a commercial development which includes 4 strata lot buildings with a U-Brew business and vehicle repair shop. The property to the west is zoned C7 (Service Commercial with the remaining properties zoned M1 (General Industrial).

Council supported a variance to Zoning Bylaw 87-65 in December of 2007 which reduced the west side yard from 5.0m to 2.4m. The building design changed and an additional variance was approved in February of 2010 to reduce the west side yard from 5.0m to 0.6m, but this construction never commenced.

Proposal

The applicant is proposing to construct Phase 2 of a commercial development. This will include 5 additional strata lots. A caretaker suite is proposed above strata lot 9 which will provide security on the site. The construction will result in a 0m setback on the west interior yard. The Zoning Bylaw requires 0m and 4.5m minimum interior yards. Phase 1 sits 1.4m from the south interior yard, thus the west interior yard must be a minimum of 4.5m. As such, a variance to that section of the bylaw is required prior to construction.

The applicant is requesting a development variance permit to vary the following section of Zoning Bylaw²⁶⁸ - No. 2011-23:

- Section 11.7.2.6.iii: to decrease the required minimum interior side yards from 4.5m & 0m to 0m on both sides.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns pertaining to building code requirements and 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 constraints 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 11.7.2.6.iii: to decrease the required minimum interior side yards from 4.5m & 0m to 0m on both sides.

- In 2010, Council supported a variance to Zoning Bylaw 87-65, to reduce the west interior yard from 5.0m to 0.6m. Since the construction of Phase 2 did not commence within 2 years, the permit expired. The current variance application is to reduce the west yard to 0m. Staff feel that the additional 0.6m (2 feet) is not a significant variance. Even though it is possible that the neighbour will be impacted negatively by the proposed variance, Council has set precedence by approving a variance to 0.6m. The current council has supported other applications in the C7 Zone to reduce required minimum interior side yards to 0m on both sides. This proposed variance will enable the applicants to utilise more area in front of the building for parking.

Given the above, staff view the variance request as reasonable and recommend that Council support the application.

Deny/Refer

Council may consider that the variance is not justified and will negatively affect the neighbourhood. If this is the case, Council should deny the variance or adjust it to the previously approved 0.6m.

Alternate Recommendations

1. THAT Council support "DVP PL2017-7840" with conditions.
2. THAT "DVP PL2017-7840" 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 PL2017-7840"

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>AH</i>	PW

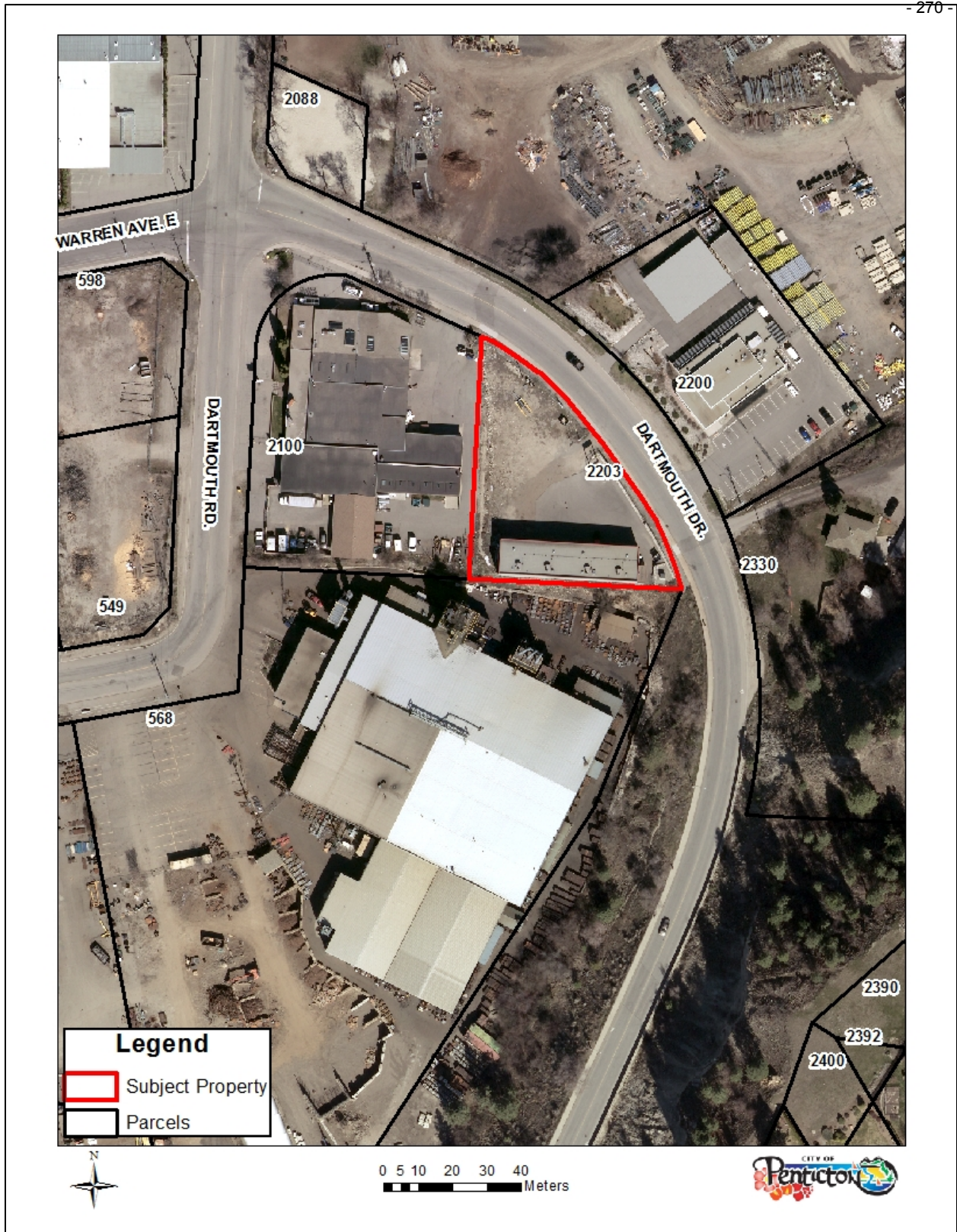


Figure 1: Subject Property

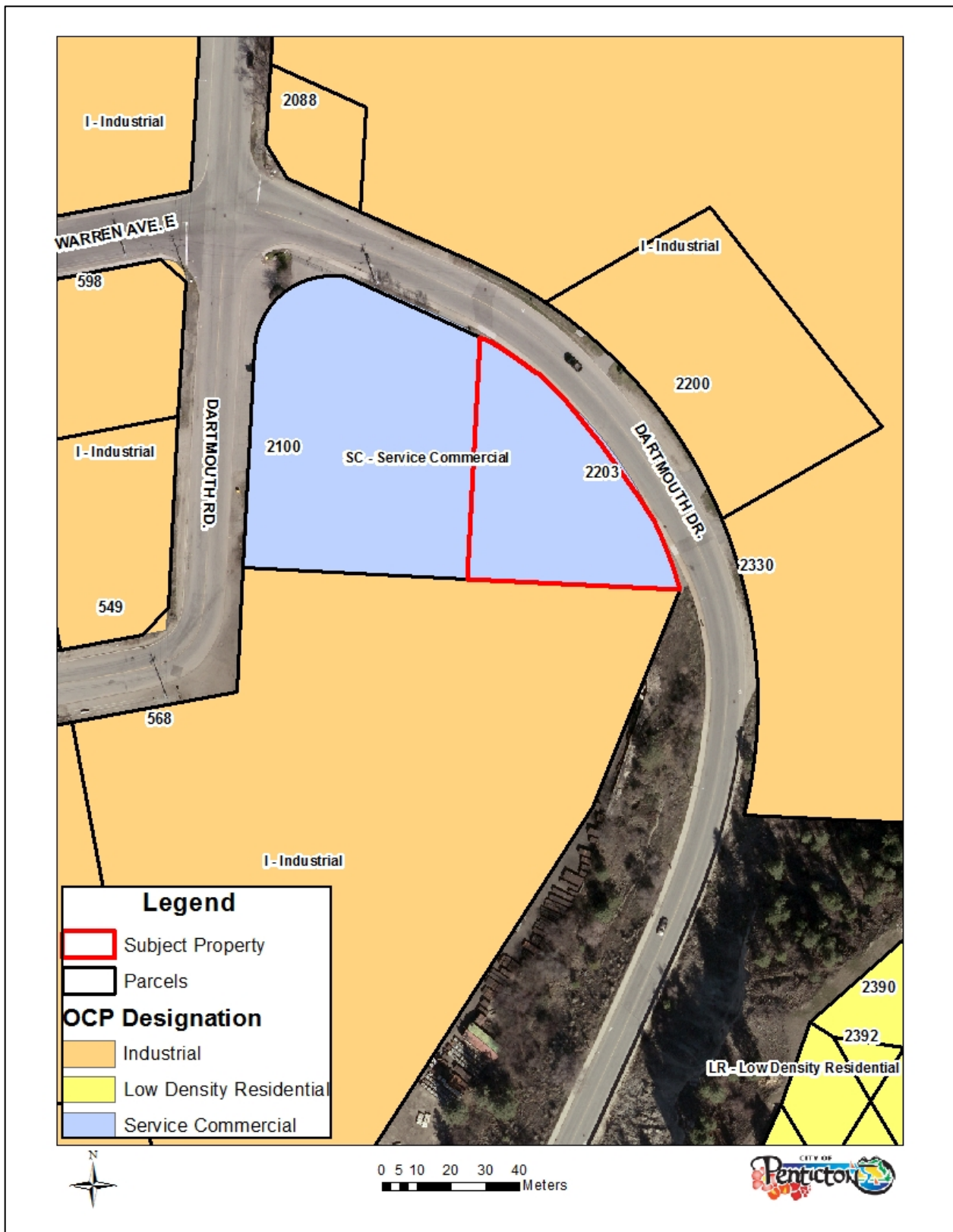


Figure 2: OCP Map

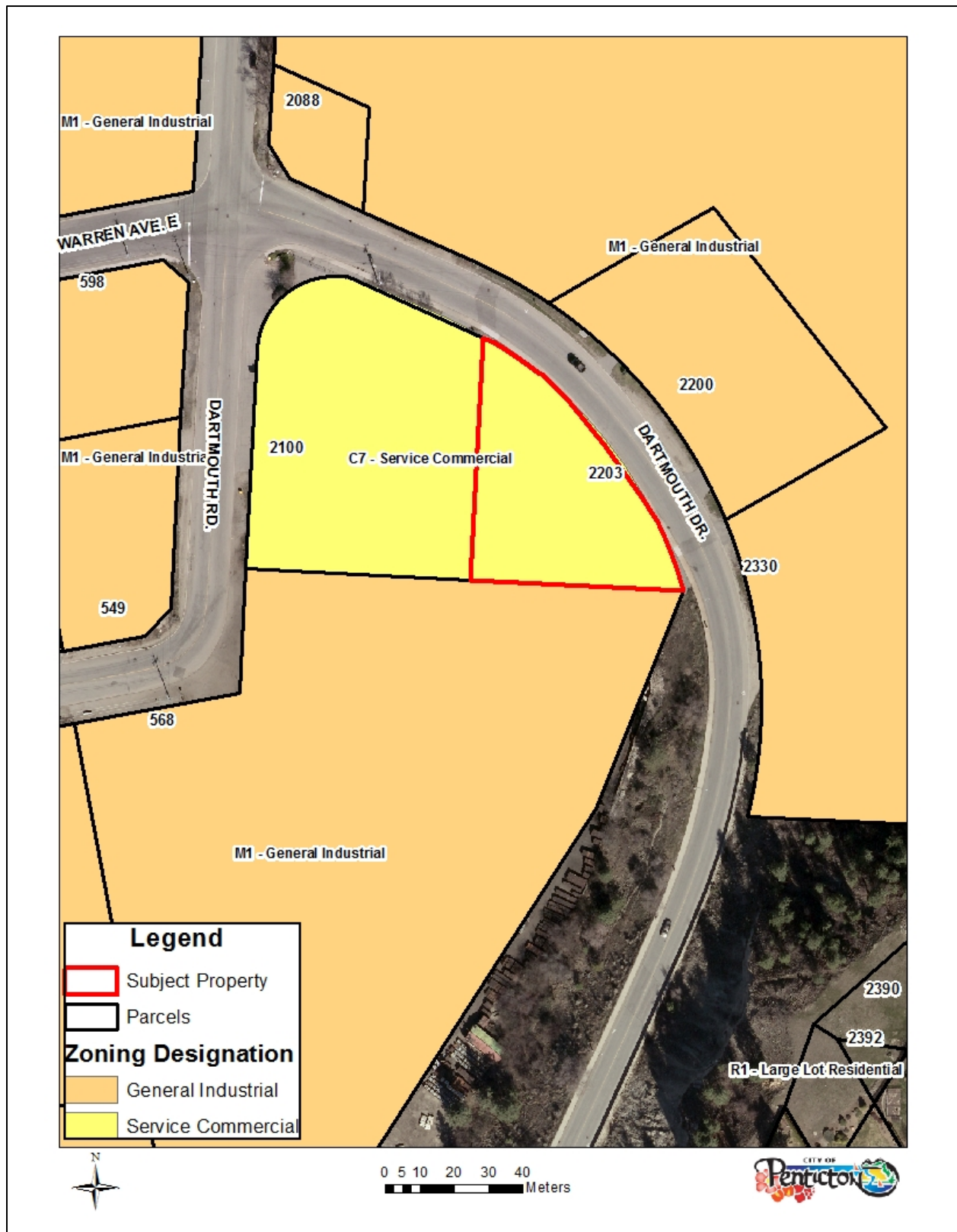


Figure 3: Zoning Map



Figure 4: North Elevation



Figure 5: South Elevation

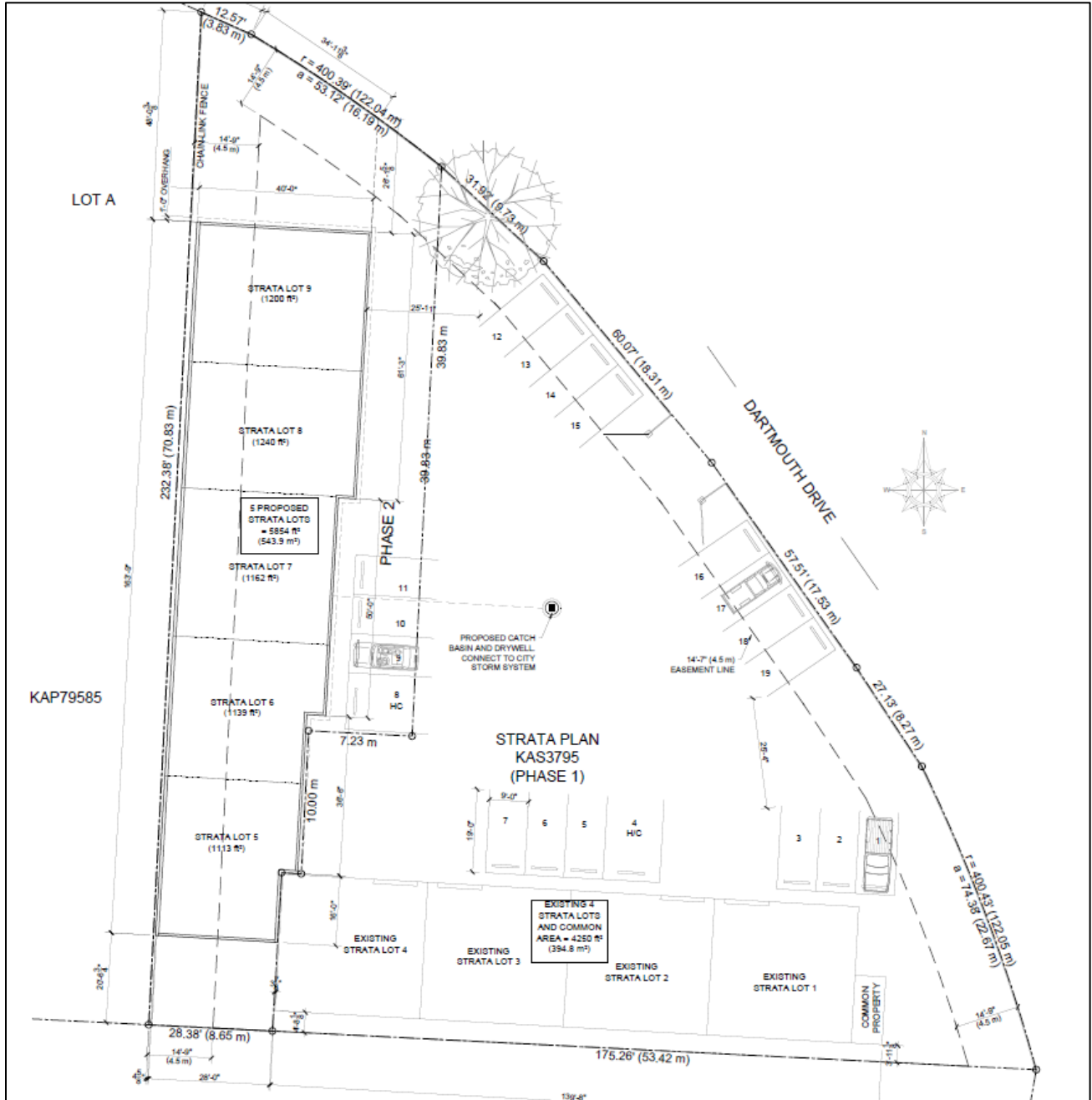


Figure 6: Site Plan

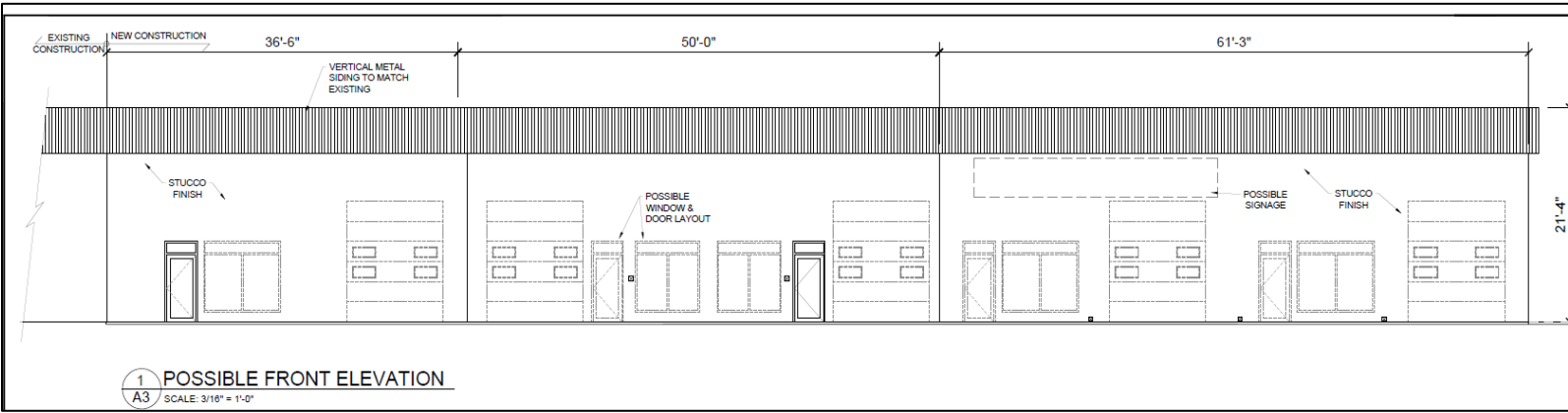


Figure 7: East Elevation

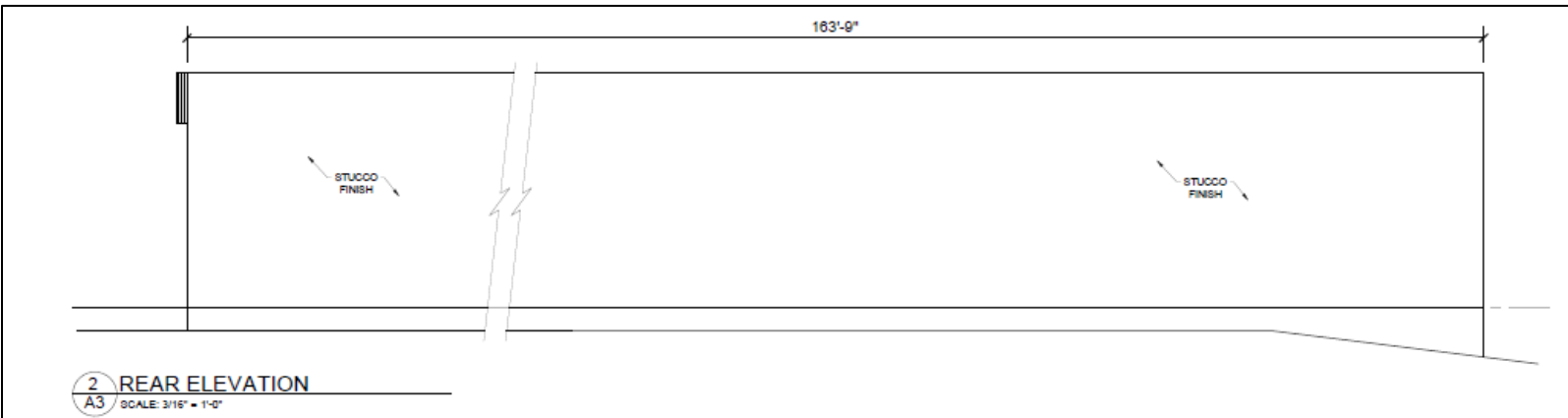


Figure 8: West Elevation

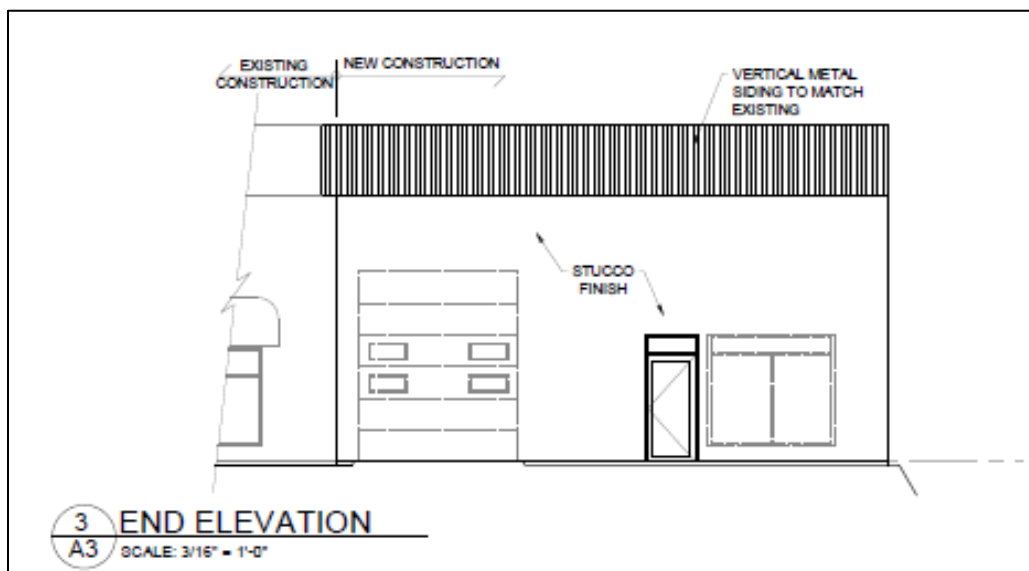


Figure 9: North Elevation

RA HICKSON DESIGN SERVICES
167 BRACEWELL DRIVE, PENTICTON, BC. V2A 6X1
(250) 493-2438 - rahickson@shaw.ca

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


January 17, 2017

Dear Sirs:

This application is for a variance to the Minimum Interior Sideyard of 4.5 m. We are proposing a Minimum Interior Sideyard of 0.0m along the West property line, to allow for better parking and more usable space in front of the building.

Thank you.

Sincerely,



Roger Hickson
RA HICKSON DESIGN SERVICES

Figure 10: 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: PL2017-7840

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 B District Lot 38215 Similkameen Division Yale District Plan KAP79585 Except Strata Plan KAS3795 (Phase 1)
 - Civic: 2203 Dartmouth Drive
 - PID: 026-492-229
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 Phase II of a commercial development.
 - Section 11.7.2.6.iii: to decrease the required minimum interior side yards from 4.5m & 0m to 0m on both sides.

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

UR Holdings Ltd.
3786 McLean Creek Road
Okanagan Falls, B.C.
V0H 1R1

March 15, 2017

City of Penticton
171 Main Street
Penticton, B.C.
V2A 5A9

Attention: Corporate Officer

Dear Sirs:

Re: Lot B, District Lot 3821S, SDYD, Plan KAP79585
Development Variance Permit Application PL 2017-7840

UR Holdings Ltd., is the owner of Strata Lot B described above, with a civic address of #101 – 2100 Dartmouth Road, Penticton, B.C.

We have owned and operated Our Glass and Aluminum Ltd., at subject location for the past 11 years. This property was purchased from Loring Properties / Lorne MacVicar.

When the property directly behind the buildings at 2100 Dartmouth Road were being developed, we had on-site discussions with Mr. MacVicar at that time regarding the property set-backs onto the existing property lines. There is a major problem with the wind shear that causes snow drifts in the area that piles up snow accumulations to the rear and north sides of the building. There will be two problems with a zero meter set back, as follows:

1. A huge snow pile caused by drifting snow loads off the proposed new building with removal and water run-off with nowhere for the excess to go but into the rear of the building;
2. There is no room for emergency vehicles to get between the two lots.

These issues are not new to the owner of the proposed development, and I believe the set back should be left at 4.5 meters.

Yours truly,

UR HOLDINGS LTD.



Rory A. Dagneau, President

City of Penticton

Re: Development Variance permit PI2017-7840

2203 Dartmouth drive.

March 14, 2017

The decrease of required min. side yards from 4.5 meters to zero meters will create a major issue with visibility to traffic travelling down Dartmouth Rd. The proposed building with any decrease of side yards will put all traffic exiting out of the back loading dock of 2100 Dartmouth rd. in a dangerous situation. The existing building already blocks any West bound traffic coming down, making it very difficult to exit.

The adjoining property consists of 4 separate strata titles. All tenants have daily deliveries by Semi truck and trailers averaging 65 to 70 feet and up to 14 feet in height. The visibility they have now is unsafe. The proposed change will be very dangerous for all exiting traffic.

The Dartmouth entrance is required for all deliveries over 9 feet for unit 105-2100 Dartmouth Rd on the west side of the subject property. A building built to the lot line will leave a 10 foot width between the buildings. The driveway is on a slope, making it impossible for firetrucks and semis to get through safely.

A zero side yard having a 20 foot plus tall structure will create a tall thin drive way that will create large snow drifts from snow blowing off of the roof from the proposed building.. This is why a 4.5 meter lot line must be adhered to as originally decided upon.

The reasons I have given you to keep the setbacks at 4.5 meters are the same reasons I had been given by Lorne MacVicar whom I purchased the 3 strata units located on the west side of the subject property over 10 years ago. He is now developing the subject property knowing that the issues I stated would be of grave problems to the 2100 Dartmouth property that his company; Loring Properties sold to me, and with a verbal promise that ample setbacks would be adhered to when he developed it.

I also feel the building setback off of Dartmouth road should be increased due to traffic safety.

Thank you

Don Pidskalney

Owner of 103, 104 and 105 – 2100 Dartmouth rd.

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner 1
Address: 769/777 Ontario Street
Subject: **Zoning Amendment Bylaw No. 2017-19**

File No: RZ PL2017-7848

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-19," a bylaw to Rezone Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and to Rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), and to add Section 10.6.4.5: "In the case of Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street," be given first reading and forwarded to the April 4, 2017 Public Hearing.

Strategic priority objective

Livable: by creating a great place to live with appropriate housing for all.

Background

The subject properties (Attachment 'A') are zoned R2 (Small Lot Residential) and are designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. Each of the subject properties are approximately 900m² (9700ft²) in area. A Single Family Dwelling occupies each lot, which will be demolished. The surrounding properties are primarily zoned RD1 (Duplex Housing), RM2 (Multiple Family Low Density), R2 (Small Lot Residential) and P2 (Parks and Recreation). Surrounding properties are designated by the OCP as MR (Medium Density Residential) and PR (Parks and Recreation).

The property is located within the General Multiple Family Development Permit area. A development permit application will follow the rezoning application.

Proposal

The applicant is requesting that the subject properties (769 & 777 Ontario Street) be rezoned from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

The rezoning will facilitate the subdivision of each lot into two lots for a total of four. More specifically, the applicant is proposing to construct two single family dwellings on each of the two lots that will be created from the subdivision of 769 Ontario Street. Each unit will have a garage and living area on the main floor and three bedrooms on the second floor. Since two single family dwellings are not a permitted use in the current R2 zone, a rezoning to RD2 (Duplex Housing: Lane) with a site specific provision allowing for two dwelling units with vehicular access from the street is required. At this time, the applicant is unsure of the exact design for 777 Ontario Street, but still wishes to proceed with the rezoning to RD2 (Duplex Housing: Lane) and subdivision into two lots.

Additionally, the proposed amendment will add: Section 10.6.4.5: "In the case of Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street."

Financial implication

NA

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Electrical requirements, water and sewer connections, building requirements and street frontage improvements were discussed and will be addressed at the building permit stage. If the request for the zoning amendment permit is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Previous applications in this area raised concerns over the increased traffic in the lane. This particular development will have vehicles access from both the street and the lane. The proposed single family homes with vehicle access from the lane will have single car garages with driveway space for 2 additional vehicles. Although this development may increase traffic on the lane, staff suggest that speed limit and no parking signs be placed in the lane to help to decrease the problems.

Ontario Street is currently classified as an Urban Local Residential road, detail S-R2 in the Subdivision and Development Bylaw 2004-81. The standard detail indicates a 16m right of way with dedicated sidewalk on one side of the roadway. Contributions have been collected from three previous developments along Ontario Street as part an initiative to add sidewalk to one side of the road so that in the future Ontario Street will conform to its intended road classification. Prior to issuance of a building permit, the applicant is required to submit a bond for frontage improvements for both 769 and 777 Ontario Street.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement of RD2 Zone	769 Ontario St. LOT B	769 Ontario St. LOT A
Maximum Lot Coverage:	40%	39%	39%
Maximum Density:	0.95 FAR	0.69 FAR	0.69 FAR
Vehicle Parking:	1 per unit	1 per unit	1 per unit
Required Setbacks			
Front yard (East):	4.5m	4.5m	4.5m
Rear yard (West):	6.0m	6.0m	6.0m
Interior yard (North):	1.5m	1.52m	1.54m
Interior yard (South):	1.5m	1.54m	1.52m
Maximum Building Height:	10.5m	6.78m	6.78m
Other Information:	Subject property is located within the General Multiple Family Development Permit Area.		

Analysis

Zoning Amendment

Support “Zoning Amendment Bylaw No. 2017-19”

The site is situated in an area experiencing significant densification. The OCP designation for this site is Medium Density Residential (MR), which supports the proposed development. Staff consider that the zoning amendment to allow for two dwelling units represents best use of the land for the following reasons:

- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.
- Constructing two separate single family homes instead of a duplex on each property creates additional private yard space in between the buildings, sheltered from the street and lane.

Staff consider that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2017-19” and forward the application to the April 4th, 2017 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate Recommendations

- 1. THAT Council denies first reading to "Zoning Amendment Bylaw No. 2017-19"
- 2. THAT Council refers the application "RZ PL2017-7848" back to staff with instructions that Council feels are warranted.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan (769 Ontario Street)
- Attachment F: Elevations
- Attachment G: Landscape Plan
- Attachment H: Letter of Intent
- Attachment I: "Zoning Amendment Bylaw No. 2017-19"

Respectfully submitted,

Randy Houle
Planner 1

Approvals

DDS	CAO
<i>AH</i>	PW

Attachment 'A' – Subject Property Location Map

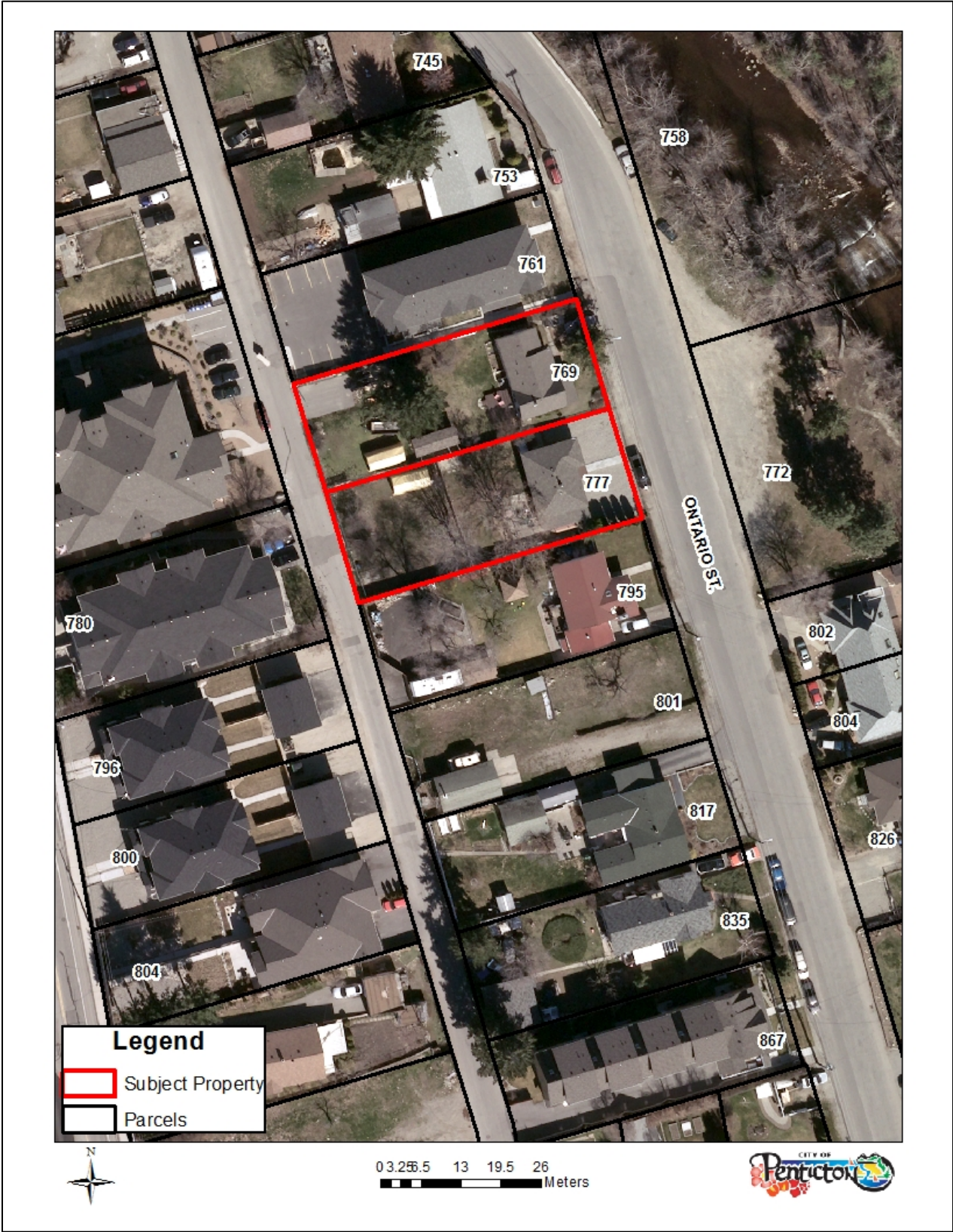


Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map

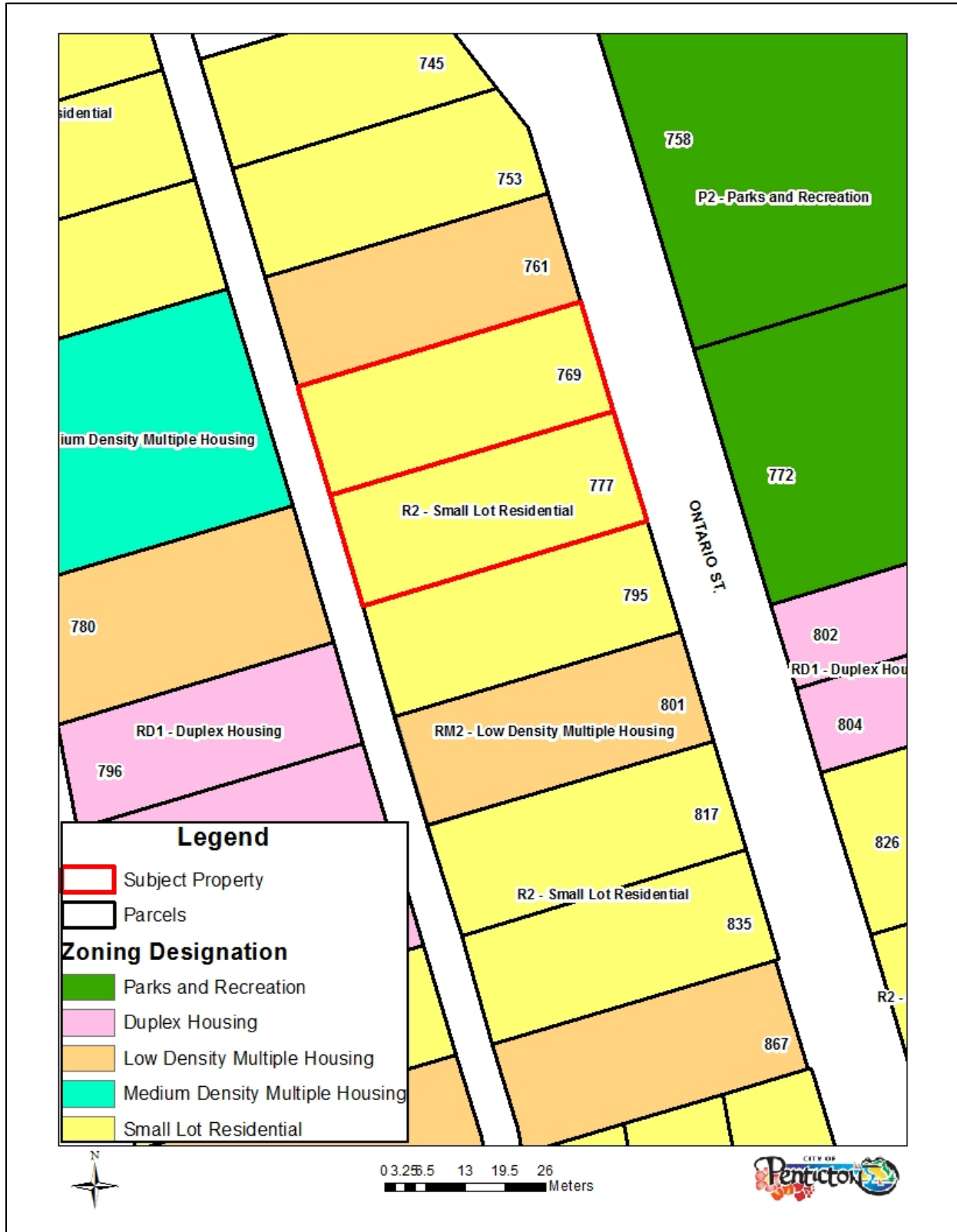


Figure 2: Zoning Map

Attachment 'C' - OCP Map

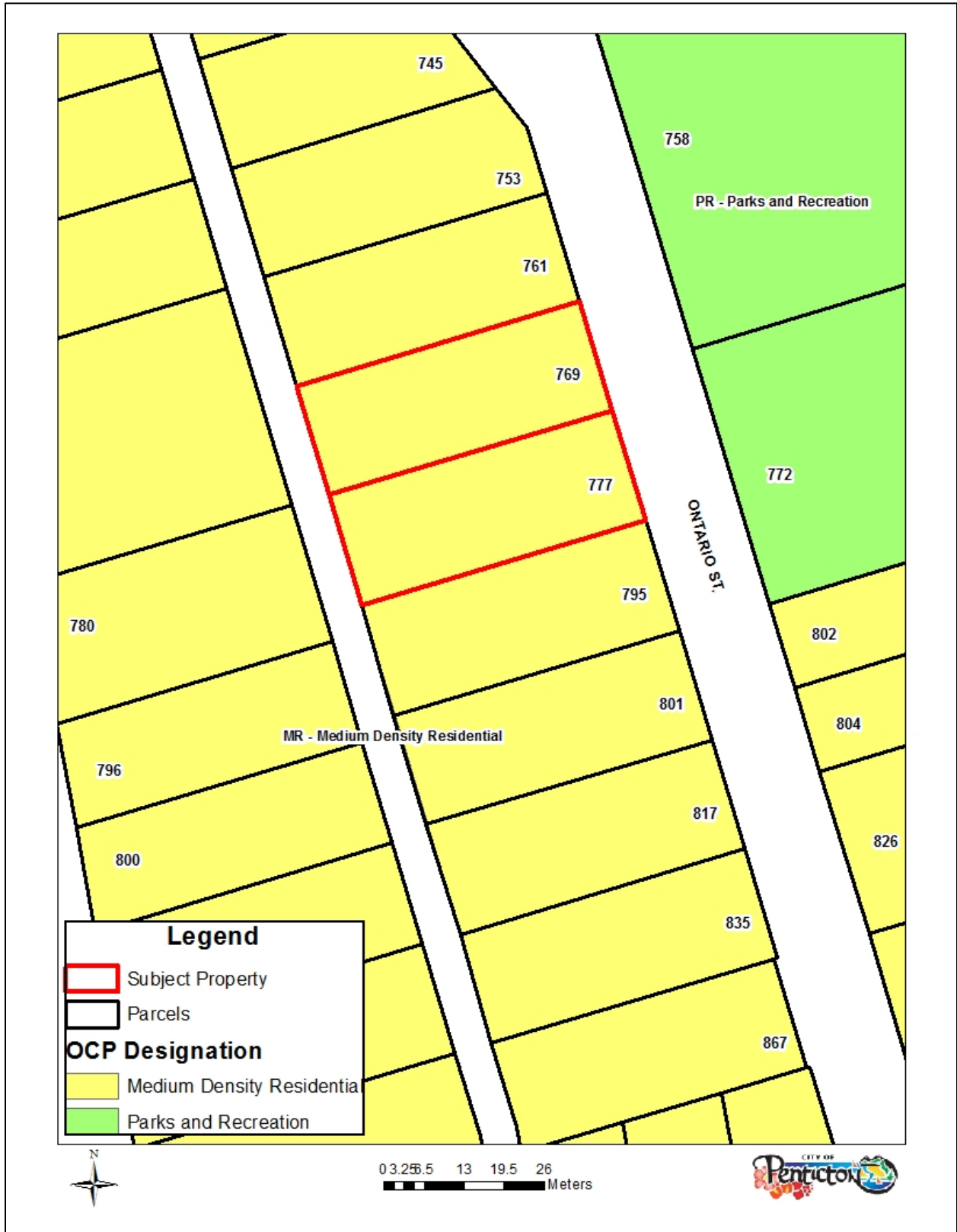


Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: East View of 769 Ontario Street



Figure 5: West View of 769 Ontario Street (from Lane)



Figure 6: East View of 777 Ontario Street



Figure 7: West View of 777 Ontario Street (from Lane)

Attachment 'E' - Site Plan (769 Ontario Street)

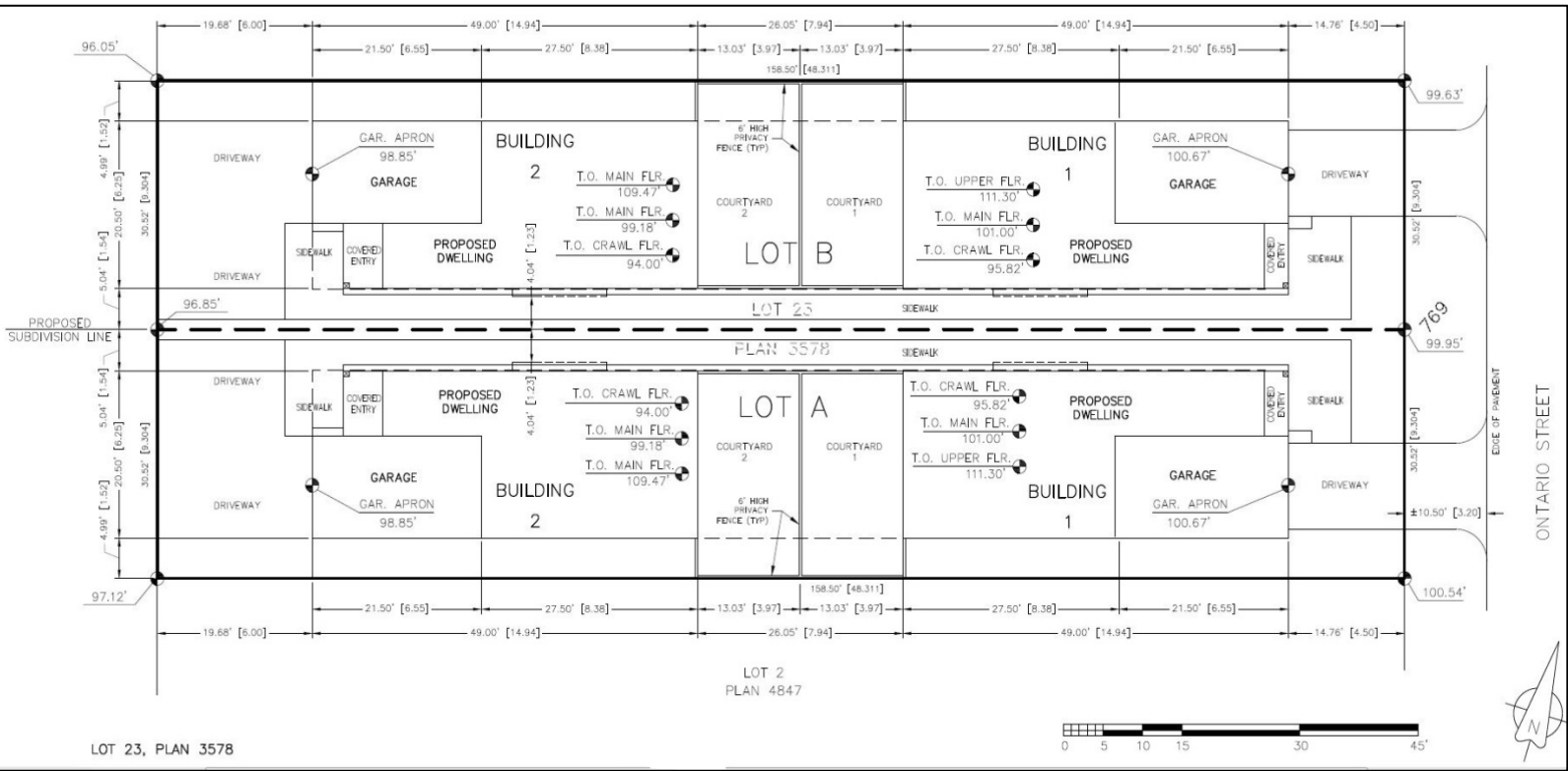


Figure 8: Site Plan

Attachment 'F' - Elevations

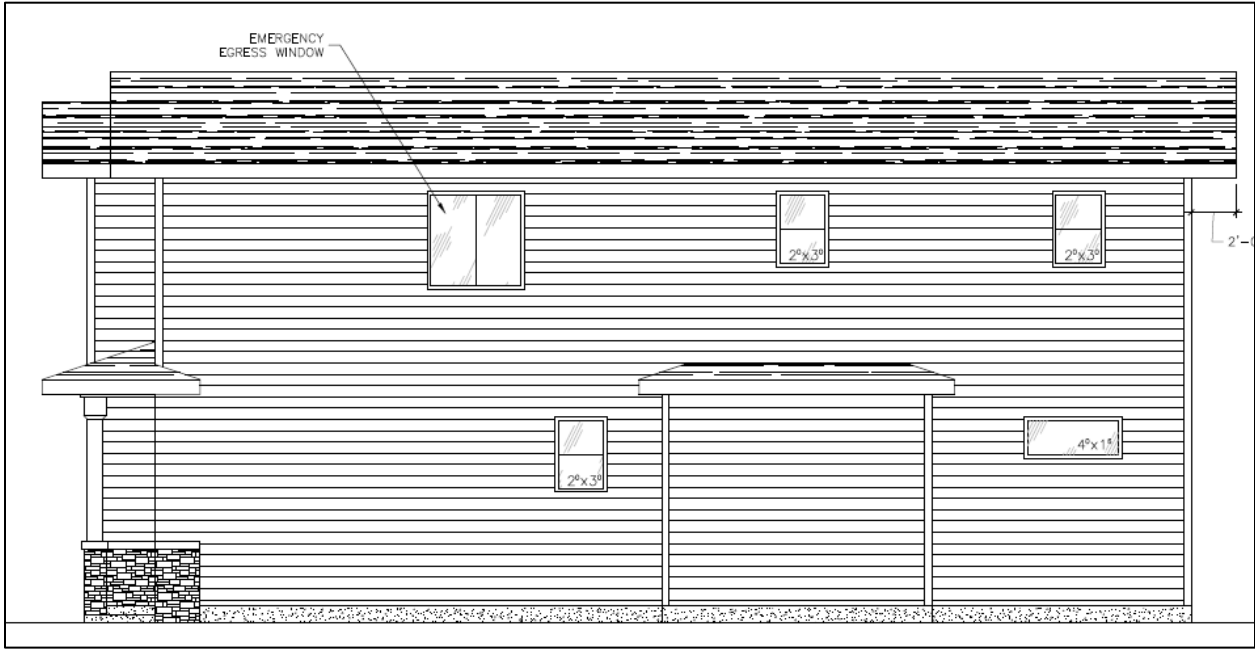


Figure 9: Side Elevation

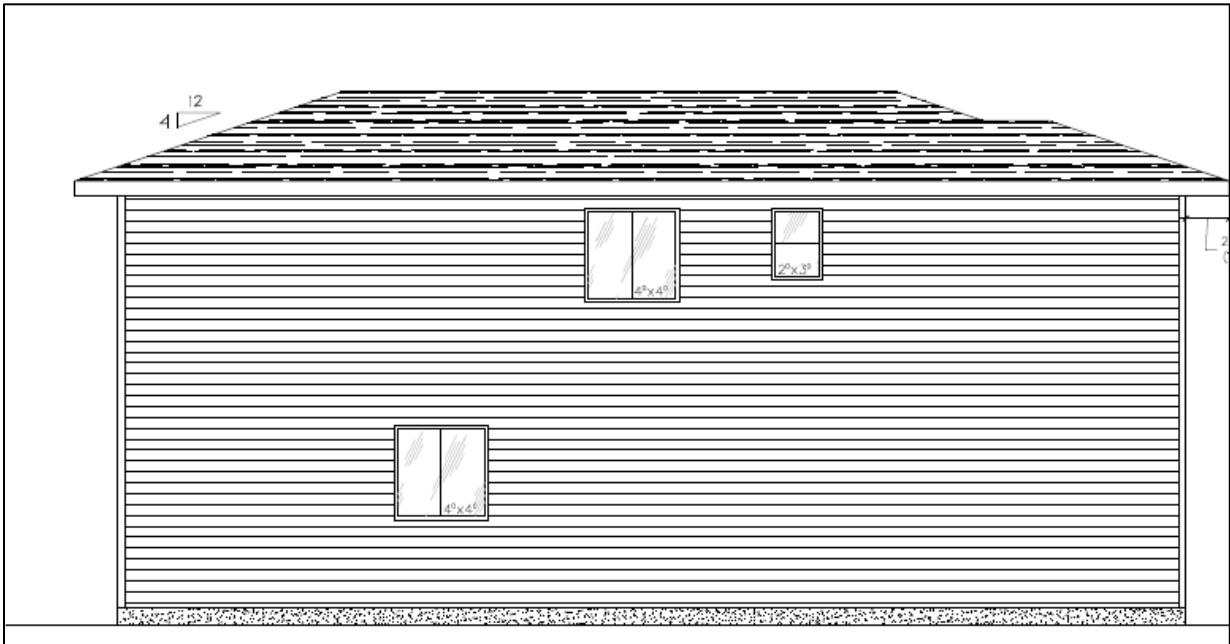


Figure 10: Side Elevation

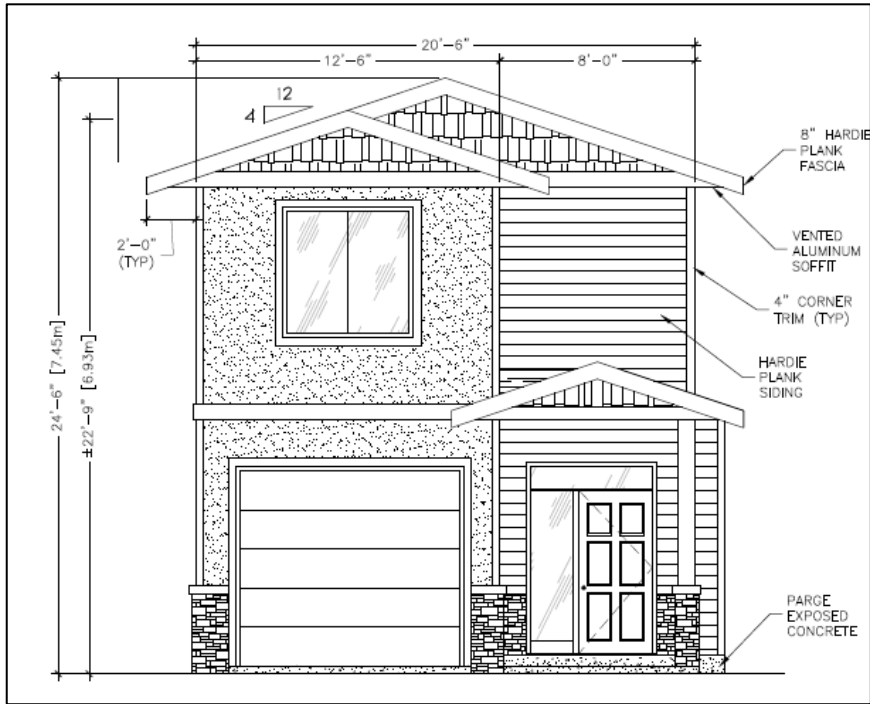


Figure 11: End Elevation

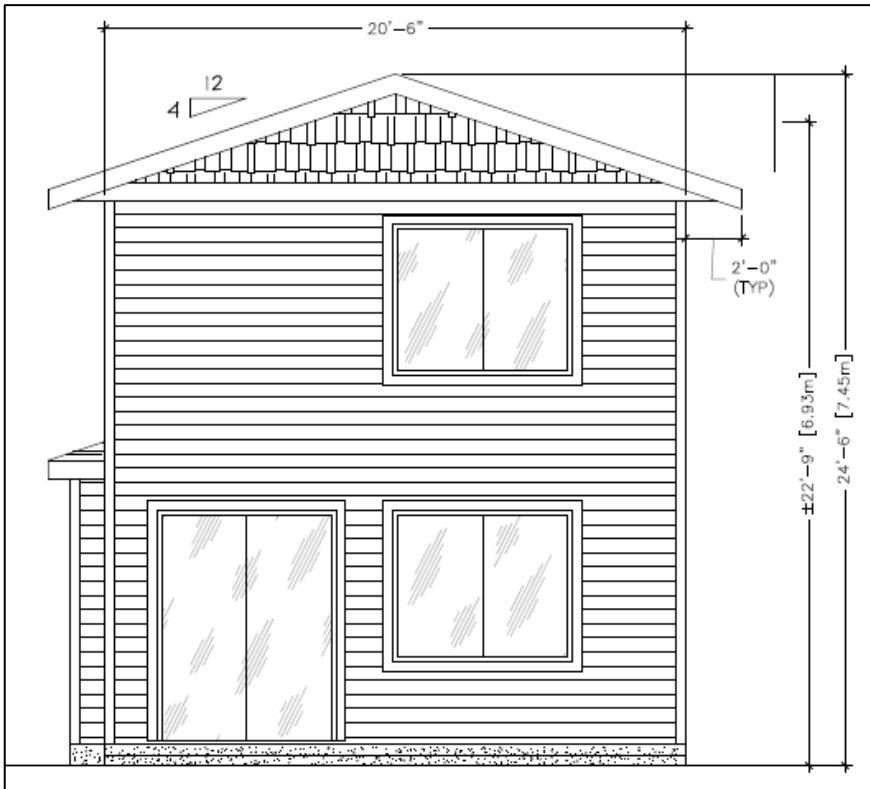


Figure 12: End Elevation

Attachment 'G' – Landscape Plan

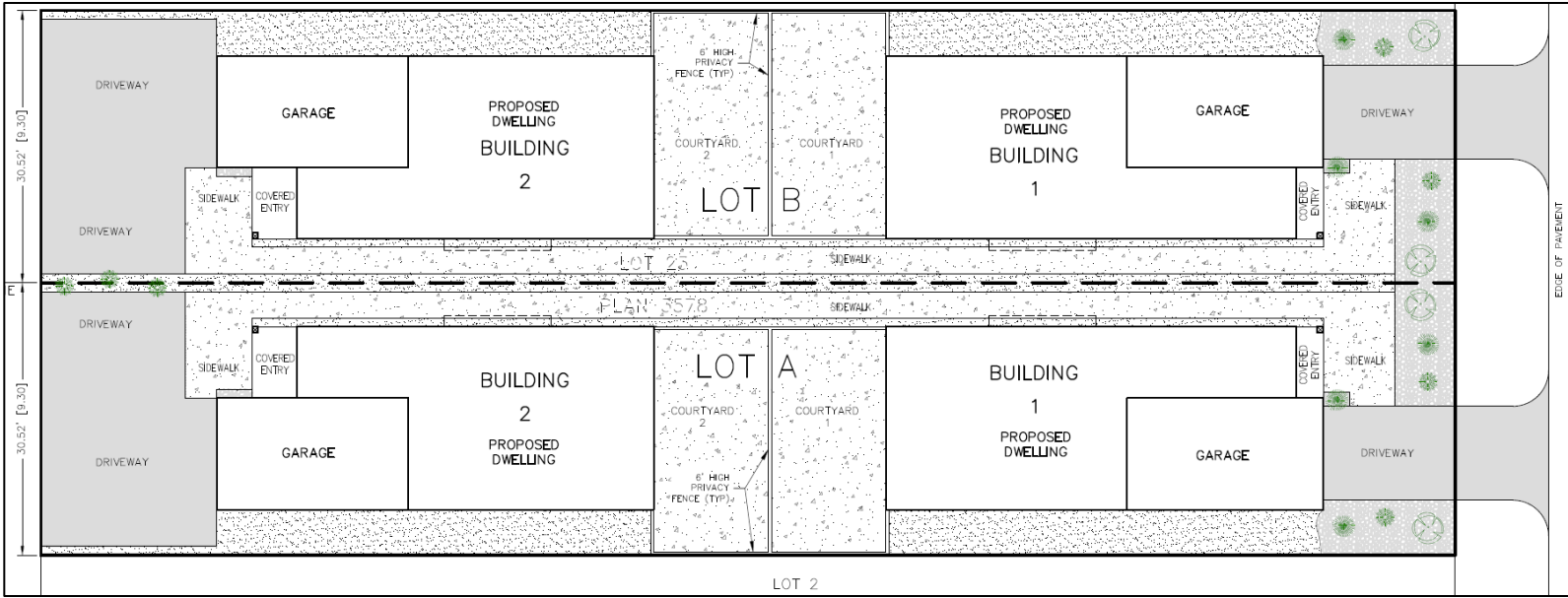


Figure 13: Landscape Plan

Attachment 'H'- Letter of Intent



**Brentview Estates Ltd.
Brentview Developments Ltd.
Suite 232, 113-437 Martin Street
Penticton, BC V2A 5L1
Email: rod@brentview.ca
Website: www.brentview.ca
Phone (250) 490-1119**

Feb 15, 2017

City of Penticton

RE: 777 & 769 Ontario Street.

We are asking for your support and approval to allow us to rezone and subdivide our lots at 777 & 769 Ontario Street. We are proposing to subdivide the 18.288m lots into two 9.144m lots. These lots would be zoned RD2 allowing for either a Duplex or Single family dwelling.

We would like you to support the creation of the 9.144m lots. We are asking for 9.144m lots as that is one of the typical lot sizes in Penticton vs the minimum as defined in the zoning bylaw. We also understand that the planning department is putting forward a proposed change to the zoning bylaw such that in the future we will not require this variance, as the new minimum lot width will be 9.144m

We would also like to create site specific zoning for both 777 & 769 Ontario. We would like you to allow parking at both the front and rear of the lot under the RD2 Zoning. It is our intention to create a higher density zone that we can build a unique product that currently does not exist in our market. We want to create front rear duplexes that have private courtyards between the front and rear units. We also want each unit to have its own private garage. We want this to eliminate that appearance of your typical multi family parking lot. We understand that there have been some concerns over the amount of traffic on the rear lane and by allowing this we will be reducing it by 50%. What we are proposing will be along the same concept as what we build at 801 Ontario street but under the RD2 Zoning and this allowing only two units per lot vs RM2 and 4 units per lot. This is important because now we eliminate a larger strata development and create the appearance of single family homes but with the added density.

We are proposing to add density in an area that according to OCP, the City wants density. We are in compliance with the current OCP.

Thank You

Sincerely Yours
Rod Ferguson

Figure 14: Letter of Intent

Bylaw No. 2017-19

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-19".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street; and
Rezone Lot 2, District Lot 249 Similkameen Division Yale District, Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

2.2 Add Section 10.6.4.5: "In the case of Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street and Lot 2, District Lot 249, Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street."

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

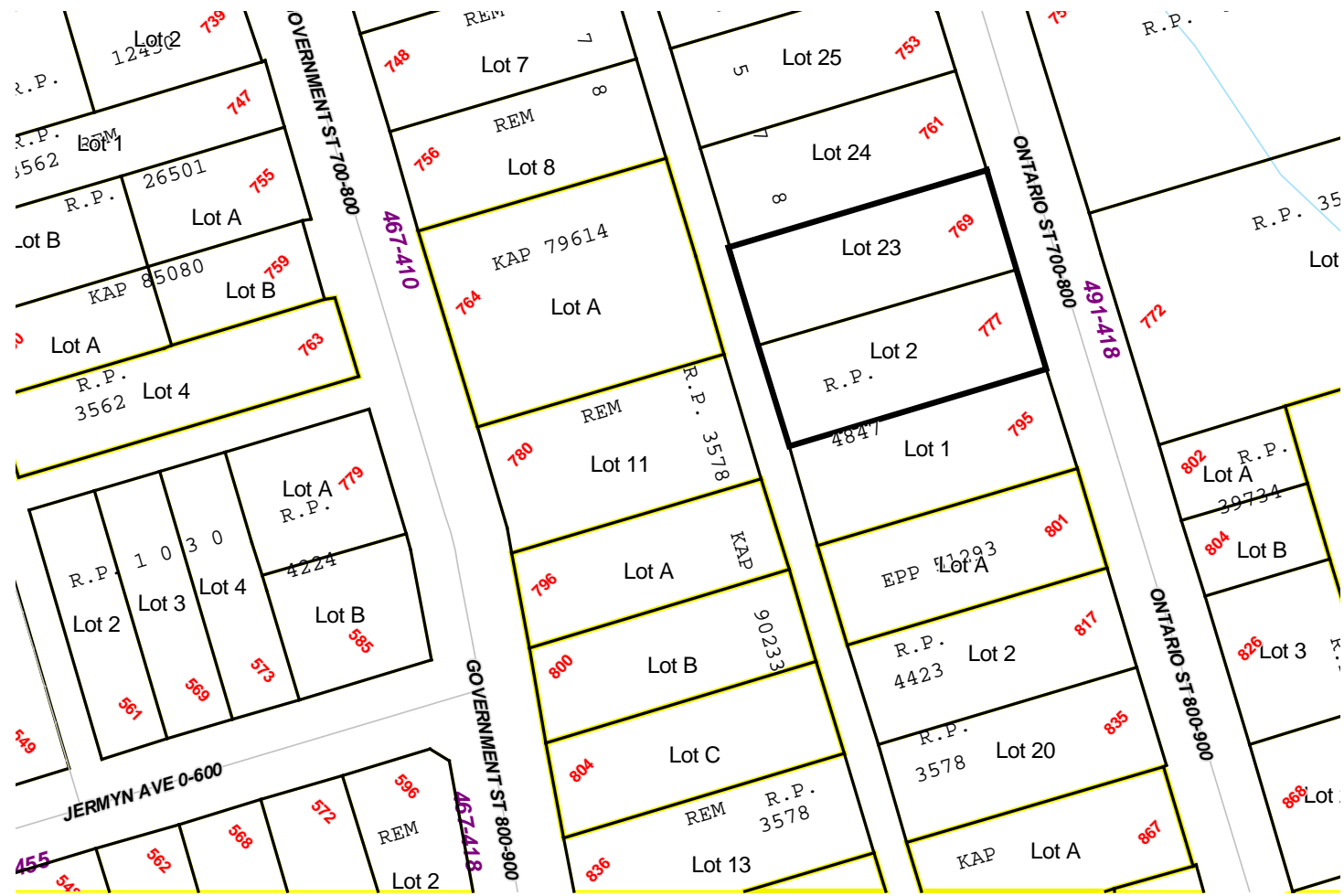
READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 769 & 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and also permit two dwelling units with vehicular access from the street on each lot



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-19

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March 21, 2017 File No: RZ PL2017-7844
To: Peter Weeber, Chief Administrative Officer DVP PL2017-7845
From: Randy Houle, Planner 1 DP PL2017-7846
Address: 708 Revelstoke Avenue/865 Railway Street DP PL2017-7847

Subject: **Zoning Amendment Bylaw No. 2017-20**
Development Variance Permit PL2017-7845
Development Permit PL2017-7846
Development Permit PL2017-7847

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-20," a bylaw to Rezone Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and to Rezone Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the April 4, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," a road dedication in accordance with Attachment 'H' is registered with the Land Title Office;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," the developers pay the cost of frontage upgrades which includes curb, gutter and sidewalk.

Development Variance Permit

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7845" for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, a permit to decrease the minimum west interior side yard from 1.5m to 1.2m and to decrease the minimum exterior side yard from 3.0m to 1.6m.

AND THAT "DVP PL2017-7845" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-20".

Development Permit

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-20," approve Development Permit PL2017-7846 for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, and Development Permit PL2017-7847 for Lot 57

District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, a permit that allows for the construction of two front to back duplexes.

Strategic priority objective

N/A

Background

The subject properties (Attachment 'A') are zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. Each lot is approximately 290m² (3120 ft²). The site currently features a Single Family Dwelling that straddles each lot which will be relocated. The surrounding properties are primarily zoned RD2 (Duplex Housing: Lane) and RM2 (Low Density Multiple Housing). Surrounding properties are designated by the OCP as MR (Medium Density Residential). Revelstoke Avenue is not accessible from Railway Street and the lane is only one way (west to east).

The property is located within the Downtown Multiple Family Development Permit area, thus a development permit is required prior to construction. Additionally, approval of the rezoning must be granted by the Ministry of Transportation prior to adoption.

Proposal

The applicant is proposing to construct a front to back duplex on both 708 Revelstoke Avenue & 865 Railway Street. Since a duplex is not a permitted use in the R2 zone, a rezoning to RD2 (Duplex Housing: Lane) is required.

Secondly, the applicant is requesting a Development Variance Permit for 865 Railway Street to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.6.2.7.i: To decrease the minimum west interior yard from 1.5m to 1.2m.
- Section 10.6.2.7.i: To decrease the minimum exterior side yard from 3.0m to 1.6m.

Thirdly, the applicant requires Development Permit approval for the form and character of the duplexes and to address landscaping requirements.

Financial implication

Staff are recommending that Council require the applicant to pay the costs of the street frontage upgrades. If Council does not support this recommendation, then the approximate cost of \$10,845 will be burdened on the tax payers.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Through this process, it was determined that a condition be placed on the rezoning that a hammerhead widening be taken on the south side of the property. Another condition would be that the applicant would be required to pay for street frontage upgrades at an approximate cost of \$10,845. This work is to include rollover curbing, 3.0m width sidewalk along frontage, asphalt and road

works, relocation of existing catch basin to gutter line and relocation of existing “no parking” sign. If the requests for the zoning amendment, variances and development permits are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RD2 Zone	865 Railway Street	708 Revelstoke Avenue
Maximum Lot Coverage:	40%	35.2%	34.6%
Maximum Density:	0.95 FAR	0.71 FAR	0.70 FAR
Vehicle Parking:	1 per unit	1 per unit (2 total)	1 per unit (2 total)
Required Setbacks			
Front yard (North):	4.5m	4.5m	4.5m
Rear yard (South):	6.0m	6.0m	6.0m
Interior yard:	1.5m	1.2m (variance required)	1.5m
Exterior yard:	3.0m	1.6m (variance required)	NA
Maximum Building Height:	10.5m	6.9m	6.9m
Other Information:	Subject properties are located within the Downtown Multiple Family Development Permit Area.		

Analysis

Zoning Amendment

Support “Zoning Amendment Bylaw No. 2017-20”

The site is situated in an area experiencing some densification. The OCP designation for this site is Medium Density Residential (MR), which supports duplex development. Staff consider that the zoning amendment to allow for two front to back duplexes represents best use of the land for the following reasons:

- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the college and nearby services encourages more walking and active forms of transportation.
- Converting an older single family dwelling into four dwelling units with adequate living space will help to address the housing shortages in Penticton.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-20" and forward the application to the April 4, 2017 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Support Variances for 865 Railway Street

When considering a variance to a City bylaw, staff encourages 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 neighbouring properties and if the variance request is reasonable.

Section 10.6.2.7.i: To decrease the minimum west interior yard from 1.5m to 1.2m.

- The proposed development will result in a 1.2m setback from the west property line. The lot width of 865 Railway Street is slightly narrower than 708 Revelstoke Avenue, thus a variance is required to construct the same size of duplex on 865 Railway. It is not anticipated that the proposed variance will have an impact on surrounding neighbours.

Section 10.6.2.7.i: To decrease the minimum exterior yard from 3.0m to 1.6m.

- New Zoning Bylaw No. 2017-08 requires a 3.0m minimum exterior yard. The proposed development will result in a 1.6m setback from the east property line. The east face of the building (along Railway Street) will have a street frontage appearance. The 1.6m will allow adequate space for a walkway and river rock which will provide separation between the building and Railway Street. As there is no vehicular access from Railway Street, staff feels that it is reasonable to reduce the exterior yard to 1.6m. In 2011, a variance to the exterior yard along Railway Street from 6.0m to 3.0m was approved for the multi-family development to the north (707 Revelstoke Avenue). Staff feel that since the height of the proposed building (6.9m) is much less than the 10.5m allowable, the visual impact from Railway Street won't be affected negatively.

Supporting the variances would help to maximize the living space of the duplexes, with little impact on the surrounding neighbourhood. Given the above, staff considers that the variances requested are reasonable and recommend that Council, after hearing from any affected neighbours, support the application.

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the neighborhood and the visual impact on Railway Street. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit PL2017-7846 & PL2017-7847

The subject properties are located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although these Development Permits can be staff-issued, they have been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods."

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit applications.

Deny/Refer Development Permit PL2017-7846 & PL2017-7847

Council may consider that the proposals do not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-20" and deny support for DVP PL2017-7845, DP PL2017-7846 & DP PL2017-7847.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-20" but deny support for DVP PL2017-7845, DP PL2017-7846 & DP PL2017-7847.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-20" and support DVP PL2017-7845, DP PL2017-7846 & DP PL2017-7847 with conditions that Council feels are appropriate.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Images of Subject Property
Attachment E:	Site Plan
Attachment F:	Elevations
Attachment G:	Landscape Plan
Attachment H:	Proposed Road Widening
Attachment I:	Letter of Intent

Attachment J: "Development Variance Permit PL2017-7845" (865 Railway Street)
Attachment K: "Development Permit PL2017-7846" (865 Railway Street)
Attachment L: "Development Permit PL2017-7847" (708 Revelstoke Avenue)
Attachment M: "Zoning Amendment Bylaw No. 2017-20"

Respectfully submitted,

Randy Houle
Planner 1

Approvals

DDS <i>AH</i>	CAO PW
------------------	-----------

Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map

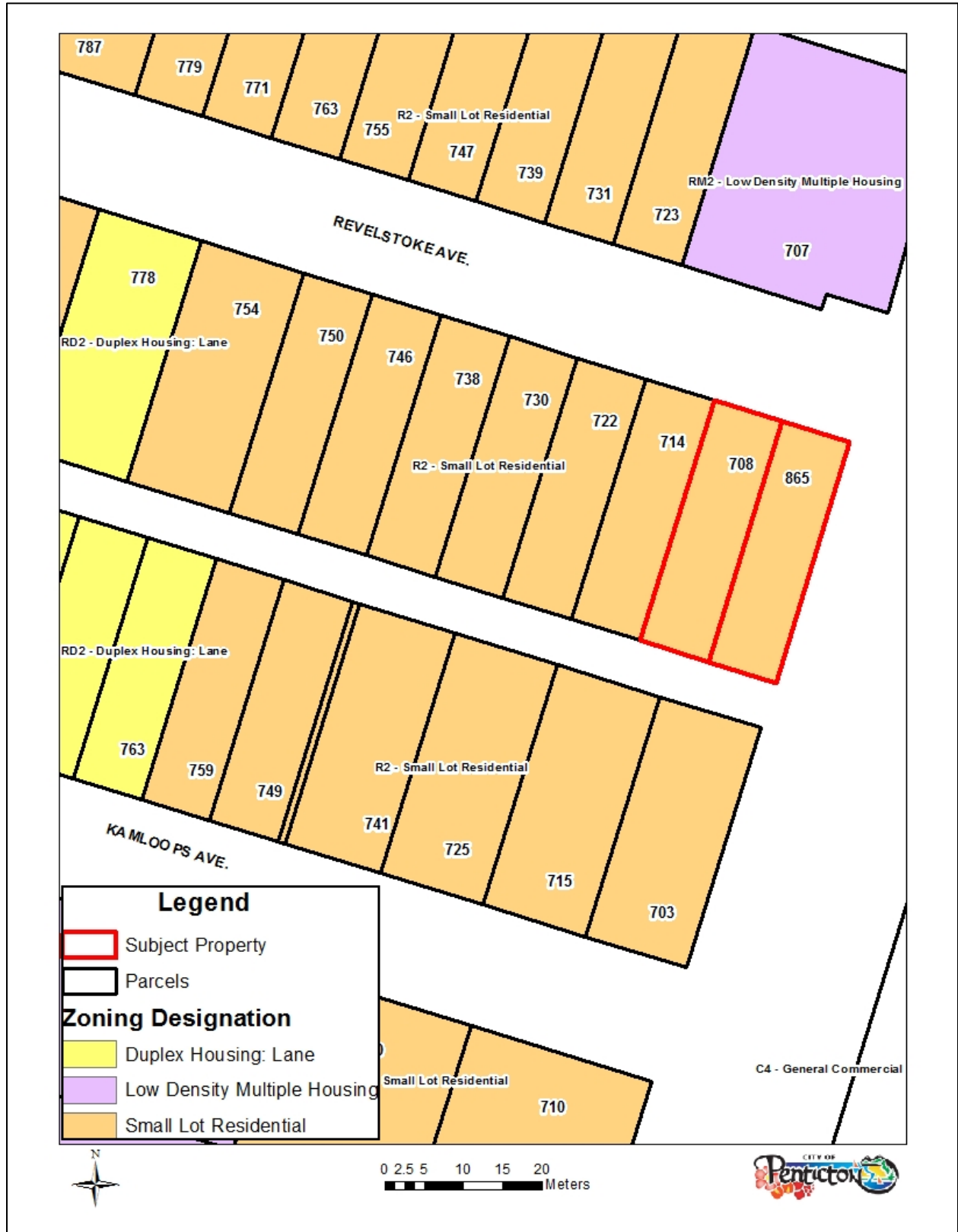


Figure 2: Zoning Map

Attachment 'C' - OCP Map



Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: North View (from Revelstoke Avenue)



Figure 5: South View (from Lane)



Figure 6: East View (from Railway Street)

Attachment 'E' - Site Plan

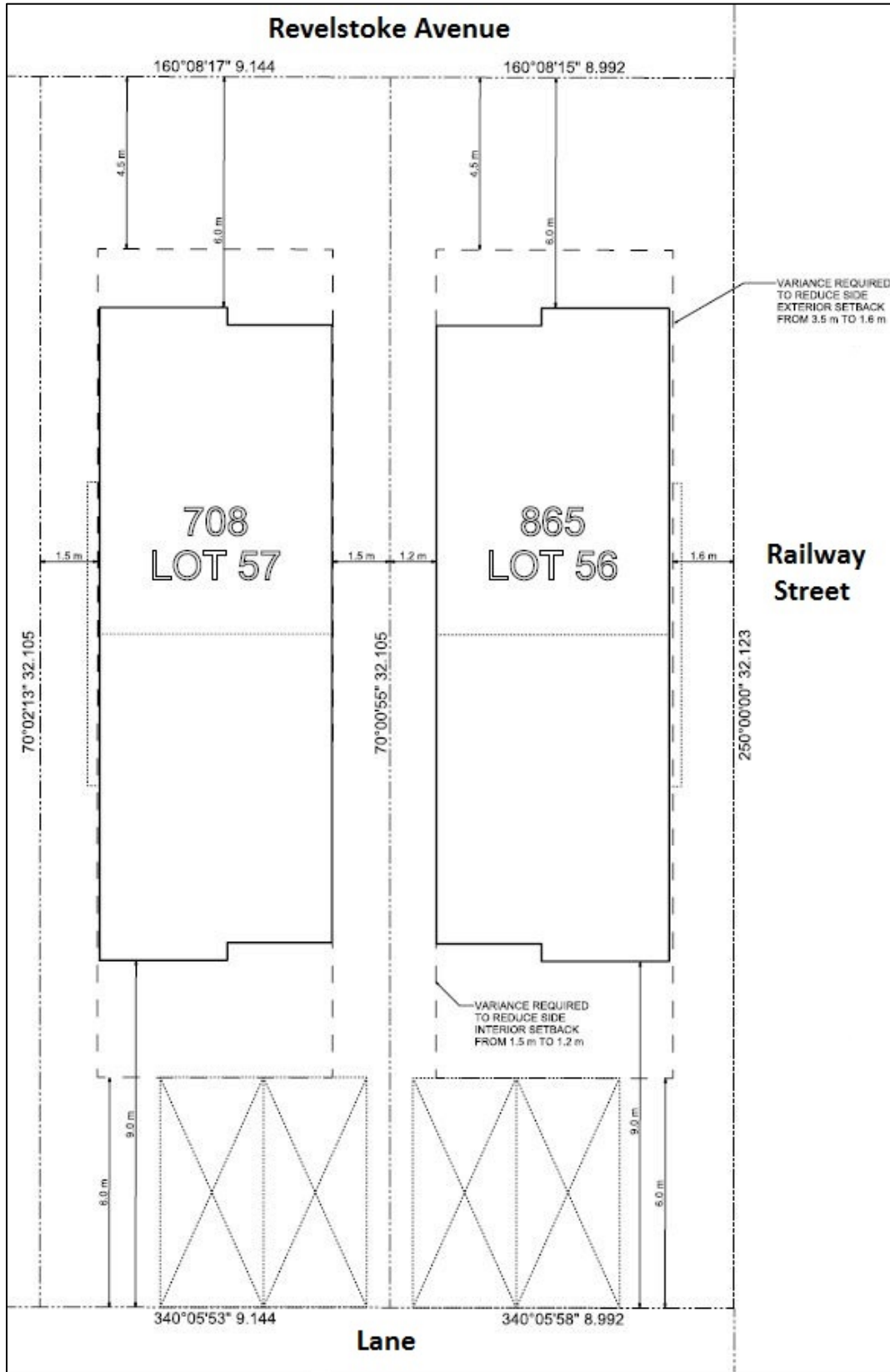


Figure 7: Site Plan

Attachment 'F' - Elevations



Attachment 'G' – Landscape Plan

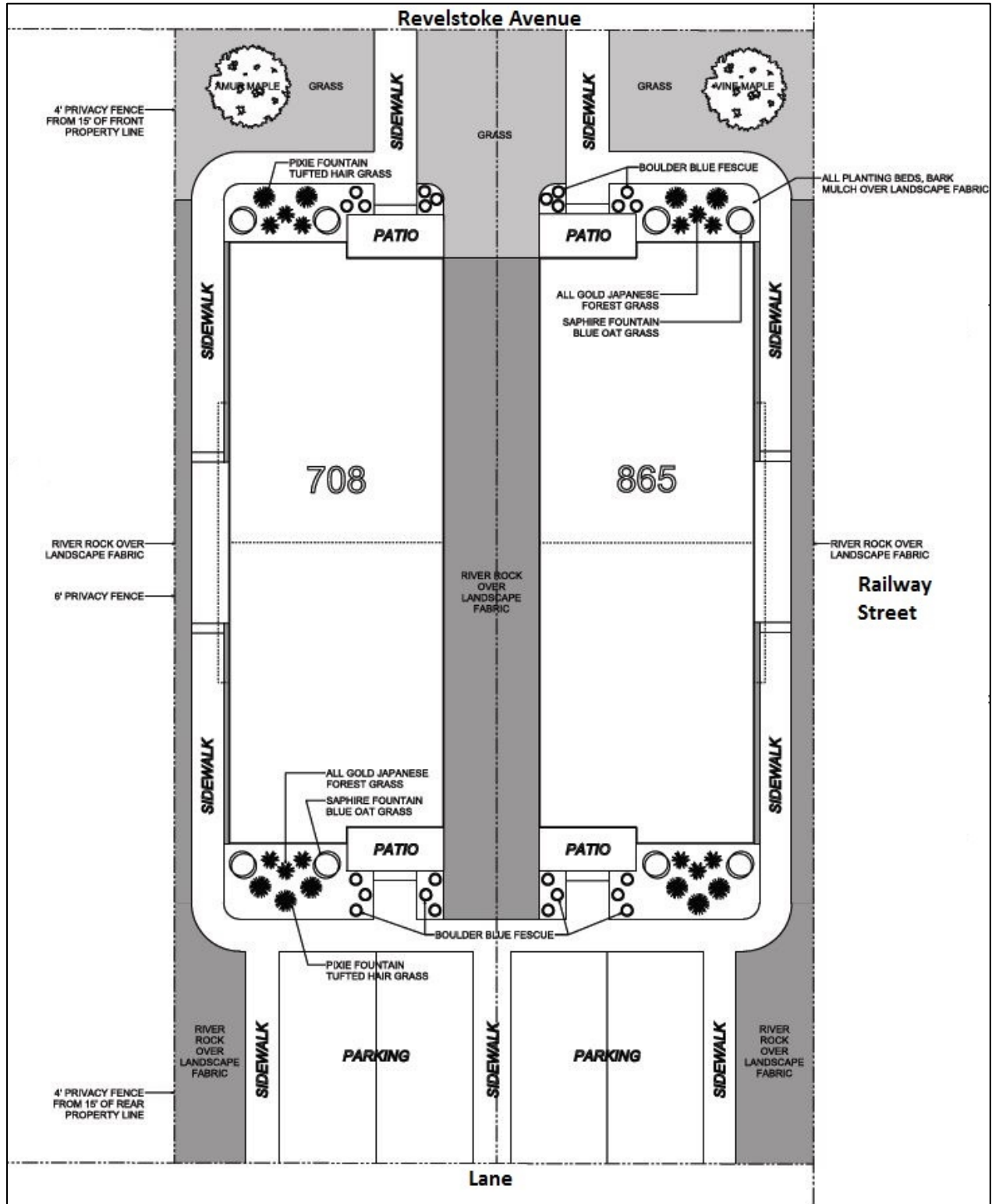


Figure 7: Landscape Plan

Attachment 'H' – Proposed Road Widening

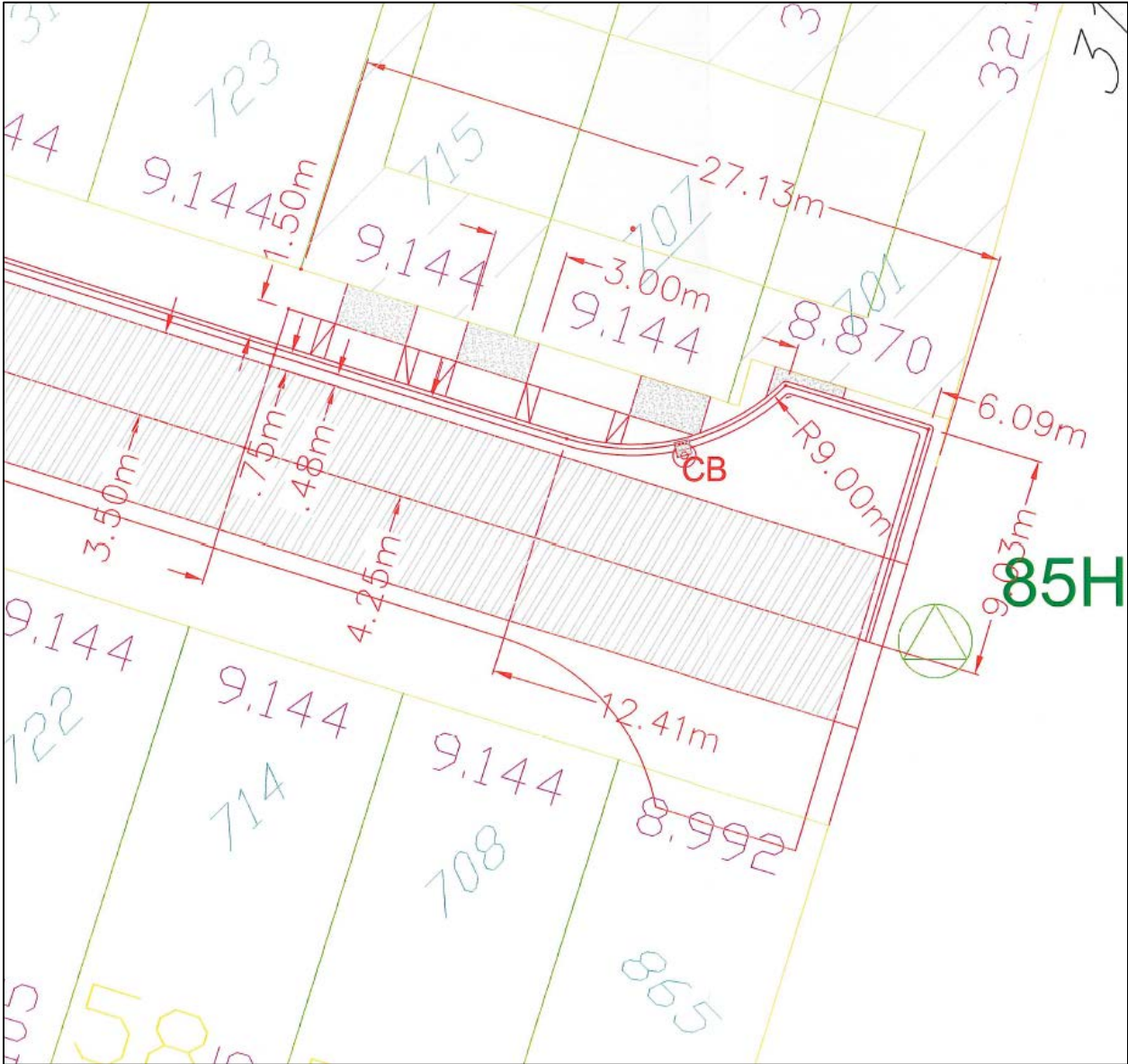


Figure 8: Hammerhead Widening

Attachment 'I'- Letter of Intent



January 18, 2017

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

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

Re: 708 Revelstoke Ave. & 865 Railway St. Development Variance Permit Application

To City Planning Department,

This letter is in regards to two development variance and rezoning applications for two neighbouring properties located at 708 Revelstoke Avenue and 865 Railway Street. The properties are currently zoned R2 and the proposed rezoning is to RD2, this is in harmony with a number of other rezoning's that the City has approved. The property located at 708 Revelstoke Ave. requires only a rezone with no variances to the bylaw. The property at 865 Railway Street requires a rezone as well as a variance to the side setbacks as follows: 1) side exterior setback reduced to 1.6 m from 3.5 m; 2) side interior setback reduced from 1.5 m to 1.2 m. We feel the reduction in setbacks will not have any negative effect on any of the neighbors, it will also have no negative effect on Railway street as the building and landscaping is placed in such a way as not to reduce vehicle visibility while exiting the lane. These variances will allow for the construction of a duplex building suitable for small families, college students, or others needing affordable housing. There is no question that the addition of these two new duplexes will continue to enhance the neighborhood, as well as continue to provide much needed affordable housing either for first time owners or renters. We believe that this application is good for both the developer and the City, and the reduction of the exterior setback has precedence as other duplex lots in the city have also received similar reductions. Room has been provided at the front of the lot for a future hammer-head turn around planned by the city. 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 9: Letter of Intent

Attachment 'J'- "Development Variance Permit PL2017-7845" (865 Railway Street)



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

Development Variance Permit

Permit Number: DVP PL2017-7845

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 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1049 Except Plan 36620
Civic: 865 Railway Street
PID: 011-796-839
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a duplex.
 - Section 10.6.2.7.i To decrease the minimum west interior yard from 1.5m to 1.2m.
 - Section 10.6.2.7.i To decrease the minimum exterior yard from 3.0m to 1.6m.

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.

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

Attachment 'K' - "Development Permit PL2017-7846" (865 Railway Street)



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

Development Permit

Permit Number: DP PL2017-7846

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 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1049 Except Plan 36620

Civic: 865 Railway Street

PID: 011-796-839

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a front to back duplex as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$3,800 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met.

Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) 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.
8. 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.
9. 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.
10. 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.
11. 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

Attachment 'L' - "Development Permit PL2017-7847" (708 Revelstoke Avenue)



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

Development Permit

Permit Number: DP PL2017-7847

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 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1049

Civic: 708 Revelstoke Avenue

PID: 011-796-847

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a front to back duplex as shown in the plans attached in Schedule A.

4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$3,800 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:

- a. correct an unsafe condition that has resulted from a contravention of this permit,
- b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
- c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

- a. the permit has lapsed as described under Condition 8, or
- b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met.

Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) 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.
8. 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.
9. 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.
10. 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.
11. 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

Bylaw No. 2017-20

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-20".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 57, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and
Rezone Lot 56, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

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

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

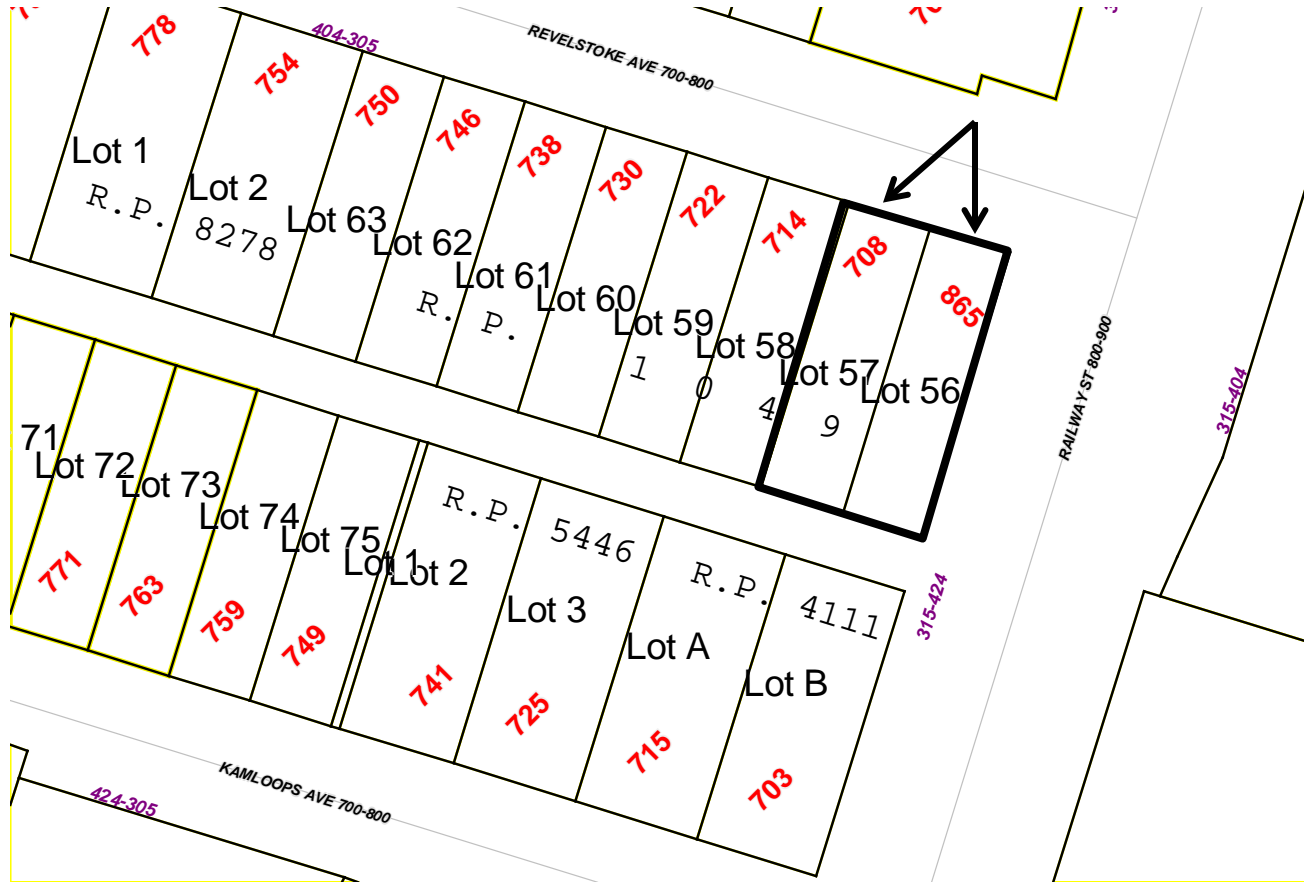
Approved pursuant to section 52(3)(a) of the Transportation Act
this ___ day of ___, 2017
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 708 Revelstoke Ave & 865 Railway Street

From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-20

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March 21, 2017 File Nos: RZ PL 7824 & DVP PL7826 & DP PL7825
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 634 Westminster Avenue W & 201 Maple Street
Subject: **Zoning Amendment Bylaw No. 2017-21**
Development Permit PL7825 and Development Variance Permit PL7826

Staff Recommendation

Zoning Bylaw Amendment

THAT "Zoning Amendment Bylaw No. 2017-21", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 1175 located at 634 Westminister Avenue West, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the April 4 , 2017 Public Hearing;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2016-7826" on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (FORMERLY YALE LYTTON) Division Yale District, Plan 1175 located at 634 Westminister Avenue West, a permit to reduce the required parking from 16 stalls to 12 stalls and decrease the rear yard setback from 6m to 4.5m, be heard at the April 4 , 2017 Public Hearing;

AND THAT Council consider "DVP PL2016-7826" following the adoption of "Zoning Amendment Bylaw No. 2017-21".

Development Permit

THAT Council receive DP PL2016-7825, a permit to develop a three (3) storey apartment building on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7 Similkameen (FORMERLY YALE LYTTON) Division Yale District Plan 1175 located at 634 Westminister Avenue West;

AND THAT Council consider “DP PL2016-7825” following the adoption of “Zoning Amendment Bylaw No. 2017-21”.

Strategic priority objective

The subject application meets the strategic pillars of creating a sustainable city and a livable city, through increasing residential density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

Background

The subject property (Attachment ‘A’) is currently designated in the Official Community Plan 2002-20 (OCP) as MFMD (Multi Family Medium Density) and is also zoned R2 (Small Lot Residential) in the City’s Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment ‘D’. The site extends to 1,008m² (0.249acre) and currently features a single detached dwelling and accessory structure on each lot. These will be removed from the property. Housing in this area is slowly being replaced with more dense forms of construction. Other redevelopment in the immediate area feature townhouses and duplexes.

The developer intends to develop a three (3) storey apartment building with surface parking. A total of 12 units are proposed in the building with all 2 bedroom residential units. The development is intended to be a rental property. The access to this development is from Maple Street and the lane. The building is fronting Westminster Avenue W.

Proposal

The applicant is requesting an amendment to the zoning of the property from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), as identified in Zoning Bylaw 2011-23.

Additionally, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- **Section 7.6.** To reduce the parking requirement for an apartment from 16 stalls to 12 stalls
- **Section 10.9.2.8** To reduce the rear yard setback from 6m to 4.5m

Project Specifications

The following table outlines the proposed development statistics as indicated on the submitted plans:

Item	Requirement RM3 Zone	Provided on Plans
Maximum Lot Coverage:	50%	38.2%
Maximum Density:	1.6 FAR	1.11 FAR
Vehicle Parking:	1 space per unit (12) 0.25 per unit visitor(4) Total: 16 stalls	12(1 for each unit) 0 visitor (variance required) Total: 12 stalls
Bicycle Parking	Class 1 0.5 per unit (6stalls) Class 2 0.1 per unit(2 stalls)	6stalls in lockers 2 bicycle rack

Required Setbacks		
Principal Building		
Front yard	3.0m	3.0m
Rear yard	6.0m	4.5m(Variance required)
Interior Side yard	4.5m	4.5m
Exterior side yard	6m	6m
Maximum Building Height:	24m	10.1m (3 storey)
Other Information:	<ul style="list-style-type: none"> Property is the Downtown Multiple Family Development Permit Area (DPA) 	

Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Usual frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant.

Financial implication

N/A

Analysis

Support zoning amendment

The subject property is currently designated Multi Family Medium Density (MFMD) by the City’s Official Community Plan (OCP). The OCP encourages intensification of residential land use and density. The zoning that currently exists on the site is R2 (Small Lot Residential) and only permits one single-family dwelling on each lot unless it is subdivided for additional single family dwellings. A number of zones conform to the Multi Family Medium Density Residential OCP designation including RM3 which provides for housing up to 6 storeys. Staff considers that rezoning the lot from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), to enable this development is an appropriate use of the land for the following reasons:

- According to the City’s OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, duplexes, townhouses and apartments, this application encourages a mixed range of housing, types, tenures and densities;
- Supports residential intensification near commercial activities, institutional facilities (including the Community Centre) and in proximity to the downtown.
- Supports densification in areas where existing services can accommodate higher densities;
- Facilitating the development of affordable housing and rental accommodations in Penticton.
- The proposed apartment will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community.

Staff considers that the design is fitting and consistent with the latest medium density development in the area. The plans, submitted in support of the rezoning application to RM3, demonstrate that the development meets the intent of the OCP. For these reasons staff is recommending that Council supports the land use designation change, as provided in this report and refers the application to the April 4 , 2017 Public Hearing.

Deny/Refer

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances are as follows:

Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 16 to 12 stalls

As with other infill projects throughout the City, it is often challenging to build within the zoning requirements. This development variance application will maximize the development potential of the site in a manner which is sensitive to surrounding land uses, while providing 1 parking stall for each unit. The OCP has guidelines that support the reduced parking standard to accommodate density changes, providing that the development is within 400m of a transit stop. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties.

Section 10.9.2.8 of Zoning Bylaw 2011-23 to vary the minimum rear yard setback from 6m to 4.6m

The applicant is requesting a reduction of the rear yard setback from 6.0m to 4.5m. The proposed development maximizes the use on the site. To accommodate the surface parking, the building needed to be setback from the lane and Maple Street. By reducing the rear yard setback, a practical layout, design and use of the site results. A 1.8m (6 feet) privacy fence will be erected along the south property line as a buffer. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on nearby properties.

In considering this submission, staff recognized the limitations of this site to accommodate the development and determined that the variances being requested are in keeping with the objectives of the OCP. The developers have indicated that they plan on making all of the units available for rental. There is a strong need for additional, purpose built rental in Penticton. Staff considers that the development will make an overall positive contribution to the community. Given the above, staff considers that the request is reasonable and recommends that Council supports the variance and direct the permit to be issued.

Approve Development Permit

The subject property is in the Downtown Multiple Development Permit Area. When evaluating an application, staff review the proposed plans against the DPA guidelines contained in the Official Community Plan. Staff feel that the plans conform to the DPA guidelines and the zoning regulations of the RM3 zone.

The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. The development meets the following objectives of the OCP under the development permit guidelines:

- The proposed design is livable with sun exposure and design of the landscaping that incorporates open spaces with a variety of plantings to enhance the livable environment.
- The building design incorporates architectural detailing and a variety of building finishes that provide visual interest.
- The proposed building provides strong linkage with the rest of the neighborhood and is compatible with the surrounding land use.
- Landscaping is extensive and includes a number of trees, several shrubs and bushes that provide a decent view from the street level.

This application blends into the established neighbourhood and meets the objectives of the downtown multiple development permit area. The overall design and finish of the buildings is of high quality and will add positively to Penticton as a whole. Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff are recommending that Council approve the development permit.

Deny or refer

Council may consider that the proposed development does not meet the guidelines of the Downtown Multiple Development Permit Area and the intent of the Official Community Plan. If this is the case, Council can deny the amendments, development variance permit and the development permit. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council give first reading to "Zoning Amendment Bylaw No.2017-21" but deny support to "Development Variance Permit PL2016-7826" and Development Permit PL2016-7825.

Attachments

- | | |
|---------------|-------------------------------|
| Attachment A: | Subject Property Location Map |
| Attachment B: | OCP Map |
| Attachment C: | Zoning Map |
| Attachment D: | Images of Subject Property |

Attachment E: Letter of Intent
Attachment F: Elevations
Attachment G: Renderings
Attachment H: Site Plan
Attachment I : DVP
Attachment J: Zoning Bylaw No. 2017-21

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director AH	CAO PW
----------------	-----------

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map

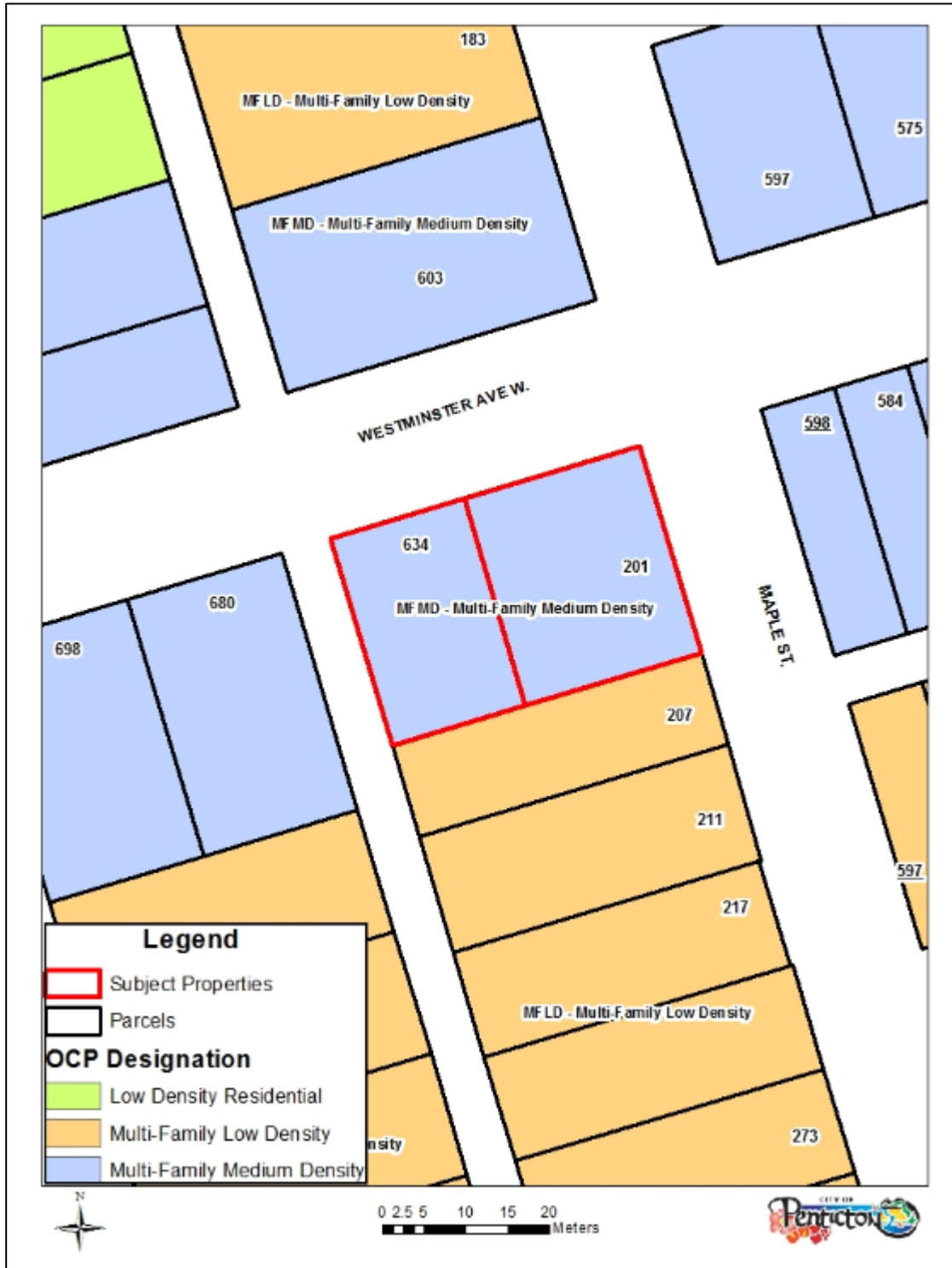


Figure 2: OCP Map

Attachment C - Zoning Map

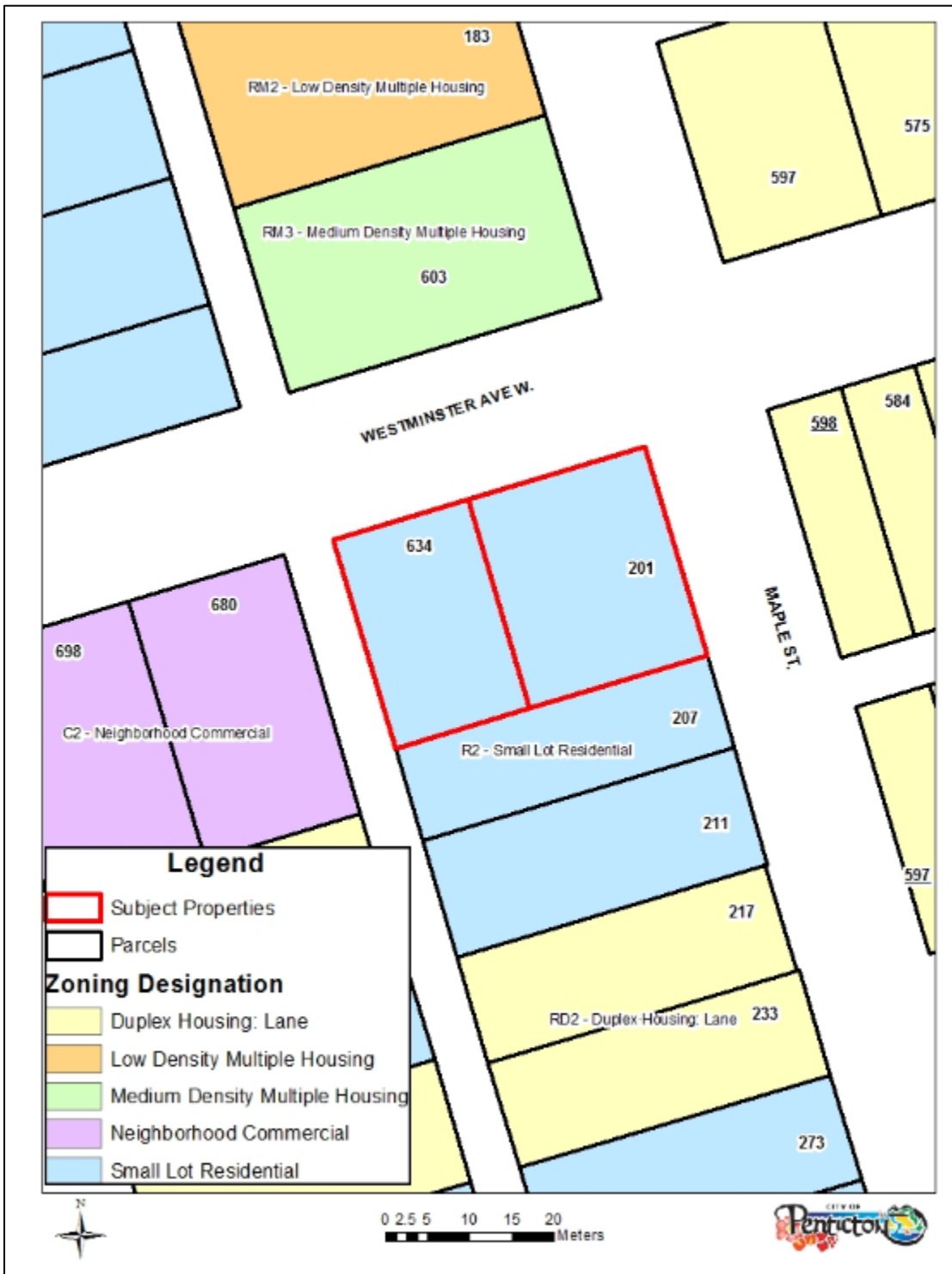


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Westminster Avenue



Figure 5: View at the corner of Westminster Avenue and the lane

Attachment E –Letter of Intent

March 1, 2017

Mayor and Council
Development services
City Of Penticton
101 Main St
Penticton, BC

Re: Proposed development of 634 Westminster Ave W & 201 Maple St

The subject properties are currently 2 very old houses that have come to the end of their economic life. Our proposed development will provide a much needed addition to the rental housing market in the downtown area.

The development will consist of 12 units, in a building with enhanced mobility access including an elevator. In our research we feel that there is a market for quality accommodation for mobility challenged residents in the downtown area.

This development is challenging in some aspects. The site is fronted on Westminster Ave. and Maple St. It also has frontage on a back lane. This has led to the application of 2 variances for the council's consideration. One is for visitor parking, the other is for landscaping area. Both of these variances are due to the layout of the parking on the site. With the extra cost of installing an elevator the prospect of underground parking is too much of a financial burden and renders the project unviable. Keeping the parking on site for all 12 units is an important feature of the project, and will require the variance for reducing the area of landscaping. To make up for this there is an intensified planting plan for the remaining areas.

We trust that this development will meet the approval of all departments and we look forward to adding this project as part of the ongoing revitalization on the city.

Sincerely,



Per Cougar Holdings Corp.

Attachment F – Elevations

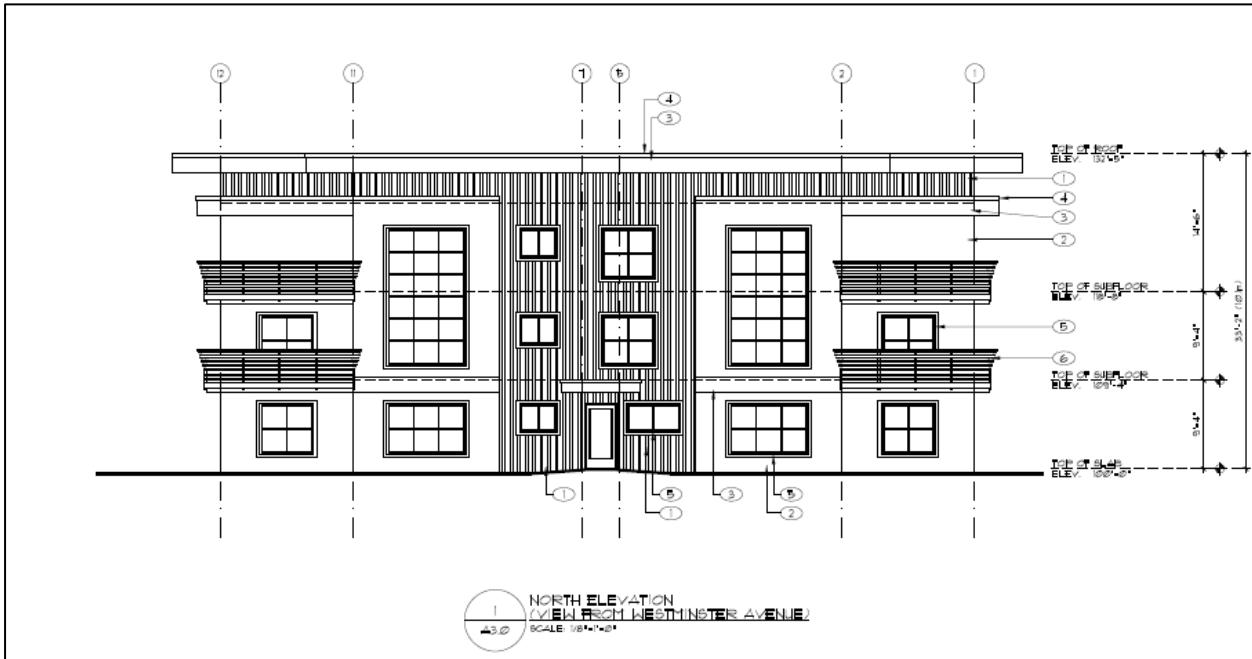


Figure 6: North Elevation (Westminster Avenue)

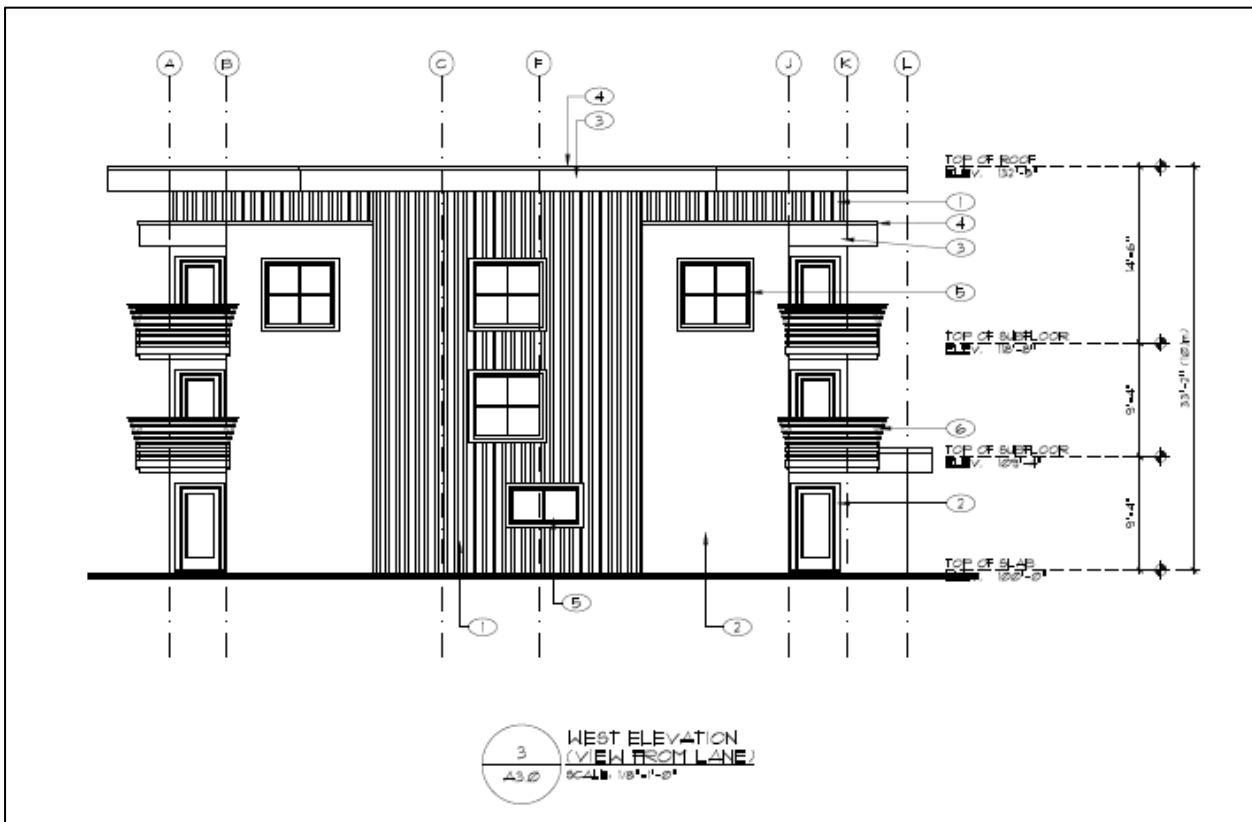


Figure 7: West Elevation (View from lane)

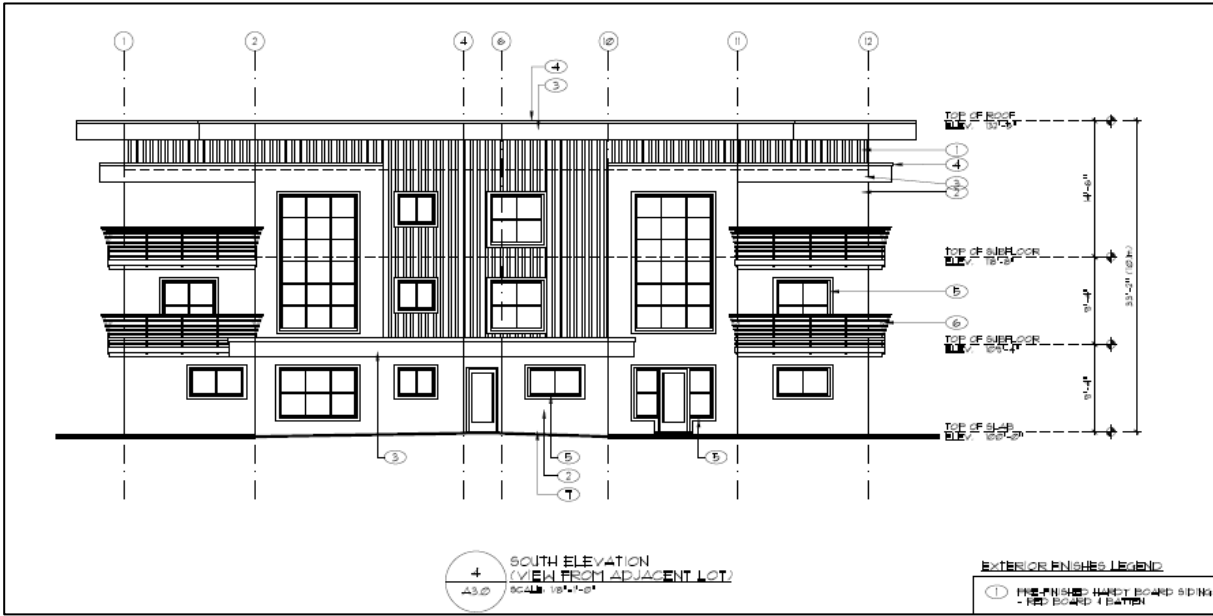


Figure 8: South Elevation

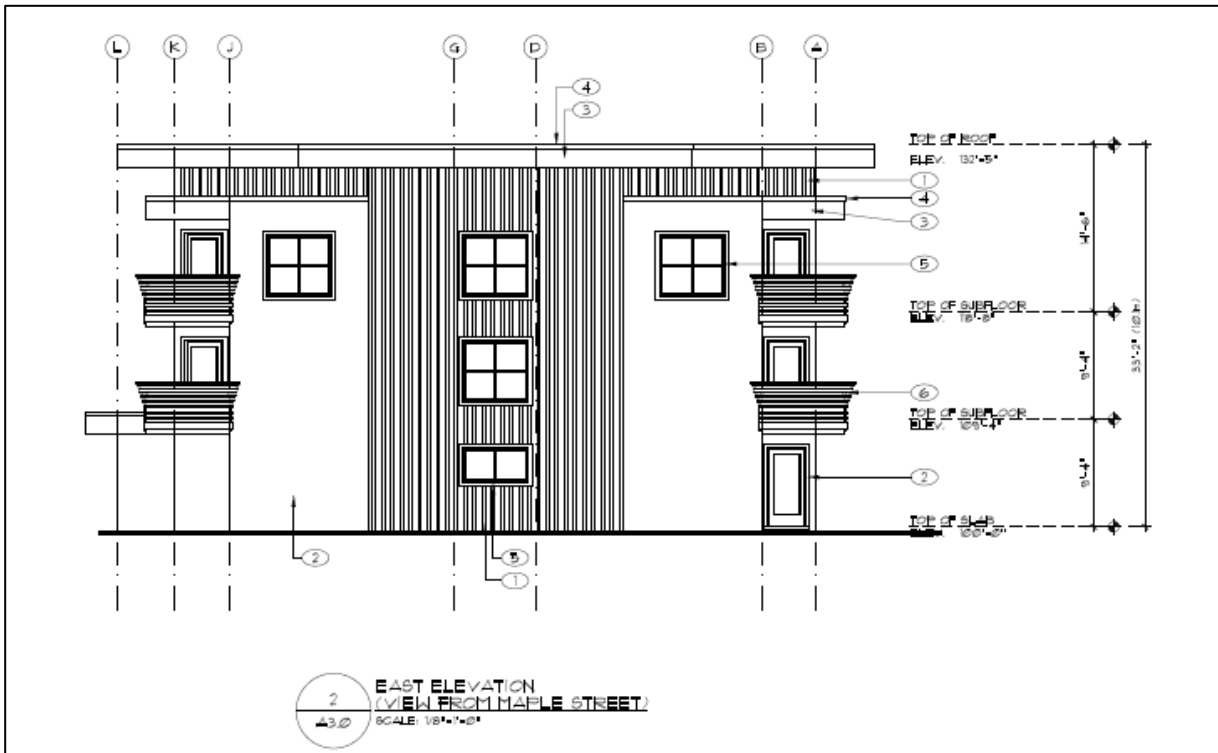


Figure 9: East Elevation

Attachment G – Building Rendering

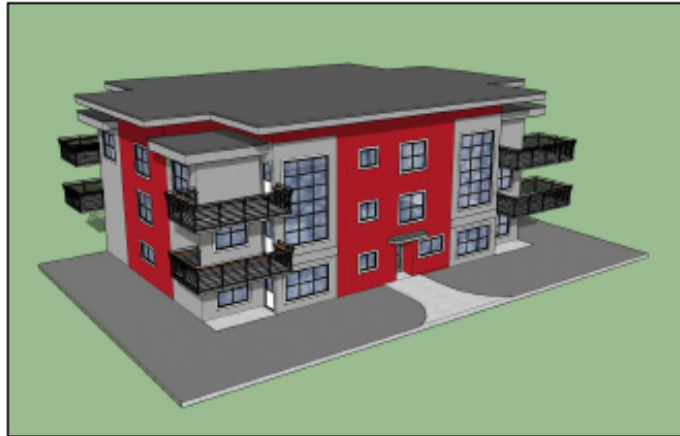


Figure 10: North Eastview

Attachment H: Site Plan

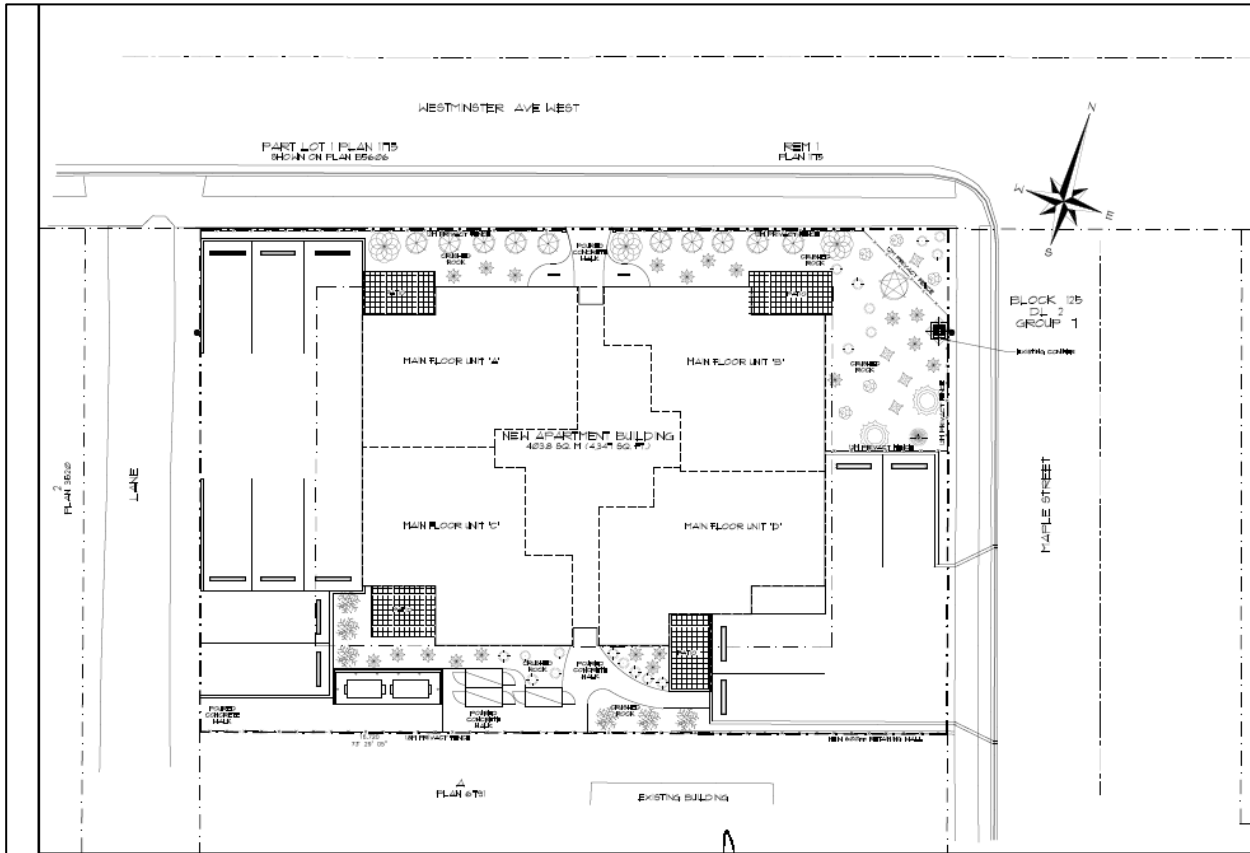


Figure 11: Site Plan

Attachment I: DVP



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

Development Variance Permit

Permit Number: DVP PL2016-7826

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 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (FORMERLY YALE LYTTON) Division Yale District, Plan 1175 located at 634 Westminster Avenue West Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269
Civic: 201 Maple Street and 634 Westminister Avenue
PID: 011-792-698 & 001-729-527
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary:
 - **Section 7.6.** To reduce the parking requirement for an apartment from 16 stalls to 12 stalls
 - **Section 10.9.2.8** To reduce the rear yard setback from 6m to 4.5m

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-21

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-21".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

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

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

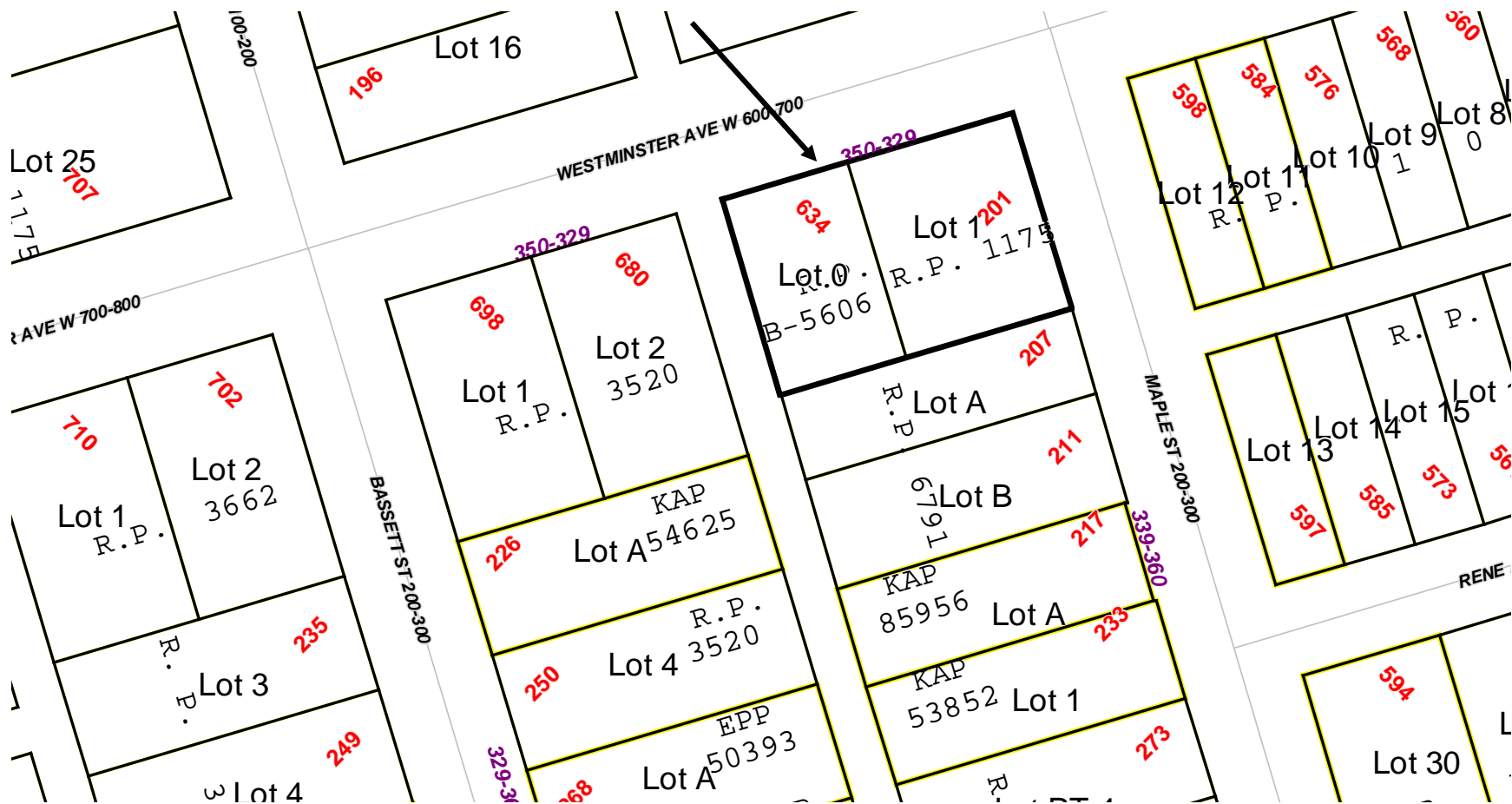
Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2017 and the ___ day of ___, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ___ day of ___, 2017
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 634 Westminster Ave W & 201 Maple Street From R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A' Zoning Amendment Bylaw No. 2017-21

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 230 Brunswick Street
Subject: **Zoning Amendment Bylaw No. 2017-22**

File No: RZ PL 7827

Staff Recommendation

Zoning Bylaw Amendment

THAT "Zoning Amendment Bylaw No. 2017-22", a bylaw adding section 11.6.4.2: " In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted", be introduced, read a first time and be forwarded to the April 4, 2017 Public Hearing.

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and is also zoned C6 (Mixed Use Commercial) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. The site extends to 623m² (0.154acre) and currently features an existing building and a metal storage container. This site is situated in an area with a mix of commercial, residential and office buildings.

Proposal

The applicant has applied for a site specific zoning on the property to add the use 'millwork' into the C6 zone for this property only.

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No concerns were identified.

Financial implication

N/A

Analysis

Support zoning amendment

The subject property is designated for Downtown Commercial (DC) by OCP Bylaw 2002-20. This designation encourages a wide range of pedestrian oriented retail, office, institutional use, entertainment and also includes multi-family residential above the ground floor. Peripheral areas in the downtown commercial land use designation may include service commercial uses that are contained within a building. Under the C6 zoning, custom indoor manufacturing is a permitted use but is limited to small scale on-site indoor production with hand tools. In this case, the applicant is proposing to have on-site indoor production of cabinets using larger tools.

This is an area of the downtown that was once zoned for heavy commercial activities and included indoor service industries. Staff feels that the size, scale and scope of the proposed use are compatible with the character of the area. The service commercial use meets the intent of the Downtown Commercial policies. Staff do not feel that any negative externalities will impact any neighbouring business and residences, given that the proposed use of the property is indoor. As such, staff recommend that Council support the application to rezone the property and refer the application to the April 4th 2017 Public Hearing.

Deny/Refer

Council may feel that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may refer the application back to staff with further instructions.

Alternate Recommendations

- 1. THAT Council deny first reading to "Zoning Amendment Bylaw No.2017-22" .

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Zoning Amendment Bylaw 2017-22

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director AH	CAO PW
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map

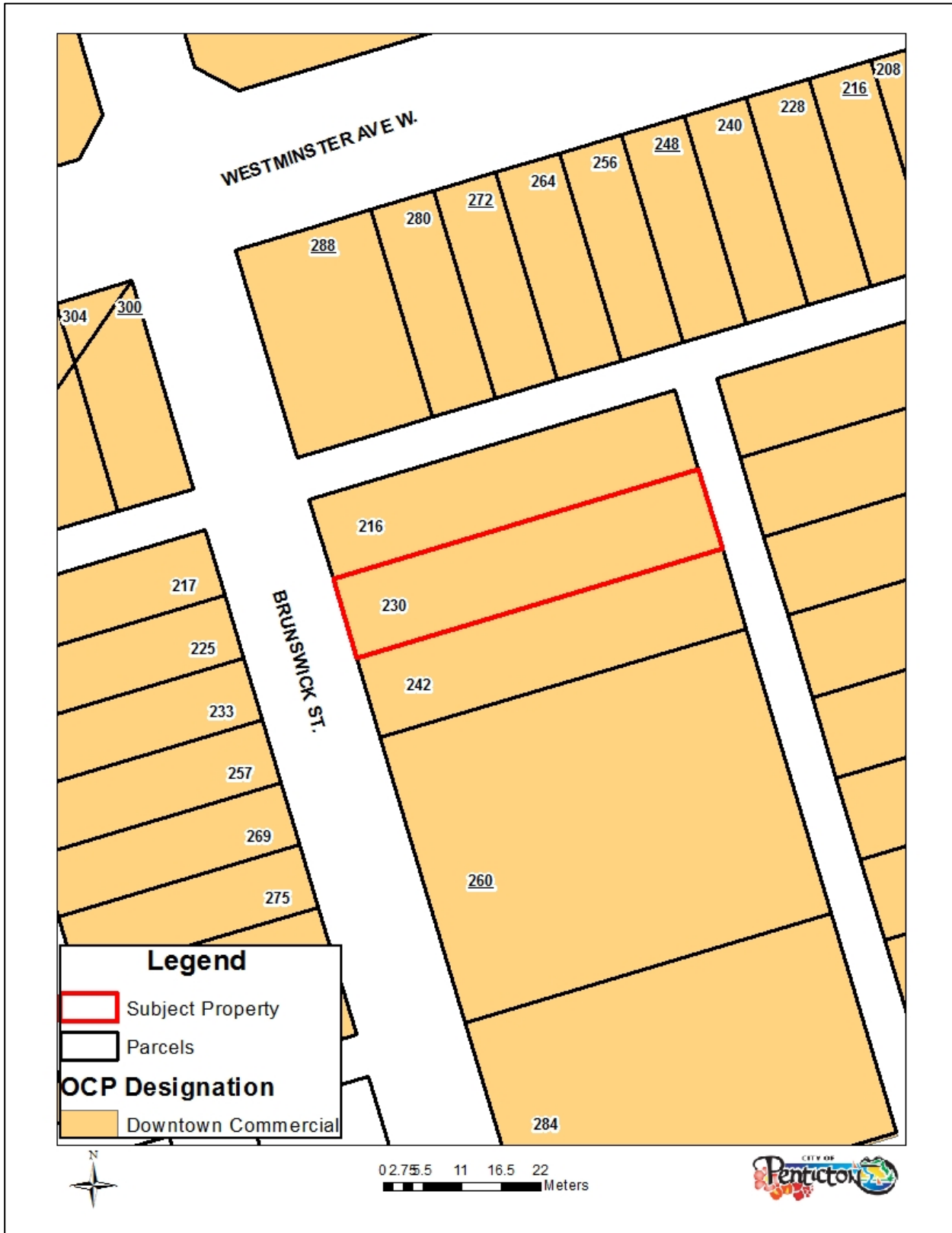


Figure 2: OCP Map

Attachment C - Zoning Map

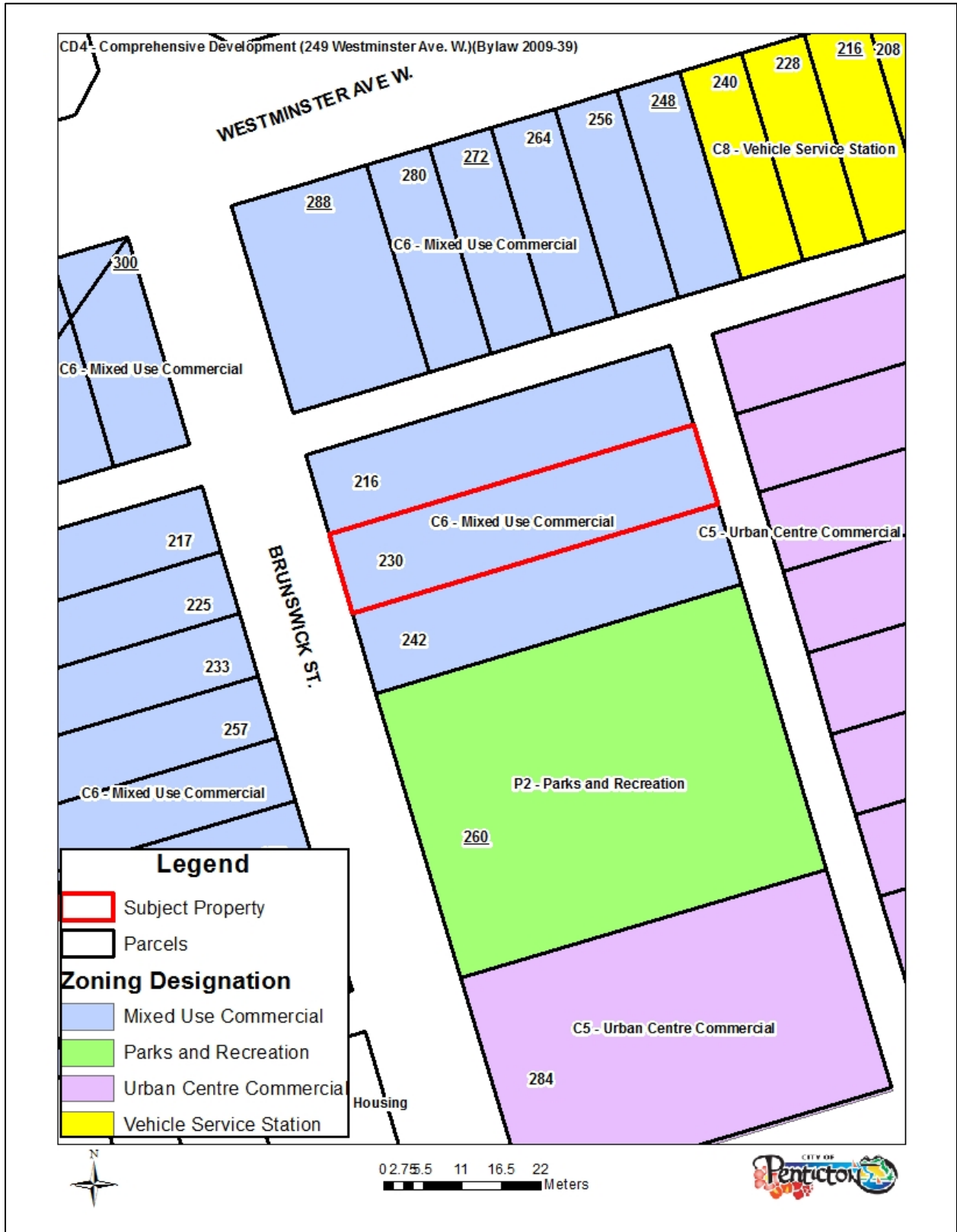


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Brunswick Street



Figure 5: View from the Lane

Attachment E –Letter of Rationale

RITCHIE CUSTOM HOMES

December 21, 2016

Blake Laven
City of Penticton Planning Manager
171 Main St
Penticton, BC
V2A 5A9

Dear Blake Laven,

Re: Letter of Intent supporting the request for 230 Brunswick Street - Site Specific Zoning

Primary Function

Supply custom made woodworking products to Ritchie Custom Homes to enhance the experience and service in their projects. The vision is to be efficient and innovative with vertical integration of work, employment, control and influence of design and quality of the custom millwork that is used in the custom home projects and wineries in the South Okanagan. Ritchie Custom homes currently manages 7- 9 projects per year employing 20+ employees.

Operations

This is to be a custom woodworking shop supporting the various construction projects of Ritchie Custom Homes. Intent is to out-source major material processing work with the final product being assembled on site. Some custom fabricating will be required at the site and all work will be conducted within the building.

Site Information:

The property is 10,000 sq. ft. with a building on the property that is 1500 sq ft. Prior to the zoning change in 2011 this site was zoned Heavy Commercial with the Permitted Uses including wood working.

Employment

Current Employment is two journeyman cabinet makers with the aim to hire an apprentice in early 2017. Potential exists to hire 1-2 additional employees in the next 2-3 years. These are Red Seal Journeyman employees earning above average wages.

Summary

The operation of a smaller scale custom woodworking shop, employing skilled tradesmen and supplying product to a very successful custom home builder- Ritchie Custom Homes. Presents a unique opportunity to support the craft of cabinet construction, custom built components, furniture, doors and other wood related products as utilized in the custom homes built by Ritchie Custom Homes. These jobs are all well paid trades type jobs.

Sincerely,


Nicholas Hill



Ritchie Contracting & Design Ltd. 1393 Hillside Ave, Penticton, BC, CA V2A 8T1 Phone: 250-493-9341 RitchieCustomHomes.com

Bylaw No. 2017-22

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-22".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Add Section 11.6.4.2: "In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted."

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

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

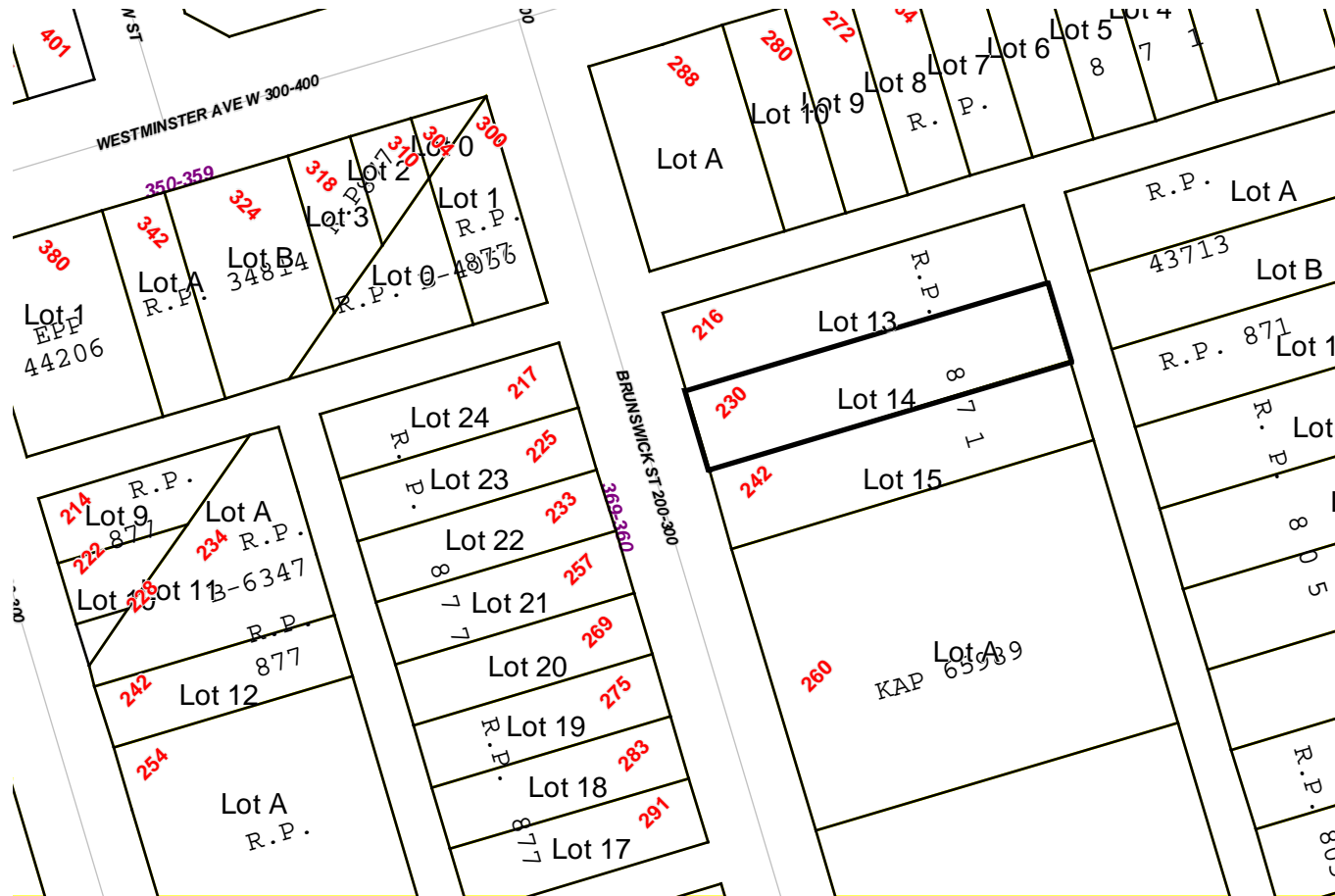
Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2017 and the ___ day of ___, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Approved pursuant to section 52(3)(a) of the Transportation Act
this ___ day of ___, 2017
for Minister of Transportation & Infrastructure

Site Specific Zoning Amendment To Permit Indoor Millwork at 230 Brunswick Street (C6-Mixed Use Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-22

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 453 Winnipeg Street and 232 Wade Avenue
Subject: **Zoning Amendment Bylaw No. 2017-23**

File No: PRJ2017-0

Staff Recommendation

THAT "Zoning Amendment Bylaw 2017-23", being a bylaw to amend "Zoning Bylaw No. 2017-08" by adding the use 'office' as a site specific use to Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan KAP77551 located at 453 Winnipeg Street and the use 'parking' on Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, be given first reading and be forwarded to the April 4, 2017 Public Hearing.

Strategic priority objective

Support for the proposal will keep an important regional employer in Penticton.

Background

This application involves zoning amendments on two separate lots, which form part of a large 'social housing campus' on the corner of Wade Avenue and Winnipeg Street.

The campus currently features: The Tower Apartments, 120 units of subsidized housing in a 6 storey building; Chestnut Place, a two storey, 32 unit assisted living senior's residence; and a recreational drop-in centre called the Leisure Centre. The campus also features a 'community garden' for those residents living in the Tower. The campus is operated by the not-for profit group: Penticton and District Society for Community Living (PDSCL) and was at one time partly owned by BC Housing (Tower) and partly owned by Interior Health (Community Garden, Leisure Centre and Chestnut Place). BC Housing has recently been transferred ownership of the entire campus. The subject application involves the community garden and the Leisure Centre, but will not affect the Tower Apartments or Chestnut Place.

Over the past decade, the Leisure Centre, has seen a decline in usage and became a financial liability for PDSCL. This has created an opportunity for the repurposing of the space. BC Housing has announced their intention to renovate the Leisure Centre and relocate their regional office from 280 Nanaimo Avenue to that location. As part of the renovation, they are also proposing to relocate the community garden from its

current location elsewhere on the campus, and create additional parking for their staff and residents of the Tower Apartments where the gardens currently are.

Both properties, 453 Winnipeg Street (Leisure Centre) and 232 Wade Avenue (Community garden) are zoned RM3 (Medium Density Residential). The RM3 zone does not permit the use 'office' as a permitted use or allow the use parking. To proceed with the project, an amendment to the zoning bylaw is required.

Proposal

The applicants working on behalf of BC Housing are proposing amendments to Zoning Bylaw No. 2017-08 to add the following sections to the zoning bylaw:

10.9.5 Site Specific Provisions

- .1 In the case of Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan KAP77551 located at 453 Winnipeg Street, the use 'office' shall be permitted.
- .2 In the case of Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, the use 'parking' shall be permitted.

Technical Review

This application was forwarded to the City's Technical Planning Committee. No concerns were raised with regard to the proposed change of use. All works to convert the recreational facility from an assembly use to an office use will be done through building permit approval and with professional architect oversight.

Environmental Review

As part of the application an environmental *Preliminary Site Investigation* and *Stage II Site Investigation* was submitted for 232 Wade Avenue. The report tested the soils of the property and found elevated levels of certain hydrocarbons. The levels are not concerning for residential development, however, the report does not recommend agricultural uses of the property. The report makes the assumption that a house fire which occurred on the property some decades ago was the cause of the minor contamination. Nevertheless, the land is not considered suitable to be continued as a community garden in its current state. If the zoning amendment is not successful and the community garden use were to continue on the site, the residents should use raised beds as opposed to planting directly into the earth as has been the practice to date.

Consultation

Staff have met with several of the residents of the Tower Apartments in regard to the relocation of the garden plots. The residents expressed their desire to see the garden improved, specifically with free irrigation, proper security in place and storage for gardening implements. These comments have been forwarded to BC Housing. BC Housing has made a commitment to work with the community garden group

in creating a suitable replacement. It should be noted, that the preference of the garden user group would be to keep the garden in its current location. The garden user group consists of 13 members.

Financial implications

N/A

Analysis

The Tower Apartments have been an important contributor to Penticton's social housing inventory since its construction in the early 1970s. The recreational component of the housing has been in decline for the past decade as the tenant mix of the Tower has moved from a senior focused tenant population to a more mixed population. Staff consider the re-use of the recreational space for the BC housing offices a positive outcome.

Staff were initially concerned about the removal of a community garden, but are satisfied with a commitment from BC Housing to relocate the garden.

As for the use of 232 Wade Avenue for parking, 1/3 of the property is already used for parking. Under the application the parking will be expanded and all of the parking will be developed to the bylaw standards with hard surface paving, drainage, lighting and landscaping integrated into the design.

The subject property is designated as HR (High Density Residential) by the City's Official Community Plan (OCP). The policies of the HR designation permit office uses through a zoning amendment, and provides some guidance to staff and Council to determine suitability. The guidelines are as follows:

1. The size scale and scope of the proposed use is compatible with the character of the area; and,
2. The proposed use will not have a negative impact, including noise, unacceptable traffic generation or invasion of privacy on adjacent residential uses.

Staff consider the proposal to be in line with these guidelines. As no new building is being proposed, the change in neighbourhood character will be minimal. The function of the building will change in ways that *may* have an impact on neighbouring properties, but staff do not consider the impact to be negative. The BC Housing offices will be open during regular business hours and parking is being expanded to accommodate the expected staff and clients.

With regard to the expansion of the parking on 232 Wade Avenue, care will need to be taken to ensure proper landscaping to soften the impact of the increase in asphalt and to make sure that any lighting is designed to not impact the neighbouring residential building.

Given the above, staff are recommending that Council give first reading to the bylaw and forward it to the April 4th, 2017 Public Hearing to hear comments from the community.

Alternate recommendations

THAT Council deny giving first reading to "Zoning Amendment Bylaw No. 2017-23"

THAT Council refer Zoning Amendment Bylaw No. 2017-23 back to staff to conduct further public consultation on the land use change.

Attachments

Attachment A – Subject property location map

Attachment B – Current site map

Attachment C – Photos of the subject property

Attachment D – Site plan

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

Director <i>AL</i>	Chief Administrative Officer PW
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Attachment A
Subject Property Location Map



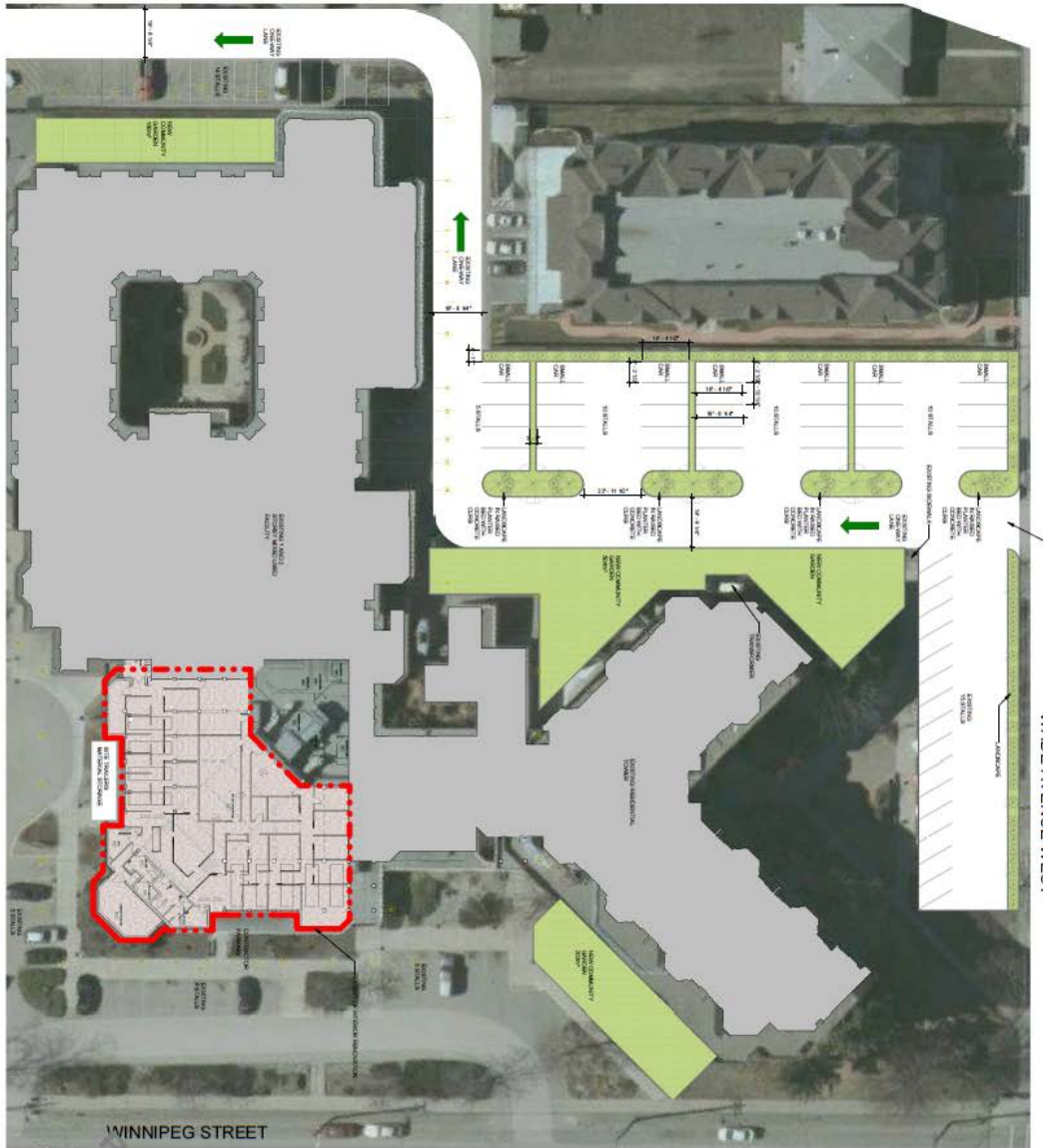
Attachment B
Current Site Map



Attachment C
Photos of subject lands



Attachment D Proposed Site Plan



**PRELIMINARY
FOR SITE
SPECIFIC ZONING**

EXISTING PARKING: 48
 NEW PARKING: 35
 TOTAL PARKING: 83
 EXISTING COMMUNITY GARDEN: 680m²
 NEW COMMUNITY GARDEN: 888m²

m+m a
MEIKLEJOHN ARCHITECTS INC.

301 - 75 FRONT STREET
 VANCOUVER, B.C. V6B 1K6
 TEL: 604.681.3143
 FAX: 604.681.3144
 WWW.MEIKLEJOHN.COM
 2010 800 PINEHURST AVENUE
 HELIXONIA, B.C. V1Y 6K2
 TEL: 250.762.0006
 EMAIL: KETUJAN@MJA.VIC

PROJECT TITLE
**BC HOUSING -
 CHESTNUT
 OFFICES**

DRAWING NUMBER
A201

DATE
NOV 11 2011

DESIGNED BY
 NAME

CHECKED BY
 NAME

PROPOSED SITE
 PLAN

Council Report

penticton.ca

Date: March 21, 2017
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 135 Front Street

File No: OCP PL 7812 & DVP PL7813 & DP PL7814

**Subject: OCP Amendment Bylaw No. 2017-24
Development Permit PL7814 and
Development Variance Permit PL7813**

Staff Recommendation

OCP

THAT prior to consideration of OCP Amendment Bylaw No. 2017-24 and in accordance with Section 475 of *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. 2017-24", being a bylaw to amend "OCP Bylaw No. 2002-20" shown as Attachment 'J' of this report to allow a 5 storey building at 135 Front Street; be introduced, given first reading and be forwarded to the April 4th, 2017 Public Hearing.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2016-7813" on Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269, located at 135 Front Street, a permit to increase the maximum height of a building from 15m to 20.5m, increase the allowable 0.4m projection for architectural features to 1.2m and waive the requirement for Class II bicycle parking stalls be heard at the April 4th, 2017 Public Hearing;

AND THAT Council consider "DVP PL2016-7813" following the adoption of "OCP Amendment Bylaw No. 2017-24".

Development Permit

THAT Council approve DP PL2016-7814, a permit to allow the construction of a 5 storey building on Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269, located at 135 Front Street;

AND THAT Council consider "DP PL2016-7814" following the adoption of "OCP Amendment Bylaw No. 2017-24".

Strategic priority objective N/A

Background

Council adopted the Downtown Plan into the City's Official Community Plan (OCP) in 2013, as the first step in Council Strategic Priority of Downtown Revitalization. The Downtown Plan generated wide support from the community and local businesses with significant public engagement and community input that created the vision and direction for the future of Downtown Penticton.

The Downtown Plan formalized the vision and set planning principles, objectives, policies and actions to guide the development and revitalization of downtown. The Downtown Plan main goals include:

- Build a vibrant, healthy and safe place for more people to live, work and play.
- Create strong identity and character.
- Create partnerships to make it easier for businesses to invest.

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and is also zoned C5 (Urban Centre Commercial) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. This lot is part of the 6 parcels of land that once formed part of the historic Slack Alice building. The site has been vacant since 2012. The subject site is 279m² (0.068 acre) in size. All the properties along Front Street are designated Downtown Commercial (DC) by the City's Official Community Plan. The downtown plan specifically addresses opportunities for redevelopment and re-invention with a strong connection with creativity and history. A focus has been established to retain the integrity of the downtown heritage sites and buildings.

The developer is proposing to develop a strata, multi-family project comprising one storey commercial and 4 storey residential with a total of 14 residential units. Only 2 parking stalls are provided on site. The developer has secured an agreement to bring a carshare program to the downtown area, which is considered to be a positive contribution towards alternative transportation downtown and in the community. Under the zoning bylaw, the required number of parking spaces may be reduced by a maximum a three (3) spaces if the building provides one co-operative vehicle and one co-operative vehicle parking space. Additionally, six (6) additional required parking spaces will be located on the site directly to the north-east. The developer will enter into an agreement with the City to secure the stalls. In the future, if the developer wishes to redevelop the vacant lot and eliminate the parking, cash in-lieu of these parking spaces will be triggered at \$6,000 per parking space.

In addition to an OCP amendment and development permit, the applicant is requesting a variance to the maximum allowable projection for balconies and walls and an increase in the height of the building to allow one extra storey.

Proposal

The applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

- To amend Section 2.1.2 :The Downtown and Urban Villages to increase the maximum height in the Downtown Commercial (DC) designated area on Front Street from a 4 storey building to a 5 storey building at 135 Front Street.

The applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 11.5.3.2: To increase the maximum architectural projection from 0.4m to 1.2m
- Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 20.5m
- Section 6.4.3: To waive the requirement for Class II bicycle parking stalls.

Furthermore, the applicant is also seeking a development permit to construct a 5 storey building at 135 Front Street.

Project Specifications

The following table outlines the proposed development statistics on the plans submitted with the application:

Development Statistics

Item	Requirement C5 Zone	Provided on Plans
Maximum Lot Coverage:	100%	100%
Maximum Density:	6.0 FAR	3.9 FAR
Vehicle Parking:	10 stalls	2 stalls on site Car share(substitute for 3 stalls) 6 stalls provided on adjacent lot
Bicycle Parking <i>Class I</i> <i>Class II</i>	0.5 per unit (5)and minimum 2 for commercial uses 0.1 per unit	15stalls 0 (variance)
Required Setbacks: All yards	0.0 m	0.0 m
Maximum Building Height:	15m (Front Street)	20.5 m(variance)
Other Information:	<ul style="list-style-type: none"> • The DP area that the property is situated in is the "Downtown Enterprise Development Permit" area. 	

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Usual frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant.

Financial implication

N/A

Analysis

Support OCP amendment

The opportunities for larger scale development downtown are restricted. The Downtown plan limits the height of buildings on Main Street and Front Street to three storeys with the option where large redevelopment property exists, an increased density and height may be suitable subject to a complete design review. The developer has worked with a local architect to submit plans that compliment the diversity and heritage character of Front Street. Staff feels that the increase in height will have minimal impact on the street considering the design proposed. The impact that will occur resulting from the higher storey compared to the potential 10 storeys on adjacent streets including Ellis Street and Martin Street is minor. The proposal adds to the already diverse range of densities of this area and fills a gap in the streetscape that is sorely needed.

In summary, the development meets the following objectives of the OCP:

- Encourage residential intensification and allow for a visually interesting building design
- Promote infill development with priority on mixed use development with ground floor commercial
- Retains the Downtown Commercial areas as a compact well defined and pedestrian oriented area.
- Encourage densification in areas where existing services can accommodate higher densities; and
- Encourage Front street commercial areas with infill commercial development on vacant parcels.

Overall, staff believe that the proposed building will generate positive impacts for the downtown with the increase in commercial area and the 14 new residential units. Staff considers that the design is suitable and consistent with the redevelopment in the downtown. The location of the site and characteristics of the surrounding make it ideally suited for densification. For these reasons staff are recommending that Council support the OCP amendment as provided in this report and refer the application to the April 4 , 2017 Public Hearing.

Deny/Refer

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. If the OCP amendment does not go forward, the property will be

restricted to a 4 storey building. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause an undesirable impact on neighbouring properties and if the variance request is reasonable. The proposed variances are as follows:

Section 11.5.3.2: To increase the maximum projection for decorative building features from 0.4m to 1.2m

The zoning bylaw states that projections up to 0.4m are allowed to accommodate desirable architectural features; the applicant is requesting that maximum increased to 1.2 m to allow balconies to cantilever. Given that this variance will add positively to the architectural interest of this building and will maximize the development potential of the site in a manner which is sensitive to surrounding land uses and the integrity of the street, it is supported by staff.

Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 20.5m

It is the developer's intention to add an additional storey to the building consequently increasing the number of residential units from 12 to 14 units. Each unit on the 5th floor is approximately 1,050 ft². The mixed use development will provide for an efficient use of the land and active uses on the ground floor. As with other infill projects in the downtown, this proposal promotes a form of growth focusing on infill with a priority on mixed use development. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties, as the form and scale of this development is consistent with the form and character of the downtown and adds a visually interesting building design.

Section 7.4.3: To waive the requirement for Class II parking stalls.

Under the C5 zoning, the zoning bylaw allows for 100% site coverage. The intent of this zone is to allow high density commercial and residential uses. Bicycle parking requirements for this type of development include: lockers, compounds or rooms (Class I) as well as bicycle racks located outside (Class II) the building. In this case, the developer proposes to increase the number of bicycle lockers inside the building to lessen the requirement for outdoor racks. Staff does not consider that the variance will have a negative impact on the neighboring properties and overall meets the intent of the bylaw.

Support Development Permit

The Downtown Enterprise Development Permit Area (DPA) encompasses a three block area, which is considered to be the "heart" of Penticton's downtown. The City recognizes that the attractiveness of this area is vital in attracting tourists, pedestrians, and new development to the area. As such, development is expected to largely comply with what the OCP recommends with respect to siting, design, and community impact.

In terms of design, the development meets many of the criteria laid out in the OCP. For example, it is felt that the building has a high degree of architectural value, providing interest through a variety of building finishes, varied roof lines, and outdoor spaces attached to each unit. Additionally, the building is adding

dimensional interest to the street and promoting a unique character to the building. For these reasons staff is recommending that Council support the Development Permit.

Alternate Recommendations

1. THAT Council give first reading to "OCP Amendment Bylaw No.2017-24" but deny support to "Development Variance Permit PL2016-7813" and Development Permit PL2016-7814.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Letter from Car share program
- Attachment G: Building Rendering
- Attachment H: Site Plan
- Attachment I: DVP
- Attachment J: OCP Amendment Bylaw No. 2017-24

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director	CAO
AH	PW

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map



Figure 2: OCP Map

Attachment D - Images of the Subject Property



Figure 4: View from Front Street



Figure 5: View from the rear lane

Attachment E –Letter of Rationale



December 2, 2016

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

Attn: Audrey Tanguay, Long Range Planner

Dear Audrey:

Re: OCP and Zoning Amendment, Development Variance Permit
135 Front Street, Penticton, BC
Lot 13, Plan 269, DL 202, Blk 1, PID 012-442-011

Schoenne Homes Inc. is excited to bring forward for your review a development proposal for our property located at 135 Front Street. Our intention is to construct a five storey mixed use building including a commercial unit on the main floor and fourteen, one and two bedroom residential units, on the four upper floors.

The project has been designed specifically to cater to the downtown residential rental market, by offering an urban feel, and micro/efficient living. To that end we have created a development that offers tenants a sense of a community within a community which is why the project will include a common roof top deck for social gatherings and building functions.

As part of our development proposal we are requesting a relaxation to the maximum height allowance from 15m to 20.42m. The additional height request is being made to allow for an additional residential storey and the roof top deck.

We are also requesting that the allowable "decorative building feature" projection be increased from 0.4 to 1.22m. This request is being made to enhance the exterior architectural appeal of the Front Street elevation and to facilitate the construction of decks while still maintaining functional living space for the residential units.

On-site parking has been limited to 2 stalls which is short of the 14 required stalls. In accordance with Zoning Bylaw No. 2011-23, 7.5 and table 7.4 a developer is permitted to pay Cash-in-lieu to off

set the lack of on-site parking. In exchange for Cash-in-Lieu payment for 5 of the required automotive parking stalls Schoenne Homes Inc. is prepared to introduce/fund Penticton's first community car share program through a one time prepaid agreement with OGO Car Share Co-Op of Kelowna. The vehicle, owned and operated by OGO Car Share Co-Op, is guaranteed to be available for 2 years. Subsequent years' will be at the discretion of the company principals and we are told is subject only to the positive acceptance of the program by the community. Schoenne Homes Inc. will take no responsibility for success of the program and has no financial liability for the program beyond the initial program introduction fee. We are also requesting that council approves a designated Car Share street parking stall in front of the project.

Finally, our development proposal has a site coverage ratio of 100%, and as such, is unable to provide for the required Class II bicycle parking spaces along the exterior of the building. We are requesting a variance to this requirement. As a note, the development proposal will offer 12 secure Class I bicycle parking spaces within the building, 5 spaces more than that required under the zoning.

Respectfully submitted



Bruce Schoenne, President
Schoenne Homes Inc.



Attachment F –Letter for the carshare program



304-1353 ELLIS STREET
KELOWNA, BC V1Y 1Z9
(250) 469-6617
INFO@OGOCARSHARE.CA
WWW.OGOCARSHARE.CA

termLetter of intend

Kelowna, British Columbia – December 21st, 2016

This document outlines the commitment between the Okanagan Car Share Co-op (OGO) and Schoenne Homes Inc to integrate carsharing into 135 Front Street

BETWEEN:

**Okanagan Car Share Co-op
doing business as OGO
304 – 1353 Ellis Street,
Kelowna, B.C.
V1Y 1Z9
("OGO")**

AND

**Schoenne Homes Inc
205-166 Main Street
Penticton, BC V2A 5A6**

("Developer")

WHEREAS:

- A. Developer has undertaken the residential development of the lands located at 135 Front Street in the City of Penticton, British Columbia;
- B. OGO is a not-for-profit co-operative that fosters carsharing and raises awareness about the benefits of sharing cars over individual ownership;
- C. The City of Penticton will designate 1 on-street parking space in front of 135 Front Street (the "Co-op Space(s)") for the exclusive use of the Vehicle(s);
- D. OGO will, at its cost, operate, maintain, repair and insure the Vehicle(s) and administer the carsharing program (the "Carsharing Program"); and
- E. Developer and OGO intend that the Vehicle(s) will be available for use by all OGO members, including the residents of 135 Front Street who become members of OGO, collectively, the "Permitted Users").

NOW THEREFORE in consideration of the sum of Ten (\$10.00) Dollars now paid by each party to the other (the receipt and sufficiency whereof is by each hereby acknowledged) and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:



304-1353 ELLIS STREET
KELOWNA, BC V1Y 1Z9
(250) 469-6617
INFO@OGOCARSHARE.CA
WWW.OGOCARSHARE.CA

Project Fee

1. Prior to completion of construction of Development, Developer will pay to OGO a sum mutually agreed between OGO and Shoenne Homes (the "Project Fee"), which sum is inclusive of taxes, shipping and all other fees and charges, but excluding insurance, for the purchase and carsharing set up of the Vehicle(s) equipped for carsharing purposes upon the execution of this Agreement by the parties.
2. OGO will use the Project Fee forthwith upon receipt to purchase one vehicle (the "Vehicle(s)") for use as the Vehicle(s), and will provide Developer with a copy of the vehicle registration evidencing that the Vehicle is registered in the name of OGO together with proof of insurance.
3. Upon issuance of a building permit the Developer will also pay to OGO a sum mutually agreed between OGO and Shoenne Homes (the "Operating Fund"), as a fund to be applied towards the cost of maintaining, operating, insuring and administering the Vehicle(s) during the Term (as defined hereafter). OGO agrees to use and apply the Operating Fund only towards the maintenance, operations, and administration of the Vehicle(s) for the Term.
4. Upon receipt of the Project Fee and Operating Fund, OGO will issue a receipt to Developer confirming payment of the Project Fee and Operating Fund to OGO.
5. Developer agrees that OGO will be the sole provider of the Carsharing Program in respect of the Vehicle(s) during the Term.
6. Developer and OGO agree that the Vehicle(s) will be accessible to and useable by all members of OGO, including any residents of strata lots in the Development who become OGO members, and OGO will take all commercially reasonable steps to ensure the Vehicle is used only by the Permitted Users.
7. OGO agrees to provide usage of the Vehicle(s) for OGO members and to cause the Vehicle(s) to be parked in the nearby Co-op Space(s) at all times when not in use by an OGO member. For greater certainty, OGO will not be responsible for any costs in respect of the Co-op Space(s) during the Term, including, without limitation, 24 hour per day, 7 day per week OGO member access to the Co-op Space(s) and the maintenance of the Co-op Space(s).
8. OGO will be solely responsible for providing and paying for the Carsharing Program, including but not limited to the operating, administration, maintenance, repair and insurance costs.

OGO agrees to maintain, repair, and operate the Vehicle(s) and, if a Vehicle is damaged beyond repair during the Term, to replace such a Vehicle with a vehicle which is at least equivalent in value to the Vehicle such that the Vehicle is always available for use by the Permitted Users during the Term.
9. OGO acknowledges and agrees that Developer will not be responsible for any costs associated with the Vehicle(s) or the Carsharing Program, including without limitation, any applicable taxes or delivery fees in respect of the purchase of the Vehicle(s), beyond the payment of the Project Fee and Operating Fund.



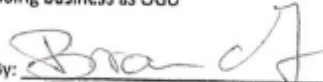
304-1353 ELLIS STREET
KELOWNA, BC V1Y 1Z9
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WWW.OGOCARSHARE.CA

- 10. Developer acknowledges and agrees that residents of Development (the "Residents") will not automatically become members of OGO and must meet OGO's registration requirements and join OGO in order to be eligible to use the Vehicle(s) and the Carsharing Program.
- 11. Developer acknowledges and agrees that Residents who are OGO members will be responsible for applicable member fees in respect of the use of the Vehicle(s), such member fees as noted on the OGO website.
- 12. OGO will provide the Carsharing Program for a term of two (2) years (the "Term") commencing from the date of issuance of the first occupancy permit for any new buildings, improvements or structures, which includes dwelling units, constructed at 135 Front Street (and any renewal term, if applicable), following which this Agreement may be terminated by either party upon obtaining the prior written consent of the other party to this Agreement, provided that this Agreement may not be terminated by either party unless such party obtains the prior written consent of the City of Penticton to vary the requirements set out in the Development Permit to provide for the Vehicle, the Co-op space and the Carsharing program at 135 Front Street.

IN WITNESS WHEREOF

The parties have agreed to this letter of intend on the 21 day of December, 2016.

Okanagan Car Share Co-op
doing business as OGO

By: 
Authorized Signatory

Schoenne Homes Inc

By: 
Authorized Signatory



OGOCARSHARE.CA

Attachment G – Building Rendering



Figure 6: East Elevation (Front Street)



Figure 7: East Elevation (Front Street)



Figure 8: East Elevation (Front Street Level)

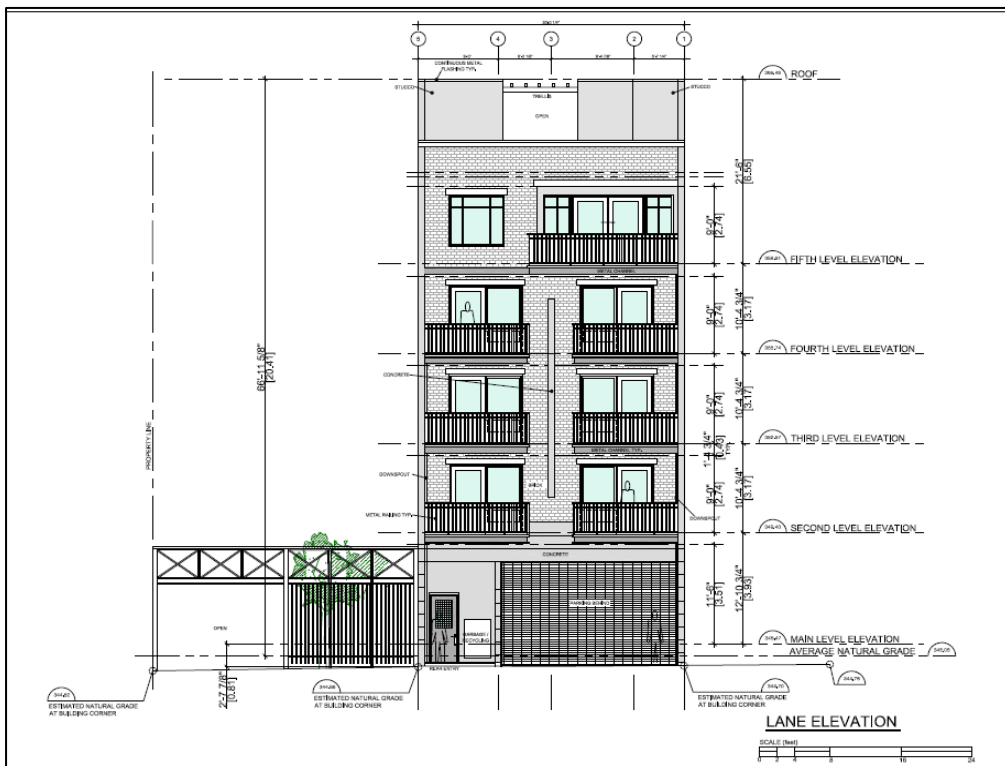


Figure 8: West Elevation (View from lane)

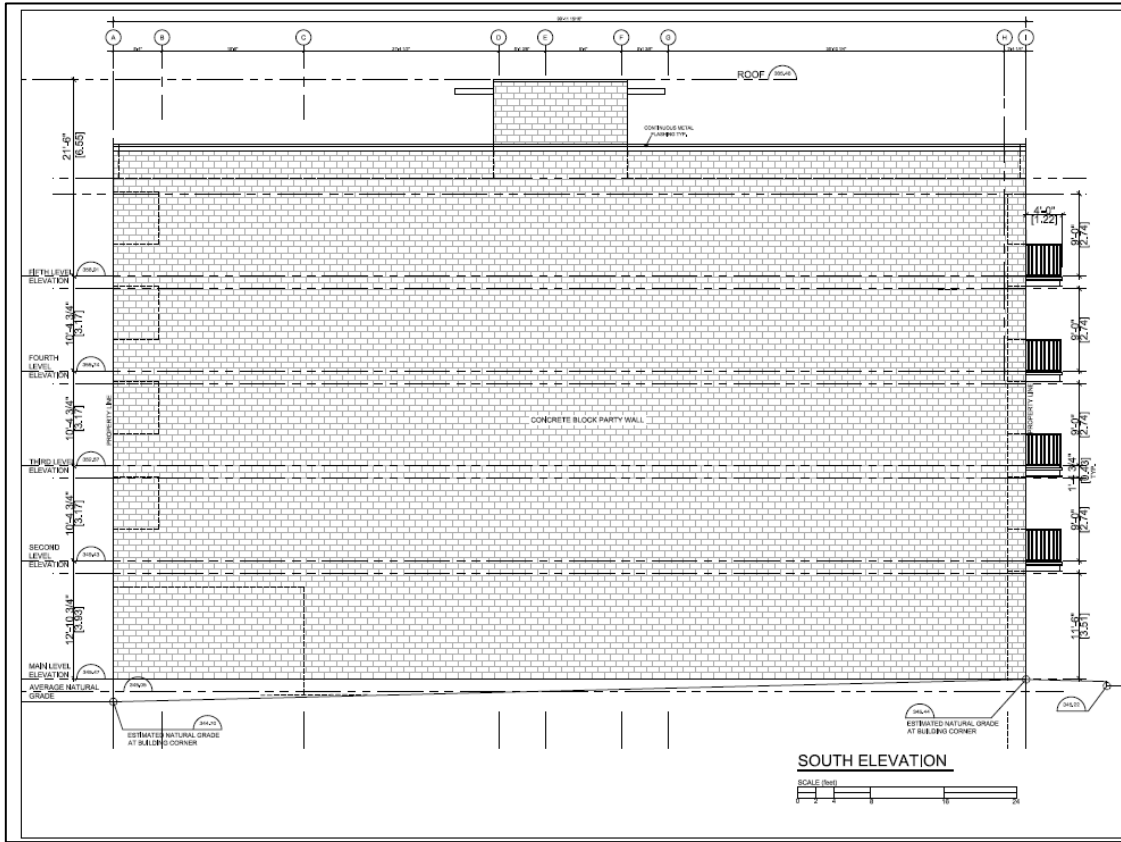


Figure 9: South Elevation

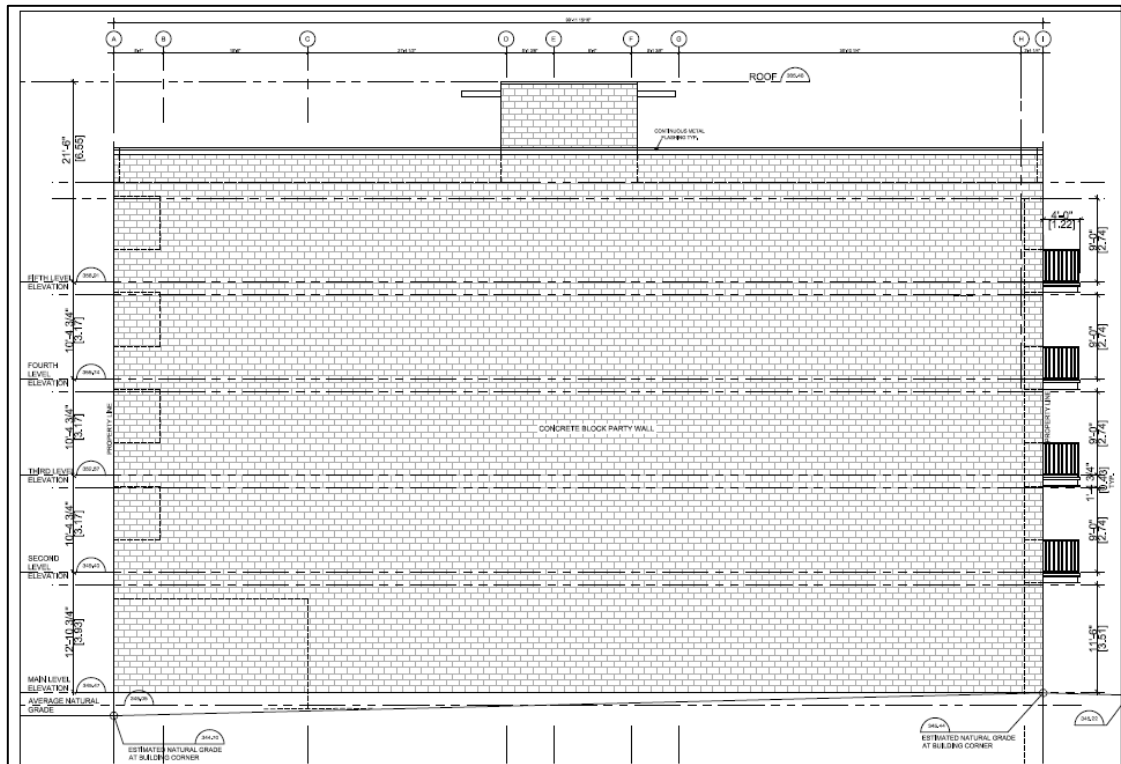


Figure 10: North Elevation

Attachment H: Site Plan

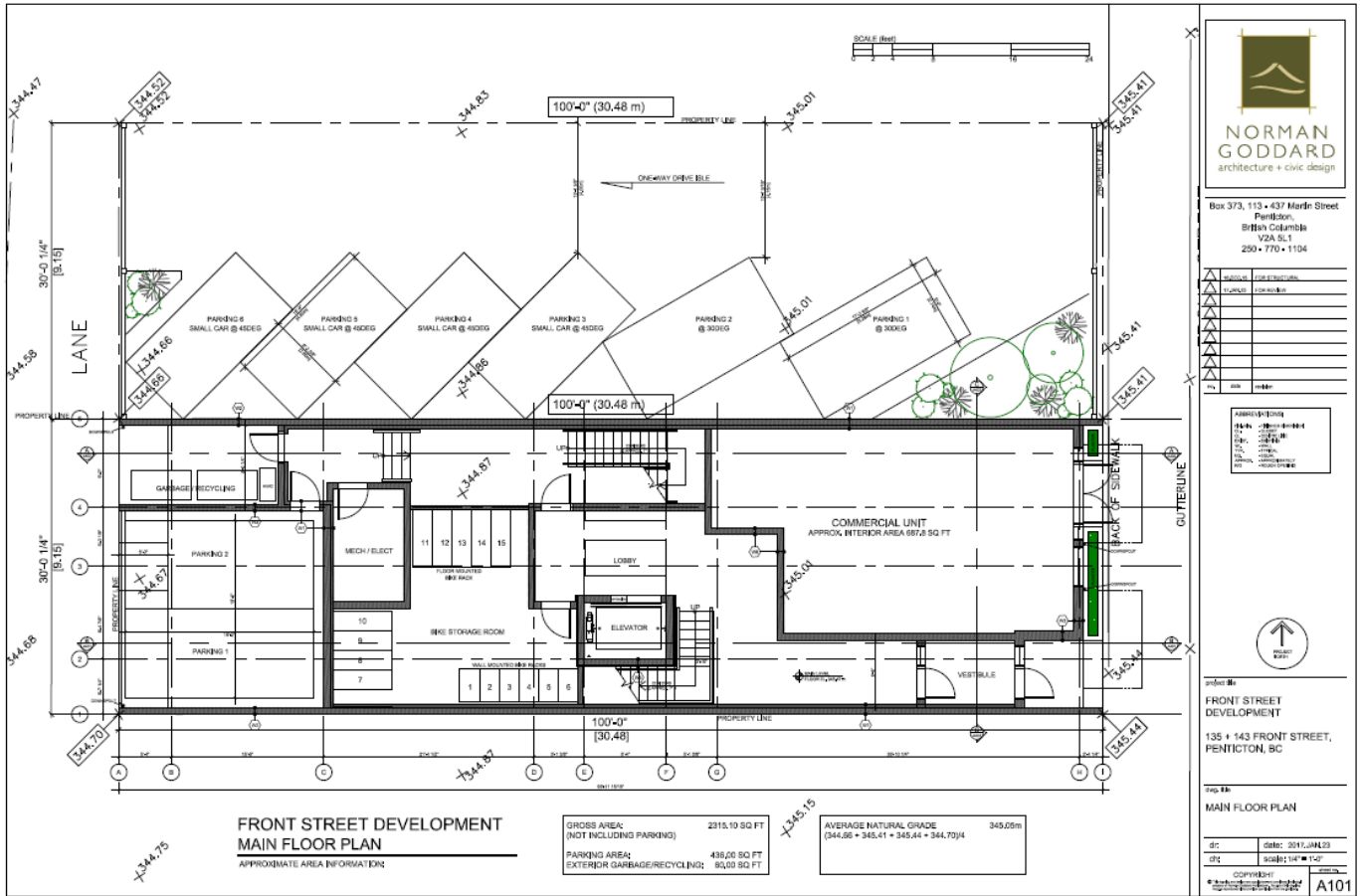


Figure 11: Site Plan

Attachment I: DVP



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

Development Variance Permit

Permit Number: DVP PL2016-7813

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: on Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269
Civic: 135 Front Street
PID: 012-442-011
3. This permit has been issued in accordance with Section 498 of the *Local Government Act* to vary the following sections of Zoning bylaw 2017-08:

Section 11.5.3.2: To increase the maximum architectural projection from 0.4m to 1.2m
Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 20.5m
Section 6.4.3: To waive the requirement for Class II bicycle parking stalls.

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-24

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. 2017-24."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

- 2.1 Amend Section 2.1.2 The Downtown and Urban Villages to include "A five storey high density format would be an option in the Downtown Commercial (DC) designated area of 135 Front Street."

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

Notice of intention to proceed with this bylaw was published on the __ of ____, 2017 and the __ of ____, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer