Agenda

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Electronic Regular Council Meeting

to be held via Zoom
City of Penticton
171 Main Street, Penticton, B.C.
To view the Council Meeting, visit www.penticton.ca

Tuesday, May 18, 2021
at 1:00 p.m.

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

2. **Introduction of Late Items**

3. **Adoption of Agenda**

4. **Recess to Committee of the Whole**

5. **Reconvene the Regular Council Meeting**

6. **Adoption of Minutes:**

6.1	Minutes of the May 4, 2021 Regular Council Meeting	1-7	Adopt

7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda. 8-16

Consent Agenda:

1. *Minutes of the May 4, 2021 Committee of the Whole Meeting;*

Robinson

2. *Safety and Security Advisory Committee Meeting Draft Minutes of May 3, 2021;*

Sentes

3. *Arts, Creative and Cultural Innovations Advisory Committee Meeting Draft Minutes of May 7, 2021;*

4. *Release of Items from Closed Meeting:*
THAT Council appoint Viv Lieskovsky to the Heritage and Museum Advisory Committee.

8. **Committee and Board Recommendations**

9. **Correspondence**

10. **Staff Reports:**

Haddad 10.1 BC Transit – South Okanagan Transit Future Plan 17-54
Adriana McMullen, Senior Transit Planner: BC Transit and Chelsea Mossey, Senior Manager, Government Relations: BC Transit
Staff Recommendation: THAT Council receive into the record the report dated May 18, 2021 titled 'BC Transit – South Okanagan Transit Future Plan'.

Haddad 10.2 BC Transit City of Penticton Annual Operating Agreement 2021-2022 55-71
Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the 2021 - 2022 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".

Laven/Goodwin 10.3 Shelter and Supportive Housing Location Selection Guidelines 72-116
Staff Recommendation: THAT Council adopt the Shelter and Supportive Housing Location Selection Guidelines developed by the Safety and Security Advisory Committee.

Jones/Campbell 10.4 City Review of RDOS Overhead Cost Allocations 117-137
Staff Recommendation: THAT Council receive into the record the report dated May 18, 2021 titled "City Review of RDOS Overhead Cost Allocations", a report that compares the practices of four regional districts' administration overhead allocation methods;
AND THAT Council share the results of the report with the Regional District of Okanagan-Similkameen (RDOS);
AND THAT Council request the RDOS Board develop a general principle for allocating overhead costs for service provision;
AND FURTHER THAT Council request the RDOS Board direct the RDOS staff to undertake a thorough and comprehensive review of their current overhead allocation practices to ensure fairness to all taxpayers and ratepayers in the regional district.

Capewell 10.5 Zoning Amendment Bylaw No. 2021-18 138-164
Development Variance Permit PL2021-8977
Development Permit PL2021-8978
Re: 296 Abbott Street
Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-18", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a bylaw to rezone the subject property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing);
AND THAT Council forward "Zoning Amendment Bylaw No. 2021-18" to the May 31, 2021 Public Hearing;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-18", consider "Development Variance Permit PL2021-8977" for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to vary the following sections of Zoning Bylaw No. 2017-08:
1. *Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0m to 1.8m; and*
2. *Section 10.8.2.8.i: to reduce the minimum exterior side yard from 4.5m to 3.0m.*

AND THAT Council, subject to approval of "Development Variance Permit PL2021-8977" approve "Development Permit PL2021-8978", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to allow for the construction of a triplex.

Capewell 10.6 Zoning Bylaw No. 2021-01 165-307
Staff Recommendation: THAT Council give first reading to "Zoning Bylaw No. 2021-01", a bylaw intended to repeal and replace "Zoning Bylaw No. 2017-08";
AND THAT Council forward the bylaw to the May 31, 2021 Public Hearing.

Collyer	10.7	Development Variance Permit PL2021-8973 Re: 1220 Munson Avenue *Staff Recommendation: THAT Council approve "Development Variance Permit PL2021-8973" for Lot 3 District Lot 187 Similkameen Division Yale District Plan 2991 Except Plan M16292, located at 1220 Munson Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:* • *Section 4.8.4.5: to increase the maximum number of metal storage containers permitted on a property within the A zone from 1 to 3; and* • *Section 8.1.4.2: to increase the maximum gross floor area of a secondary suite from 90m² or 40% of the habitable area of the building, whichever is less, to 117m² or 40% of the habitable area of the building, whichever is less;* *AND THAT Council direct staff to issue "Development Variance Permit PL2021-8973".*	308-323
Collyer	10.8	Road Dedication Condition for Zoning Amendment Bylaw No. 2020-27 Re: 2475 Skaha Lake Road *Staff Recommendation: THAT Council remove the condition of a 2.2m road dedication along the Skaha Lake Road frontage prior to the adoption of "Zoning Amendment Bylaw No. 2020-27" and require that the 2.2m road dedication be completed prior to the issuance of the Occupancy Permit;* *AND THAT Council adopt "Zoning Amendment Bylaw No. 2020-27";* *AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2020-27", approve "Development Permit PL2020-8759" for 2475 Skaha Lake Road, a permit to allow for the construction of a motor vehicle sales and rental business.*	324-334
Tanguay	10.9	Manufacturing Brewery Facility and Lounge Endorsement Late correspondence attached Re: 1220 Davenport Avenue *Staff Recommendation: THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) to support the request for the proposed brewery manufacturing facility and lounge endorsement application for Abandoned Rail Brewing Company located at 1220 Davenport Avenue with restrictions of exterior patio service hours from 11:00 am to 8:00 pm.*	335-352
Laven	10.10	Budget amendment and latecomer agreement for Juniper Drive main extensions Re: Juniper Drive *Staff Recommendation: THAT Council approve a budget amendment to pre-service development along the south end of Juniper Drive to be funded from the Water Surplus up to a maximum up $23,900, and from the Sewer Surplus up to a maximum of $42,500;* *AND THAT Council direct staff to create a latecomers agreement affecting properties along Juniper Drive for the proposed installation of water and sewer services to recover the actual costs from the property owners when they develop, or request to connect to the City service with any funds recovered being returned to the respective Water and Sewer Surpluses.*	353-361
Goodwin	10.11	Applying for Two Grants from BC Healthy Communities (PlanH) *Staff Recommendation:* *Grant A: PlanH Community Connectedness Grant* *THAT Council direct staff to apply for the PlanH: Community Connectedness Grant for $5,000 and work with community partners to implement the grant activities;* *AND THAT Council direct staff to work with the Community Foundation of the South Okanagan to seek $5,000 from the Vancouver Foundation's neighbourhood grants program to supplement the PlanH: Community Connectedness Grant activities;* *AND THAT Council direct staff to work with community partners to implement the grant activities should the grant application be successful;* *AND THAT Council authorize the Social Development Specialist to submit the PlanH: Community Connectedness Grant online application.*	362-365

Grant B: PlanH Healthy Public Policy Grant
THAT Council direct staff to apply for the PlanH: Healthy Public Policy Grant for $15,000 to go towards the youth homelessness work;
AND THAT Council approve the spending of $1,000 of cash from the Social Development budget as a matching contribution to the grant application;
AND THAT Council direct staff to work with community partners to implement the grant activities should the grant application be successful;
AND THAT Council authorize the Social Development Specialist to submit the PlanH: Healthy Public Policy online application.

11. **Bylaws and Permits:**

Laven	11.1	Zoning Amendment Bylaw No. 2021-15 Re: 583 Ellis Street	366-367	2nd/3rd
Laven	11.2	Official Community Plan Amendment Bylaw No. 2021-13	368-369	2nd/3rd
		Zoning Amendment Bylaw No. 2021-14 Re: 435 Green Avenue West	370-371	2nd/3rd

12. **Notice of Motion:**

12.1 Mayor Vassilaki provided the following Notice of Motion to be considered at the June 1, 2021 Regular Meeting of Council:

THAT Council increase the notification distances for Development Variance Permits, Temporary Use Permits and Public Hearings to 100 metres and direct staff to bring back an amendment to the Development Procedures and Delegation Bylaw.

13. **Business Arising**

14. **Council Round Table**

15. **Public Question Period**

If you would like to ask Council a question with respect to items that are on the current agenda, please visit our website at www.penticton.ca to find the telephone number or Zoom link to ask your question before the conclusion of the meeting. Please do not try to join the meeting early, you will not be let in to participate electronically until Council approaches the Public Question Period. Watch the livestream on our website and prepare to call or join during the Council Round Table.

16. **Adjournment to a Closed Meeting:**
Resolution: THAT Council adjourn to a closed meeting of Council pursuant to the provisions of the Community Charter as follows:
Section 90 (1) (c) labour relations or other employee relations;
(g) litigation or potential litigation affecting the municipality.
(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.

Minutes

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Electronic Regular Council Meeting[1]

held via Zoom City of Penticton
171 Main Street, Penticton, B.C.

Tuesday, May 4, 2021
at 1:00 p.m.

Present via Zoom: Mayor Vassilaki
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Regrets: Councillor Bloomfield

Staff via Zoom: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, CFO/ General Manager, Finance & Administration
Blake Laven, Director of Development Services
Anthony Haddad, General Manager, Community Services
Ian Chapman, Acting General Manager, Infrastructure
Cheryl Hardisty, Senior Executive Assistant
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

142/2021 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council Meeting held on May 4, 2021 as presented.
CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:17 p.m.

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[1] *In accordance with the Province of BC Ministerial Order No. M192, the Council of the City of Penticton is participating in the meeting without public attendance.*

6. Adoption of Minutes:

6.1 Minutes of the April 20, 2021 Regular Meeting of Council

143/2021 **It was MOVED and SECONDED**
THAT Council adopt the minutes of the April 20, 2021 Regular Meeting of Council as presented.
CARRIED UNANIMOUSLY

7. Consent Agenda:

144/2021 **It was MOVED and SECONDED**
THAT Council approve the Consent Agenda:
1. Penticton and Ellis Creek Restoration Select Committee Meeting Draft Minutes of April 16, 2021;
2. Special Safety and Security Advisory Committee Meeting Draft Minutes of April 19, 2021;
3. Community Sustainability Advisory Committee Meeting Draft Minutes of April 21, 2021.

CARRIED UNANIMOUSLY

8. Committee and Board Recommendations

9. Correspondence

10. Staff Reports:

10.1 2020 Audited Financial Statements
Sinead Scanlon, BDO Canada LLP

145/2021 **It was MOVED and SECONDED**
THAT Council accept the Financial Statements, as co-presented by BDO Canada LLP, for the year ending December 31, 2020.
CARRIED UNANIMOUSLY

10.2 RCMP Quarterly Report

146/2021 **It was MOVED and SECONDED**
THAT Council receive into the record the report titled "RCMP Quarterly Report" dated May 4, 2021.
CARRIED UNANIMOUSLY

10.3 Penticton Age Friendly Action Plan
Lesley Dyck and Heather Cooke, Lesley Dyck Leadership and Consulting

147/2021 **It was MOVED and SECONDED**
THAT Council endorses the "Penticton Age Friendly Action Plan";
AND THAT Council direct staff to collaboratively work with community partners on implementing and continually updating the Penticton Age Friendly Action Plan;
AND THAT Council direct staff to work with the Province and other community partners to prepare Penticton to apply to be an age friendly designated community as quickly as possible;
AND THAT Council thank members of the advisory group who participated in the development of the Penticton Age Friendly Action Plan;
AND THAT Council direct staff to work with community partners to organize Penticton events in celebration of BC Seniors Week from May 31 to June 5, 2021, under the social well-being and participation feature of age friendly communities;

AND THAT Council direct staff to submit a final Union of BC Municipalities (UBCM) grant report in order to meet the UBCM grant program obligations.

CARRIED UNANIMOUSLY

10.4 Edmonton Avenue Child Care Centre Project
Ian Gerbrandt, OneSky Community Resources and Chris Allen, Landform Architecture

148/2021 **It was MOVED and SECONDED**
THAT Council approve the final design and elements for the Edmonton Avenue Child Care Project as presented in Attachment A and direct City staff to work with OneSky Community Resources to ensure the final designs adhere to all relevant municipal and provincial regulations, codes, policies, and directives;
AND THAT Council endorses the project schedule for the Edmonton Avenue Child Care Project as outlined in Attachment B;
AND THAT Council approves the lot re-alignment Plan EPP111114 and authorizes the Mayor and Corporate Officer to sign the application to deposit on behalf of the City;
AND THAT Council direct the Land Administrator to sign the Agency Form;
AND THAT Council direct staff to work with OneSky to apply for all relevant grants, such as the Child Care Fee Reduction Initiative, to increase the affordability of the spaces in the new centre;
AND THAT Council direct staff to work with OneSky, partners, and the neighbourhood to complete an engagement process six months after the new centre opens, and to report back to Council with the results of this engagement.

CARRIED UNANIMOUSLY

10.5 Adoption of Ministerial Order

149/2021 **It was MOVED and SECONDED**
THAT Council adopt the Ministerial Order dated April 29, 2021, an Order that provides provisions for the safe conduct of the 2021 City of Penticton By-Election during the COVID-19 pandemic.

CARRIED UNANIMOUSLY

10.6 Development Variance Permit PL2021-8962
Development Permit PL2021-8960
Development Permit PL2021-8961
Re: 541 and 547 Papineau Street

150/2021 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2021-8962", for Lots A and B District Lot 202 Similkameen Division Yale District Plan EPP81816, located at 541 and 547 Papineau Street, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Table 4.1: to increase the maximum percentage of a cantilevered building face that can project 0.6 m into a required yard from 25% to 41%, and
2. Section 10.6.2.7.i: to reduce the minimum interior side yard for a principal building from 1.5 m to 1.3 m.

AND THAT Council direct staff to issue "Development Variance Permit PL2021-8962";
AND THAT Council, subject to approval of "Development Variance Permit PL2021-8962", approve "Development Permit PL2021-8960" and "Development Permit PL2021-8961", a permit to allow for the construction of a duplex on each property.

CARRIED UNANIMOUSLY

10.7 Official Community Plan Amendment Bylaw No. 2021-13
Zoning Amendment Bylaw No. 2021-14
Development Permit PL2021-8982
Re: 435 Green Avenue West

151/2021 **It was MOVED and SECONDED**

THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2021-13" and in accordance with Section 475 of the Local Government Act, Council consider 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;
5. The provincial or federal government and their agencies.

AND THAT it is determined that the community engagement period carried out from March 17, 2021 to April 19, 2021 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2021-13", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation for Lot 3 District Lots 379 and 182 Similkameen Division Yale District Plan 6750 Except Plan H14743, located at 435 Green Ave West, from 'Detached Residential' to 'Urban Residential';

AND THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-14", a bylaw to rezone 435 Green Avenue West, from 'R2 (Small Lot Residential)' zone to 'RM3 (Medium Density Multiple Housing)' zone;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2021-14" require a 47.6m^2 road dedication at the south west corner of the property along Green Avenue West to be registered with the Land Title Office;

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2021-13" and "Zoning Amendment Bylaw No. 2021-14" to the May 17, 2021 Public Hearing;

AND THAT Council, subject to adoption of "Official Community Plan Amendment Bylaw No. 2021-13" and "Zoning Amendment Bylaw No. 2021-14", approve "Development Permit PL2021-8982", a permit to approve the form and character of the multifamily development consisting of two, 6-storey apartment buildings.

CARRIED UNANIMOUSLY

10.8 Zoning Amendment Bylaw No. 2021-15
Development Permit PL2021-8930
Re: 583 Ellis Street

152/2021 **It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-15", for Lot 14 Block 19 District Lot 202 Similkameen Division Yale District Plan 269, located at 583 Ellis Street, a bylaw to rezone the subject property from C3 (Mixed Use Commercial) to RM5 (Urban Residential);

AND THAT Council forward "Zoning Amendment Bylaw No. 2021-15" to the May 17, 2021 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2021-15", Council require a 0.9 m road dedication to be registered with the Land Titles Office;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-15", approve "Development Permit PL2021-8930", for Lot 14 Block 19 District Lot 202 Similkameen Division Yale District Plan 269 located at 583 Ellis Street, a permit to allow the construction of a 6-unit multifamily development with two flex units.

CARRIED UNANIMOUSLY

Council recessed the meeting at 3:29 p.m. and reconvened at 3:40 p.m.

10.9 Street Naming for New Subdivision (Grouse Place)
Re: 2725 Dartmouth Drive

153/2021 **It was MOVED and SECONDED**
THAT Council name the new road running east at the end of Dartmouth Drive "Grouse Place".

CARRIED UNANIMOUSLY

10.10 Gyro Park Bandshell Security

154/2021 **It was MOVED and SECONDED**
THAT Council direct staff to erect fencing at the Gyro Bandshell to deal with undesirable activity in the short term and perform a Crime Prevention Through Environmental Design (CPTED) analysis on Gyro Park to identify long term solutions;
AND THAT this item be referred to the Heritage and Museum Advisory Committee for their consideration and recommendations.

CARRIED UNANIMOUSLY

10.11 Enhanced Bylaw Services

155/2021 **It was MOVED and SECONDED**
THAT Council receive the report titled "Enhanced Bylaw Services" for information and maintain status quo bylaw services coverage, with the slight expansion of services if necessary;
AND THAT Council consider bylaw services increases as part of the 2022 budget discussions.

CARRIED
Mayor Vassilaki, Opposed

10.12 Tax Rates Bylaw No. 2021-12

156/2021 **It was MOVED and SECONDED**
THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2021-12", a bylaw that establishes property taxation rates for the 2021 tax year with a business tax multiplier of 1.91;
AND THAT Council adopt "Tax Rates Bylaw No. 2021-12".

CARRIED
Mayor Vassilaki and Councillor Sentes, Opposed

10.13 Mobile Vending Program

157/2021 **It was MOVED and SECONDED**
THAT Council approve the Mobile Vending program, as described in the 2021 Mobile Vending Application and endorse a 1-year License to Use Agreement with vendors;
AND THAT Council authorize Mayor and Corporate Officer to execute the License to Use Agreement.

CARRIED UNANIMOUSLY

10.14 In-Year Grant Request

158/2021 **It was MOVED and SECONDED**
THAT Council approves a $5,000 cash grant to the Community Foundation of the South Okanagan Similkameen for the Neighborhood Small Grants program.

CARRIED UNANIMOUSLY

10.15 Budget Amendment – Fleet Dept – Replacement of Electrical Line Truck – Unit 64

159/2021 **It was MOVED and SECONDED**
THAT Council amend the 2021 budget to provide an additional $75,000 for a budget total of $350,000 for the purchase of a new Digger Derrick Truck, with funds coming from the Equipment Replacement Reserve.

CARRIED UNANIMOUSLY

11. Bylaws and Permits

11.1 Zoning Amendment Bylaw No. 2020-43
Re: 2990 Partridge Drive

160/2021 **It was MOVED and SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2020-43".

CARRIED UNANIMOUSLY

Mayor Vassilaki declared a conflict of interest and left the meeting at 5:01 p.m. as his family owns a business that sells liquor. Deputy Mayor Sentes chaired the meeting.

11.2 Liquor Consumption (Okanagan Beach east of Power Street, Rotary Park, Okanagan Lake Park, Marina Way Park and Skaha Park) Bylaw No. 2021-11

161/2021 **It was MOVED and SECONDED**
THAT Council adopt "Liquor Consumption (Okanagan Beach east of Power Street, Rotary Park, Okanagan Lake Park, Marina Way Park and Skaha Park) Bylaw No. 2021-11".

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 5:03 p.m.

12. Notice of Motion

13. Business Arising

14. Council Round Table

15. Public Question Period

16. Adjournment to a Closed Meeting:

162/2021 **It was MOVED and SECONDED**
THAT Council adjourn at 5:09 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* as follows:
Section 90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
(g) litigation or potential litigation affecting the municipality.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Electronic Committee of the Whole
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 4, 2021
Recessed from the Regular Council Meeting at 1:00 p.m.

Present via Zoom:	Mayor Vassilaki Councillor Regehr Councillor Robinson Councillor Sentes Councillor Watt
Regrets:	Councillor Bloomfield
Staff via Zoom:	Donny van Dyk, Chief Administrative Officer Angie Collison, Corporate Officer Jim Bauer, CFO/ General Manager, Finance & Administration Blake Laven, Director of Development Services Anthony Haddad, General Manager, Community Services Ian Chapman, Acting General Manager, Infrastructure Cheryl Hardisty, Senior Executive Assistant Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the agenda for the Committee of the Whole meeting held on May 4, 2021 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 BC Bike Race & BCBR Gravel Explorer

Dean Payne and Lisa Au presented to Council the details of the two events they are planning in the South Okanagan. BCBR Gravel Explorer is a 5-day gravel bike race from September 26 to October 1, 2021. BC Bike Race is a 6-day mountain bike race from October 2 to 8, 2021.

3.2 Proclamation 'Child Care Month' May 2021 and 'Child Care Provider Appreciation Day' May 21, 2021

Council proclaimed May 2021 as 'Child Care Month' and May 21, 2021 as 'Child Care Provider Appreciation Day' in the City of Penticton.

3.3 Proclamation 'National Hospice Week' May 2-8, 2021

Council proclaimed May 2-8, 2021 as 'National Hospice Week' in the City of Penticton.

3.4 Proclamation 'Emergency Preparedness Week' May 2-8, 2021

Council proclaimed May 2-8, 2021 as 'Emergency Preparedness Week' in the City of Penticton.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED
THAT Council adjourn the Committee of the Whole meeting held May 4, 2021 at 1:17 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Safety and Security Advisory Committee Meeting

held via Zoom
Monday, May 3, 2021
at 10:30 a.m.

Present: Matt Taylor, Chair
Deirdre Riley, Vice Chair
Aaryn Secker
Cheryl Watts
Nicolette Rodriguez
Susan Brown

Council Liaisons: Katie Robinson, Councillor

Staff: Blake Laven, Director of Development Services
Cheryl Hardisty, Senior Executive Assistant
Tina Mercier, Bylaw Supervisor
Staff-Sgt Kirsten Marshall, RCMP
Larry Watkinson, Fire Chief, Penticton Fire Department
John Schappert, Legislative Assistant

Regrets: John Vassilaki, Mayor
Adam Power
Daryl Clarke
Lynn Allin

1. **Call to Order**

The Safety and Security Advisory Committee was called to order by the Chair at 10:33 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Safety and Security Advisory Committee adopt the agenda for the meeting held on May 3, 2021 as amended to add item 4.3 – Future Meeting Agenda Items.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of March 29, 2021 Safety and Security Advisory Committee

It was MOVED and SECONDED
THAT the Safety and Security Advisory Committee adopt the minutes of the March 29, 2021 meeting as presented.

CARRIED UNANIMOUSLY

3.2 Minutes of April 19, 2021 Special Safety and Security Advisory Committee

It was MOVED and SECONDED
THAT the Safety and Security Advisory Committee adopt the minutes of the April 19, 2021 special meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 "Where Are We Now" Updates from Primary Service Departments

- An update was provided by the Fire Chief.
- An update was provided by the Bylaw Services Manager.
- An updated was provided by Staff-Sgt Marshall.

4.2 Supportive Housing and Shelter Placement Guidelines – Blake Laven, Director of Development Services

The Director of Development Services brought forward a draft outline of proposed guidelines for the Committee to review and adjust as necessary before recommending to Council. Criteria included in the draft outline included:

- The existing shelter at 1706 Main Street
- Maximum capacity levels at additional locations
- BC Housing Shelter Design Guidelines
- Location restrictions - minimum distances from schools and other shelters, not fronting specific highways etc.
- Facility services that may or may not be exempt from the guidelines

The floor was opened to the Committee for questions and comments. Members at Large discussed aspects of the guidelines that they agreed with and items that they wanted changed. There were comments regarding the appropriate capacity of secondary shelters, taking into account the challenge of finding appropriate sites and the cost of providing services. A concern was raised regarding the site map simply eliminating locations instead of providing potential options for sites.

Mr. Laven indicated that he would incorporate the Committee's comments into the draft proposed guidelines.

Aaryn Secker left the meeting at 11:30 a.m.

It was MOVED and SECONDED
THAT the Safety and Security Advisory Committee recommend to Council that the proposed Supportive Housing and Shelter Placement Guidelines be approved.

CARRIED UNANIMOUSLY

4.3 Future Meeting Agenda Items – Blake Laven, Director of Development Services

Mr. Laven provided a list of potential agenda items that the committee had discussed in the past in order to determine what the next priorities of the committee would be.

The floor was opened to the Committee for questions and comments. A Member at Large recommended looking at the South Okanagan Treatment Centre and creating a substance use strategy for the City of Penticton. Another item mentioned as an area of concern the Committee should focus on was prolific offenders.

6. **Next Meeting**

The Next Safety and Security Advisory Committee meeting is tentatively scheduled to be held on May 31, 2021 at 10:30 a.m. via Zoom.

7. **Public Question Period**

8. **Adjournment**

It was MOVED and SECONDED
THAT the Safety and Security Advisory Committee adjourn the meeting held on Monday, May 3, 2021 at 12:00 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____

John Schappert
Legislative Assistant

Minutes

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Arts, Creative and Cultural Innovations Advisory Committee Meeting

held via Zoom
Friday, May 7, 2021
at 2:30 p.m.

Present: Timothy Tweed, Chair
Brenda Longland, Vice Chair
Anita Petersen
Calvin Meiklejohn
Erica Stewart
Juliana Buitenhuis
Kim Palmer
Paul Crawford

Staff: Anthony Haddad, General Manager Community Services
Kelsey Johnson, Manager of Recreation, Arts & Culture
Caitlyn Anderson, Deputy Corporate Officer

Regrets: Judy Sentes, Councillor
Mairoula Dimopoulos

1. **Call to Order**

The Arts, Creative and Cultural Innovations Advisory Committee was called to order by the Chair at 2:31 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Arts, Creative and Cultural Innovations Advisory Committee adopt the agenda for the meeting held on May 7, 2021 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the February 26, 2021 Arts, Creative and Cultural Innovations Advisory Committee

It was MOVED and SECONDED
THAT the Arts, Creative and Cultural Innovations Advisory Committee adopt the minutes of the February 26, 2021 meeting as presented.

CARRIED UNANIMOUSLY

DRAFT

4. **New Business**

4.1 Volunteer Week Proclamation from Council – Anthony Haddad, General Manager, Community Services

The General Manager of Community Services highlighted National Volunteer Week and thanked all of the volunteers that participate in our community.

4.2 Update from Light Scroll Subcommittee – Kelsey Johnson, Manager of Recreation, Arts & Culture

The Manager of Recreation, Arts & Culture updated the Committee on the Light Scroll Subcommittee. It was mentioned that the two biggest barriers were a champion to drive this project and funding as there is currently no budget for it. Currently no date has been set for the next Subcommittee meeting.

The floor was opened to the Committee for questions and comments. A Member at Large mentioned that as it's an historic figure, it should be located on Lakeshore Drive, and this was supported by other Committee members. There was discussion on how it could be included in the North Gateway Redevelopment and Investment Strategy. A Member at Large mentioned that unless there is a champion and funding on this project, it cannot progress forward. Furthermore, the Committee decided to wait to see how the North Gateway Redevelopment and Investment Strategy consultation proceeds before moving forward.

4.3 Penticton Public Sculpture Exhibit – Kelsey Johnson, Manager of Recreation, Arts & Culture

The Manager of Recreation, Arts & Culture provided an update on the Penticton Public Sculpture Exhibit and mentioned that the 2020 exhibits have been removed and they are preparing to install the 2021 exhibits, possibly on Friday, May 21, 2021. They are adding one more location along the Lakeshore boardwalk. Currently they are unable to do an official opening ceremony, however there will be a ceremony online and weekly updates and a spotlight for the different artists.

The floor was opened to the Committee for questions and comments. A Member at Large asked if the City was responsible for repairs and the Manager of Recreation, Arts & Culture responded that it is the artist's responsibility. A Member at Large mentioned that it is a shame the amount of vandalism that the pieces receive each year.

The Manager of Recreation, Arts & Culture mentioned that there are two websites to learn more about the Public Art and a location map to see where they are placed.

https://www.penticton.ca/our-community/arts-culture/public-art

https://cofp.maps.arcgis.com/apps/MapTour/index.html?appid=238e3be9277c435fbe276165943ea0b7

4.4 North Gateway Redevelopment and Investment Strategy – Anthony Haddad, General Manager, Community Services

The General Manager of Community Services provided an update on the North Gateway Redevelopment and Investment Strategy. Community Engagement has started on Shape Your City from April 21 to May 19 and currently they are on phase three of the project timeline. The General Manager of Community Services mentioned that they will need two representatives from this Committee for the Charrette section of the strategy. There is a potential for the light scrolls to be incorporated in this.

The floor was opened to the Committee for questions and comments. A Member at Large mentioned to the Committee to participate in the engagement through Shape Your City.

4.5 Representative Updates

a. Penticton Art Gallery
- The next opening is on Saturday May 22 and will be featuring a Summerland artist.
- There is a Youth Art Program for ages 6-12 and they will be able to pick a piece of art work to start or continue their art collection.

b. Okanagan School of Arts
- Continuing Zoom classes, however there is Zoom fatigue and fewer people are interested in using technology.
- Plans for a summer Creativity Camp, however they are having a hard time finding space.

c. Penticton Arts Council
- Hybrid expedition in June in Leir House with solo and duo artists.
- Seniors Week May 31-June 5, four events they are partnering in.
- HaHaHa Penticton Kidzfest June 7-11, partnering in an event.

d. SOSArts Group
- Environmental scan has gone out to members and in the next week or two weeks, it will go public for the South Okanagan.

5. **Next Meeting**

The next Arts, Creative and Cultural Innovations Advisory Committee meeting is tentatively scheduled to be held on June 11, 2021 at 2:30 p.m. via Zoom.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED
THAT the Arts, Creative and Cultural Innovations Advisory Committee meeting held on May 7, 2021 be adjourned at 3:17 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____

Caitlyn Anderson
Deputy Corporate Officer

Council Report

penticton.ca

Date: May 18, 2021 File No: 8500-05
To: Donny van Dyk, Chief Administrative Officer
From: Anthony Haddad, General Manager, Community Services
Subject: **BC Transit – South Okanagan Transit Future Plan**

Staff Recommendation

THAT Council receive into the record the report dated May 18, 2021 titled 'BC Transit – South Okanagan Transit Future Plan'.

Strategic priority objective

The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

Completed in 2015, the Okanagan-Similkameen Transit Future Plan (TFP) provided a vision of the transit network within the South Okanagan-Similkameen region over the next 25 years. This included establishing the vision and goals of the transit system, identifying the future transit network, and outlining the detailed implementation priorities for service, infrastructure and investments needed to achieve the goals. Since the adoption of the TFP, several of the short-term priorities have since been accomplished or are actively underway, as shown below:

- Introduction of local transit to Okanagan Falls
- Consolidation of Rider's Guides across region
- Adoption of a comprehensive and consistent menu of fares and fare products
- Introduction of Route 5 to Penticton Sunday service
- Introductory commuter service between Penticton and Kelowna
- Monday service on route 40 Osoyoos/Penticton

There are still multiple short-term service and infrastructure priorities within the Transit Future Plan that have not yet been implemented, and all of the medium and longer-term priorities are still outstanding.

Now, six years after adoption, it is time for the transit priorities in the South Okanagan & Similkameen area to be revisited to reaffirm and reprioritize proposals over the next 1 - 5 years and beyond. BC Transit refers to the next phase of required planning work as the Transit Future Action Plan (TFAP) which will be developed

in collaboration with the local partners, and in consideration of the goals and directives of local / regional plans, as well as the impact that COVID-19 has had on the system.

COVID-19 has significantly impacted travel behaviours across the region, this TFAP will focus on scenario planning to help direct decision making over the next five years. This will include an evaluation of the system and route performance and provide targeted improvements and optimization strategies for service and infrastructure proposals to ensure that existing and future resources are used efficiently.

A key goal of the Plan is to revisit the annual investment targets originally established within the 2015 TFP, and confirm if those targets and investment trajectories still align with community goals, particularly within the context of the COVID-19 pandemic, which has caused significant shifts in travel behaviour.

As with the TFP, the TFAP will uphold community goals and objectives to strengthen the link between transportation and land use in support of sustainable growth. The TFP will also serve to inform any future local or regional transportation plans. Additionally, this plan will work to collaboratively support emerging priorities in the Penticton Master Transportation Plan (underway) and serve to inform other future local and regional transportation plans.

The objectives of the South Okanagan TFAP are as follows:

- *Reaffirm mode share targets and associated annual investment:*
    - The Transit Future Plan identified mode share targets for the South Okanagan-Similkameen Region based on the Provincial Transit Plan
        - Penticton's 25-year transit mode share target will be reviewed and the corresponding annual investment required to achieve those targets will be adjusted.
        - If requested by any other local partners, this plan could revisit the 25-year mode share targets, including a review of the associated annual investment required to achieve those targets

- *Provide a review of the impact of the COVID-19 pandemic on South Okanagan-Similkameen Transit:*
    - Provide an overview of ridership trends since mid-March 2020, including shifting peak period travel and average daily ridership.
        - System and route level performance review including runtime analysis
        - Future service priorities will be viewed through the lens of COVID-19, acknowledging that previously established priorities carried through to the TFAP may require adjusted timelines to ensure they are reflective of community needs

- *Identify transit service and infrastructure priorities:*
    - Short and medium-term service and infrastructure priorities (1-5 years) to assist in the development of local capital and operating budgets
    - Transit service expansion, optimization and infrastructure (i.e. fleet and facility) changes required to support the priorities
    - Identify longer-term service and infrastructure priorities, including recommendations for phasing.
        - This will include an identification of opportunities to simplify route alignments within the City of Penticton and a subsequent evaluation of considerations associated with adopting new route alignments.

- *Build on relevant transportation plans and policies:*
    - Ensure transit priorities align with updated Official Community Plans, Transportation Master Plans, Economic Development Plans, Climate Action Plans, and other local planning initiatives
    - Align with the BC Transit Strategic Plan 2020-2025, including initiatives to increase integration with sustainable travel modes, influence land use and development patterns, develop transit priority corridors, and enhance partnerships.

- *Ensure the planning process and the TFAP is consistent with provincial commitments to reconciliation:*
    - Undertake meaningful consultation with First Nation communities, involving indigenous communities of the South Okanagan-Similkameen in the planning and development and delivery of transit service.

Community Engagement Process

The TFAP will allow for local government staff, decision makers, stakeholders and citizens to have input on how to most effectively improve transit services over the next five years. The engagement strategy will be reflective of community desires, and galvanize support and build knowledge about the important role transit plays in the delivery of essential services and how transit improvements to grow ridership will help achieve the regions goals towards climate change objectives.

The BC Transit Engagement Strategy will use many virtual tools and has been structured to avoid in-person outreach. COVID- 19 social distancing measures will make the typical open house approach unviable unfortunately. Online Engagement will be facilitated through BC Transits Engagement HQ (Bang the Table) to be launched in early 2021.

Scope of Work / Timeline

The Transit Future Action Plan will include the following components:

Existing Conditions:

Review key aspects of the South Okanagan-Similkameen Transit System today:

- Analyze service and ridership trends since 2014, including ridership changes due to COVID-19, review customer surveys, front-line staff feedback
- Conduct ridership analysis, schedule adherence and service reliability (according to available data)
- Review local plans to identify trends in land use, road network, population and employment etc. With information available, identify implications for local area service infrastructure and fleet
- Review issues and opportunities for transit operations, facilities, passenger amenities, and accessibility
- As part of this conduct key stakeholder workshop(s) to identify opportunities to simplify route alignments within the City of Penticton.

Deliverable: Existing conditions and intercept survey results will be documented and provided within a Background Working Paper for the project working group for review and comment. This information will support the final TFAP.

Draft Options:

BC Transit will prepare draft options to be included within the Background Working Paper including:

- Draft transit service priorities, route concepts and infrastructure improvement options for the short- and medium-term (1-5 years)
- Scenario planning options for the short-term, including system optimization due to COVID-19 impacts

Deliverable: Background Working Paper and circulated to the PWG for review and comment. Feedback received will be considered in the refinement of the draft options. The endorsed draft service options will be used for public engagement. The Background Working Paper can be made available on the online project site.

Engagement:

A public engagement process will be used to present draft transit priorities for input, feedback and prioritization. This process will include hosting virtual meetings/workshops, online and intercept surveys. Marketing and promotion for these events will take place in various formats, including online (project website), social media, local media, and on transit vehicles.

Deliverable: Engagement Summary Report. Feedback received during engagement will be compiled and documented within this report. This information will be available through he online project site and registered engagement participants and key stakeholders will receive updates.

Final Service and Infrastructure options:

A final detailed service options and scenario planning technical report will be developed (informed by the Background Working Paper and the Engagement Summary Report). This document will contain detailed information which supports the service and infrastructure options for implementation. These elements will be summarized in the final report.

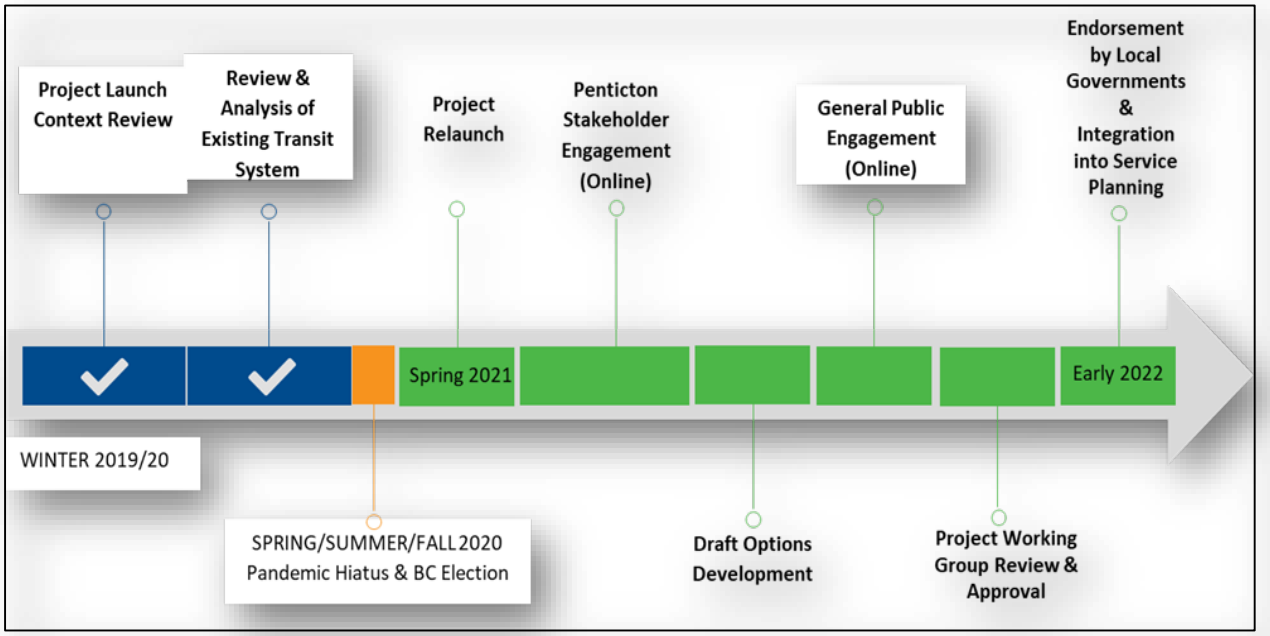
Deliverable: Future Service and Infrastructure Options Technical Report. This information is intended to be an internal BC Transit document to be used by transit scheduler's, service and Infrastructure planners to inform the annual Transit Implementation Process (TIPS) and Infrastructure Capital Improvement Process (ICAP) for the implementation of future options.

Final Report: A Draft final South Okanagan-Similkameen TFAP document with service and infrastructure options and scenario planning recommendations will be presented to the projects working group for review and endorsement to proceed to the local government partners for their endorsement.

Deliverable: South Okanagan-Similkameen Transit Future Acton Plan 2021. Once endorsed a link to the final document will be published on the BC Transit and local government partner websites.

Implementation: Once the TFAP is approved, service change priorities will inform the development of future three-year Service and Financial Strategies and Annual Service Plans for the local governments' approval. These service expansions will be will be detailed in the annual TIPS memorandums distributed from BC Transit to the local partners.

The following diagram shows the timeline proposed for completion of the planning process.



Financial

Transit Services Are funded on an annual basis by the City of Penticton and are subsidized on an annual basis. The following tables shows the annual subsidy over the past five years.

Year	Subsidy Amount	Actual/Budget
2016	$1,034,635	Actual
2017	$1,059,684	Actual
2018	$1,114,770	Actual
2019	$1,199,288	Actual
2020	$995,549	Actual
2021	$1,309,379	Budget
Total	**$6,713,305**	

Analysis

Transit is an important function for our community and a valuable service that will need to be provided into the future. The upcoming TFP process will allow for a detailed review of our existing system to ensure that into the future it is the most efficient for our community. Priorities for the City are clearly outlined in the process that will be undertaken - as shown above. Key considerations for the process that staff will be bringing forward will look at solutions to support increasing ridership, identifying priority routes for further investment and frequencies, assessing the performance of low utilization routes and determining efficiencies in the system that provide for the most positive experience for Penticon users. The financial

consequences of decisions coming out of the process will be important for Council to consider and staff will keep Council update to date as this process moves forward.

Staff look forward to working with BC Transit and their staff during the upcoming Transit Future Planning process.

Attachments

Attachment A – BC Transit Presentation

Respectfully submitted,

Anthony Haddad
General Manager, Community Services

Chief Administrative Officer

DvD

South Okanagan-Similkameen Transit System

City of Penticton

May 18, 2021

Chelsea Mossey
Senior Manager, Government Relations
Adriana McMullen
Senior Transit Planner

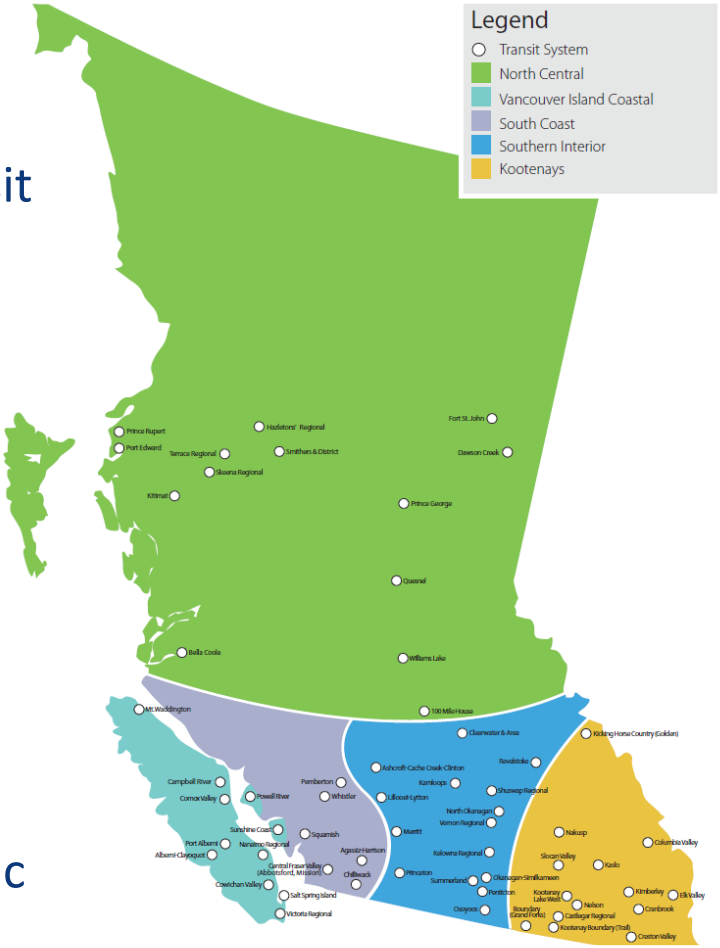
Presentation Topics

- BC Transit Overview
- COVID-19 Response & Impacts
- Looking Ahead
  - Expansions
  - Electronic Fare Collection
  - Low Carbon Fleet Program
  - Digital On-Demand Transit
- Transit Future Action Plan

BC Transit Overview

Who is BC Transit?

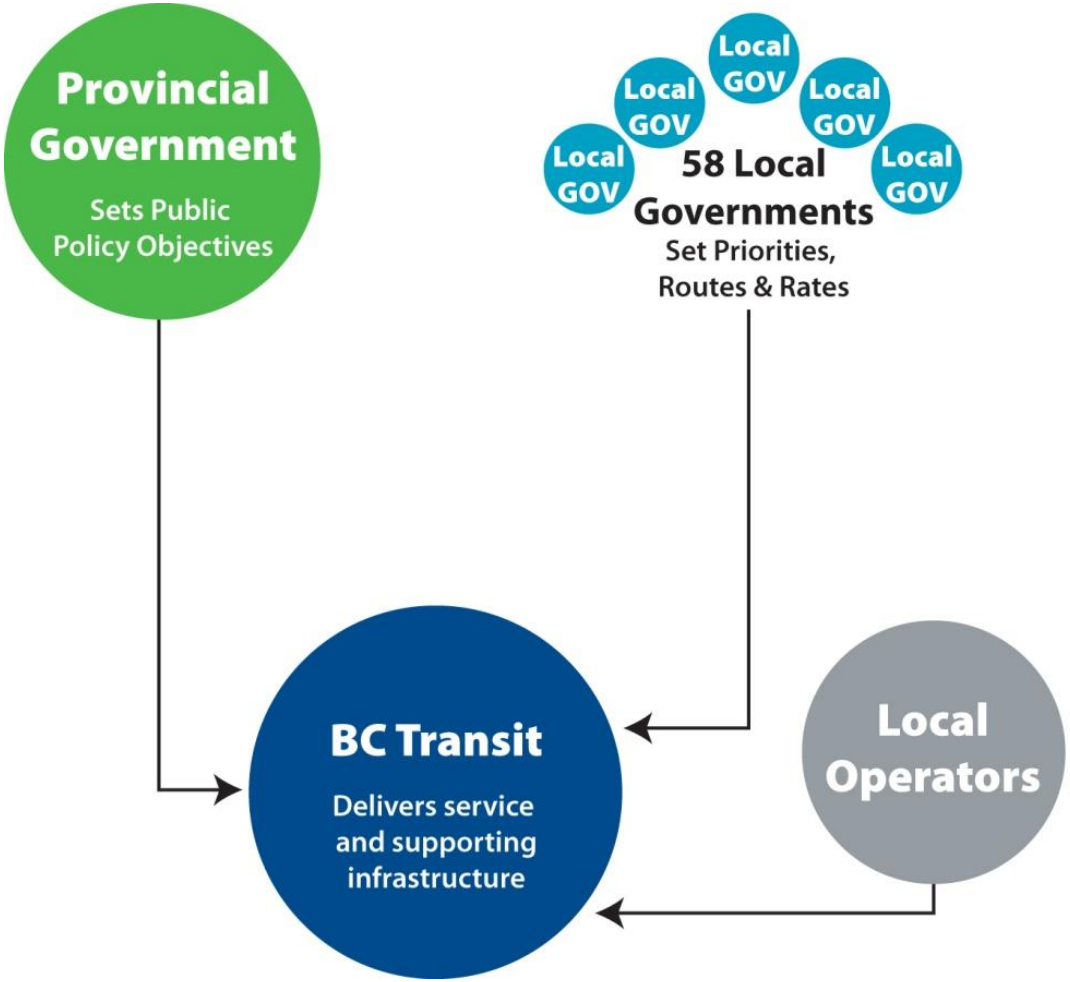
- Provincial authority responsible for the planning, funding and operation of all transit throughout the Province outside of Metro Vancouver
  - » 51+ million passenger trips
  - » 1,013 buses in a range of sizes
  - » 1.5 million British Columbians served
  - » 130 Communities, 81 transit systems



Partnerships:

- 58 local government partners
- 18 private management companies, 5 public organizations, 14 non-profits

BC Transit Partnership Model



COVID-19: Response and Impacts

COVID-19 Respond, Recover, Rebuild

Respond Phase

- Emergency Scale-Down

Recovery Phase

- Scaling Back Up

Rebuilding Phase

- Long-Term Sustainability

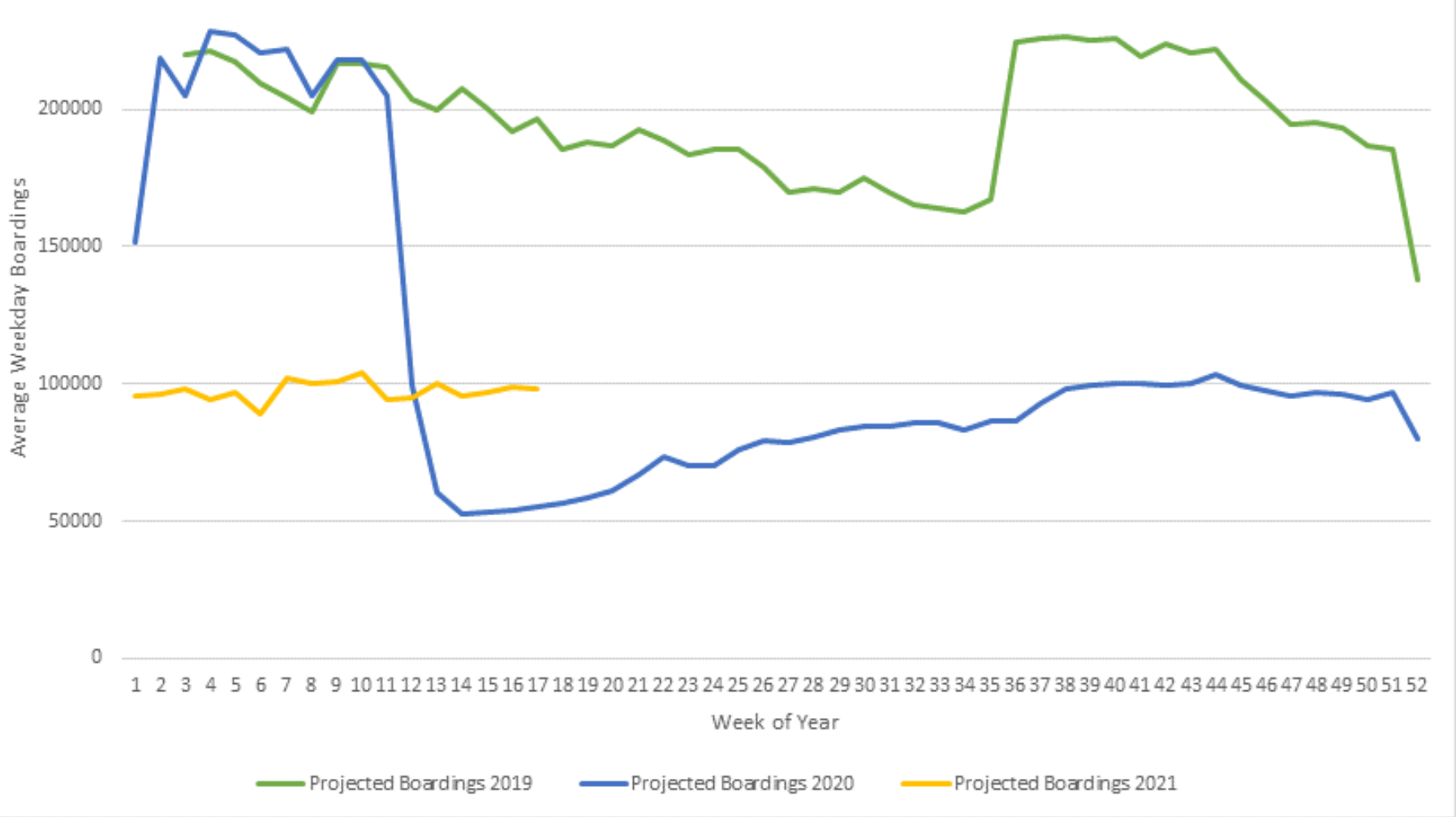
Recovery Phase: Scaling Back Up

		British Columbia's Restart Plan	BC Transit Response Plan
Phase 1		Essential services and some business are open	• Capacity constrained on buses • Enhanced cleaning protocols • Rear door boarding, no fare collection
Phase 2		Restoration of some services, under enhanced protocols • Elective surgeries, dentists, chiropractic, physiotherapy, massage therapy • More retail, restaurants, cafes, pubs, personal • Offices • Recreation/sports	• Public education campaign encouraging the use of face coverings on buses • Signage on buses and at stops encouraging personal etiquette • Stabilize service levels, monitor demand • Continued enhanced cleaning protocols • Installation of driver barriers on all buses
Phase 3	September	Further restoration of services, under enhanced protocol • Hotels • Universities • Workplaces	• Return to in person classes • Increased capacity on vehicles • Ridership recovery campaign
Phase 4	TBD	Large gatherings, conditional on vaccination or treatment	• Return to maximum capacity on buses • Continue rebuilding ridership

Rebuild Phase: Future of Transit

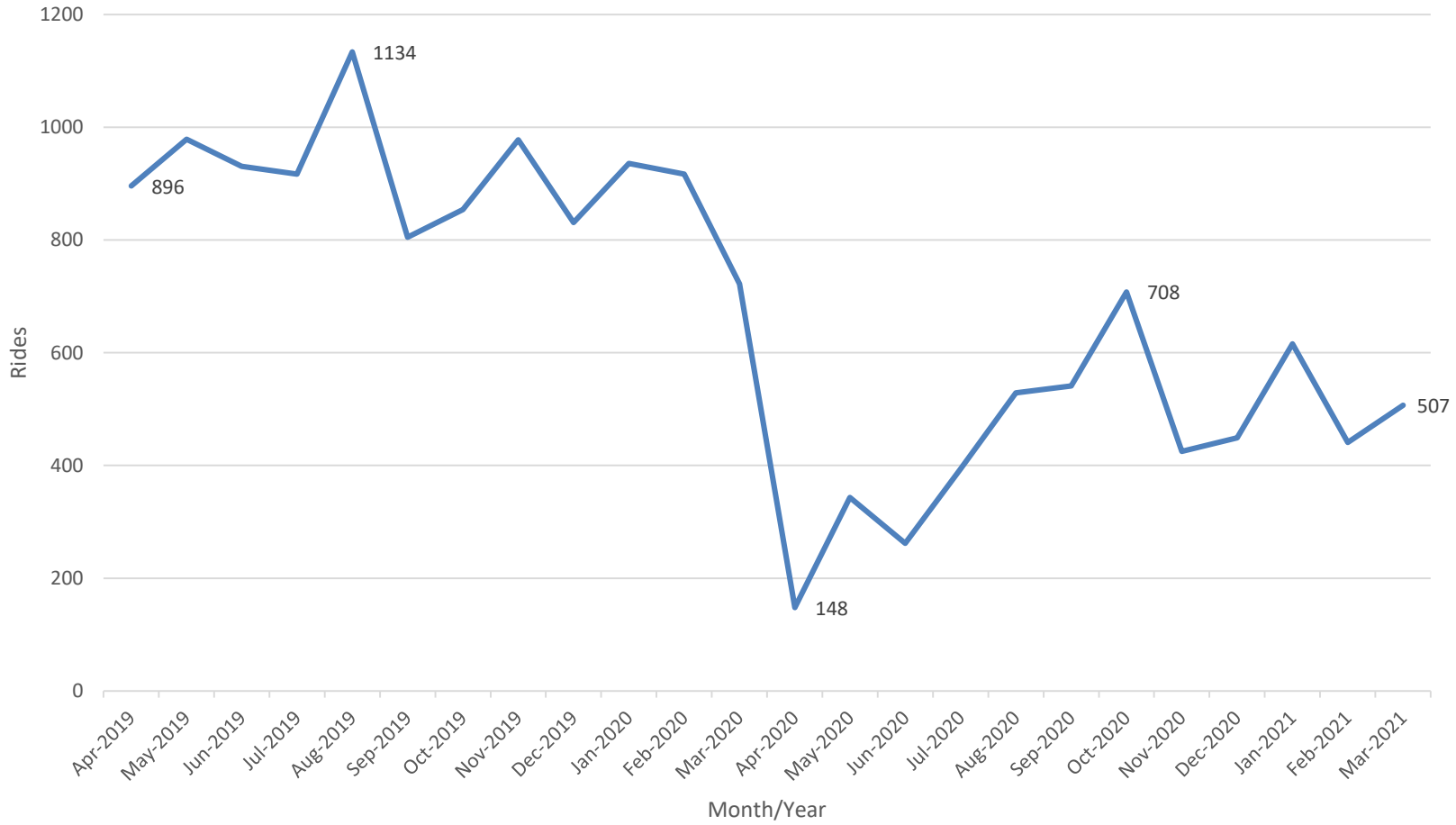
- Support economic recovery
- Address community challenges – climate change, social isolation, access to essential services
- Contribute to vibrant and thriving communities

Impacts of COVID-19: Ridership in BC



Penticton Conventional Ridership

Penticton Custom (handyDART) Ridership



Looking Ahead

City of Penticton Expansions

- Custom Transit expansion deferred to 2022/23
- 2022/23 - 2024/25 tentative expansions
  - » Increase frequency of Route 5
  - » Expanded service to upper Wiltse via Route 1
  - » Expanded service to Sendero Canyon via Route 4
- Will be looked at again through TFAP process

South Okanagan-Similkameen Expansions

- South-Okanagan Similkameen Transit System expansions planned for January 2022
  - » Route 30 Penticton/Summerland
  - » Route 70 Kelowna/Penticton
  - » New service to West Bench

Electronic Fare Collection System

- Remove barriers to selecting transit
- Introduce new ways to pay – contactless credit card and mobile device
- Improve planning and decision making with new data sources
- NRFP evaluation and partner engagement currently underway

Low Carbon Fleet Program

- Approved in November 2018 to support provincial targets for GHG emissions
- Transitioning vehicles to electric propulsion based on fleet replacement plan
- Bridging transition to electric with renewable fuels
- RFP released in November 2020

Program Objectives

- 2022 – Deploy the first 10 heavy duty battery electric buses (BEBs) in Victoria
- 2023 – Begin purchasing only electric heavy duty buses
- 2028 – Begin purchasing only electric buses in all fleet classifications
- Exceed greenhouse gas reductions identified through the Provincial CleanBC program for 2030, 2040, and 2050.
- Achieve a 100% zero emission fleet by 2040

Digital On-Demand Transit

- Uses technology to dynamically dispatch a vehicle to a locations dictated by the rider
- As part of Strategic Plan, we are looking at on-demand and flexible delivery models
- RFI completed in 2020 to determine best practices for digital on-demand transit project development
- RFP underway for a feasibility study to determine whether digital on-demand transit would work in BC Transit communities and to develop a replicable model for other systems

Transit Future Action Plan

Purpose of the Plan

- **To inform future transit decision-making**

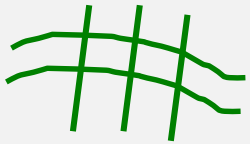
2015

2021

Future Plans

future investment

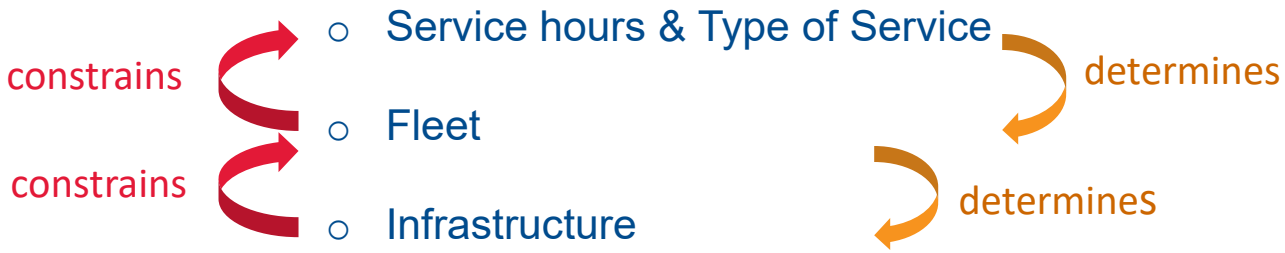
Ridership targets



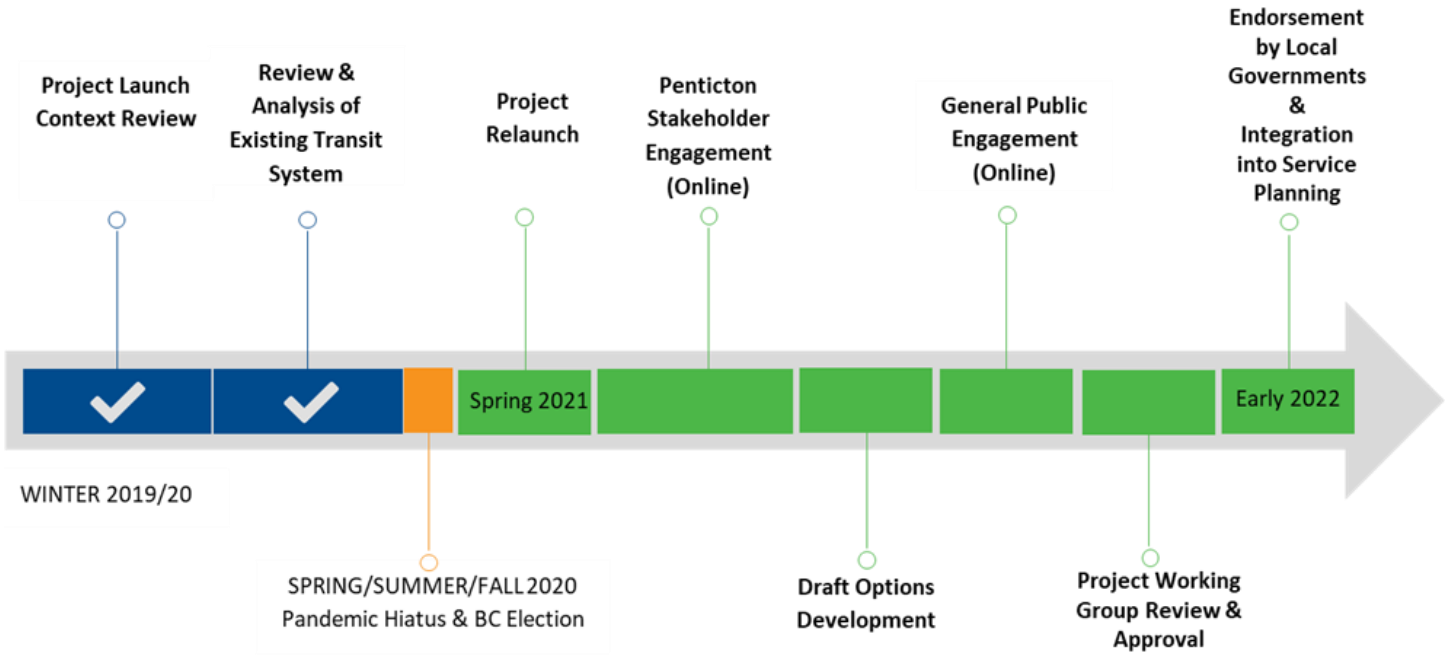
Transit network

Fleet and Infrastructure

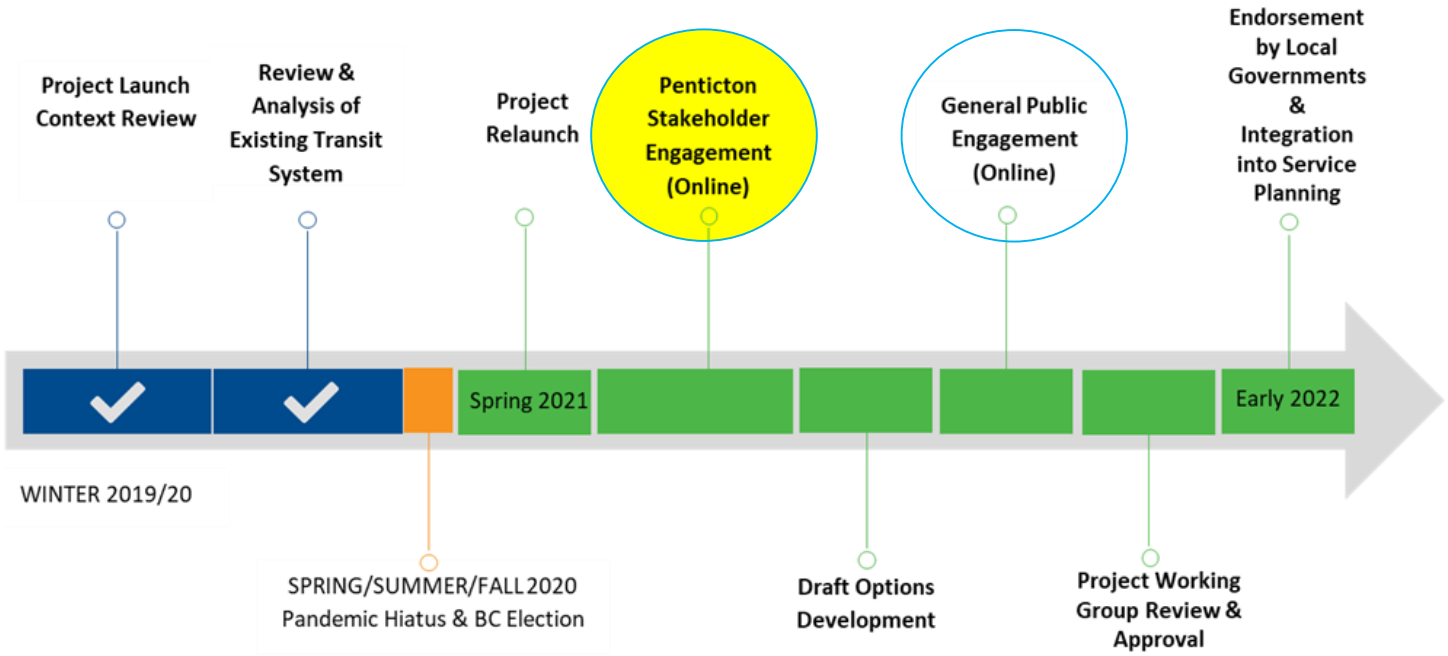
Transit Planning 101



New Timeline & updated tasks



New Timeline & updated tasks



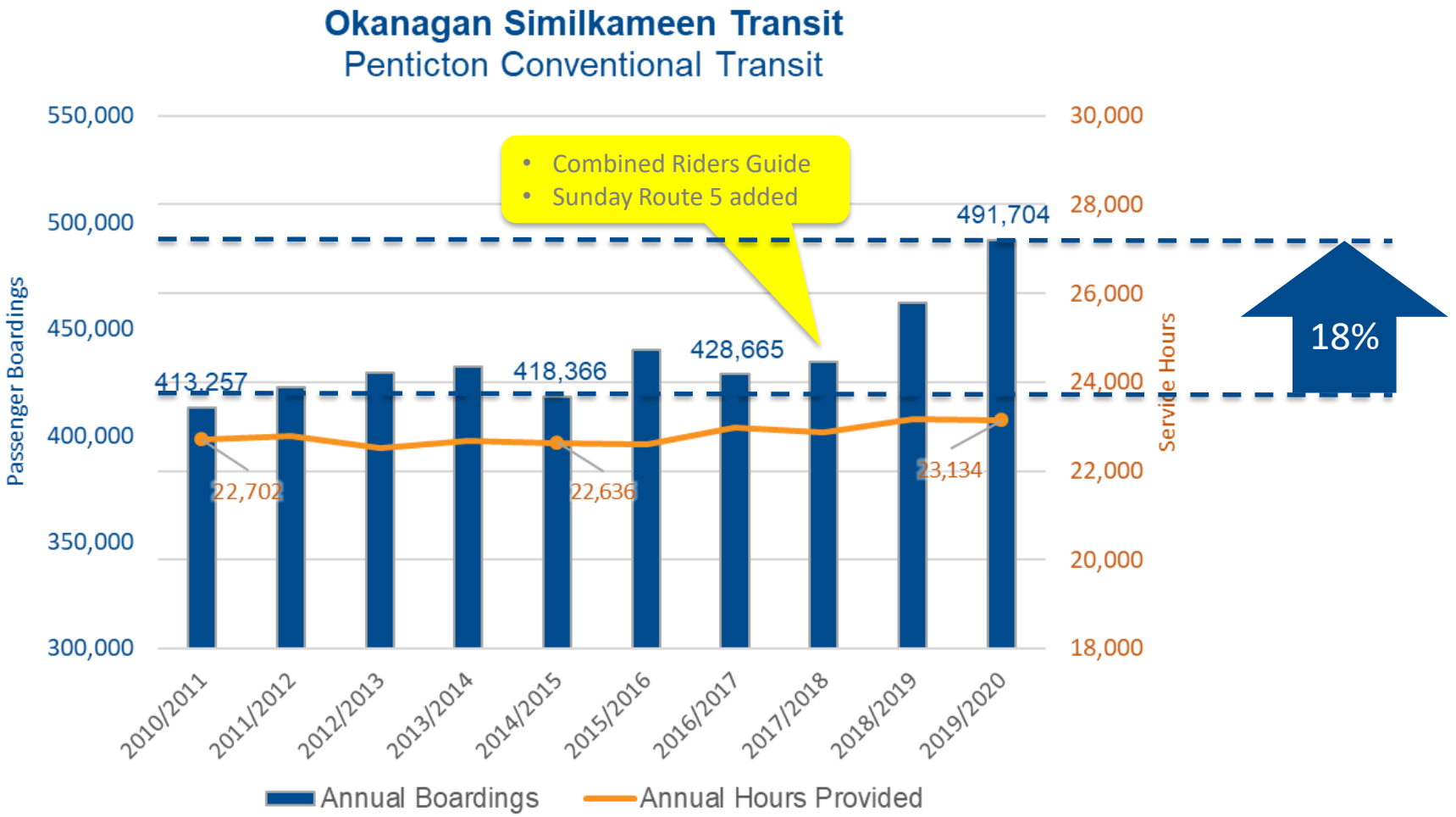
Examine opportunities to simplify the network:

- Straighten out routes
- Improve access to the college
- Relocate as to simplify AAA development

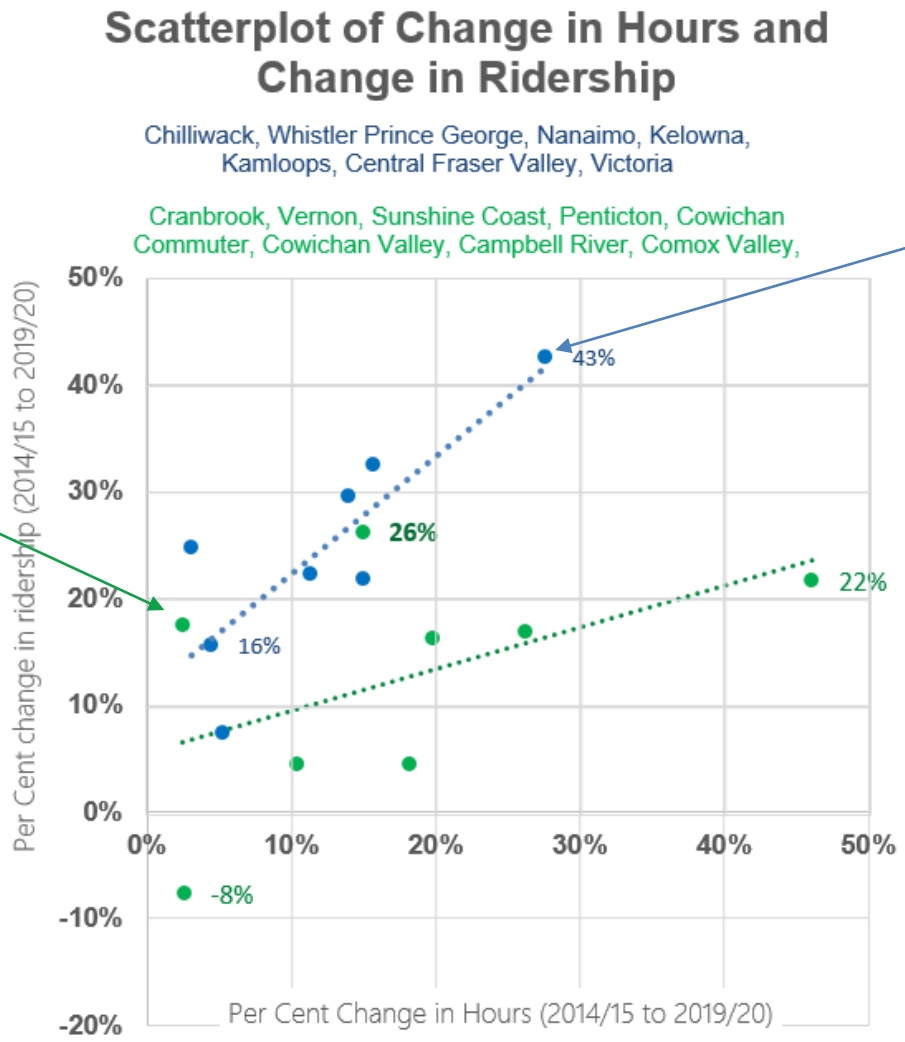
Use new online engagement platforms:

- Remote workshops
- Interactive Mapping

Ridership Context – Annual Ridership



Ridership Context – Penticton in the Province

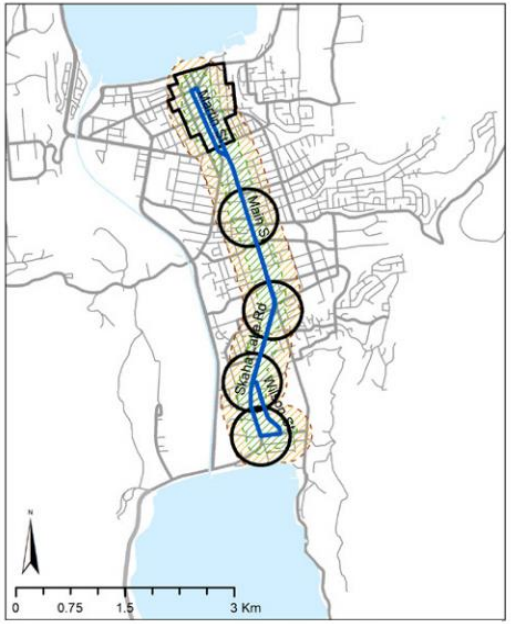


Chilliwack
Rides 43% ↑
Service Hours 28% ↑

Penticton
Rides 18% ↑
Service Hours 2%↑

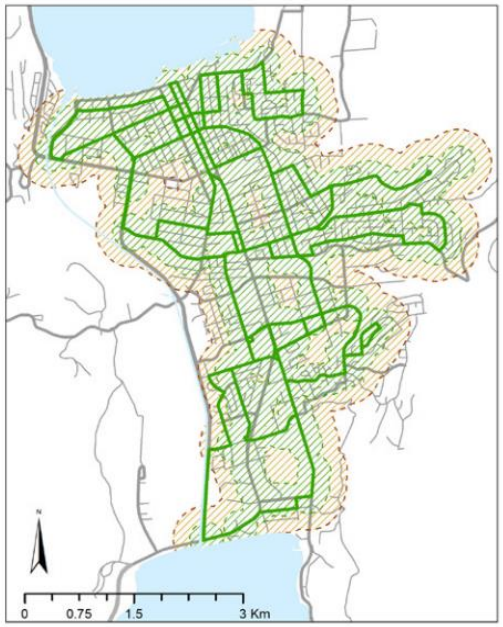
Comox Valley
Rides 26% ↑
Service Hours 15%↑

Network Context -2015 vs 2020 (pre Pandemic)



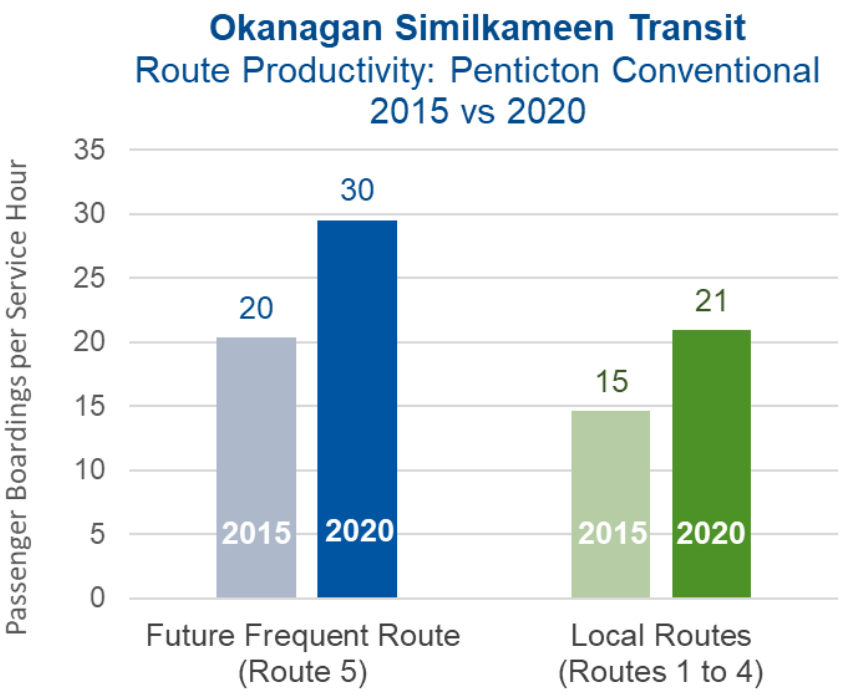
Legend

- Frequent Transit Line 1
- 3 Minute Walk Zone
- 6 Minute Walk Zone
- Downtown and Village Growth Areas

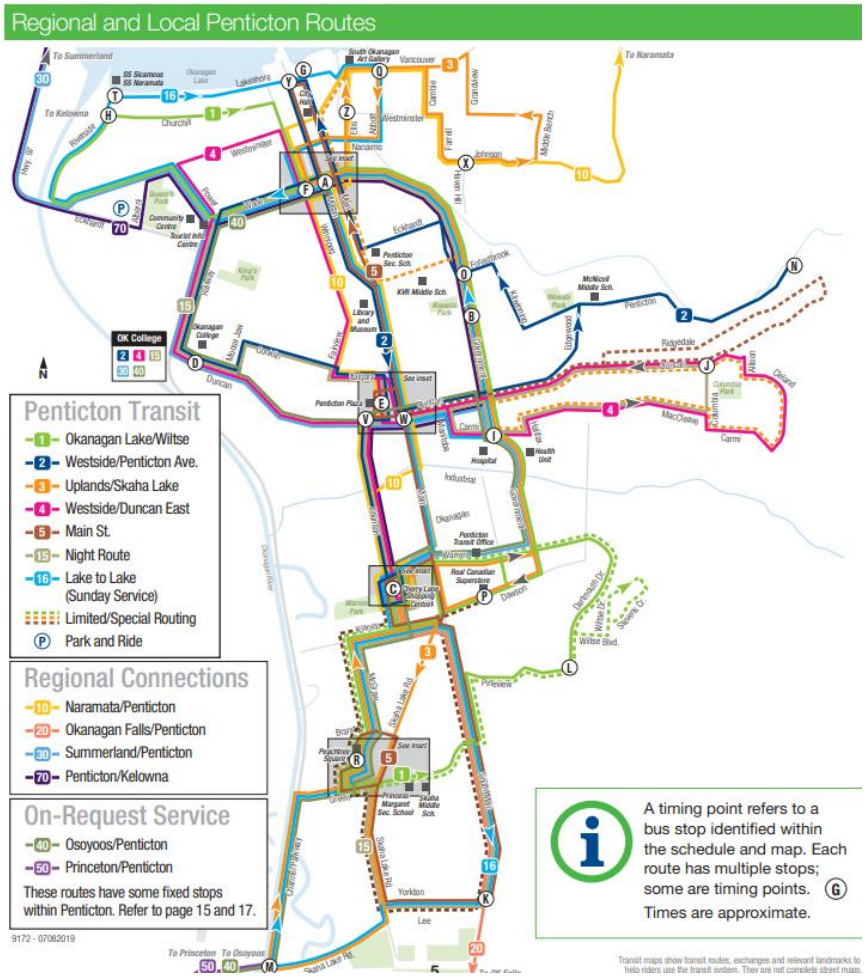


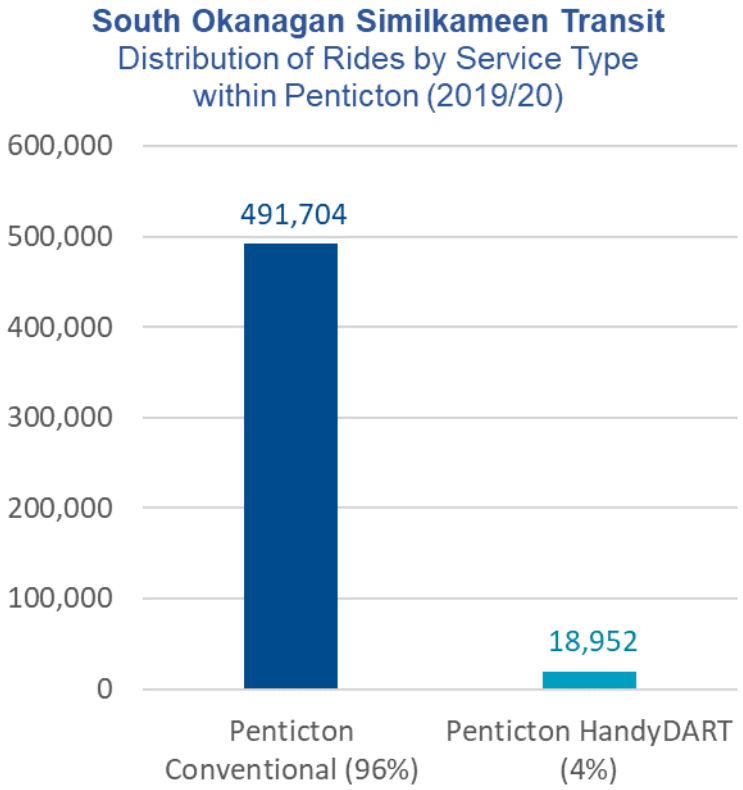
Legend

- Local Transit Network
- 3 Minute Walk Zone
- 6 Minute Walk Zone



Ridership Context – Scheduled vs handyDART

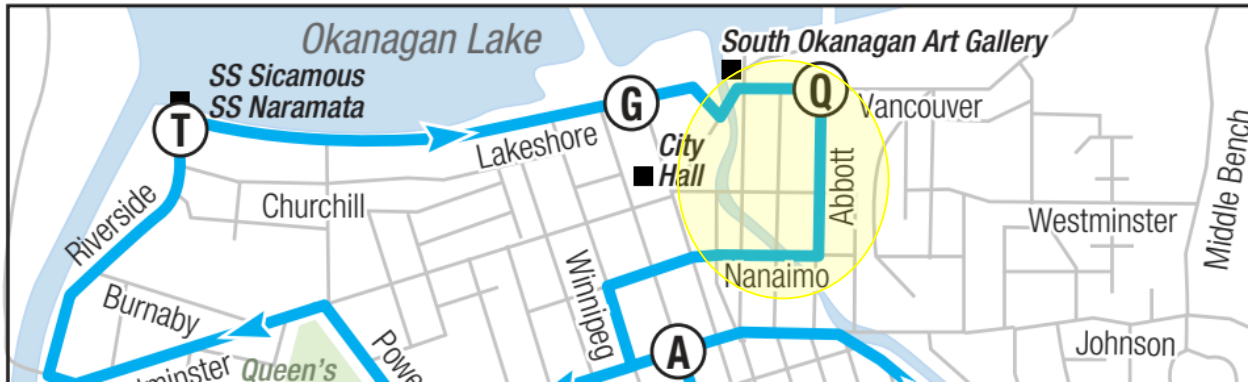




Penticton Service Changes: Nanaimo Street Bridge

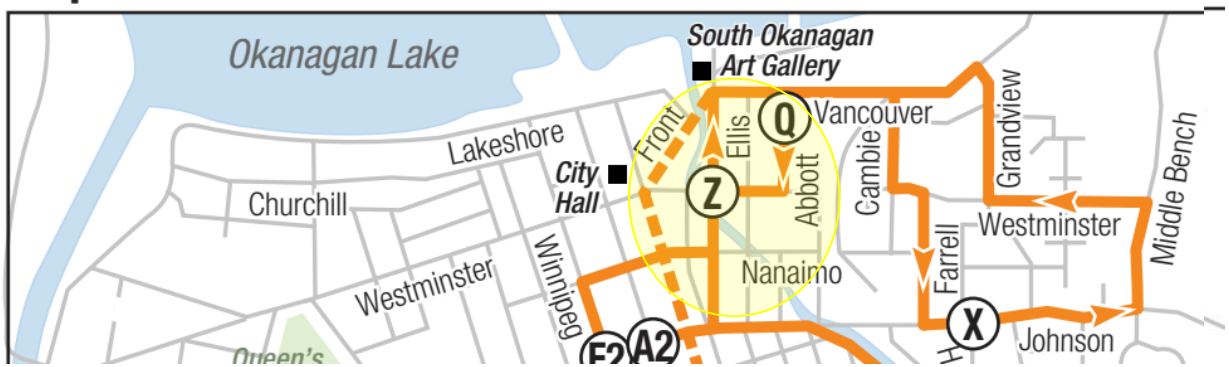
3 Uplands/Skaha Lake

16 Lake to Lake

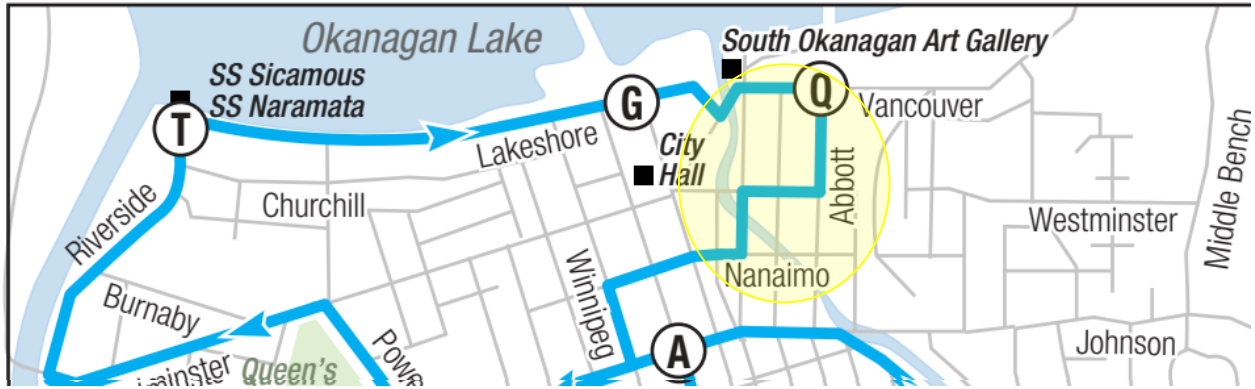


Penticton Service Changes: Nanaimo Street Bridge

3 Uplands/Skaha Lake



16 Lake to Lake



Existing Future Plans – Penticton Transit

	2021	2022	2023	2024
Capital Infrastructure				
Service Delivery		**Expansion** Route 5 Frequency 2,700 hours 2022/23 TIPS Year 1 **Custom Expansion** (Taxi Supplement) 2022/23? TIPS Year 1	**Expansion** Wilste & Sendero 725 hours 2022/23 TIPS Year 2	

Questions?

Chelsea Mossey – Senior Manager, Government Relations
Chelsea_Mossey@bctransit.com
250-880-2520

Adriana McMullen – Senior Transit Planner
Adriana_McMullen@bctransit.com
250-508-4959

Council Report

penticton.ca

Date: May 18, 2021 File No: 8500-05
To: Donny van Dyk, Chief Administrative Officer
From: Anthony Haddad, General Manager, Community Services
Subject: **BC Transit City of Penticton Annual Operating Agreement 2021-2022**

Staff Recommendation

THAT Council authorize the Mayor and Corporate Officer to execute the 2021 - 2022 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".

Strategic priority objective

The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

On April 30, 2021 BC Transit sent an email with the 2021 - 2022 Annual Operating Agreement. This agreement sets how BC Transit and the City of Penticton will work together to provide Conventional and Custom Transit services to the citizens of Penticton and the financial implications for 2021 and 2022.

The Main points of the agreement are:

1. The Agreement reflects service levels, revenues and costs for 2021 and 2022;
2. Should the municipality make any changes to service the Annual Operating Agreement it will be amended to reflect the new service level;
3. BC Transit will apply the use of all available operating reserves to assist in mitigating fare revenue shortfalls;
4. Amendments to the Annual Operating Agreement reflecting any changes to service levels and changes to revenues will be available by the end of June 2020;
5. Term: The Term of the Agreement is from April 1, 2021 until March 31, 2022;
6. Termination: Either party to the agreement can terminate it with 180 days' notice;
7. Dispute Resolution: Mediation then arbitration;
8. Eligible Expenses: Operating costs, Lease costs and Municipal Administration costs;
9. Fares: These are consistent with Fees and Charges Bylaw 2014-07;
10. Conventional Transit Annual Service Hours and exception days: 23,200 hours;
11. Custom Transit Annual Service Hours and exception days: 4,100 hours;

12. Conventional Transit Budget: Total Cost: $3,028,092; Revenue: $479,969; and Net Local Government Share $888,332; and
13. Custom Transit Budget: Total Cost: $421,844; Revenue: $13,159; and Net Local Government Share $101,459.

One addition to the 2021-2022 Agreement is the reference to the Safe Restart Contribution that has been provided by the federal and provincial government for a joint one-time contribution to transit systems within BC. Council received a report on this at their meeting on January 19, 2021 which outlined a contribution of $465,975 for the Conventional Transit System and $29,265 for the Custom Transit System to offset revenue losses resulting from the pandemic.

The agreement was reviewed by the General Manager of Community Services and is now ready for the consideration of Council.

Financial implication

The 2021 Budget amount for Net Local Government Share for Conventional Transit related to this agreement is $991,412 which is more than the Annual Operating Agreement amount of $888,332.

The 2020 Budget amount for Net Local Government Share for Custom Transit related to this agreement is $131,167, slightly higher than the Annual Operating Agreement amount of $101,459.

Analysis

Entering into the Annual Operating Agreement with BC Transit will ensure that the public is provided with the same level of transit service as in 2020.

Should Council wish they could instruct staff to explore cost or service level reductions with BC Transit. At this stage, staff would recommend that in consideration of the upcoming Transit Future Planning process, that future changes and service levels be discussed as part of that upcoming process.

Alternate recommendations

THAT Council instruct staff to explore cost or service level reductions with BC Transit.

Attachments

Attachment A – 2021 / 2022 Annual Operating Agreement Conventional and Custom Transit

Respectfully submitted,

Anthony Haddad
General Manager, Community Services

GM Finance & Administration	Chief Administrative Officer
JWB	DvD

Attachment A

2021 / 2021 Annual Operating Agreement Conventional and Custom Transit

April 29, 2021

BY EMAIL

Anthony Haddad
General Manager Community Services
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Anthony,

Re: 2021/22 Annual Operating Agreement

As we provide you with your 2021/22 Annual Operating Agreement (AOA), we want to take the opportunity to update you on changes reflected in your agreement and highlight key pieces of information for your consideration.

One year ago, we were all adapting to the early stage of a pandemic that was rapidly unfolding around the world. BC Transit took steps to respond quickly and to continue providing essential transportation service to those who relied on it. While the impact continues to be felt today, we remain committed to providing transit services you can rely on to support the ongoing social and economic recovery in communities around the province.

In late 2020, the 'Safe Restart' program was announced by the provincial and federal governments which provided $86 million in funding to cover costs of BC Transit communities in 2020/21. Local government partners were initially allocated a share of $80 million in Safe Restart funding to address fare losses and added COVID-related expenses. An additional $6 million in contingency funding was subsequently allocated to communities that experienced negative financial impacts that were greater than originally forecasted. If your system was eligible for a share of the contingency, you would have received written notification including the amount by the end of March.

For the coming 2021/22 year, BC Transit is reverting to billing based on actual expenditures instead of budget and the Province has directed BC Transit to use any remaining shared operating reserve in 2021/22. Therefore, the forecasted fiscal year end shared operating reserve has been incorporated into your 2021/22 budget. Your budget will also reflect amounts applied from your Local Transit Fund towards the reduction of the municipal share of expenses.

Language contained in the Annual Operating Agreement is periodically updated to reflect any material changes to our funding model or other special circumstances, such as those that were introduced in 2020 for the establishment of the Local Transit Fund and the Safe Restart funding contribution. You will note changes in your 2021/22 agreement that include a definition for BC Transit's Management Services (BCTMS) under Eligible Operating Expenses (section 8 d.), as well as slight changes to clarify language regarding the use of reserve funds toward vehicle lease

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fees. The provision to allow a 'Lease Fee Holiday" for a six-month period, which was included in your 2020/21 amended AOA, has been removed from this year's agreement. In addition, language has been modified to reflect billing based on actual expenses, instead of budget.

Under the terms of the Safe Restart Funding contribution agreement and through receipt of funds, BC Transit and its local government partners are expected to maintain targeted essential transit service levels through to the end of the 2023/24 fiscal year. We expect that these targeted service levels will meet the expected growth in demand in the months to come.

Finally, a reminder that the information in the budget includes commercially confidential information from our operating company and is subject to protection afforded by the *Freedom of Information & Protection of Privacy Act*. Any reports to Council or Regional Boards, or any discussions which may be made within the public realm must be limited to four line items showing Revenues, Total Operating Costs, Total Costs and Total Local Government's Share of Costs.

As required by the Provincial Operating Agreement, all AOA's must be signed and returned to BC Transit no later than June 30, 2021.

If you have any questions regarding your agreement or the associated budget, please contact me at chelsea_mossey@bctransit.com at your earliest convenience so I can provide you with any additional information that you require.

Sincerely,

Chelsea Mossey
Senior Manager, Government Relations

CF/kr

Enclosed: 2021-22 Annual Operating Agreement

Penticton

ANNUAL OPERATING AGREEMENT

between

City of Penticton

and

British Columbia Transit

Effective

April 1, 2021

INFORMATION CONTAINED IN THIS AGREEMENT IS SUBJECT TO *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT*. CONSULT WITH THE AUTHORITY PRIOR TO RELEASING INFORMATION TO INDIVIDUALS OR COMPANIES OTHER THAN THOSE WHO ARE PARTY TO THIS AGREEMENT.

ANNUAL OPERATING AGREEMENT

BETWEEN:

City of Penticton

(the "Municipality")

AND:

British Columbia Transit

(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

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SECTION 1: DEFINITIONS

Unless agreed otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

a) "Annual Operating Agreement" shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;

b) "Transit Service Agreement" shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;

c) "Incurred" means an event or transaction has taken place for which an obligation to pay exists, even if an invoice has not been received, such that the underlying evidence indicates there is little or no discretion to avoid the obligation. The value of the obligation is to be calculated in accordance with recognized Canadian accounting standards.

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

a) The parties agree that the effective date of this agreement is to be April 1, 2021, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.

b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2022 except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.

c) Either party may terminate this agreement as follows:

   a. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.

   b. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom Of Information And Protection Of Privacy Act* ("FOIPPA"). Any information developed in the performance of this Agreement, or any personal information obtained, collected, stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to the provisions of the FOIPPA including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of the FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

a) Amendment: This agreement may only be amended in writing signed by the Municipality and the Authority and specifying the effective date of the amendment.

b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.

c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.

d) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: LOCAL CONTRIBUTIONS AND RESERVES

British Columbia Transit service is provided using a cost sharing model. Where any transit related contributions are received and/or third party revenues are earned that are in excess of expenses, the Authority is required to hold these excess funds in a reserve account for use against transit related expenditures in future years. When unanticipated expenditures occur that were not included in the budget and cannot be covered by reserves, the Authority will seek to recover these based on the cost sharing ratios between the Municipality and the Authority.

Eligible Operating Expenses

The Authority will invoice the Municipality and collect on monthly Municipal invoices based on Incurred Eligible Operating Expenses to provide Transit Service. Eligible Operating Expenses are comprised of the following costs of providing Public Passenger Transportation Systems:

a) *For Conventional Transit Service:*
   i. the operating costs for providing Conventional Transit Service excluding interest and amortization;

i. the amount of any operating lease costs of BC Transit for Conventional Transit Services;
ii. the amount of the municipal administration charge not exceeding 2 percent of the direct operating costs payable under an Annual Operating Agreement;
iii. an amount of the Annual Operating Costs of the Authority not exceeding 8 percent of the direct operating costs payable under an Annual Operating Agreement;

b) *For Custom Transit Service:*
   i. the operating costs for providing Custom Transit Service excluding interest and amortization, but including the amount paid by the Authority to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
   i. the amount of any operating lease costs of the Authority for Custom Transit Service;
   ii. the amount of the municipal administration charge not exceeding 2 percent of the direct operating costs payable under an Annual Operating Agreement; and,
   iii. an amount of the Annual Operating Costs of the Authority not exceeding 8 percent of the direct operating costs payable under an Annual Operating Agreement;

c) Eligible Operating Expenses exclude the costs of providing third-party 100 percent-funded services.
d) Annual operating costs of the Authority are operations, maintenance and administration costs that are for the shared benefit of all transit systems operated by the Authority. These costs are allocated to each transit system on a pro rata basis based on the nature of the costs.

Lease Fees

The Authority will invoice the Municipality and collect on monthly Municipal invoices for Lease Fees on tangible capital assets owned by the Authority that are used in the provision of transit service. Lease Fees are comprised of the following:

a. The Municipality's fee for use of the asset, including for the costs of acquisition, construction, development and betterment of the asset and the costs of installing the asset at the location and condition necessary for its intended use;
a. Debt financing and risk related charges or costs payable on assets;
b. Payment into a reserve fund for preventative maintenance and major repair of assets owned or leased by the authority;
c. Amounts sufficient for the Authority to recover all other costs relating to the asset, including, but not limited to taxes and administrative charges.

Where Lease Fees are received that exceed actual asset-related expenses in any given period, these will be placed in a pooled reserve. This reserve will be used to offset against future Lease Fees as outlined above.

Reserve Funds

The Authority will establish the following for each transit system to record the contributions that have been received but not yet earned as follows:

a. **Operating Reserve:** Contributions by the Municipality prior to March 31, 2021, towards Eligible Operating Expenses that have been matched with a Provincial share Contribution but have not been used to fund incurred Eligible Operating Expenses.
    i. Any expenditure of monies from the Operating Reserve will only be credited towards shareable Eligible Operating Expenses for the transit system for which it was collected.
    i. The Operating Reserve excludes amounts collected from the Municipality on Lease Fees and will not be used toward Lease Fees.
    ii. The Authority will provide a quarterly statement of account of the Operating Reserve balance including contributions, amounts utilized and any interest earned for the Operating Reserve.
b. **Local Transit Fund:** Contributions by the Municipality towards Eligible Operating Expenses that have been received but not matched with a Provincial share contribution will be deferred in the Local Transit Fund.
    i. Any expenditure of monies from the Local Transit Fund will:
        1. only be credited towards the Municipality's share of expenses for the transit system for which it was collected.
        1. be applied to reduce Municipal invoices at the discretion of the Municipality as agreed to under the Annual Operating Agreement or amendments as required.
    i. The Local Transit Fund may be used towards Lease Fees.
    ii. The Authority will provide a quarterly statement of account of the Local Transit Fund balance including contributions, amounts utilized and interest earned.

SECTION 9: SAFE RESTART CONTRIBUTION

Under the Safe Restart program, the federal and provincial governments provided a joint one-time contribution to transit systems in BC (the "Safe Restart Contribution") in 2020/21.

The Authority applied the Safe Restart Contribution as follows:

a. As a one-time allocation towards the Municipality's share of 2020/21 Eligible Operating Expenses;
a. After applying the allocation of Safe Restart Contribution, any excess contributions received from the Municipality were deferred to the Local Transit Fund;
b. The Authority will apply the remaining Local Transit Fund balance to reduce 2021/22 and future Municipal invoices at the discretion of Local Government Partners as agreed to under an Annual Operating Agreement or amendments as required.

It is expected that by receiving the Safe Restart contribution the Municipality will work with the Authority to maintain targeted essential transit service levels by not reducing transit service below existing planned service levels and maintain affordability by limiting annual fare increases to 2.3% through March 31, 2024.

SECTION 10: GOVERNING LAW

This agreement is governed by, and shall be construed in accordance with, the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the Government of Canada.

SECTION 11: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or pdf copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 12: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed where an electronic signed document is emailed to the parties or if mailed by prepaid registered mail to the Authority at:

British Columbia Transit

c/o Executive Assistant, Business Development

P.O. Box 9861

520 Gorge Road East

Victoria, British Columbia V8W 9T5

and to the Municipality at:

City of Penticton

c/o General Manager, Community Services

171 Main Street

Penticton, B.C. V2A 5A9

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this _____ day of _____, 2021.

City of Penticton

_____

_____

British Columbia Transit

_____
Vice President, Business Development

_____
Vice President, Finance and Chief Financial Officer

SCHEDULE "A": TARIFF AND FARES

Effective as of July 1, 2017

Fare Zones:
The boundaries of fare zones for this Tariff are described as the corporate boundaries of the City of Penticton.

	Local*	Regional*
a) **Cash:**		
All Fares	$2.25	$4.00
b) **Tickets (sheet of 10):**		
i) All Fares	$20.25	$36.00
c) **Monthly Bus Pass**:		
i) Adult	$45.00	$60.00
ii) Senior/Students**	$35.00	$40.00
d) **DayPASS**	$4.50	$8.00
e) **Child**, 6 or under	Free	Free

f) BC **Bus Pass** valid for the current calendar year and available through the Government of British Columbia BC Bus Pass Program.

g) C**NIB** Identification Card available from the local office of the CNIB.

h) BC **Transit Employee** Bus Pass

* Local refers to trips within the community
* Regional refers to trips between larger communities. Route numbers end in "0"
** Discounted Fares apply to: Seniors over 65 years of age with valid ID, Students 20 or under in full-time attendance to Grade 12 with valid ID, Post-Secondary with proof of attendance. Post-Secondary institution refers to universities, vocational universities, community colleges, liberal arts colleges, institutes of technology and other collegiate level institution, such as vocational schools and career colleges that award academic degrees or professional certifications.

Custom Transit Fares:

Effective as of September 2019

i) Registered User $2.25
ii) Companion accompanying registered user $2.25
iii) Attendant accompanying registered user Free

SCHEDULE "B": SERVICE SPECIFICATIONS

Conventional Transit Service
Transit Service Area: The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

Annual Service Level: for City of Penticton shall be **23,200** Revenue Service Hours

Exception Days recognized annually for City of Penticton are:

Exception Days	Service Level
Good Friday	Sunday Service
Easter Monday	Regular Service
Victoria Day	Sunday Service
Canada Day	Sunday Service
BC Day	Sunday Service
Labour Day	Sunday Service
Thanksgiving Day	Sunday Service
Remembrance Day	Sunday Service
Christmas Day	No Service
Boxing Day	Sunday Service
New Year's Day	Sunday Service
Family Day (2022)	Sunday Service

Custom Transit Service
Transit Service Area: The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

Annual Service Level: for the City of Penticton shall be **4,100** Revenue Service Hours

Exception Days recognized annually for the City of Penticton are:

Exception Days	Service Level
Good Friday	No Service
Easter Monday	Regular Service
Victoria Day	No Service
Canada Day	No Service
BC Day	No Service
Labour Day	No Service
Thanksgiving Day	No Service
Remembrance Day	No Service
Christmas Day	No Service
Boxing Day	No Service
New Year's Day	No Service
Family Day (2022)	No Service

SCHEDULE "C": BUDGET

PENTICTON CONVENTIONAL

	OFFICIAL AOA 2021/22
TOTAL REVENUE	$479,969
TOTAL OPERATING COSTS	$2,762,167
TOTAL COSTS (including Local Government Share of Lease Fees)	$3,028,092
NET LOCAL GOVERNMENT SHARE OF COSTS	**$888,332**

PENTICTON CUSTOM

	OFFICIAL AOA 2021/22
TOTAL REVENUE	$13,159
TOTAL OPERATING COSTS	$399,614
TOTAL COSTS (including Local Government Share of Lease Fees)	$421,844
NET LOCAL GOVERNMENT SHARE OF COSTS	**$101,459**

Council Report

penticton.ca

Date: May 18, 2021 File No: 5080-01
To: Donny van Dyk, Chief Administrative Officer
From: Adam Goodwin, Social Development Specialist and Blake Laven, Director of Development Services

Subject: **Shelter and Supportive Housing Location Selection Guidelines**

Staff Recommendation

THAT Council adopt the Shelter and Supportive Housing Location Selection Guidelines developed by the Safety and Security Advisory Committee.

Strategic Priority Objective

- **Community Safety:** The City of Penticton will support a safe, secure and healthy community.

Background

On March 2, 2021, while considering the Temporary Use Permit extension application from BC Housing for 352 Winnipeg Street, City Council directed the Safety and Security Advisory Committee to develop shelter and supportive housing location selection guidelines for Penticton (Council resolution 70/2021). The Committee worked with staff to develop the guidelines over three meetings:

1. During its March 29, 2021 Regular Meeting, the Committee brainstormed potential guideline ideas, based on background and best practices presented by staff. This included items such as distances from schools and homes for older adults/seniors, and ensuring these options are close to health / medical service.
2. During its April 19, 2021 Special Meeting, the Committee received a draft visual map of the guidelines it drafted during the March 29 meeting. Additionally, the Committee discussed different location models (e.g., dispersed locations vs. central location) and refined its draft guidelines.
3. During its May 3, 2021 Regular Meeting, the Committee finalized its guidelines, and made the following recommendation to Penticton City Council:

   It was MOVED and SECONDED

   THAT the Safety and Security Advisory Committee recommend to Council that the proposed Supportive Housing and Shelter Placement Guidelines be approved.

   CARRIED UNANIMOUSLY

Further details on the discussion, these are contained in the meeting minutes from each meeting.

Housing Continuum

During the development of the guidelines, there were questions of clarification about the types of shelter/housing that the guidelines would apply to. Using a housing continuum, the guidelines, as presented in Attachment A and complemented by Attachment B, would focus on shelters (e.g., extreme weather shelter, satellite shelter, temporary shelter, winter shelter) and supportive housing (e.g., permanent supportive housing, recovery supportive housing), as identified in Figure 1.

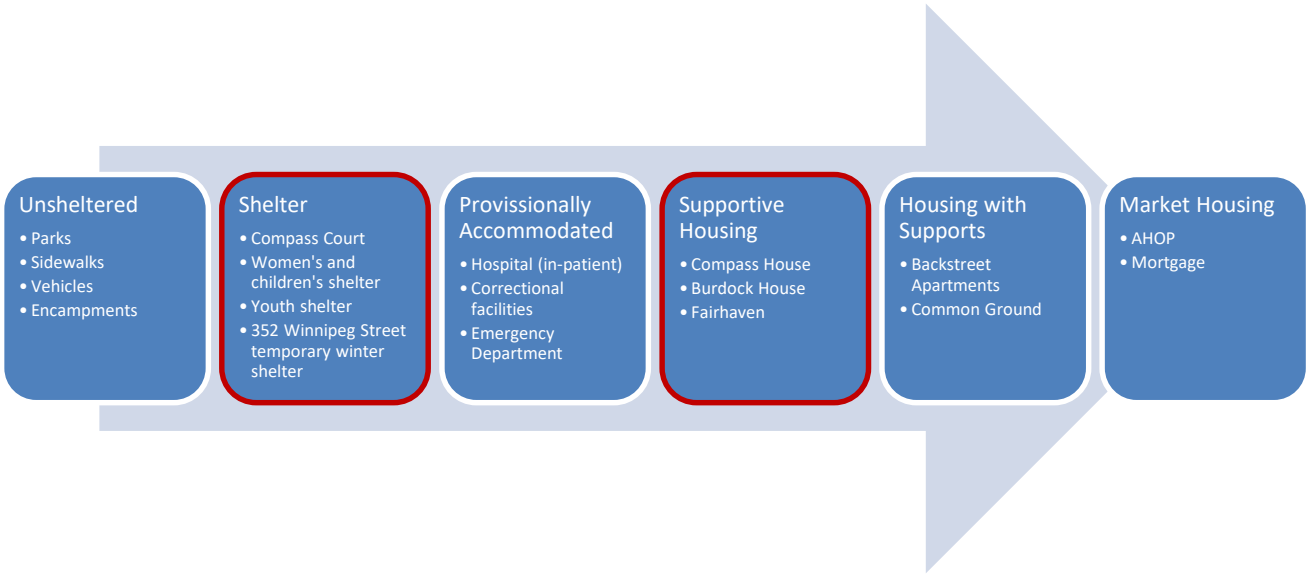


Figure 1. Housing Continuum with Examples of Programs

Analysis

The Committee's recommendations include:

- Acknowledging the existing shelter at 1706 Main Street as the City's permanent and main low-barrier / *wet* shelter.
- Other shelter facilities / services, with the exception of shelter services for women and children fleeing violence and/or shelters with an abstinence focus, shall host a maximum of 12 individuals at one location and generally be temporary in nature and operating only when required to provide additional capacity to the main shelter facility at 1706 Main Street.
- Shelters shall be developed and follow the BC Housing Shelter Design Guidelines. Applications for shelters should provide documentation showing how the proposed facility meets the guidelines.
- Shelters and supportive housing units must be a minimum of 150 m from K-12 private and public schools and 150m from Marina Way Beach, Okanagan Beach, Skaha Beach, Gyro Park, Lakawanna Park, Marina Way Park, Okanagan Lake Park, Rose Garden, Skaha Lake Park, and SS Sicamous

- Shelter and supportive housing units must not front any of the following highways: Lakeshore Drive, Main Street (100-700 blocks), Martin Street (100-300 blocks), Riverside Drive, Skaha Lake Road, and Westminster Avenue.

- Where possible, shelters shall not to be near businesses that rely on foot traffic, and residences/homes for older adults/seniors, and should be near health/medical services.

- Where possible, shelter and supportive housing facilities shall not be within 400m of another shelter / supportive housing facility.

- Shelter and supportive housing services should generally not be co-located, unless designed for separate access and amenity space.

- Abstinence based / recovery focused facilities may be exempted from the above noted guidelines, subject to their being less than 12 persons in size.

- Shelter services focused on women / children fleeing violence or abuse are exempt from these guidelines and their locations shall remain confidential.

- The City's Zoning Bylaw shall apply to all new proposed shelter and supportive housing facilities. Generally, new shelter services should look to obtain a temporary use permit for land use approval as opposed to permanent rezoning of the land.

- Shelters established for extreme weather for 20 persons and under, shall be exempted from the requirement for a Temporary Use Permit with notification to the City of the location and expected duration that the facility will remain open / active.

The guidelines are to be used by governments (e.g., Province), provincial agencies (e.g., BC Housing), and other entities/groups (e.g., shelter operators) when they wish to develop a shelter and/or supportive housing development within the boundaries of the City of Penticton.

In order to construct a shelter and/or supportive housing development, the location of such a development must adhere to all of the location selection guidelines (in addition to other City/Council policies/legislation). Council's role is not to find a location for an entity that meets these guidelines, but to ensure that locations selected by entities meet these guidelines. A developer seeking locations for a shelter or supportive housing can request an exemption(s) from Council for a particular part(s) of the guideline.

The Committee was clear that the guidelines should not apply to housing and/or shelters specifically for women and/or children fleeing intimate partner violence, or similar situations, and therefore these should be exempt from the Guidelines and that all of these location(s) remain strictly confidential. These could include programs such as Safe Homes, Transition Houses, and/or Second Stage Housing for women/children fleeing abuse and/or violence. Additionally, the Committee recommended that abstinence-based programs be exempt from the Guidelines.

Staff Recommendation

Based on the Committee's recommendation, staff recommend that Council adopt the Shelter and Supportive Housing Location Selection Guidelines developed by the Safety and Security Advisory Committee, based on Council direction during the March 2, 2021 Regular Meeting of Council, as provided in Attachment A. These will be shared with various partners.

Attachments

Attachment A - Shelter and Supportive Housing Location Selection Guidelines

Respectfully submitted,

Adam Goodwin
Social Development Specialist

Blake Laven
Director, Development Services

Concurrence

Chief Administrative Officer

DvD

Shelter and Supportive Housing Location Selection Guidelines

The following guidelines are intended to be used for identifying locations for shelters and supportive housing with the goal that the facilities minimize conflicts with other nearby land uses.

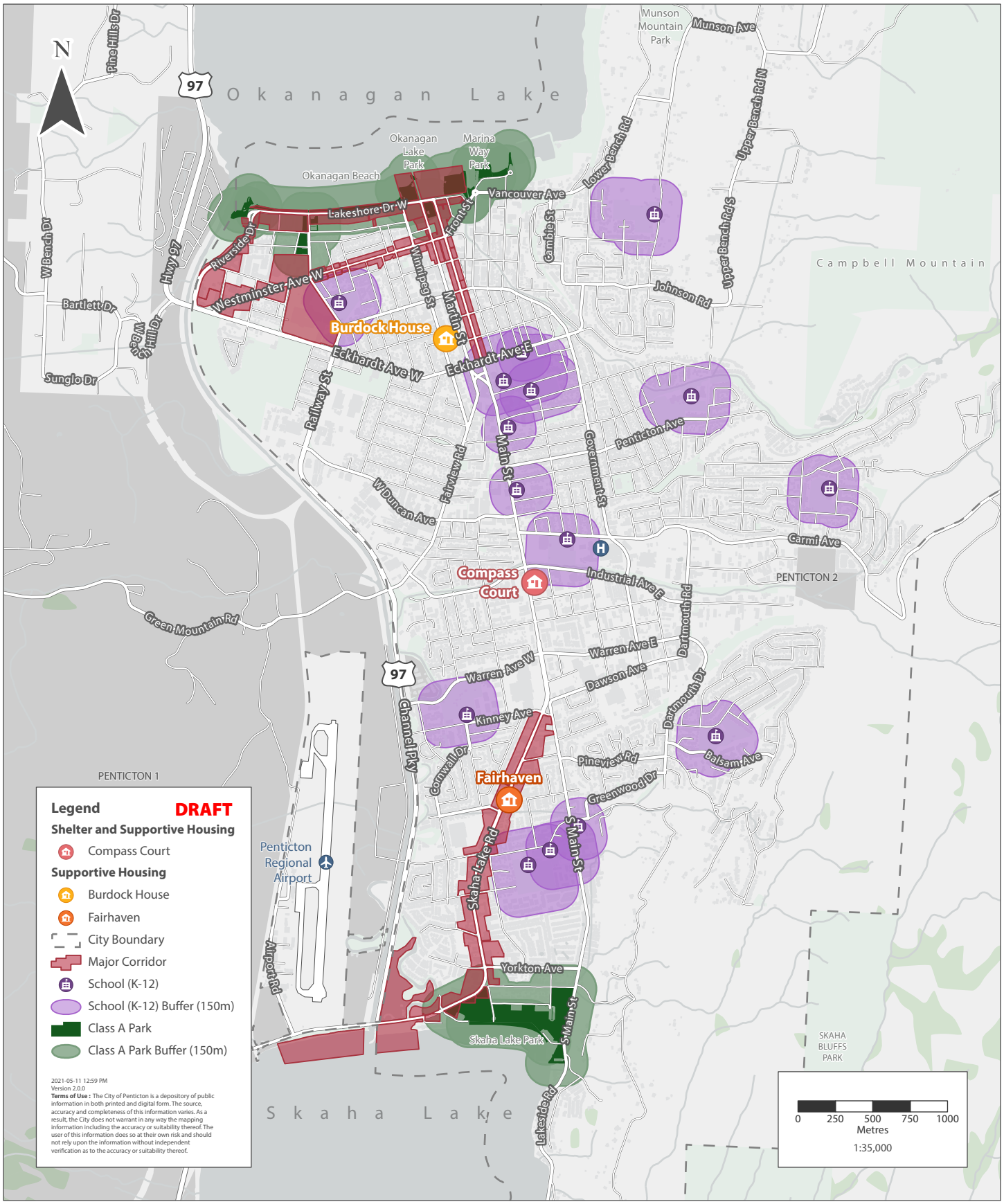
Proposed shelter of supportive housing facilities shall be located according to the following siting criteria, with the acknowledgment that the existing shelter at 1706 Main Street is the City's main homeless shelter and all homelessness services should flow from that location:

1. Shelters shall be developed and follow the BC Housing Shelter Design Guidelines (see Appendix B). Applications for shelters should provide documentation showing how the proposed facility meets the guidelines.
2. Shelters and supportive housing units must be a minimum of 150 m from K-12 private and public schools and 150m from Marina Way Beach, Okanagan Beach, Skaha Beach, Gyro Park, Lakawanna Park, Marina Way Park, Okanagan Lake Park, Rose Garden, Skaha Lake Park, and SS Sicamous
3. Shelter and supportive housing units must not front any of the following highways: Lakeshore Drive, Main Street (100-700 blocks), Martin Street (100-300 blocks), Riverside Drive, Skaha Lake Road, and Westminster Avenue.
4. Where possible, shelters shall not to be near businesses that rely on foot traffic, and residences/homes for older adults/seniors, and should be near health/medical services.
5. Where possible, shelter and supportive housing facilities shall not be within 400m of another shelter / supportive housing facility.
6. Shelter and supportive housing services should generally not be co-located, unless designed for separate access and amenity space.
7. Abstinence based / recovery focused facilities may be exempted from the above noted guidelines, subject to their being less than 12 persons in size.
8. Shelter services focused on women / children fleeing violence or abuse are exempt from these guidelines and their locations shall remain confidential.
9. The City's Zoning Bylaw shall apply to all new proposed shelter and supportive housing facilities. Generally, new shelter services should look to obtain a temporary use permit for land use approval as opposed to permanent rezoning of the land.
10. Other shelter facilities / services, with the exception of shelter services for women and children fleeing violence and/or shelters with an abstinence focus, shall host a maximum of 12 individuals at one location and generally be temporary in nature and operating only when required to provide additional capacity to the main shelter facility at 1706 Main Street.
11. Shelters established for extreme weather for 20 persons and under, shall be exempted from the requirement for a Temporary Use Permit with notification to the City of the location and expected duration that the facility will remain open / active.

Appendix A: Map
Appendix B: BC Housing Shelter Design Guidelines (as updated)

City of Penticton

Emergency Shelter and Supportive Housing Siting Guidelines



SHELTER DESIGN GUIDELINES

September 2017

BC HOUSING

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Facility images and plans provided by:

3030 Gordon (Coquitlam)
Raincity Housing & Support Society, dys architecture

Our Place (Victoria), *Our Place Society*

Powell Place Women's Emergency Shelter (Vancouver), *The Bloom Group, NSDA Architects (covers), Kinetic Construction (Bob Matheson, Photographer)*

Rock Bay Landing Shelter (Victoria)
Victoria Cool Aid Society, Jensen Group Architects

Yukon Shelter (Vancouver)
Lookout Emergency Aid Society

Overview

BC Housing has prepared this guide to assist non-profit societies and development teams with the planning, design, and development processes for upgrading existing shelters, or constructing new emergency shelters. In BC, shelters vary significantly by size, building type, layout, and types of spaces they include – many are created through the conversion of existing buildings. Although these guidelines represent best practices, each new or upgraded shelter may involve some design compromises, reflecting the availability of an appropriate building and/or location.

These guidelines focus on space requirements and layout. Societies and development teams should also use BC Housing's most current version of *Design Guidelines & Construction Standards*, which provides more detailed building specifications, and is available at the BC Housing website. In considering the design of new or upgraded emergency shelters, integration with sound, comprehensive operating policies and procedures, and appropriate staff training is essential.

In BC, emergency shelters operate under the *Emergency Shelter Program*, which is administered by BC Housing. Emergency shelters and outreach workers are part of a housing continuum that helps people move from homelessness to permanent accommodation and, provide with supports as necessary. In considering the development of a new shelter, or upgrades to an existing one, reference should be made to the most current version of BC Housing's *Emergency Shelter Program Framework*, which also provides definitions for terms used in the planning and operations of shelters.

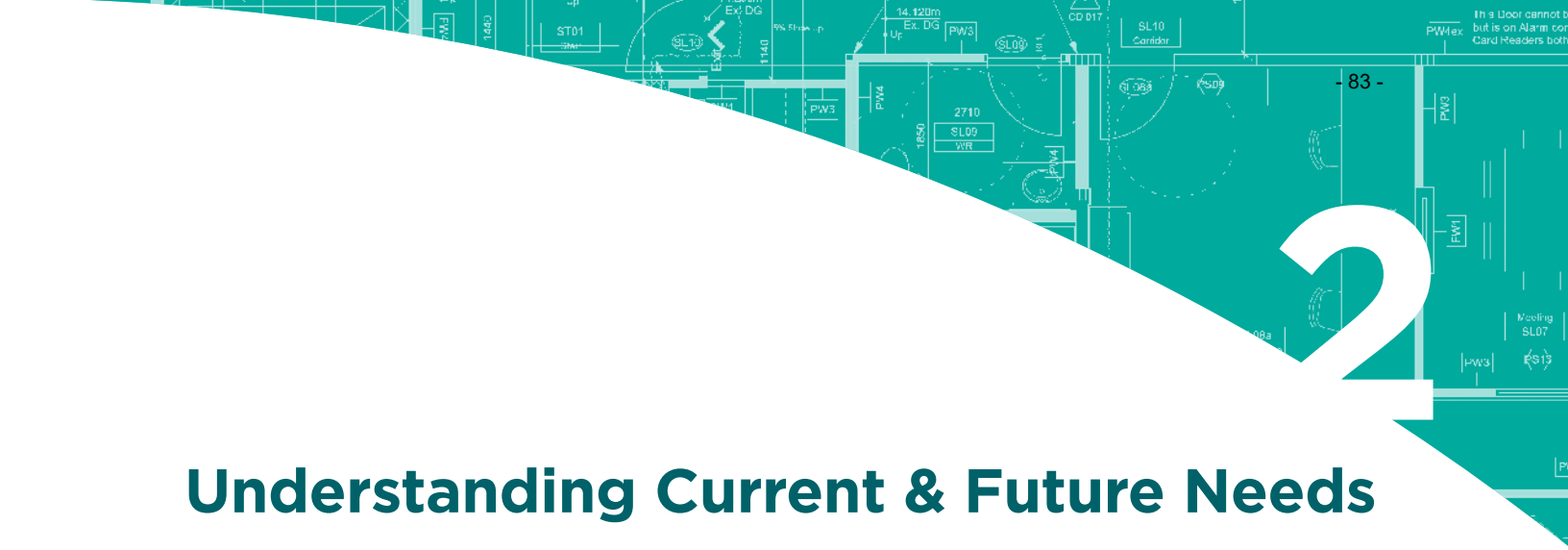
Figure 1: Powell Place, Vancouver. This 52-bed shelter involved a major renovation of an existing shelter.

Gateways to permanent housing, shelters provide supports, and must include the following:

- Emergency accommodation – a safe, secure place to sleep;
- Facilities for hygiene;
- The provision of nutritious food;
- Office and meeting spaces to enable case planning and programming for clients; and
- Where possible, space for primary health provision.

Where a new or upgraded shelter will be the only one in a community, the facility should be designed and operated as a minimal barrier shelter, which accommodates those who:

- Are dealing with addictions and/or mental health issues;
- Require harm reduction supplies, including clean needles, access to safe disposal (sharps containers), condoms, etc.;
- Require access to primary health care;
- Cannot be refused service unless extenuating health/safety issues present;
- Require physical accessibility;
- Require appropriate sized and secure storage facility for their belongings, including a cart, bike, etc; and
- Have a pet.



Understanding Current & Future Needs

2.1 NEEDS ANALYSIS

To support the proposition of a new or renovated shelter, an analysis should be undertaken to determine the client group(s) to be served, and ensure their needs are fully understood. Where possible, the analysis should identify current and future needs, the required scale of the project, and the best location to provide these services.

Projecting shelter bed need is an inexact process. Conducting an analysis does not need to be a large and complex activity, but should draw on core housing need within the community and age group, population trends, existing shelter use information, homeless counts, and discussions with local agencies, including the health authority and municipality. Analyzing the number of subsidized housing units in the community or within the regional district, average rents and rental vacancies should be considered for understanding market conditions. The role outreach workers play within shelters shelters and community, as well as that of any existing or proposed shelters in the community (if applicable), should be taken into account. BC Housing is also a useful source of information for a needs analysis. Refer to *BC Housing Need and Demand Study*.

Where a new or upgraded shelter will be the only one in a community serving all or a single gender client group, the facility should be designed and operated as a minimal barrier shelter.

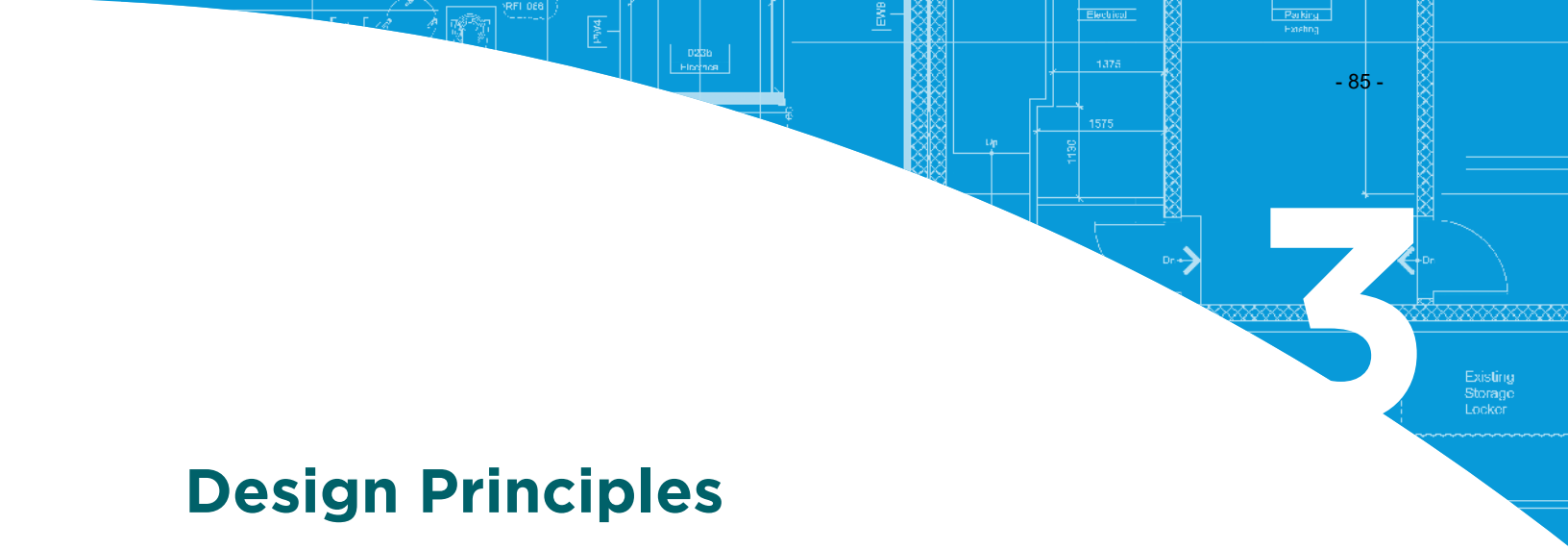
2.2 FUNCTIONAL PROGRAM

Following the completion of a needs analysis, an architect should be contracted to develop a preliminary functional program that responds to the identified needs, and how the shelter will be operated. Shelters may not always be needed permanently, and so should be designed with flexibility to allow conversion into permanent housing or to meet needs of changing population groups within the shelter, where possible. The functional program will determine site needs, building layout, design order of

magnitude capital and operating budgets, funding requirements, and efficiency of the building design. Operating policies and budgets for the shelter must also be taken into account. In understanding a functional program, the design team should consider the efficiency of common and circulation areas to the shelter sleeping areas based on operational needs.

2.3 CONSULTATION WITH STAKEHOLDERS

BC Housing is the primary funder for both the capital and operating costs of most shelters in the province. If anticipating funding from BC Housing, sponsoring groups should review BC Housing's *Emergency Shelter Program Framework*, and *Design Guidelines & Construction Standards*, as well as this document and other related requirements. Completed needs analysis, functional programs, and consultation with the local agencies should be done prior to finalizing any plans. The design team should also consult with operations staff in the early design phase to ensure decisions consider the operator's capacity and staffing levels to efficiently run the facility.



Design Principles

3.1 SHELTER USERS ARE DIVERSE

Those who are homeless often have diverse and complex needs. In particular, clients experiencing mental illness and addiction issues provide significant challenges for shelters and their staff. The complex, and often multiple, needs of homeless individuals require design details and operating policies that respond appropriately. Homeless populations include:

- Women, and women fleeing violence;
- Seniors experiencing age-related conditions, such as diabetes, Alzheimer's, and dementia, as well as older adults with mobility impairments;
- Families, such as single mothers with children, single fathers, and couple-led families;
- Youth who are homeless or at risk of homelessness, such as those aging out of provincial care;
- Aboriginal populations, the share of Aboriginal shelter users varies considerably from one region to another;
- Individuals of all ages who are substance users;
- LGBTQ2S individuals, a primary concern in serving this group is the availability of appropriate spaces, such as gender neutral washrooms, etc.;
- Individuals with mental health conditions;
- Couple;
- Working poor;
- Transient populations and new immigrants, such as transient workers from other provinces in Canada, new immigrants to Canada, etc.
- People with varying levels of physical abilities, such as those with physical disabilities, mobility issues, or developmental disabilities.

Some locations may also be influenced by the proximity of situations that generate particular needs, such as communities adjacent to institutions (e.g., jails), or rural areas with seasonal employment.

3.2 SAFETY & THE CLIENT MIX

Safety is important for all shelter users, staff, and visitors. Because there are so many varying needs, sponsors should carefully consider the proposed mix of client groups to be contained within one building. Women with children, women fleeing violence, those who are active in survival sex work, and unattached youth (up to the age of 19) are particularly at risk, and should not be accommodated in the same shelters as single men. For shelters and emergency housing intended for women with children, it is recommended that consideration be given to the development of programs which solely target this population in order to avoid safety issues associated with client mix.

When men, women, and transgendered individuals are to be accommodated in the same shelter, design features should be incorporated to ensure safety throughout the building, including secure and separate sleeping quarters, as well as separate lounge and washroom facilities.

In addition to safety protocols for harm reduction, shelter design needs to provide some separation for people with challenging behaviours, easy access to harm reduction supplies, and safe disposal of sharps/bio hazard containers. These shelters often require appropriate staffing, clear staff sightlines, or video monitoring.

3.3 INCORPORATING SHELTERS WITH TRANSITIONAL OR OTHER HOUSING

It is a common strategy to incorporate shelters into other housing forms builds capacity and options for flow, usually transitional housing. This integration can often make the best use of a site, provide economies of construction and staffing, and offer opportunities for sharing certain facilities and services. This approach also enables residents to build on existing relationships with support staff when they transition from the shelter into transitional housing. The residents get a consistent approach to support services, and the staff get to know the residents better, and are able provide more effective supports.

However, proximity of a shelter can be challenging for some transitional housing residents as they are attempting to move away from the street, and towards permanent housing and independence. Transitional housing that accommodates children should not share entrances or elevators, or other facilities, with a shelter.

3.4 CONVERSION, RENOVATION, OR NEW CONSTRUCTION

The need for a new shelter, or additional capacity for an existing shelter, can often arise quickly, requiring a timely response. Finding a site or building suitable to the scale of need, that is appropriately located, and that will secure community and municipal support for rezoning and other approvals, is often a major challenge. In site planning, opportunities for outdoor space to accommodate bikes, buggies, carts, smoking areas, and delivery access for food are important. Depending on circumstances, appropriate responses may include modifications to an existing shelter, converting a building from an entirely different use, modular housing, or new construction. Modular or pre-fabricated buildings can provide an especially quick response to community need for a shelter. However, for new buildings, especially for those using modular units, it is important to determine site servicing ability.

3.5 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Site planning and building design should consider CPTED strategies, e.g., territoriality, natural surveillance activity support, and access control, as well as other recognized CPTED principles. For more information, see BC Housing's *Design Guidelines & Construction Standards 2014: Section 4 Crime Prevention Through Environmental Design*.

Design Objectives

Certain objectives should guide building layout and choice of materials when designing or upgrading a shelter. The objectives listed below are key when considering a building's functional quality, long-term operational efficiency, and outcomes related to user satisfaction. Refer to the most current version of BC Housing's *Design Guidelines & Construction Standards* for more detailed building specifications.

4.1 MEETING PROGRAM NEEDS

New shelters must provide spaces that align with BC Housing's *Emergency Shelter Program*, specifically including:

- Emergency accommodation – a safe, secure place to sleep;
- Facilities for hygiene;
- The provision of nutritious food;
- Office and meeting spaces to enable case planning and programming for clients;
- Where possible, space for primary health provision; and
- Provision of accommodation with as few barriers as possible to allow more people access to services.

If the proposed shelter is the only shelter in the community, design and operations must meet minimal shelter barrier requirements, as per the *Emergency Shelter Program*.

4.2 DURABILITY, OPERATIONAL NEEDS & OPERATING COSTS

Design decisions should consider cost effective building operations, which can be impacted by the number of beds per floor, ease of supervision, and sightlines for common spaces. Consideration of required staffing levels is also important.

Operational costs are also impacted by the durability of materials used in the building's construction, and their ease of maintenance, as well as the various fixtures, fittings, and furniture. Durable design should consider:

Figure 2: Examples of durable flooring & door hardware, Rock Bay Landing

- Flooring materials that are durable and easy to maintain;
- Wall surfaces that accommodate impacts in critical locations;
- Door and closet hardware that are easily operable by persons with limited strength and dexterity;
- Plumbing and electrical fixtures and accessories that are durable and easily replaceable;
- Bathroom fixtures that are to be easily replaceable and floor drains to avoid flooding;
- Infestation control to maintain the health and hygiene of the clients;
- Furniture selection that is vandal and abuse resistant and bed-bug proof;
- Access for shelter users is to be designed with consolidation of maintenance and ease of operation. For example card readers, electric strikes, or suitable locksets where required, with consideration of maintenance and ease of operation.
- Elevator controls and buttons are to be heavy duty for durability to withstand abuse.

4.3 EFFICIENCY IN DESIGN & AREA LAYOUT

Design and layout should provide a building that is spatially efficient, with amenity and support service spaces that maximize efficiency of circulation for both shelter users and staff. It is recommended that program spaces be centrally located close to staff sightlines, and grouped for efficiency.

4.4 DESIGN FOR ACCESSIBILITY

All emergency shelters must be accessible to those with mobility impairments. This accessibility may not always involve wheelchair use, but an increasing number of individuals are using walking aids, e.g., walkers. Storage space, additional grab bars, roll-in showers, and resilient, non-slip floors are a few examples of building details that will assist this group. Accessibility requirements should be designed in accordance with the BC Building Code, and reference shall also be made to BC Housing's *Design Guidelines & Construction Standards.*

Design should consider the following, but is not limited to:

- All exterior and interior common areas intended for shelter users (including landscaped open space, outdoor recreation areas, walkways and program spaces) should be universally accessible to persons of all ages and degrees of ability.
- Stairs and ramps must be easily usable by people with reduced mobility and impaired vision.
- The design should consider rough-in wiring in the building entry/lobby for future automatic door opener.
- Accessible washrooms must have resilient, non-slip floors, knee clearance under the sink, ADA-compliant toilets with seats at 430 mm – 480 mm (1'-4" to 1'-7") from the floor, solidly backed grab bars, and clear door openings as specified in BC Building Code.
- Roll-in showers should be provided for wheelchair accessible showering.
- All doors, faucets, and showerheads should have lever handles rather than knobs.
- Light switches, thermostats, other controls, and storage should be mounted at a height accessible for a person in a wheelchair.
- Outdoor seating area is to be durable, low maintenance, and universally designed.

Figure 3: Example of accessible washroom, 3030 Gordon

Figure 4: Example of roll-in shower, 3030 Gordon

- Install low resistance, delayed action closers for all doors on accessible routes, including suite entrance doors in accessible sleeping area.

4.5 SAFETY & SECURITY FOR CLIENTS, STAFF & COMMUNITY

Safety and security are extremely important design factors for shelter staff, visitors, and users. These factors must also be matched by, and integrated with, operational policies. When designing a building to accommodate men, women, couples and transgendered individuals, it is a requirement that women-only sleeping accommodation and washroom facilities are securely separated from the men's accommodation areas. A women-only lounge/meeting room should also be provided.

Some key considerations for safety and security include, but are not limited to:

- Good exterior lighting for entrances and outside spaces;
- Adequate interior lighting for hallways, elevator and staircases;
- Reception area at the main entrance;
- Security mechanisms for staff, including alarms;
- Avoidance of entrapment spaces, and incorporation of surveillance alarms;
- Adequate circulation/gathering areas to avoid spaces that could aggravate tensions;
- For staff supervision, ensure good sightlines for all building spaces that involve outdoor areas, entrance(s), circulation, gathering, or programs;
- Resilient, non-slip floors in critical areas, such as entrances, washrooms, and kitchens;
- Surveillance cameras in selected locations such as hallway, staircase, elevator, entrance and common areas;
- Secure storage and/or lockers for client belongings; and
- Maximum glazing common area doors to improve security where appropriate.

Figure 5: Examples of shelter entrances, left: Powell Place & right: Rock Bay Landing, The latter also provides oversight to the exterior courtyard

4.6 FLEXIBILITY FOR SHORT & LONG-TERM USE

Flexibility is important in emergency shelter design to ensure changing needs (both short and long term) are met to avoid functional inadequacy, and to minimize the costs of change. Designing with flexibility in mind is not an easy task, but is possible:

- Layouts, plumbing, and electrical components should be designed to permit amalgamation of two shelter sleeping rooms into one small apartment; and
- Flexible support spaces should be designed to convert/change to different functions over time, as required.

4.7 NEIGHBOURHOOD INTEGRATION

No matter where they are located, or proposed to be located, shelters are usually controversial. When designing new buildings, or upgrading existing ones, sponsors should anticipate concerns from the neighbourhood, and local authorities having jurisdiction as they go through the rezoning process. While it will be important to demonstrate that the proposed shelter will be designed to be a good neighbour, it will be equally important to commit to operational protocols that will help meet this objective, such as communications protocols, regular meetings with neighbours, and monitoring and maintenance of the public areas immediately adjacent to the shelter.

The following design features should be considered for neighbourhood integration:

- Adequate interior spaces, and operating procedures to avoid sidewalk line-ups for access;
- Adequate on-site parking/storage for buggies/trolleys, and bikes;
- Windows and surveillance cameras that provide staff with sightlines onto the street;
- Off-street areas for smoking, sitting, and pets;

Figure 6: Example off-street area, 3030 Gordon Project

- Exterior design that integrates into the neighbourhood by using residential materials and colours to avoid an institutional appearance; and
- Adequate, but non-intrusive, exterior lighting.

4.8 WARM, WELCOMING SPACES

Shelters are meant for short-term emergency accommodation. However, consideration should still be given to creating a warm, welcoming and safe environment. This concept is important for clients, but also valuable for staff members who work in these spaces on a longer-term basis. Design considerations will vary according to the clients served in the shelter, but may include:

- Colour choices for floors, walls, and furniture for people with visual impairments;
- First Nations art for shelters serving Aboriginal individuals;
- Choices of outdoor and indoor common area furniture types to accommodate accessibility;
- Activity space facilities for training, art work, etc.;
- Women-only programming spaces in mixed-gender shelters to allow privacy;
- For shelters that accommodate women and children, a play/toy area, and space that accommodates strollers for small children;
- Inclusivity for LGBTQ2S through universal bathroom signage and art; and
- Bulletin board for the notices, shelter facility policies, job postings, and to display art work.

Figure 7: Example of gender neutral washroom signage, 3030 Gordon

4.9 DESIGNING FOR MINIMAL BARRIER SHELTERS

Minimal barrier shelters are designed to accommodate all homeless people, including those with challenging behaviours that may be disruptive or difficult for other shelter users and staff. Such shelter users are not expected to abstain from alcohol/drugs. Addictions are viewed as health conditions, and the shelter will have harm reduction practices and procedures in place, including provision of information, safe injection and smoking supplies, and safe options for syringe disposal.

Minimal barrier shelters will have the design features identified in this guide, and those of particular importance include:

- Secure and accessible storage space for harm reduction supplies;
- Opportunities for accommodating individuals with disruptive behaviours, e.g., through a proportion of single rooms, and sitting areas outside of sleeping rooms;
- Secure outdoor storage for buggies, and bikes;
- Adequate indoor storage space for shelter users belongings, such as designated bins or lockers for valuables;
- A medical room for visiting medical professionals to serve shelter clients; and
- Opportunities for accommodating individuals have pets.

Figure 8: 3030 Gordon examples, left: outdoor storage, and right: harm reduction supply storage.

5

Program Area Design Features

Provision for program area spaces will depend on design principles and objectives outlined earlier in these Guidelines, the level of support services to be provided for the shelter residents, project size, location, and budget parameters. For renovation or conversion projects, it is recognized that existing conditions, or user considerations may override the recommendations contained in these Guidelines. If such is the case, approval from BC Housing should be obtained at the schematic or preliminary design stage of the project.

5.1 RECEPTION/ENTRY

- The lobby reception area should be sufficiently scaled to the size of the shelter and the flow of people. There should be adequate space for client intake, including those with mobility impairments, to avoid crowding and lining up on the street. This space should provide seating areas and a drinking water fountain;
- The entrance should have a vestibule, and surveillance cameras monitored 24 /7 by staff. The staff shall the ability to control opening/closing of both sets of entry doors from the front office for the visitors. The design should consider rough-in wiring at the entrance for a future automatic door opener;
- The reception office should be a secure space, with good staff sightlines to the street, the entrance/vestibule, circulation, gathering and program spaces, and elevators, if provided; and
- Where a shelter is combined with transitional housing, consider access control, client flow, and security in the design process. Transitional housing that accommodates children should not share the same entrances with the shelter.

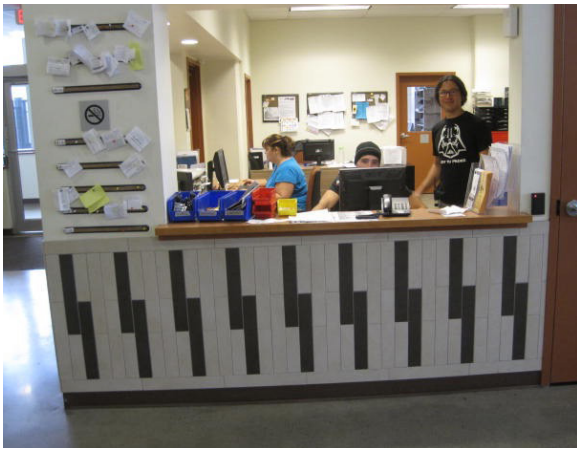


Figure 9: Example of reception area, Rock Bay Landing

5.2 GATHERING PLACE/DAY ACTIVITY ROOM

The gathering place/day activity room allows clients to remain in the shelter during the day. This space may be co-located with the dining room, where there are space restraints, and should not seat less than 50% of the building's bed capacity.

This area may include a TV or recreational games. Furniture should be comfortable, durable, and easily maintained. Manoeuvring space for mobility-impaired individuals should also be a consideration when determining furniture layout.

Figure 10: Example of gathering place, Yukon Shelter

5.3 HEALTH & MEDICAL SUPPORT

A ground floor space for visiting medical professionals should be a minimum of 14 m^2 (150 sf), and be equipped with an examination bed, lockable cabinet, small desk, washbasin, countertop, and paper towel dispenser. A second access is required to allow unimpeded exit from this room. For minimum barrier shelters, provide spaces for shelter users to access harm reduction supplies.

Figure 11: Example of medical room, 3030 Gordon

Figure 12: Example of medical supply storage, 3030 Gordon

5.4 COUNSELLING & SUPPORT SERVICE

Counselling services are an important part of a shelter's services. The number of counselling or case worker offices, together with administration office spaces, will vary according to the size of the shelter, and its associated programs. Access to a counselling office should not be through an administration office.

Figure 13: Example of case worker office, Powell Place

COUNSELLING ROOM/CASE WORKER OFFICES

This space should anticipate the increasing age and potential mobility impairment of clients, and at least one space should be sized to handle wheelchairs, scooters, and walkers. Design, via furniture configuration or a second access, should allow staff to exit the room unimpeded. Partition walls between offices, corridors or adjacent spaces should be insulated for sound reduction, and have a sound rating of STC 55. Glazed (tempered or safety glass) doors should be provided to improve security.

ADMINISTRATIVE SUPPORT SPACES

Office support areas will vary with shelter size. These spaces should be a minimum 10.5 m^2 (113 sf) and secure, and have adequate space for desks, lockers, cabinets, staff seating area, files, and office equipment. A telephone, cable, and data outlets should also be provided. The staff washroom should be convenient to the office location.

5.5 FOOD SERVICES

COMMERCIAL KITCHEN

A commercial kitchen may be necessary, depending on shelter size. A commercial kitchen, when provided, shall have appropriate receiving/loading area and serve one full hot meal a day per resident. Other options include a servery for food prepared elsewhere, or a small kitchen. To determine the correct option, size, design, and required equipment for a kitchen relative to the planned size of the shelter and operating budget, a commercial kitchen designer should be engaged early in the process. Kitchens should include a small office/nook, as well as dry goods and cold storage. For easy service and loading dock access, kitchens should ideally be located on the ground floor.

For family shelters, it is also recommended to have a shared space for shelter users to cook their own meals, or participate in life-skills training activities.

COMMON DINING AREA

Shelters should contain seating opportunities with two, four, and six-seat tables, and could include some high tops. Dining room seating should be sized to accommodate the capacity of the shelter in one sitting, but larger shelters may need to have multiple sittings. Provisions should be made for a small countertop area, and a microwave for shelter users to heat up food.

Figure 14: Example of commercial kitchen, Powell Place

Figure 15: Example of dining room, Rock Bay Landing

Figure 16: Example of dining room and kitchen area for shelter users, Powell Place

5.6 HYGIENE

WASHROOM/BATHROOM FACILITIES

Washroom/bathroom design should consider safety, inclusion, and flow of users. Washroom facilities are required to be divided into three types: 1) for clients newly arrived at shelter, 2) for existing shelter residents, and 3) for staff.

Common Washrooms for Newly Arrived Clients

Ground floor washrooms and showers are required for use by clients newly arrived at a shelter, and should be located near staff sightlines and close to the reception area for ease of monitoring. At least two (2) individual washrooms should be gender neutral, and one of these should also be wheelchair accessible and include a shower. The accessible washroom should be designed to the requirements of the BC Building Code, and be equipped with grab bars to facilitate transfers.

Common Washrooms for Shelter Residents

For the washrooms for clients already living in the shelter, there are three main configuration options: 1) private (within a single-bed room), 2) semi-private (within rooms as per the three-bed configuration shown in Figure 24), or 3) shared washrooms. The advantage of private or semi-private washrooms should be weighed against operations and maintenance costs, as well as possible security problems that may arise.

The minimum standards for shared washrooms are:

- One washbasin per four beds;
- One shower stall per four beds. Shower stalls should each have a door;
- One toilet stall per four beds; and
- For women's shelter spaces, include sinks in bedrooms where possible. For shared washrooms, consider providing one or more bathtubs, depending on shelter size.

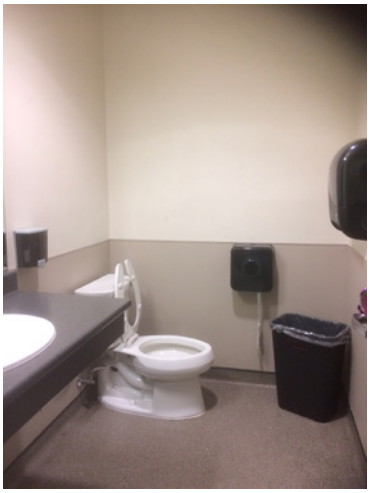


Figure 17: Example of individual washroom, 3030 Gordon

Figure 18: Example of a shower stall, 3030 Gordon

Figure 19: Example of toilet stalls, 3030 Gordon

Washroom(s) for Staff

Provision should be made for a separate ground floor staff washroom(s), including a shower close to reception or administrative support spaces. The staff washroom should be designed with non-slip flooring, a floor drain, toilet, sink, vanity, shower, and common washroom accessories, such as a toilet paper holder, soap dispenser, and towel dispenser.

Overall Washroom Design

Designing washrooms for existing shelter residents (Type 2) depends on the specific need and intended function of the shelter. Facilities can be designed as either multi-stall common washrooms, gender-neutral individual washrooms, or a combination of both. Designation of individual gender-neutral washrooms may increase flexibility, and reduce waiting time and flow of users through the facilities. Provision of shower rooms separate from toilet rooms could also be considered.

Washroom design for newly arrived clients and existing shelter residents (Type 1 and 2) should follow the requirements below, and be adjusted as appropriate for those receiving services within a facility:

- Washrooms need to have inclusive signage for transgender and gender diverse individuals that include function-based icons instead of gender figures;
- To allow for privacy, stall doors should have minimal gaps on the sides. Toilet doors need to have a space between the bottom of the door and the floor to allow staff to see if a user is in distress;
- It is recommended that the main door to a multi-stall washroom be provided with glazing to provide staff sightline in case of emergency. It is also recommended that locks be avoided in these doors to ensure access at all times. Design that allow for door-less entrance while providing privacy should be considered where possible.
- Stall door in common washroom or door in individual washroom locks should be secure, and have a safety mechanism that allows staff or emergency responders to open from the outside. If approved by the municipalities and authority having jurisdiction, washroom stall doors should open outward to allow easy access for emergency responders. Also, allow for an emergency panic button where necessary;
- Ceiling and wall tiles or panelling, as well as ventilation covers, should be securely affixed to eliminate spaces for concealing or discarding syringes, or other items;
- Washrooms should include resilient, non-slip sheet flooring with flash cove and floor drains;

- Provide general washroom accessories, including paper towels, soap, toilet tissue and dispensers, clothes hooks, safety mirrors, towel grab bars, high velocity electric handdryers and, in women's washrooms, feminine napkin disposal bins. Sharps containers need to be securely affixed to walls;
- Sufficient mechanical ventilation and exhaust should be provided for odour control;
- Provide tamper proof toilet tanks (tanks with bolt down lids) or tankless toilet to eliminate spaces for discarding syringes;
- Where possible, shutoff valves should be located outside of the bathrooms or in accessible location; and
- Floor drains should be installed in all washrooms.

LAUNDRY FACILITIES

Shelters should typically provide two laundry rooms – a commercial laundry to wash bed linens, towels, and donated clothing items for shelter provider, and a smaller laundry for shelter users' personal use. Both laundries should be located on the ground floor, well ventilated to avoid moisture problems, and close to exterior walls to minimize the length of dryer duct runs. Other provisions to include are non-slip flooring with cove base, floor drains, glazed (safety or tempered glass) access doors to avoid entrapment, and disabled access.

Shelter Provider Laundry

Washers and dryers should be commercial grade, Energy Star rated, and front-loading on raised platforms. A stainless steel laundry sink, shelves, and significant countertop space (minimum 2.4 m or 7.8 ft) should be provided for folding clean laundry. One commercial washer and dryer for up to 15 beds is recommended, and two of each for 16 to 40 beds.

Shelter Users Laundry

A wheelchair accessible common laundry room should be provided at a ground floor location, preferably close to a gathering space, with clear staff sightlines. The space should include a small commercial grade washer and dryer, a counter for folding clean laundry, a small seating area, and an accessible height sink with open knee space underneath. Doorways, millwork heights,

Figure 20: Example of shelter provider laundry, Rock Bay Landing

location of outlets and type of laundry equipment must be suitable for use those with mobility or visual impairments. The shelter provider can determine if the laundry equipment should be coin operated, card access, etc.

5.7 INDOOR STORAGE

Types of shelter storage should mainly consist of the following:

CLIENT STORAGE

Many individuals who are chronically homeless, or who are "coming indoors" for the first time in a long time may well have many belongings. Adequate and secure storage space in the ground floor area is a requirement for a minimal barrier service provision, including space for carts, buggies, pet carriers, and bikes. The availability of this space can mean a better chance of engaging individuals to come indoors, and work towards accessing appropriate housing. This space may be created within the building, but may also be provided in outdoor areas.

A separate pet kennel is not usually recommended due to the risk of spreading of infections among pets, and because of limited operational services. Consultation with local authorities is required for having any outside storage areas for pets.

STAFF STORAGE

Provide a conveniently located area for staff to store furniture, mattresses, maintenance materials, equipment, and other miscellaneous items.

CLOTHING STORAGE & DISTRIBUTION

Many operators provide clean, donated clothing for shelter clients, and space for storage and distribution is best provided on the ground floor. Fittings should include clothing hangers, and shelving for folded goods. A countertop and small change room, as well as a separate space for receiving and sorting clothing (preferably with vehicle parking access) are desirable. In larger shelters, this space can be provided within a basement, and may be associated with underground parking.

Figure 21: Example of donated clothing storage space, Rock Bay Landing

5.8 ACTIVITY SPACE/TEMPORARY BED

SPACES

Where space permits, the following rooms should be included in the shelter design, and sized appropriately:

COMPUTER AREA/LIBRARY ROOM

This space would allow shelter users to charge personal electronic devices, and/or use a shared computer for employment searches and training purposes.

MULTI-PURPOSE ROOM

The facility may provide for a multi-purpose room, which can be used for meetings, training classroom, social services programs, activities/art space, or temporary bed spaces in extreme weather. This area may also be used as a family meeting space for parents and children in a mixed gender shelter, or as a quiet area for people to relieve stress caused by the noise and crowded conditions associated with shelter operations – this is particularly important for elderly persons, people with mental health illnesses, and parents with young children.

Design, via furniture configuration or a second access, should allow staff to exit the room unimpeded.

6

Shelter Sleeping Accommodation

Sleeping accommodation is the central service of a shelter. Many of the shelters proposed for upgrading currently accommodate clients through bunk beds in multiple rooms. This has, in part, arisen out of necessity, as shelters have sought to increase accommodation to meet demand within existing buildings. However, large rooms containing bunk beds are not recommended for new shelters. Sleeping accommodations should be provided through multiple rooms with single, rather than bunk, beds. This strategy provides the following advantages:

- Mobility-impaired individuals have easier access to beds, and in between beds;
- Potential for conflict is reduced by the provision of more space;
- Accommodation is more dignified because it recognizes the value of the individuals, and avoids the perception of warehousing.

Figure 22: Example of women's 3-bed room with sink & lockers, Rock Bay Landing

6.1 MULTI-BED CONFIGURATIONS

The preferred format for sleeping accommodations in new shelters is single beds in small rooms. Large shelters, with multiple single bedrooms, will require extensive corridor space, necessitating the need to consider multi-bed sleeping accommodation where available space is limited. The number of beds per room will, in part, be determined by shelter size, community need, and the diversity of the clients in the shelter. To accommodate clients, such as families or couples, single rooms should be provided.

The recommended maximum number of beds per room is four, efficiently accommodating individuals without overcrowding (see Figure 25).

The four-bed format can also be reconfigured as a three-bed layout that includes a shower and toilet, with a separate sink in the location of the fourth bed. The three and four-bed configurations offer the design opportunity for two rooms to be combined into a small apartment in the future. Shelters may also include one and two-bed configurations – one-bed spaces can accommodate individuals with couples, single parents with children, individuals with disruptive sleeping patterns, or other behavioral issues. The minimum required floor area for each bed space is 4.6 m^2 (50 sf).

Figure 23: Example of women's 2-bed room with sink & lockers, Powell Place

Minimum recommended floor areas are:

- Single bed – Minimum 3.0 m x 3.9 m (9.8 ft x 12.8 ft), with or without washroom
- Single bed – Minimum 3.9 m x 4.0 m (12.8 ft x 13 ft), with disabled access, with or without washroom
- Two-bed – Minimum 2.8 m x 4.3 m (9.2 ft x 14.1 ft), without washroom
- Three-bed – Minimum 3.5 m x 5.3 m (11.5 ft x 17.4 ft), with washroom
- Four-bed – Minimum 3.5 m x 5.3 m (11.5 ft x 17.4 ft), with no washroom

Other recommended features to include:

- A locker and small side table, as well as a durable wall mounted light fixture, should be provided for each bed in multi-room configurations;
- Wall, floor, and ceiling assemblies between bedrooms should target an STC rating of 50;
- Provide awning or casement type opening windows;
- For storage in the rooms, provide additional closet area or shelves if required.

6.2 DORMITORY ROOM CONFIGURATIONS

In upgraded shelters, where space is limited and a dormitory configuration is selected, the recommendation is a maximum of eight single beds per room, with a minimum of 4.6 m^2 (50 sf) per bed.

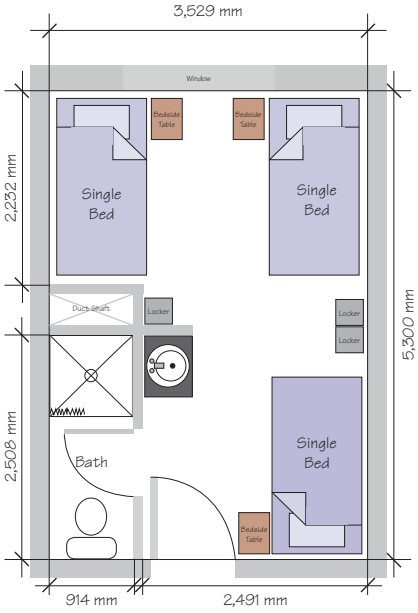


Figure 24: Typical 3-bed women's sleeping space (18.7 m^2), Rock Bay Landing (based on original drawings from Jensen Group Architects)

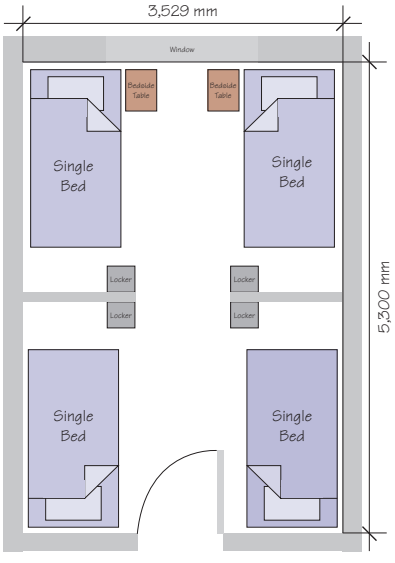


Figure 25: Typical 4-bed men's sleeping space (18.7 m^2), Rock Bay Landing (based on original drawings from Jensen Group Architects)

6.3 CONFIGURATIONS FOR GENDER

When a shelter provides accommodation for a mix of genders, the proportion of beds for each can be difficult, given that numbers can vary significantly. Sleeping areas must be separate and secure. Designing sleeping accommodations to be flexible and easily varied for different gender proportions can be done, but is difficult. To create this opportunity, issues of security, fire exiting, and washroom access must be considered.

6.4 FLEXIBLE TEMPORARY BED SPACES

Where possible, shelters should consider providing flexible space for extreme weather conditions, and the provision of an overflow area for sleeping mats. The square footage of the space will depend on shelter size, but the space should include storage cupboards for sleeping mats. A multi-purpose room, the main dining room, or a women-only meeting room may offer opportunities for this type of temporary space.

Ancillary & Utility Services

7.1 JANITORIAL ROOMS

A janitorial room should be provided on the ground floor, and include a precast, slip-resistant floor, floor-mounted mop sink, and wall-mounted faucet, with provision for a hose end. In larger shelters with multiple floors, additional janitorial rooms should be provided on the upper floors (e.g., one every third floor), as required for efficient access, and should be located close to elevators.

In addition to a floor drain, each room should have appropriate fixtures and fittings for cleaning equipment storage, including commercial grade shelving. Sufficient mechanical ventilation is required in these areas.

7.2 MECHANICAL/ELECTRICAL ROOMS

Mechanical and electrical rooms should be located as close as possible to the entry point for utilities to allow for efficient distribution, including space and access for servicing. Where these service rooms are located adjacent to shelter sleeping areas, additional noise and vibration measures must be incorporated to ensure these systems do not disrupt residents. Refer to BC Housing's *Design and Construction Standards*.

7.3 RECEIVING/LOADING DOCK

Easy access for transporting food supplies from the street to the kitchen should be provided. The size of the receiving/loading area should be relative to a shelter's overall size.

7.4 GARBAGE & RECYCLING

A contained, easily accessible exterior area is needed for regular garbage and recycling pick-up. Ideally, constructed with a high impact concrete floor and walls, and a floor drain, this space should have adequate room to house a garbage skip, recycling bins, hose bib, and a hose with a hand sprayer. If required, mechanical ventilation could be included for odour control.

7.5 HEAT TREATMENT ROOM

The provision of a heat treatment room will be project specific. Shelters will need to provide a heat treatment (or bed bug treatment) room within their facilities, or in an outside area to prevent and manage bed bug infestations for shelter users' belongings or furnishings. See BC Housing's *Design Guidelines and Construction Standards, Section 5* for further specifications for this type of space.

Figure 26: Example of "bed bug" room, 3030 Gordon

8

Outdoor Spaces

Outdoor shelter space provides the opportunity for a range of important functions, and avoids impacting public sidewalks. Interior courtyards, or areas screened by the building or wall/fencing, should be considered. Outdoor spaces can include:

8.1 SMOKING AREAS

Smoking remains common among shelter users, so a smoking area is important. This area must comply with provincial legislation, or local authorities having jurisdiction, that prohibits smoking within three metres (9.8 ft) of windows and doorways. Where there is a conflict, the more stringent legislation will apply.

Figure 27: Example of outdoor courtyard, Our Place

8.2 STORAGE

Many shelter users require a secure outdoor space for parking of shopping carts and bikes.

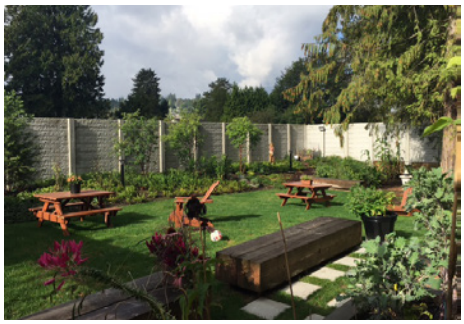


Figure 28: Example of outdoor space, 3030 Gordon

8.3 AMENITY SPACE

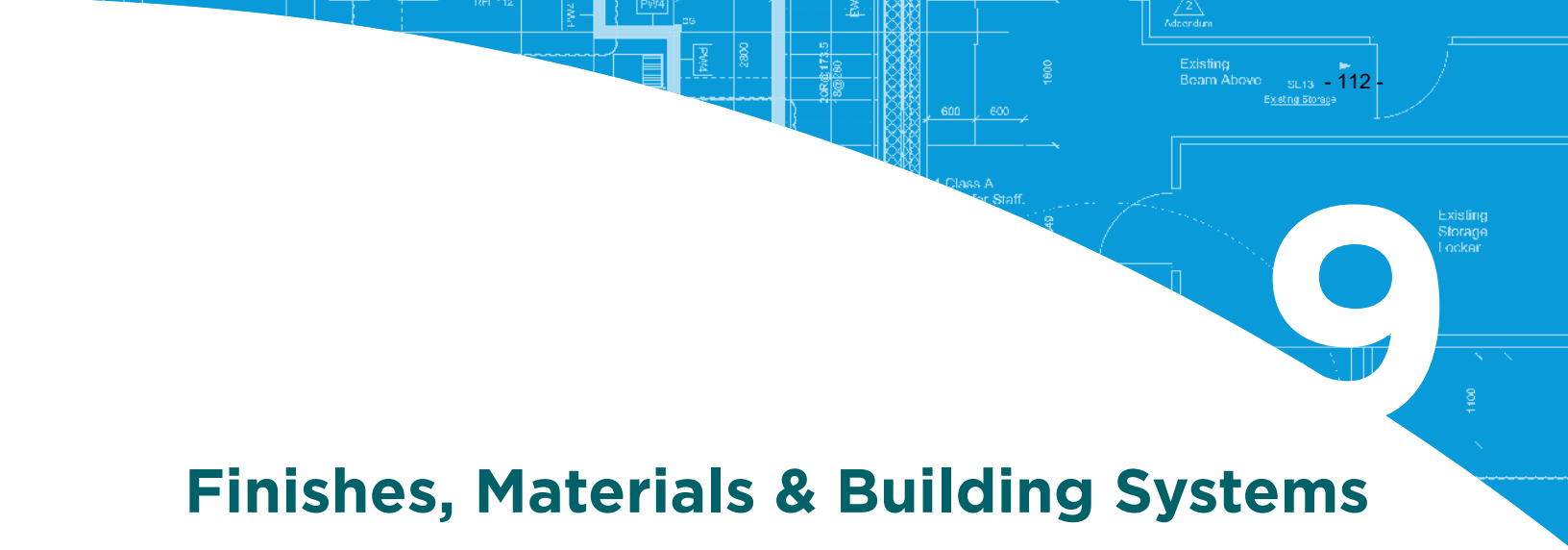
Consider a weather-protected area – an awning, gazebo, or similar – for outdoor seating, and a sorting space. Within staff sightlines, this area should be universally accessible from the main building, and provide seating that is universally designed.

Where required by the operator, a common garden area can be provided for shelter residents to have the experience of planting and producing food, as well as for therapeutic effects.

Figure 29: Example of outdoor garden area, 3030 Gordon

8.4 ADEQUATE PARKING FOR STAFF & VISITORS

Municipalities usually recognize parking needs for shelters will be limited, depending on the building's location and staffing levels. In accordance with municipal requirements, parking for staff and visitors will need to be provided. The area should be secure, well lit, and subject to security camera surveillance.



Finishes, Materials & Building Systems

9.1 MATERIALS & FINISHINGS

Material selection and finishes should reflect client type, durability, ease of maintenance, and local availability. Material choices reduce the opportunity for vandalism or abuse. Refer to BC Housing's *Design Guidelines and Construction Standards, Section 5* for detailed requirements of interior and exterior finishes. A few highlights include:

- **Flooring.** Use resilient sheet flooring with flash cove base throughout. For bathrooms, laundry, and common kitchen areas, slip-resistant sheet flooring with flash cove base is recommended. Low maintenance, no-wax, and non-glare finishes are required.
- **Doors.** For renovation and conversion projects, the configuration of existing doors, and opener sizes, should be reviewed to ensure they meet current Building Code requirements. All exterior doors and interior common area doors should have clear openings of 900 mm (3'-0") with level or roll-over thresholds for accessibility, and lever handles for ease of operation.
- **Glazing.** Maximize glazing (using safety glass) for doors into public areas, laundry rooms, fire separations, and exit stairs, as permitted by the Building Code, to enhance security.
- **Windows.** Utilize awning or casement windows, and consider security when determining size, location, and style. For renovation projects, review the configuration of existing windows, opener sizes, and sill heights to ensure they meet current Building Code requirements. When design permits, provide windows in stairways and corridors to introduce natural lighting.
- **Hardware.** For all doors, windows and millwork, hardware should be easily operable by those with limited strength and dexterity. The design team should consult with the operator and maintenance personnel before choosing these products.

- **Drywall & Paint.** Abuse-resistant drywall should be considered for areas of potentially high damage. Walls and ceilings in common and sleeping areas should be finished with painted gypsum board. Suspended ceiling tiles should be avoided.
- **Infestation Control.** To prevent insects and bed bugs from getting behind baseboards and walls, provide a continuous bead of sealant along:
  - The joint between the finished floor and the bottom of the wall sheathing; and
  - The top edge and underside of the baseboard.

  For existing buildings, diatometious earth can also be used as a natural pesticide behind baseboards and walls.
- **Millwork.** It is recommended that commercial kitchen, bathroom, and common laundry cabinetry be located on legs so wet floors do not degrade the product.
- **Furniture.** Common area furniture, shelter beds, and furniture in sleeping areas should be made from durable, bed-bug proof, vandal-resistant materials, and secured by sturdy anchor points, if required.

9.2 BUILDING SYSTEMS

SECURITY SYSTEM

Building security system design should correspond with operational capacity and staffing levels. Security measures may include access control, camera surveillance systems, security alarms, emergency call buttons, etc., and be based on a risk assessment of a facility, and an operator's requirements. When planning these systems, it is advisable to engage security experts to assess the types of technology available, and possible locations for installation in consultation with operational staff.

A few things to consider are:

- In general, avoid entrapment spaces (e.g., in elevators, stairwells, and long hallways);
- Elevators, stairwells, and hallways should be well lit and subject to camera surveillance;
- At a minimum provide cameras at main entry points into the building, including all exit and entry doors, all common hallways, staircase, elevator, exterior parking area, common rooms, and any exterior storage areas (but not in the sleeping areas or washrooms);
- Provide delayed egress/alarmed fire exit doors;
- Shelter users should only have access to their own floors, rooms, and designated common areas that include tamper-proof electric strikes, card readers, or suitable

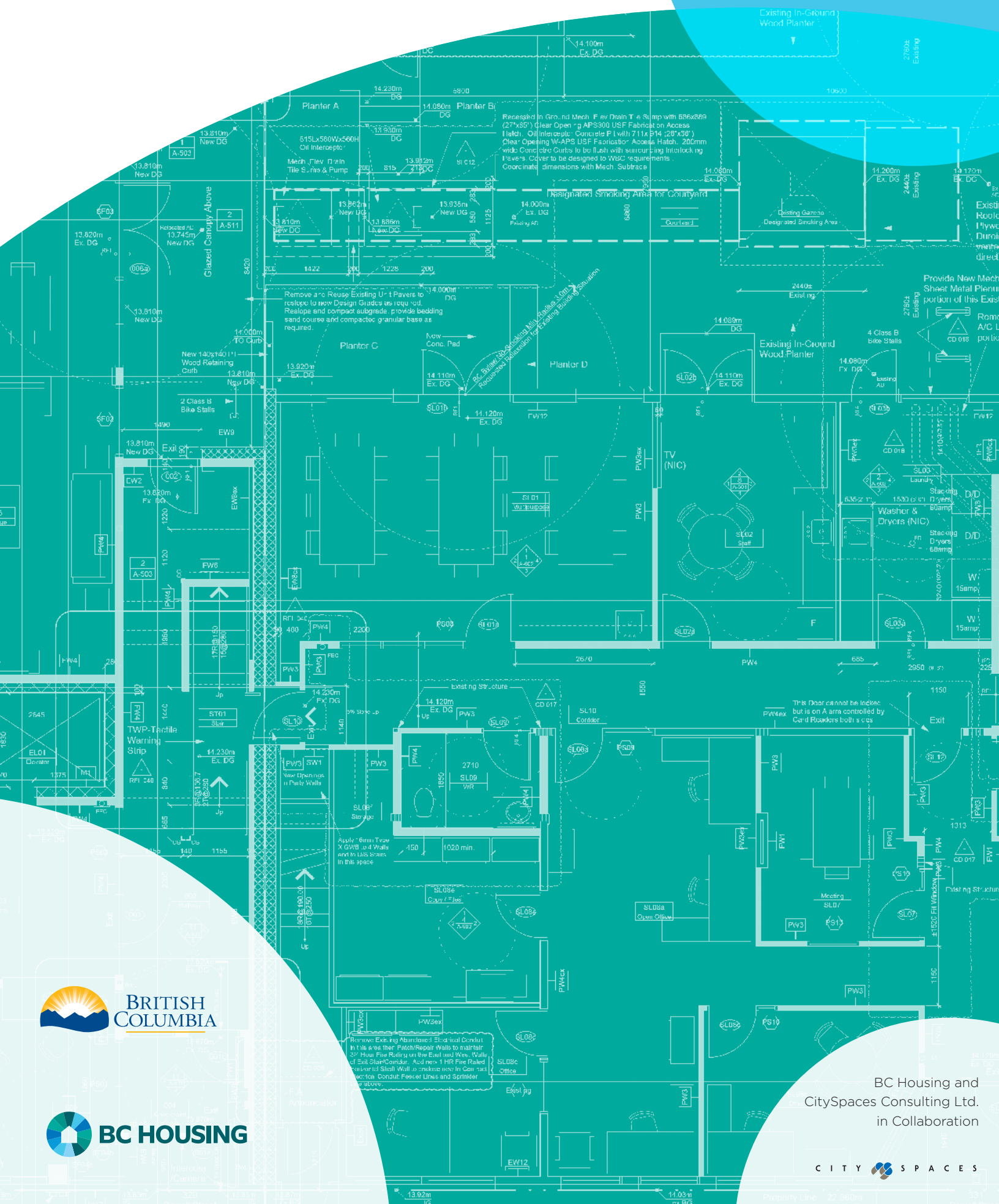
locksets where required (e.g., in co-ed shelters, women-only areas are accessible only by women);

- In order to respond to emergencies, installation of intercoms or emergency call buttons in sleeping rooms, medical rooms, and washrooms can be considered.

MECHANICAL & ELECTRICAL SYSTEMS

- In addition to considering a building's energy requirements, mechanical and electrical system design should optimize reductions in greenhouse gas emissions, and the total life-cycle costs of the building and consider passive design strategies as outlined in Section 3 - Energy and Environmental Design, BC Housing Design Guidelines and Construction Standards;
- A central boiler and storage tank system is the preferred option for multi-unit projects due to maintenance accessibility and serviceability;
- Hot water temperature must not exceed 49°C (120°F) at points of use by residents. Hot water storage tank shall not be below 60°C (140°F) to control the propagation of Legionella bacteria. Provide hot water distribution to common kitchen areas and for janitor sinks at 60°C (140°F);
- All showers shall be provided with thermostatic mixing valves and all other faucets shall be provided with temperature limit stops. The shower valves and faucets shall be set to maximum hot water temperature of 49°C (120°F);
- Indoor air quality is especially important for shelters, and must be considered when designing mechanical and ventilation systems;
- Adjustable lighting levels will enhance efficiency. Light fixtures in multi-bed configurations should be adjustable, and controlled by shelter users;
- A sprinkler protection system is required for all shelters. For renovation and conversion projects, installation of a sprinkler system can impact other fire detection and alarm systems, so a system review should be completed prior to undertaking any sprinkler installation;
- A fire detection, alarm system, and fire plan should be prepared, as required by the BC Building Code and local authorities having jurisdiction. Fire alarms, with flashing strobe lights for residents with hearing impairments, are also required;
- Choice of plumbing fixtures, shower heads, water closets, light fixtures, and sprinkler heads should consider ease of maintenance, supplier availability, and consistency of the application within the facility.

- In areas susceptible to damage, all equipment and wiring devices (including light fixtures, pull stations, exit lights, etc.) should be protected by wire guards or polycarbonate boxes. These locations include storage, janitorial, mechanical, electrical, and similar places.
- Depending on the type of clients and the size of the facility, new shelter design may consider incorporating an emergency back-up generator.



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BC HOUSING

BC Housing and
CitySpaces Consulting Ltd.
in Collaboration

CITY SPACES

Council Report

penticton.ca

Date: May 18, 2021 File No: 1610
To: Donny van Dyk, Chief Administrative Officer
From: Courtney Jones, Financial Analyst

Subject: **City Review of RDOS Overhead Cost Allocations**

Staff Recommendation

THAT Council receive into the record the report dated May 18, 2021 titled "City Review of RDOS Overhead Cost Allocations", a report that compares the practices of four regional districts' administration overhead allocation methods;

AND THAT Council share the results of the report with the Regional District of Okanagan-Similkameen (RDOS);

AND THAT Council request the RDOS Board develop a general principle for allocating overhead costs for service provision;

AND FURTHER THAT Council request the RDOS Board direct the RDOS staff to undertake a thorough and comprehensive review of their current overhead allocation practices to ensure fairness to all taxpayers and ratepayers in the regional district.

Executive Summary

The following analysis includes a review of 4 regional district financial plans and methodologies of allocating administration overhead costs to municipalities/electoral areas highlighting the different methodologies applied, an interpretation and explanation of the methods applied, the ease of application of the methods utilized, and transparency of the allocations of administration overhead and the overall budget.

Based on the review of the Regional District's, staff have concluded that there are a multitude of methods to allocate overhead administration. Specific analysis of the RDOS financial plan and methodology of allocating administration overhead costs is detailed in the report and outlines the methodology changes made in allocating overhead administration over the last 3 years. Although it is difficult to compare one regional district to another, from this analysis some best practices were identified that have been included for both the overall financial plan and administration overhead. One such best practice is transparency regarding overhead allocation.

Conclusions from the review are that the RDOS's use of a direct time allocation method for salaries results in a substantial portion of residual overhead salary costs being allocated based on tax assessment. This may result in costs not being fully allocated to the user that receives these services. Undertaking a more comprehensive review by the RDOS of their current overhead allocation practices, will ensure that users of services, pay the cost of such services.

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

On February 16, 2021 City Council passed the following Notice of Motion:

12.1 Notice of Motion introduced by Councillor Regehr on February 2, 2021
Re: Regional District Overhead Costs

61/2021 **It was MOVED and SECONDED**
THAT Council direct staff to arrange a review of current overhead allocation practices of Regional District of Okanagan-Similkameen and report back to Council on their impacts to taxpayers;
AND THAT staff prepare a proposed policy position regarding regional district overhead costs and report back to Council by June 2021 for Council's consideration.

CARRIED
Councillor Sentes, Opposed

B.C. is composed of 162 municipalities and 27 regional districts. Regional districts in B.C. range in population from under 4,000 to over 2 million and range in size from 2,000 km2 to 119,337 km2. Each regional district is divided into smaller (mostly rural) areas called electoral areas.

Regional districts arose out of a need for greater regional cooperation and equitable cost-sharing between municipal areas and rural areas. Today regional districts help achieve regional economies of scale, and provide flexible service arrangements in which residents only pay for the services they receive. Regional districts have three basic roles. They provide a political and administrative framework to:

- Provide region-wide services such as regional parks, and emergency telephone services such as 911
- Provide inter-municipal or sub-regional services, such as recreation facilities where residents of a municipality and residents in areas outside the municipality benefit from the service
- Act as the general local government for electoral areas and provide local services such as waterworks and fire protection to unincorporated communities within the electoral areas

Regional district powers come primarily from the *Local Government Act* and *Community Charter*.

The City of Penticton is part of the Regional District of Okanagan Similkameen (RDOS). The RDOS was incorporated on March 4, 1966, under section 766 of the "Municipal Act", with the same 6 municipalities as today; Penticton, Summerland, Princeton, Oliver, Osoyoos, Keremeos, and only 8 of the current 9 Electoral Areas (A-H). Electoral Area I and the Penticton Indian band were not included in the original incorporation. The RDOS assumed all assets, rights, liabilities and obligations of the South Okanagan Regional Planning Board upon incorporation. Under section 783 of the Municipal Act required the Regional board to approve a budget on or before March 31, 1966.

Over the last 55 years, the budget of the RDOS has grown to over $60M from $137k in 1970 and the population of the regional district has grown to over 83,000 (2016 census) from a population of 25,320 (Municipalities only 1966 Census).

Local governments must annually adopt a financial plan in accordance with the *Local Government Act* and the *Community Charter.* The planning period for the financial plan must include the current fiscal year and the next four fiscal years (five-year plan). At a minimum, the plan must include:

- Proposed expenditures (operating, capital, interest and principal payment on debt), funding sources (for example, taxes, fees, grants, new borrowing and debenture debt), and transfers to and from reserve funds and surplus
- Objectives and policies for the fiscal year regarding distribution of funding sources, the distribution of property taxes amongst various property classes, and the use of any permissive tax exemptions

A local government must not budget for a deficit (planned expenditures and transfers to funds cannot exceed planned revenues, transfers from funds, and other cash contributions). However, if actual expenditures and net transfers from the previous year exceed that year's revenues and contributions, the resulting deficiency must be carried forward to the current year's financial plan as an expenditure. For regional district, this applies to each service budget.

Regional districts must show their accounting for each service separately and must adopt their financial plans by March 31 of each year. The earlier date for regional districts is to provide them time to prepare their annual tax requisitions for their member municipalities and the Provincial Surveyor of Taxes.

Analysis

For the purpose of this report 3 additional regional districts were selected that were comparable to the RDOS. The list of regional districts that were included in this analysis are:

- Regional District of East Kootenay (RDEK)
- Regional District of Central Okanagan (RDCO)
- Regional District of North Okanagan (RDNO)
- Regional District of Okanagan Similkameen (RDOS)

The analysis will review the overall financial plan and specifically look at how each regional districts handles and allocates administration overhead costs. In attachment A, a table highlighting each Regional Districts' statistical information is provided for reference.

Financial Plan Overview

The adoption of the Financial Plan sets out the legal spending authority for the Regional District. To operate most services, the regional district board must pass a service establishing bylaw. Service operating and capital expenditures are funded through a variety of revenue sources such as grants and transfers, fees and charges, interest, parcel tax, reserves and the majority through tax requisition. Regional Districts cannot directly tax properties. Instead, regional districts requisition their member municipalities and the Provincial Surveyor of Taxes (for rural electoral areas) to tax on behalf of the regional district in order to meet revenue needs. Each service budget is "charged out" to the applicable municipalities and electoral areas based on usage of the service and then tax assessment.

Each regional district has expenditures for the administration of the regional district. These expenditures are often referred to as administration overhead. Each regional district and their board can determine the different service budgets that group these costs. This is varied amongst regional districts but at minimum most regional districts have at least a general government service budget and electoral administration service budget. Other regional districts will also have, but not limited to, service budgets for Information

Services, Finance, Human Resources, Legislative Services, Corporate Facilities, and Engineering. How the administration overhead service budgets are allocated to the municipalities and electoral areas are not consistent and vary between regional districts. For the purpose of this report, the method of allocation of these administration overhead service budget is either allocated in full or a portion to other service budgets based a specific formula methodology (referred to as formula method). The balance of the administration overhead service budgets is then allocated based on the proportion of tax assessment (referred to as tax method). Analysis of each of the four selected regional districts budgets and methodology of administration overhead is detailed below.

Regional District of East Kootenay (RDEK)

Financial Plan

The RDEK financial plan includes the following reports to summarize the overall financial plan:

- Information report that is a high level written summary of the highlights of the financial plan;
- Summary of tax requisition for municipalities/electoral areas;
- Detailed roll up totalling all service area budgets;
- Each service budget detail;
- Each service budget has a separate budget information report that provides context around each service budget.

Administration Overhead

The administration overhead service budgets are General Administration and Electoral Administration. In the General Administration service budget, specific expenditures (salaries and other expenses) are identified and separately reported as shared services, which are allocated of out to each service budget using the formula method of the % of salaries in each service budget of the overall total of salaries. Capital is not allocated any administration overhead. The allocated amount of shared services (administration overhead) is clearly identified in each service budget under expenditures and the amount is straight forward to calculate. In 2021, the amount allocated out by this formula method, based on the details in the budget, is $847k. The balance (approx. $2.0M) of the General Administration budget is either funded through other sources or tax requisition. The tax requisition portion is allocated based on the tax method.

The Electoral Administration service budget, of $3.4M, is funded from other sources or tax requisition which is allocated based on the tax method and the service budget is charged a portion of shared services from the General Administration budget.

The combined General Administration and Electoral Administration budget expenditures for the 2021 budget is $6.3M, with $847k allocated by formula method, $3.1M allocated through tax requisition, and $2.3M funded by other sources.

Administration Overhead Allocation Formula Method Example

Total Administration overhead to be allocated	Total Salaries for all budgets	Total Salaries for Example Service budget	Administration overhead allocation
1,000,000	3,000,000	300,000	1,000,000 x 10% (300,000/3,000,000) = 100,000

Regional District of Central Okanagan (RDCO)

Financial Plan

The RDCO financial plan includes the following reports to summarize the overall financial plan:

- Summary report that is a written summary of the highlights of the financial plan which includes an explanation of the administration & engineering overhead methodology and rates applied comparative to the prior year;
- Summary roll up of the overall budget;
- The budget includes multiple different analysis and information such as a written context report on the budget, capital highlights, tax impacts, and average tax per home per municipality/electoral area for current year budget and first year budget;
- A summary of tax requisition by municipality/electoral area;
- A detailed summary of tax requisition for each municipality/electoral area;
- Each service budget detail

Administration Overhead

The RDCO administration overhead budgets are:

- Administration/ Corporate Services
- Finance
- Human Resources
- Information Systems
- Engineering Services (applied to certain budgets)
- Electoral Administration
- Regional Board

All administration overhead budgets are fully allocated out, with the exception of Electoral Administration and Regional Board, which are based on a formula method outlined in an approved Board's Administrative Overhead Policy 7.19, that was adopted in 2011, that details the methodology for calculating administration overhead (Attachment C). In the budget, the policy is referenced and current year tier rates are detailed to have transparency of the calculations.

This policy methodology is based on allocating the balance of all expenditures (all salaries and other expenses) not funded through other sources based on a tier system. The 5 overhead administration budgets are allocated to all of the other budgets for recovery based on the following 2021 tier rates. The tier rates

fluctuate annually based on the total cost of the recovery of the administration overhead budgets. If a flat % was utilized, some years it may over recover and other years it may not fully recover.

Engineering	3.08%
Administration Level 1	15.40%
Administration Level 2	10.27%
Administration Level 3	5.13%

Administration/ Corporate Services, Finance, Human Resources, and Information Systems are allocated to all service budgets. Engineering Overhead is applied only to certain budgets that the engineering department oversees, in addition to Administrative Overhead. In the administration overhead policy there is an explanation on how capital would be allocated administration overhead but in the 2021 budget there was no allocation to capital but each utility service budget was allocated administration overhead.

Administration overhead and engineering overhead allocated amounts are clearly stated on each service budget as a debit under the revenue section of the budget. This really helps to ensure service budgets expenses are easily identified and not overstated by allocations. The service budget clearly indicates the operating expense (which is the portion of the budget that is used to calculate the administration overhead) and other expenses that are not part of the administration overhead calculation. The only shortcoming with the summarized operating expense is that it does not provide transparency of what costs are part of the total operating expense such as salary, maintenance, consulting, etc. Each service budget does not indicate which administration service level is applied to the service budget, but it is easily calculated.

The total amount allocated in 2021 utilizing the formula method is $3.8M with the remaining $1.6M funded through other sources.

Electoral Administration and Regional Board budget, of $848k, is funded through other sources or tax requisition that is allocated based on the tax method.

The combined 2021 administration overhead expenses for 7 administration budgets noted above is $6.4M, $3.8M allocated by the formula method, $848k allocated by tax method, and $1.7M funded by other sources.

Administration Overhead Allocation Formula Method Example

Total Administration overhead to be allocated	Total Example Service budget Operations Expenses	Total Example Service budget tier level	Administration overhead allocation
1,000,000	1,500,000	Administration Level 2	1,500,000 x 10.27% = 154,050

Regional District of North Okanagan (RDNO)

Financial Plan

The RDNO financial plan includes the following reports to summarize the overall financial plan:

- Staff report that highlights the overall financial plan;
- High level summary of the total overall financial plan;
- Summary of the total requisition summary by service;
- A detailed summary of tax requisition for each municipality/electoral area;
- Each service budget detail.

Administration Overhead

The RDNO administration overhead budgets are General Government, Information Services, and Electoral Administration. The financial plan does not provide transparency to determine the methodology utilized to allocate the administration overheads, does not identify what portion has been allocated to each service budget or does not explain how the allocation is calculated.

Additional information on the methodology used to calculate the allocation was requested from the RDNO but has not yet been received at the time of writing this report. Based on the budget a portion, $2.6M, of General Government and Information Systems are allocated out to other service budgets and the balance, $1.6M, is funded through other sources or tax requisition allocated based on the tax methodology. There is not sufficient detail in each service budget to determine the administration overhead amount allocated to each service budget.

Electoral Administration, of $1.8M, is funded through other sources or tax requisition that is allocated based on the tax methodology.

The combined 2021 budget expenditures for the 3 administration budgets is $6.0M, $2.6M allocated by formula method, $1.3M allocated through tax requisition, and $2.1M funded by other sources.

Regional District of Okanagan Similkameen (RDOS)

Financial Plan

The RDOS financial plan includes the following reports to summarize the overall financial plan:

- A summary of tax requisition by municipality/electoral area;
- A detailed summarization of tax requisition for each municipality/electoral area;
- Each service budget detail.

Administration Overhead

The 2021 administration overhead budgets for the RDOS are:

- Human Resources
- Legislative Services
- Finance
- Corporate Facilities
- Information Systems
- General Government
- Electoral Administration

The RDOS 2021 administrative overhead formula methodology allocates the following budgets, for the non salary costs only, based on a tier system.

- Human Resources
- Legislative Services
- Finance
- Corporate Facilities
- Information Systems

Each service budget is allocated a tier recovery rate % based on a 5 tier recovery system (with tier 5 - capital having 7 additional levels). New for 2021, capital is allocated 20% of the total allocated administration overhead. Annually tier level recovery rates are set based on service's utilization of administration services and volume of transactions. Recovery rate % is set to result in full recovery of all non-salary (other expenses) costs of administration overhead. The recovery rate % for 2021 for each tier is:

- Tier 1 – Full utilization - 5.10%
- Tier 2 – Partial utilization - 4.03%
- Tier 3 – Minimal utilization - 3.00%
- Tier 4 – Contract services - 1.94%
- Tier 5 – Capital - Not able to calculate from budget or provided

The net operating budget is multiplied by the tier recovery rate to calculate the amount of administration overhead allocated to a service budget. The net operating budget is the total service budget expenses less any transfers to/from reserve, debt servicing, capital expenditures, and project expenditure. The tier recovery rates detailed above are not included in the financial plan or in the financial plan presentation. The tier recovery rates can be calculated from the budget, with substantial effort, but is challenging as the net operating budget is not clearly presented on each service budget. Although the net operating amount and tier recovery rates can be calculated, there is no ability to confirm these calculations are accurate. The 2021 total administration overhead allocated utilizing the formula method is $1.5M with the remaining $582k funded through other sources.

General Government and Electoral Administration budgets, of $4.1M, are funded through other sources or tax requisition which is allocated based on the tax methodology.

The combined 2021 budget expenditures for the 7 administration budgets is $5.9M, $1.5M allocated by formula method, $3.3M allocated through tax requisition, and $1.1M funded by other sources. As salaries are allocated to service budgets based on usage, the total amount above is not the full administration costs for the RDOS. The full administrative overhead amount is not able to be calculated as the allocated salaries are included in the salaries and wages line item in each service budget along with the direct salaries and wages for that service budget, not separately itemized.

All salaries (including administration salaries) are allocated to services areas based on time spent on each service from the time tracking system. A new tracking system has been implemented in the last year (replaces old system - Time Tracker) that is utilized for payroll in which time is recorded to each service area. This system would be updated at a minimum biweekly to meet payroll timelines. Information Systems (IS) salaries continue to be allocated to the service budget where they plan to deliver the services. Salaries in the General Government or Electoral Area Administration budgets are the allocated amounts based on the estimated time spent on these functions. Salaries in each service budget are combined to include both the allocated time as well as direct service specific salaries. Non-continuing or part time salaries are recorded in the wages line item in each service budget.

Administration Overhead Allocation Formula Method Example

As the service budget tier level and the recovery rate % are not included in the financial plan, the administration overhead allocation cannot be easily calculated. A calculation could be completed to determine the tier recovery rate, however data to validate the information is correct is not readily available.

To calculate the tier recovery rate:

- Calculate the net operating budget (the total service budget expenses less any transfers to/from reserve, debt servicing, capital expenditures, project expenditures, and administration overhead);
- Divide allocated administration overhead by the net operating budget to determine tier recovery rate.

However, to determine the common tier rates utilized and which recovery rate is applicable to which tier, the calculations would have to be done for all 155 services budgets. The challenges encountered when completing the manual calculations were that they were susceptible to calculation errors and performing them was time consuming.

RDOS Administration Overhead Allocation History 2019 - 2021

Over the last 3 years the administration overhead allocation method has evolved, which has created significant swings in the amount of administration overhead allocated to each service budget.

2020 Method

The 2020 method was similar to the 2021 method, with the following major differences:

- Net Operating Budget – in 2020 the net operating budget deducted all the same items as in 2021 (transfers to/from reserve, debt servicing, capital expenditures, project expenditures) but also deducted salaries;
- There was no administration overhead allocation applied to capital projects;
- There was a 3 tier system and the recovery rates were:
    - Tier 1 – Full utilization – 8.25%
    - Tier 2 – Partial utilization – 5.50%
    - Tier 3 – Minimal utilization – 2.75%

  Although the tier rates were not included in the adopted budget they were provided upon request from the RDOS;

In 2020, salaries were allocated to services areas based on time spent on each service, similar to 2021. In 2020, a tracking system (Time Tracker) was utilized to track actual time spend on each service budget. For exempt employees Time Tracker was not utilized to prepare payroll. A time lag in allocating time to each service budget could occur, which would effect accuracy of the allocation. Starting in 2020, Information Systems (IS) salaries are allocated to the service budget where IS plans to deliver the services. Salaries in the General Government or Electoral Area Administration budgets are the allocated amounts based on the estimated time spent on these functions. Salaries in each service budget are combined to include both the allocated time as well as direct service specific salaries. Non-continuing or part time salaries are recorded in the wages line item in each service budget.

2019 Method

The 2019 administration overhead budgets consisted of:

- Human Resources
- Information Services
- General Government
- Electoral Administration

In 2019, salaries were included in Human Resources and Information Systems service budgets.

The formula method provided by the RDOS for 2019 is all of Human Resources expenses and some specific General Government items were allocated out based on the percentage of the 2018 administration overhead allocation of the total administration overhead allocated expense for each service budget. A tier system was not utilized and the amount allocated to each service budget is not clearly defined separately in each service budget but combined in the administration line detail. The 2019 financial plan does not include the methodology utilized for allocating administration overhead.
Information systems service budget allocation details were not provided by the RDOS but was charged out based on a fee system.

The annual changes to the administration overhead over the last 3 years reflects that the RDOS has been making improvements to the methodology to move closer to a practice of those whom benefit from a service pay the full cost of that service provision.

An example comparing the 2019 – 2021 administration overhead allocated by the formula methodology is summarized in the table below. In the table below, it shows that the effect of the change in formula method from 2019 to 2021. The administration overhead amount allocated by formula method was lower in 2020 for service budgets that had salaries as this was deducted from the net operating budget amount before charging the applicable tier rate, assuming everything else stayed constant. This would appear to be counter intuitive as a service budget that has more employees, would most likely have higher utilization on the administration overhead budgets such as Human Resources, Information Systems, and potentially Finance. This was recognized by the RDOS and adjusted in 2021, with salaries being included in the net operating expenses which increased the administration overhead allocation to budgets with salaries.

Example Service Budget	2019 Budget	2020 Budget	2021 Budget
Total Expenses	1,500,000	1,500,000	1,500,000
Deduct: Administration Charges	58,075	26,194	50,951
Total Expenses without Administration Overhead	1,441,926	1,463,606	1,449,049
Deduct:			
Transfers		100,000	100,000
Capital & Equipment		150,000	150,000
Debt Interest & principle		200,000	200,000
Salaries		500,000	
Total Net Operating Expenses	1,441,926	513,606	999,049
2018 Total Administration Overhead	702,310		
2018 Allocated Administration Overhead	28,286		
2018 Administration Overhead rate (2018 Allocated Admin OH/2018 Total Admin OH)	4.03%		
Assumed same Tier Level & Rate		Tier 1 - 5.10%	Tier 1 - 5.10%
Administration Overhead Allocation	58,075	26,194	50,951

Some examples of the service budgets that had significant changes from 2019 - 2021 in formula based administration overhead allocated were:

Service Budget	2019 Admin OH	2019 % of Total budget	2020 Admin OH	2020 % of Total budget	2021 Admin OH	2021 % of Total budget
Recycling/Garbage - Area C	14,686	5.1%	21,032	7.4%	8,012	2.9%
Recycling/Garbage - Keremeos	8,435	6.6%	9,776	7.4%	3,738	2.9%
Refuse Disposal - Oliver	27,774	2.5%	52,605	3.4%	42,591	1.8%
Building Inspection	101,829	7.9%	13,036	1.1%	50,023	4.0%

The increases/decreases between each service budget are not consistent year over year, meaning not all overhead administration allocation amounts increased in 2021 with the change in formula method allocation, some decreased.

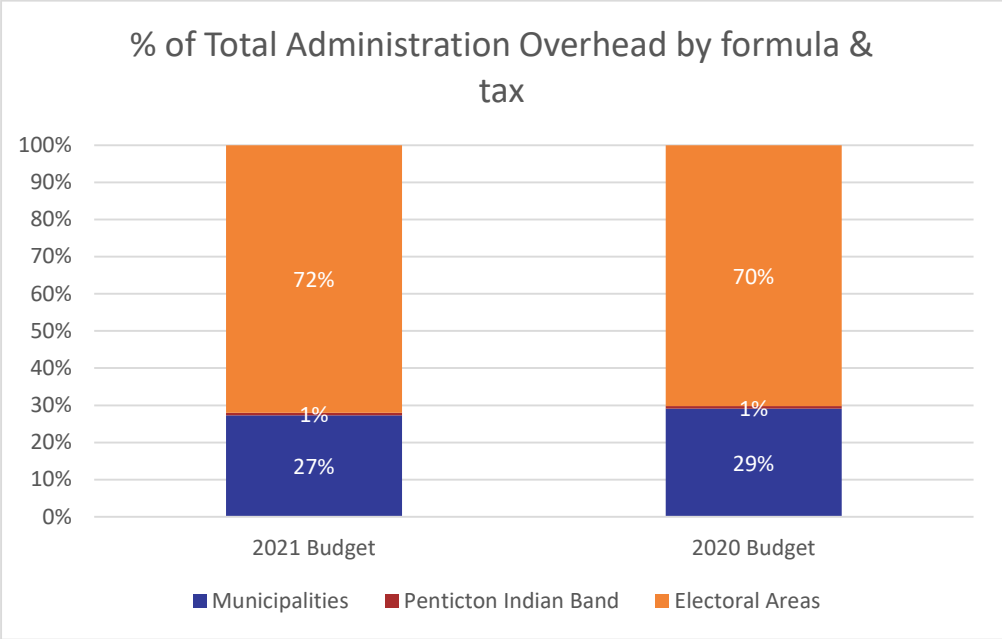
Administration Salaries

As previously mentioned in the explanation of the formula methods, all salaries (including administration salaries) are allocated to services areas that are estimated based on time spent on each service. Salaries in each service budget are combined to include both the allocated time as well as direct service specific salaries. By combining these salaries, the allocation of salaries is not clearly identified, and does not allow for trending of direct salary costs. In the 2021 budget, almost half of the service budgets did not have any salaries charged to its budget. This could be for multiple reasons, such as the budget does not have any salaries required, budgets are too small to required salary time, or the budget was not allocated any salaries. The RDOS would have more in-depth information on which budgets require salaries for the delivery of the service. The effect of all budgets not being charged some salary time is the residual time is budgeted in one specific service area budget and allocated by the tax methodology. This results in larger municipalities/electoral areas bearing a greater share of the cost, which is probably not a true

representation of the actual time utilization of each municipality/electoral area. Five service budgets were allocated the highest tier rating, Tier 1 - full utilization, for administration overhead allocation. These budgets did not have any salary time allocated to the them, which implies that they may not be fully utilizing the administration overhead or it would be expected that some salary time would be spent on these budgets. While the time spent on some service budgets may actually be very minimal or too little to quantify, other municipalities/electoral areas are covering these costs based on tax assessments, and not on actual utilization.

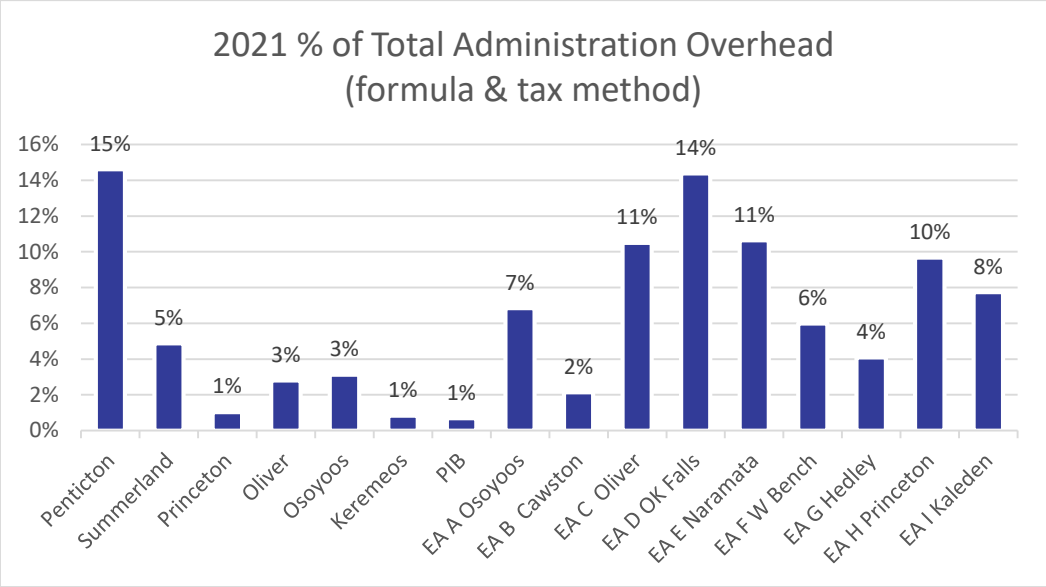
Administration Overhead Allocation Analysis

The percentage of administration overhead for all 7 administration budgets (formula and tax method combined) by Municipality/Electoral Area shows that overall in 2021 Electoral Areas were charged 72%, the majority, of the administration overhead, compared to 70% in 2020. This is similar to the electoral area's percentage of overall budget of 69% in 2021 and 70% in 2020. The drivers that are contributing to the increase in 2021 electoral area administration overhead are the allocation of 20% of administration overhead to capital and the change in the net operating expenses in 2021 to include salaries.

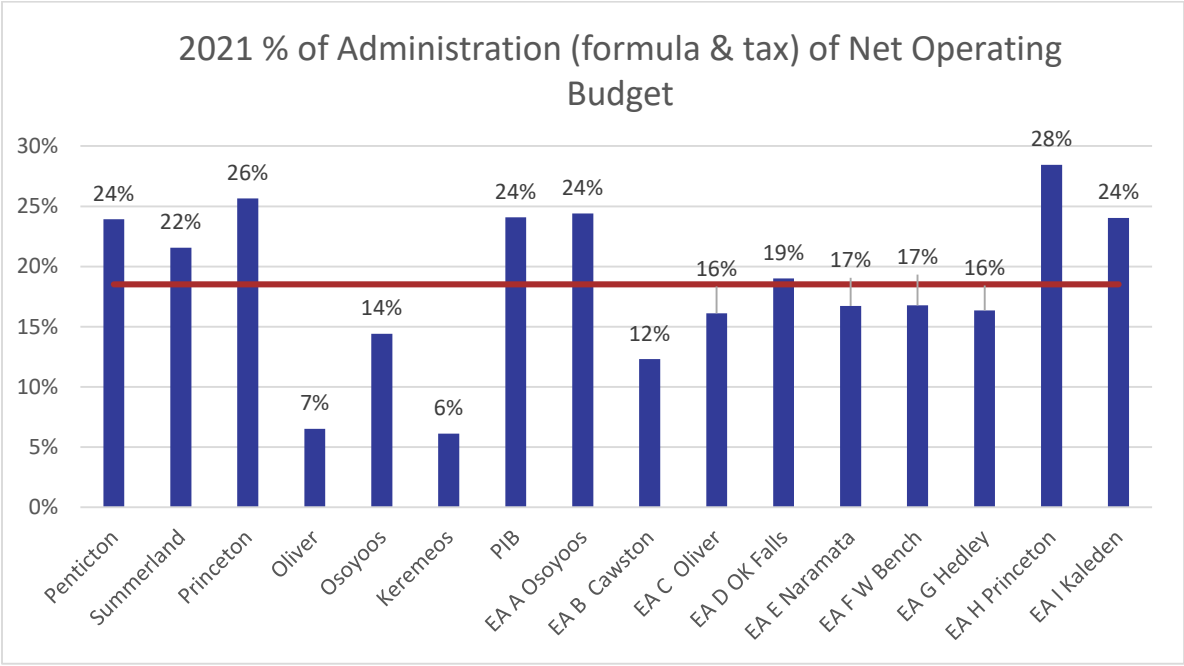


This chart only includes the portion of administration overhead salaries that are including in the General Government and Electoral Area service budgets.

A detailed split of the 2021 administration overhead for all 7 administration budgets (formula and tax method combined) shows that Electoral Area C, D, E and Penticton are allocated the highest amount of administration overhead - between 11-15% of the total overhead admonition (formula & tax method).



The Total Administration overhead (formula & tax) as a percent of net operating budget on average is 19%, but the graph below shows that Penticton, Princeton, Penticton IB and Electoral Areas A, H, & I are charged substantially more than the average while Oliver and Keremeos are charged significantly lower than the average, relative to their net operating budgets. This shows that some Municipalities/Electoral Areas are being charged more administration and may be subsidizing other Municipalities/Electoral Areas. To fairly distribute costs, Municipalities/Electoral Areas should be charged based on utilization of the overall administrative services. Municipalities that have their own resources, would generally utilize substantially less administrative services from the RDOS, while Electoral Areas that do not maintain their own services would seem to utilize the RDOS administrative services more.

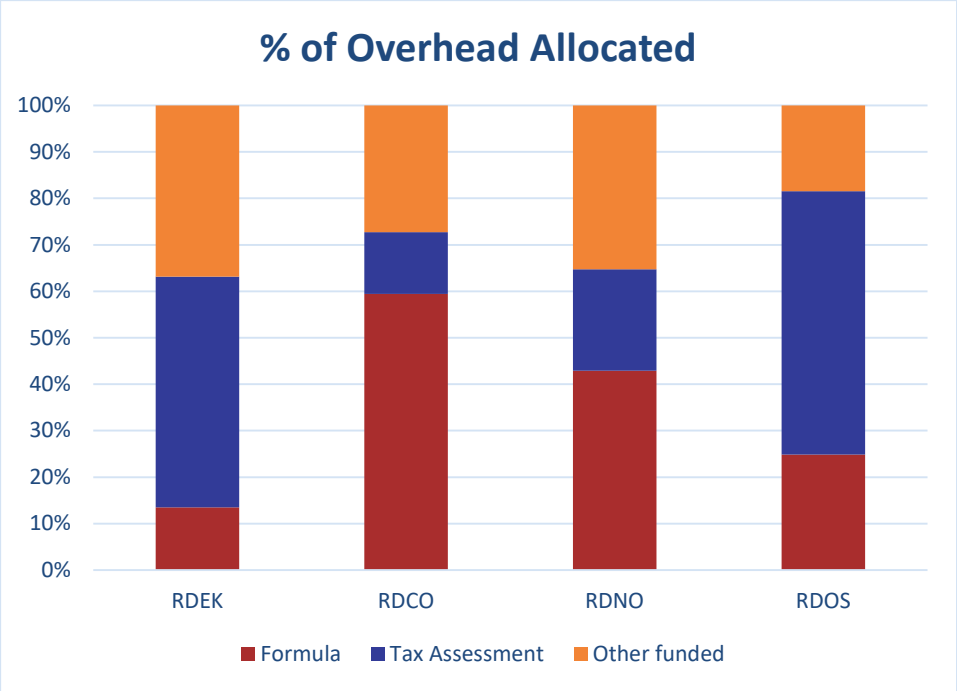


Summary of the 4 Regional Districts

The following table provides a summary comparison of the 4 regional districts reviewed:

	RDEK	RDCO	RDNO	RDOS
Total Service Budgets Summary	YES – by service budget	YES – split by fund with capital separate and service budget	YES – Very high level summary of revenues and expenditures	NO
Summary of Tax Requisition	YES – by Muni/EA	NO	YES – by service budget	YES – by Muni/EA
Detail tax requisition for each Muni/Electoral Area	NO – Total amount only	YES	YES	YES
Service Budgets included in formula allocation	Shared Overhead portion for: • General Administration	All costs including Salaries for: • Administration/ Corporate Services • Finance • Human Resources • Information Systems • Engineering Services (applied to certain budgets)	Portion of: • General Government • Information Systems	All Non Salary related costs for: • Human Resources • Legislative Services • Finance • Corporate Facilities • Information Systems
Formula Method	Allocation based on salaries in service budget	Tier Method	Information not obtained from RD	Tier Method
Administration Overhead Allocated to Capital	NO	NO	NO	YES – 20% Started in 2021
Administrative Salaries	Charged to General Administration budget, shared services are allocated to service budgets	Charged to applicable administration budget, allocated fully by formula to service budgets	Charged to General Government or Information System budget, portion allocated by formula	Allocated directly to each service budget based on time spent
Electoral Administration (EA)	Allocated to EA's by tax proportion	Allocated to EA's by tax proportion	Allocated to EA's by tax proportion	Allocated to EA's by tax proportion

A comparison of the 4 regional districts administration overhead allocation methods show that there is varying methods utilized to allocate administration overhead. The RDCO and RDNO both allocate the majority of their administration overhead by the formula method, while the RDEK and the RDOS allocate the majority by tax assessment.



The higher percent of overhead that is allocated by the tax method charges more to municipalities/electoral areas that have high tax assessments and may not match utilization of these services. Often municipalities have higher tax assessment levels due to density within the municipality, however the municipality may have duplication of the same resources as the regional district and do not utilize regional district services to the same higher level that electoral areas utilize.

Identified Best Practices for Consideration

Overall Budget

- A written summary with highlights and context/assumptions accompanying the financial plan;
- A summarized roll up of all service budgets should be included in the financial plan approval package and posted online as part of the approved financial plan to allow for summarization, transparency, and comparison of total regional district budgets and operations;
- A summary and detailed tax requisition for each municipality and electoral area should be included in the financial plan approval package and posted online as part of the approved budget to allow for summarization, transparency, and comparison of each tax requisition;
- Each service budget should have written context that includes, not limited to, tier administration level, capital or major project summaries, assumptions for the service budget;
- Each service budget should clearly separate administration overhead allocations, salary allocation, or any other allocation. A subtotal for expenses that are included in the administration overhead calculation;
- The financial plan package presented to the board during budget reviews should the same as the adopted budget and the budget uploaded and retained on the website.
- Each version of the financial plan should be retained on the website or at a minimum, the draft original budget that was part of the budget review as well as the final adopted budget should be available on regional districts website. This allow for transparency in the changes from the original budget to the adopted budget.

- Due to the current pandemic, many budgets were live streamed due to restricted public assess, these live streams provide significant context and information around the review of the Financial Plan. The process of continuing to post the live stream the financial plan review meetings should continue, even when the pandemic ends.

Administration Overhead Allocation

- Administration overhead allocation policy should be developed and approved by board and posted on the website. The policy should be reviewed annually to ensure it is being followed and still represents a methodology that is fair and equitable to all service budgets. Specific items that should be included in the policy are:
    - Service budgets that are included in the allocation to other service budgets;
    - Detailed explanation of how the allocation is calculated with how tier rates are determined, and approved;
    - Note all exceptions to the methodology for service budgets;
    - Note all service budgets that are exempt from administration overhead allocation and why;
    - Note how allocation to capital budgets is determined and calculated;
    - Note how allocation to projects is determined and calculated, if different from other calculations;
    - Now how if tier rates fluctuated dependent on the total allocation amount, a summary of the rates of 5 years should be retained online as part of the either the policy or as part of the section where the approved budget is posted online.
- Administration overhead allocations should include all overhead expenses, salaries and non salary expenses, for transparency of the allocation and to ensure all budgets are paying for a portion of administrative salaries. If salaries are not included in the overhead administration allocation, they should be clearly separated on each service budget to allow for comparison and transparency of the allocation.
- Each annual budget should reference the policy and provide the link to the policy;
- The administration overhead allocation should be clearly itemized on each service budget;
- Expenses that are applicable to administration overhead allocation should be clearly total on each service budget to allow for transparent and easy calculation of the administration overhead allocation;
- The administration overhead allocation should remain fairly consistent year to year and any changes to the methodology clearly documented, with affects of the change, and retained online for a period of time for transparency and clarity.

Conclusion

Given there are opportunities to align the costs of services more closely to those receiving the services, based on practices in other regional districts The RDOS board should request the RDOS staff perform a thorough and comprehensive review of their current overhead allocation, review the best practices identified in this report, determine which are not already being done, and where feasible implement the best practices.

Attachments

Attachment A – Regional District Statistical Information

Attachment B – Calculations

Attachment C – RDCO Administration Policy 7.19

Links to Budgets

Regional District of East Kootenay Budgets

https://www.rdek.bc.ca/departments/finance/

Regional District of Central Okanagan Budgets

https://www.regionaldistrict.com/your-services/finance-services/budgets.aspx

Regional District of North Okanagan budgets

http://www.rdno.ca/index.php/services/administration/finance

Regional District of Okanagan Similkameen budgets

https://www.rdos.bc.ca/finance/budget-and-financial-statements/

Respectfully submitted,

Courtney Jones

Concurrence

GM Finance & Administration	Chief Administrative Officer
JWB	DvD

Attachment A - Regional District Statistical Information

	RDEK	RDCO	RDNO	RDOS
Population (2016)	60,439	194,882	84,354	83,022
Land Area (km2)	27,542	2,905	7,503	10,412
Regions	Cranbrook Fernie Kimberly Sparwood Elkford Invermere Radium Canal Flats 6 Electoral Areas	Kelowna Peachland Lake Country West Kelowna Area CO East Area CO West	Armstrong Enderby Vernon Coldstream Spallumcheen Lumby 5 Electoral Areas	Penticton Summerland Princeton Oliver Osoyoos Keremeos Penticton IB 9 Electoral Areas
Number of service budgets (2021)	115	82	71	155
RD Services	911 Emergency Calling Building Inspection Cemeteries Columbia Basin Trust Dog Control Economic Dev. Electoral Admin. Elk Valley Airport Emergency Programs Fire Protection Fireworks Regulations CV Broadband Flood Control General Government Grants in Aid Invasive Plant Man. Library Mosquito Control Noise Control Planning & Dev. Recreation Facilities Solid Waste Starling Control Street Lighting Trails/Parks Transit Unsightly Premises Water Systems Water Level Control	911 Emergency Calling Air Quality Monitoring Animal Control Building Inspection Economic Dev. Electoral Admin. Fire Protection General Government Grants in Aid Mosquito Control Noise Abatement Noxious Insect Control Okanagan Basin WB Planning Recreation Facilities Regional Library Regional Rescue Serv. Refuse Solid Waste Sterile Insect Release Street Lights Trails/Parks Transit Weed Control Water	911 Emergency Calling Animal Control Conservation Fund Development Serv. Drainage Economic Dev. Electoral Admin. Emergency Planning Fire Protection Grants General Government Kingfisher School Noxious Weeds Okanagan Basin WB Recreation Facilities Regional Library Regional Planning Safe Communities Search & Rescue Solid Waste St. John's Ambulance Starling Control Street Lights Sterile Insect Release Trails/Parks Transit Victim Assistance Water	911 Emergency Calling Animal Control Building Inspection Bylaw Enforcement Cemeteries Cultural/Heritage Destruction of Pests Economic Dev. Electoral Admin. Electoral Area Planning Emergency Planning Environmental Cons. Fire Protection General Government Grants in Aid Illegal Dumping Invasive Species Mosquito Control Noise Bylaws Nuisance Control Okanagan Basin WB Recreation Facilities Recycle/Garbage Refuse Regional Growth Strat. Regional Library Solid Waste Sterile Insect Release Street Lights Tourism Trails/Parks Transit Unsightly Premises Victim Services Water

Attachment B - Calculations

This table is a summary of each Regional Districts administration budgets. The administration budgets may not, in all instances, include the same detailed items, costs and expenses so may not be fully comparable.

	RDEK	% Total Budget	RDCO	% Total Budget	RDNO	% Total Budget	RDOS	% Total Budget
Total 2021 Budget	$ 62,095,407		$ 72,682,797		$ 91,439,797		$ 60,350,377	
2021 Property and Parcel taxes requisition	$ 21,370,907	34.4%	$ 31,750,735	43.7%	$ 19,412,014	21.2%	$ 20,432,221	33.9%
Administration Overhead Allocated								
by formula method	$ 846,614	1.4%	$ 3,801,012	5.2%	$ 2,569,243	2.8%	$ 1,477,084	2.4%
by tax method	$ 3,109,000	5.0%	$ 847,699	1.2%	$ 1,304,666	1.4%	$ 3,363,875	5.6%
by tax requisition	**$ 3,955,614**	**6.4%**	**$ 4,648,711**	**6.4%**	**$ 3,873,909**	**4.2%**	**$ 4,840,959**	**8.0%**
Administration overhead funded by other funding sources	$ 2,310,725	3.7%	$ 1,745,767	2.4%	$ 2,110,190	2.3%	$ 1,096,759	1.8%
Total Administration Overhead	**$ 6,266,339**	**10.1%**	**$ 6,394,478**	**8.8%**	**$ 5,984,099**	**6.5%**	**$ 5,937,718**	**9.8%**

Regional District Of Central Okanagan

Policy and Procedures Manual

Chapter:	**7.**	**FINANCE**	**Policy Resolution No. #241/11**
Section:	**7.19**	**Administration Overhead**	**Page: 719**
			Resolution Date: October 13, 2011

7.19 Administration Overhead

The Board's policy is to recover the costs of the Administration / Corporate Services, Finance, Human Resources, Information Services and Engineering functions through service /user fees and administration levies rather than a direct tax requisition.

A. Overhead Allocated to Operating Budgets:

1. Engineering Services overhead budget recovery shall be direct charged as a line item, only to services that the Engineering Department oversees (*excluding Waste Reduction Office Services based out of 1450 KLO). Prorate to each function based on budgeted costs (excluding debt and transfers to capital and reserves). Currently these functions include:
    - Mosquito Control
    - Street Lights
    - Westside Waste Disposal & Recycling Centre
    - Westside Landfill
    - Septage Facility
    - Water Services
    - Sewer Services

    (*supplies, staff costs, etc. are already direct charged to these functions).

2. Pool the budgeted recovery requirements for the functions of: Administration / Corporate Services (which includes 1450 KLO Road costs), Finance, Human Resources, and Information Services and allocate to other services based on:
    - Program cost budget (excluding debt and transfers to capital and reserves) MULTIPLIED BY:
        - Recovery rates in the following proportions, determined by administrative service level:
            - 100% of base rate (as determined each year): Full services (Staffing and related support of all or most administrative functions)
            - 2/3 of base rate: Partial Services (Excludes some significant portion of above administrative support functions)
            - 1/3 of base rate: Minimal Administrative Services (i.e. Quarterly or Yearly Payments)

    - OR a specifically determined Flat Rate:
        - OBWB: $15,000 (staff consultation, and involvement re: verifications, etc., presentations to Board).
        - SIR: $15,000 (staff consultation, and involvement re: verifications, etc., presentations to Board).
        - OK Regional Library: $5,000 (Quarterly payments).
        - Simple Tax transfers to Municipalities originating from incorporation: $0

B. Overhead Allocated to Capital Projects:

1. Engineering: Water and Sewer construction projects (included in current bylaws): 3% of costs

2. All Services:

   - Capital Construction / Development / Installations -- No external project manager (More administrative support required for purchasing, payments, management, insurance advice, etc.): 3% of costs

   - Capital Construction / Development / Installations – With external project manager. (Staff are directing the project manager instead of all the details for the whole project. - Recognizes that project manager provides some supervisory, purchasing, payment, etc. services): 1.5% of costs.

   - Acquisitions and Purchases (eg. Land, vehicles, including firetrucks): 0.25% of costs.

Capital project overhead recoveries will be credited to each overhead pool in A. The recoveries are to be based on actual costs incurred.

If a project is over $5,000,000: At a minimum, the cost recoveries up to $5,000,000 as described above will be allocated, with perhaps consideration being given to a reduced percentage for additional costs over $5,000,000 (only if warranted – i.e. all administrative costs would be more than fully recovered and the overhead would be deemed to be excessive).

(During preparation of project budget estimates, consult with Finance, then bring to Governance & Service Committee / Board a proposal for review of overhead being charged and justification.)

C. External Work – Project Administration Charges:

Project administration charges be levied in the amount of 15% (or the base administration overhead rate - whichever is higher) on:

1. Administration and/or engineering services provided for studies and plans carried out by the Regional District on work related to proposal or development proposed to take place within the Regional District; (i.e. Neighborhood Plans, etc.)

2. Those tasks undertaken through the Inspection Services/Bylaw Enforcement Department to effect compliance with Regional District bylaws and policies. (i.e. Weeds, etc.)

Council Report

penticton.ca

Date: May 18, 2021 File No: RMS/296 Abbott Street
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 296 Abbott Street

Subject: **Zoning Amendment Bylaw No. 2021-18**
Development Variance Permit PL2021-8977
Development Permit PL2021-8978

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-18", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a bylaw to rezone the subject property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2021-18" to the May 31, 2021 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-18", consider "Development Variance Permit PL2021-8977" for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0m to 1.8m; and
2. Section 10.8.2.8.i: to reduce the minimum exterior side yard from 4.5m to 3.0m.

AND THAT Council, subject to approval of "Development Variance Permit PL2021-8977" approve "Development Permit PL2021-8978", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to allow for the construction of a triplex.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to construct a two-storey, triplex with three dwelling units on the subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing). The applicant has also requested the following variances to Zoning Bylaw No. 2017-08 to facilitate the development:

Figure 1 - Rendering of proposed triplex

1. To reduce the minimum interior side yard (north) from 3.0m to 1.8m; and
2. To reduce the minimum exterior side yard (Nanaimo Ave E) from 4.5m to 3.0m.

Further, the applicant requires Development Permit approval for the form and character of the building, which has been included for Council's consideration.

Background

The subject property is currently zoned RD2 (Duplex Housing: Lane). The subject property previously contained an older stock single-family dwelling and detached garage, which was located over the property lines between 290 and 296 Abbott Street. Both structures were demolished in early 2021 to facilitate the proposed development on 296 Abbott Street, and a duplex development at 290 Abbott Street (currently under construction).

The OCP designates the property as Infill Residential, which is described as transitional lower height residential areas with new housing types compatible with existing single detached houses in character and scale, but providing more units per lot.

As indicated in the Zoning Map (Attachment 'A'), the surrounding neighbourhood contains a mixture of residential zones and buildings, including older stock homes, newer homes, duplexes, rowhouses, and small apartment buildings. The location of the property is within walking distance of many desired amenities and services including the downtown, Penticton Creek walkway and the KVR trail. This area is serviced with sidewalks, pedestrian connections and bus routes.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Typical servicing requirements have been identified for the Building Permit stage of the project, if the rezoning and variance permit applications are supported by Council. These items have been communicated to the applicant.

Zoning Bylaw 2017-08 includes a provision that allows developers to pay cash-in-lieu of providing trees when reducing side yard setbacks, which thus reduces the width of a landscaping buffer. Section 5.3.4 allows buffer widths for multi-family developments to be reduced to the actual setback of the building. In this proposal, the north property line would be required to pay $1,350.00 ($450.00/tree) in lieu of 3 trees not being planted within the reduced setback area. These funds are deposited into the Urban Forest Reserve

Fund to be used for tree infilling in the City. This has been communicated to and agreed upon with the applicant.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the application:

	RM2 Zone Requirement	Provided on Plans
Maximum Lot Coverage:	40%	37.7%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.76 Floor Area Ratio (FAR)
Vehicle Parking:	1 per dwelling unit + 0.25 per dwelling unit for visitor parking Total required = 3	Total provided = 3
Required Setbacks Front Yard (Abbott St): Interior Side Yard (north): Exterior Side Yard (south): Rear Yard (lane):	 3.0 m 3.0 m 4.5 m 6.0 m	 3.06 m 1.8 m – Variance Requested 3.0 m – Variance Requested 6.93 m
Maximum Building Height	12 m	7.8 m

Analysis

Zoning Amendment Bylaw

The City's Official Community Plan (OCP) designation for the property is Infill Residential, which supports single detached houses (with or without suites and/or carriage houses), duplexes with or without suites, triplexes, lower-density rowhouses, and small-scale neighbourhood commercial buildings. The proposed triplex development is consistent with this OCP designation.

Staff consider that the proposed zoning amendment will allow for development that is supported though the following OCP Goals and Policies:

OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
OCP Policy 4.1.3.1	Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy 4.1.4.1	Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.

The proposed development demonstrates strong conformance with the City's OCP policies and is well aligned with the land use designation on the property. Staff consider that the application proposes an

appropriately scaled development in an area of the community that has been identified for increased density by the City's OCP.

Given the above staff are recommending that Council give first reading to "Zoning Amendment Bylaw No. 2021-18" and that the bylaw be forwarded to the May 31, 2021 Public Hearing for comment from the public.

Development Variance Permit

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 variance and staff's analysis are as follows:

1. Section 10.8.2.7.i, to reduce the minimum interior side yard (north) from 3.0m to 1.8m:
    - The development has been designed in a considerate manner of the neighbouring properties, keeping the maximum height of the buildings to 7.8m, or two floors.
    - The applicant is constructing the development on the neighbouring property to the north, which is a similar two-storey design, front to back duplex. Given that the applicant is developing both properties, when designing the developments, they shifted the placement of the building on the northern property slightly north, to allow for a larger separation between the two buildings (Attachment 'E').
    - The subject property is a corner lot, which is subject to larger exterior yard setbacks, which can significantly impact available building envelopes.
    - The RM2 zone allows for structures up to 12m in height, in which case, a 3.0m interior side yard setback is appropriate to maintain privacy, create a buffer and reduce overlook to neighbouring properties. In comparison, the RD2 zone, which the neighbouring properties are currently zoned, allows for development with a maximum height of 10.5m, with interior side yard setbacks of 1.5m.
    - Given the proposal, staff consider that the request to reduce the interior side yard setbacks has been mitigated by limiting the height of the proposed buildings.
    - The applicant has provided landscaping (shrubs) and fencing along the northern side yards, which will serve as a smaller landscaping buffer.

2. Section 10.8.2.8.i, to reduce the minimum exterior side yard (Nanaimo Ave E) from 4.5 m to 3.0 m:
    - Maintaining a 4.5m setback along the southern property line would significantly impact the available building envelope on the property.
    - Larger setbacks along exterior side yards are often used to accommodate landscaping, and to also allow for sightlines to be maintained.

Figure 2 - Aerial photograph showing boulevard areas

- On this property, the boulevard area along the Nanaimo Ave E property line is already significant in size, measuring approximately 6m in width.
- There are no concerns with the visibility at the intersection of Abbott Street and Nanaimo Ave E as a result of the proposed building placement.
- There are benefits to locating the development closer to the property line, especially when there is a large boulevard area. This includes improving the connection between the public and private realm, encouraging interaction, and improving 'eyes on the street'. The applicant is proposing to extend the public sidewalk and provide connections to each unit onto Nanaimo Ave E, improving the public realm.
- The applicant is proposing 4 boulevard trees with grass within the boulevard areas and through the building permit, will be required to install a sidewalk extending the length of the property.
- A similar variance was approved in September 2017 on the property located at 295 Abbott Street (directly west on Abbott Street), where the interior side yard (north property line) was reduced to 1.8m, and the exterior side yard (south property line) along Nanaimo Ave E was reduced to 2.2m.
- A variance was also approved in November 2020 at 326 Abbott Street (directly south across Nanaimo Ave East) to reduce the front yard setback along Nanaimo Ave E from 4.5m to 1.8m to allow for the construction of a carriage house.

Staff consider the request to reduce the side yard setbacks are reasonable. The result of the variances being approved would have minimal impact on the neighbouring areas, and is similar to other variances that have been approved in the area. As such, staff recommend that Council support the requested variances.

Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area, which is established to enhance neighbourhoods undergoing densification and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. Staff have completed an analysis of how the proposed development conforms to the Development Permit Guidelines. As shown within the analysis, there is alignment between the plans and the intent of the Development Permit Area. The development permit analysis is included as Attachment 'D'. The applicant also provided an analysis with their submission, which is included as Attachment 'E'.

The proposed development demonstrates a strong conformance with the development permit guidelines. The proposed development has been designed with the OCP policies in mind and is a project aimed at achieving the desired density for this area of the City, while being courteous to the surrounding neighbours. As such, staff recommend that Council approve the Development Permit, subject to adoption of the Zoning Amendment Bylaw and approval of the Development Variance Permit.

Alternate Recommendation

Council may consider that the development is not suitable for the neighbourhood, and that the variance requests are not reasonable. If this is the case, Council should deny the applications. Staff are not recommending this option, as the proposed development is well aligned with the OCP.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2021-18" and deny support for "DVP PL2021-8977" and "DP PL2021-8978".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Development Permit Analysis (staff)
Attachment E – Letter of Intent and DP Analysis (applicant)
Attachment F – Draft Development Variance Permit PL2021-8977
Attachment G – Draft Development Permit PL2021-8978
Attachment H – Zoning Amendment Bylaw No. 2021-18

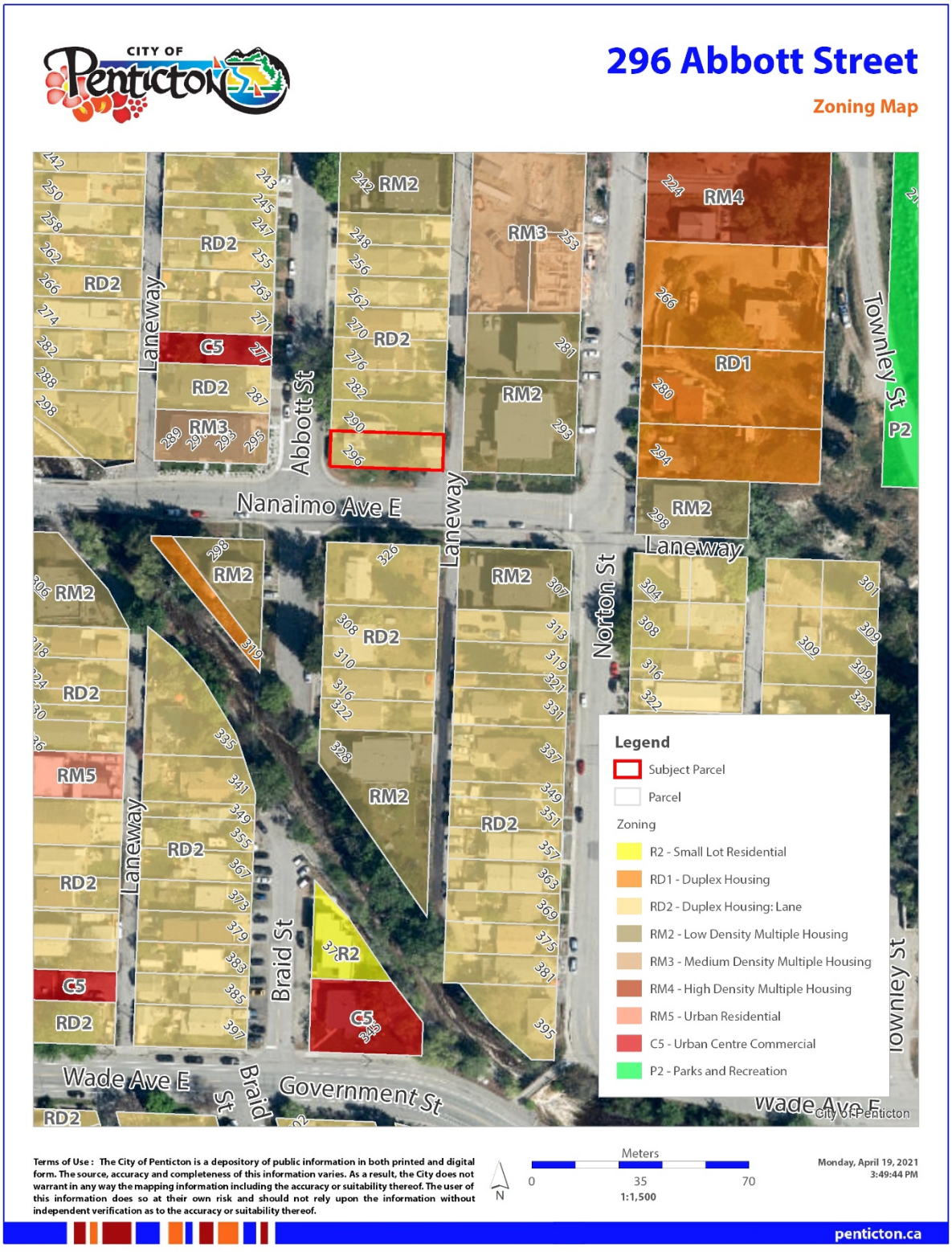
Respectfully submitted,

Nicole Capewell
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Zoning Map

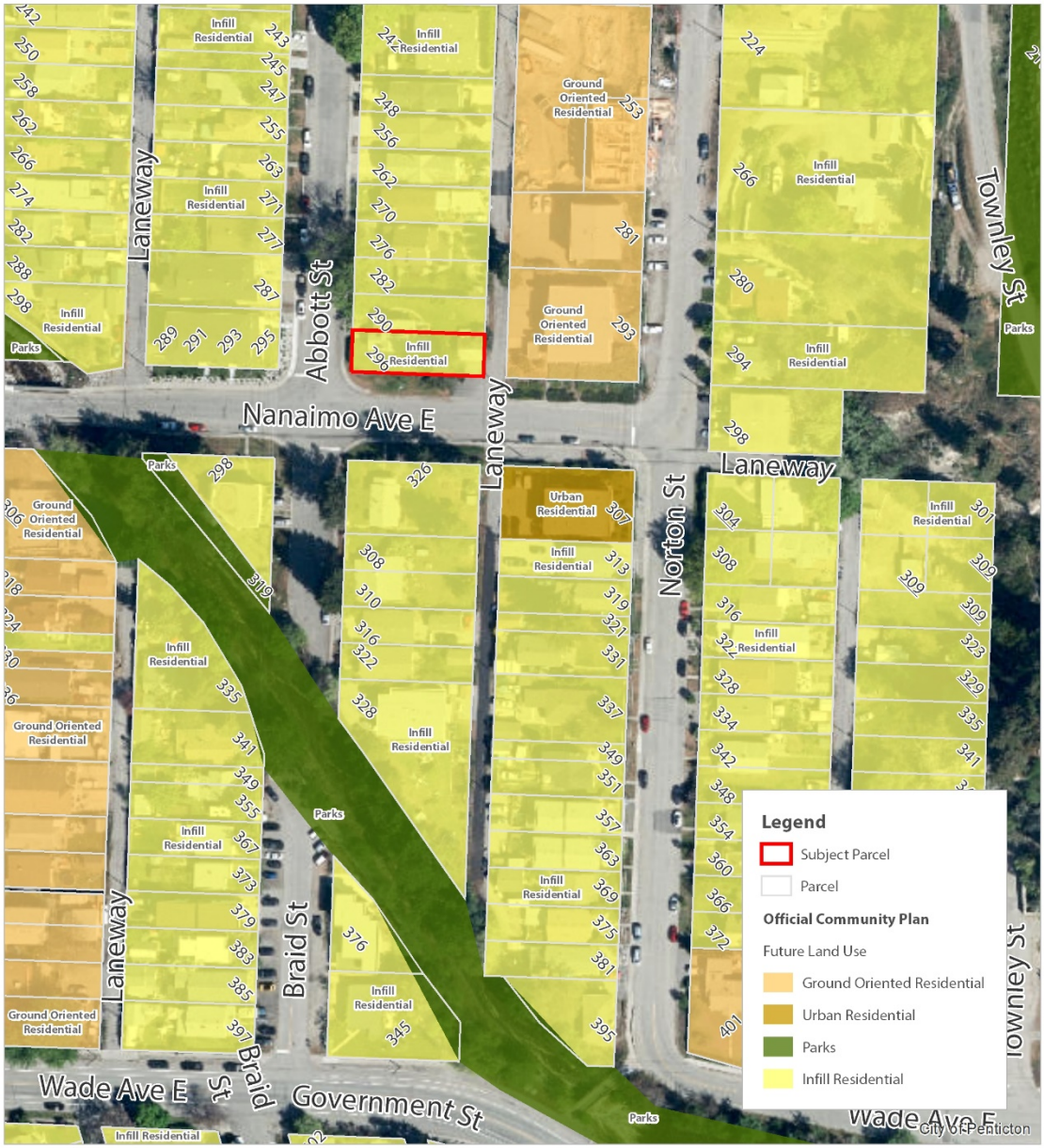


Attachment B – Official Community Plan Map

CITY OF Penticton

296 Abbott Street

Official Community Plan Map



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penticton.ca

Attachment C – Photos of Property

Looking east at subject property from Abbott Street

Looking east at boulevard area along Nanaimo Ave E

Looking west at boulevard area along Nanaimo Ave E for 295 Abbott Street. Variance approved in 2017 to reduce to 2.2m setback

Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

The proposed development is located within the Commercial/Mixed Use Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

Guideline G1 *Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*

- Site analysis was completed to review constraints on the property prior to development. The subject property has minimal constraints.
- The applicant considered the design for both properties at 290 and 296 Abbott Street when planning their development. This included anticipating a variance to the interior setback on the subject property, and wanting to maintain distancing between the structures. The two storey designs of each development are in keeping with building heights in the immediate area.

Guideline G5 *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*

- The front yard setback proposed is at the minimum required along Abbott Street.
- The variance request to reduce the exterior side yard setback along Nanaimo Ave E would help to achieve this design guideline, by creating a stronger connection between the public and private realms.
- The plans include minor projections from the building, allowed through the Zoning Bylaw to create visual interest and variation in the building.

Guideline G13 *Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*

- The proposed entrances will be within ~0.6 m (2 ft.) from the grade of the public right of way along the streets.

Guideline G16 *Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space…*

- Pedestrian connections have been designed to connect the parking areas, main entrances, garbage and recycling areas and both street frontages.

Guideline G21 *Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*

- The development has utilized the corner lot and created main entrances on both of the streets.

Attachment E – Letter of Intent and DP Analysis (applicant)

SCHOENNEHOMES SH
210 Hastings ave, Penticton, BC, V2A 2v6
www.schoennehomes.com
Tel: 250-462-1250

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

Attn: Staff & Council

Re: Rezoning and Development Variance Permit
296 Abbott Street

With respect to the above noted property we are requesting a rezoning from the current RD2- Duplex Housing Lane to RM2- Low Density Multiple Housing to accommodate the construction of a triplex. The current OCP designation for this property is listed as Infill Residential which allows for 1-4 units and states "Triplexes" under building types.

As part of the development application we are requesting a relaxation of the interior side yard setback from 3.0m to 1.8m and the exterior side yard setback from 4.5m to 3.0m.

We also have a Development permit in place for the lot directly to the North (290 Abbott st) and to minimize the appearance of our requested 1.8m rear yard setback, we have given an interior side yard setback of 2.48m to our 290 Abbott build which creates a total of 4.28m (14 feet) between the buildings.

You will a notice that the south portion of this lot facing Nanaimo street has a very large city boulevard of over 5.0m which we feel will greatly minimize the impact of our 3.0m exterior side yard setback, as you can see from the proposed rendering.

It is our opinion that this build will have a positive impact on the area and that the design we have chosen will fit in well with the culture and style of the neighborhood.

Respectfully submitted,

Chris Schoenne

SCHOENNEHOMES SH
210 Hastings ave, Penticton, BC, V2A 2v6
www.schoennehomes.com
Tel: 250-462-1250

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

Attn: Staff & Council

Re: Development Permit Analysis
296 Abbott Street

G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

We are proposing a 3.0m front yard setback that is in line with many other properties in the area.

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

As this property is primarily flat and very close to street grade we anticipate there being no more than a 1.5 foot grade change from entry to sidewalk height

G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.

Our intention is to fence the property boundary with a 3.0' fence with horizontal and spaced slats providing a semi-transparent look.

G16. • Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4)

All of our proposed parking will be accessed from the rear lane

G20. Designs should respond to Penticton's setting and climate through use of: • passive solar strategies; • optimized placement of windows to maximize natural light; • energy-efficient building design; •

SCHOENNEHOMES SH
210 Hastings ave, Penticton, BC, V2A 2v6
www.schoennehomes.com
Tel: 250-462-1250

passive solar principles; • landscape design and plantings that provide cooling through shade in summer months; • selecting roof materials to minimize heat loading and increase reflectivity.; and, • strategies for cross-ventilation.

We work with an energy advisor to ensure we are maintaining a energy efficient building design, it is also our intention to make each one of these units "Solar Ready" for future solar connectivity.

G43. Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades;

As you will see we took this into consideration and addressed both Nanaimo and Abbott street in the design including windows and entrances on each.

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

Development Variance Permit

Permit Number: DVP PL2021-8977

Owner Name
Owner 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 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479

   Civic: 296 Abbott Street

   PID: 008-862-729

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 triplex, as shown in the plans attached in Schedule 'A':

   a. Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0 m to 1.8 m; and

   b. Section 10.8.2.8.i: to reduce the minimum exterior side yard from 4.5 m to 3.0 m.

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.

DRAFT

Authorized by City Council, the _____ day of _____, 2021.

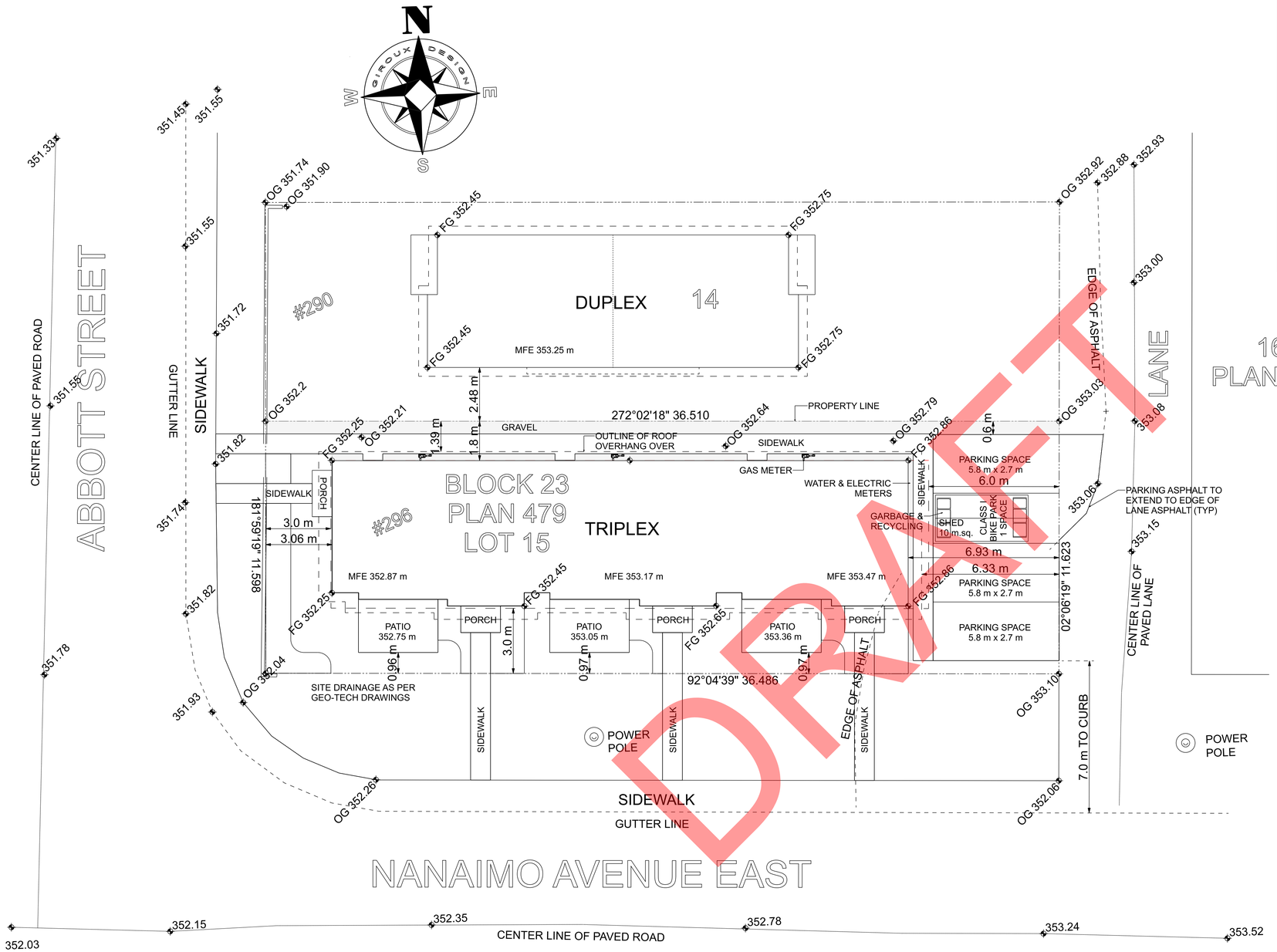
Issued this _____ day of _____, 2021.

_____

Angela Collison
Corporate Officer

DRAFT

LOT A: ZONING COMPLIANCE TABLE (CURRENT ZONING RD2-PROPOSED RM2)			
REGULATION	REQUIRED	PROVIDED ON PLANS	VARIANCE REQUIRED
LOT AREA	540 m2	423.72 m.sq.	N/A
MINIMUM LOT WIDTH	18.0 m	12.8 m	N/A
MAXIMUM LOT COVERAGE	40%	37.7% (159.55 m.sq.)	NO
MAXIMUM DENSITY	0.80 FAR	0.76 FAR (321.53 m2)	NO
MAXIMUM HEIGHT	12 m	7.85 m	NO
MINIMUM FRONT YARD (WEST)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (NORTH)	3.0 m	1.5 m	YES
MINIMUM EXTERIOR SIDE YARD (SOUTH)	4.5 m	3.0 m	YES
MINIMUM REAR YARD (EAST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	3	3	NO
BICYCLE PARKING (CLASS I/CLASS II	3/0	3/0	NO
AMENITY AREA (20 m2 PER UNIT)	60 m2	60 m2	NO



SITE PLAN

SCALE: 1:100
CIVIC ADDRESS: 296 ABBOTT STREET, PENTICTON, B.C.
LEGAL DESCRIPTION: SITE PLAN OF LOTS 15, BLOCK 23, DL 202, SDYD, PLAN 479
PID: 008-862-729

THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY.
UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

LAND SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE.

FIELD SURVEY COMPLETED THIS 13th DAY OF NOVEMBER, 2020.
ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM PENTICTON MONUMENT #84H0129

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS.
A FULL LEGAL SURVEY IS RECOMMENDED TO PROPERLY DEFINE BOUNDARIES.

MANDEVILLE LAND SURVEYING INC. FILE No. 20-226

DRAFT

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Site Plan

296 Abbott Street, Penticton, BC
DESIGN BY: AJG
DRAWN BY: AJG
DATE: 4/20/21
REVISED:

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Due to local codes, regulations and building practices and/or because of specific site conditions, these drawings may not be suitable or legal for use in the municipality in which the building is to be constructed. Giroux Design Group Inc. cannot be used as a guide for construction unless the builder has confirmed their suitability and legality for the specific municipality. Giroux Design Group Inc. is unable to accept any liability for the accuracy or overall integrity of these drawings in excess of their original purchase price. Additionally, Giroux Design Group Inc. is unable to accept any liability for the accuracy of dimensions and details in these drawings if they have been altered in any way from their original form. The builder is responsible for verifying all dimensions and details in these drawings and assume responsibility for the same.

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SHEET NO.
A1

www.girouxdesigngroup.com - www.westhomeplanners.com

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

Development Permit

Permit Number: DP PL2021-8978

Owner Name
Owner 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 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479

   Civic: 296 Abbott Street

   PID: 008-862-729

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a triplex 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 $_____ 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 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 4 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 (Landscape Inspection & Refund Request) 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 in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

DRAFT

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 _____, 2021.

Issued this _____ day of _____, 2021.

_____

Angela Collison
Corporate Officer

DRAFT

LOT A: ZONING COMPLIANCE TABLE (CURRENT ZONING RD2-PROPOSED RM2)			
REGULATION	REQUIRED	PROVIDED ON PLANS	VARIANCE REQUIRED
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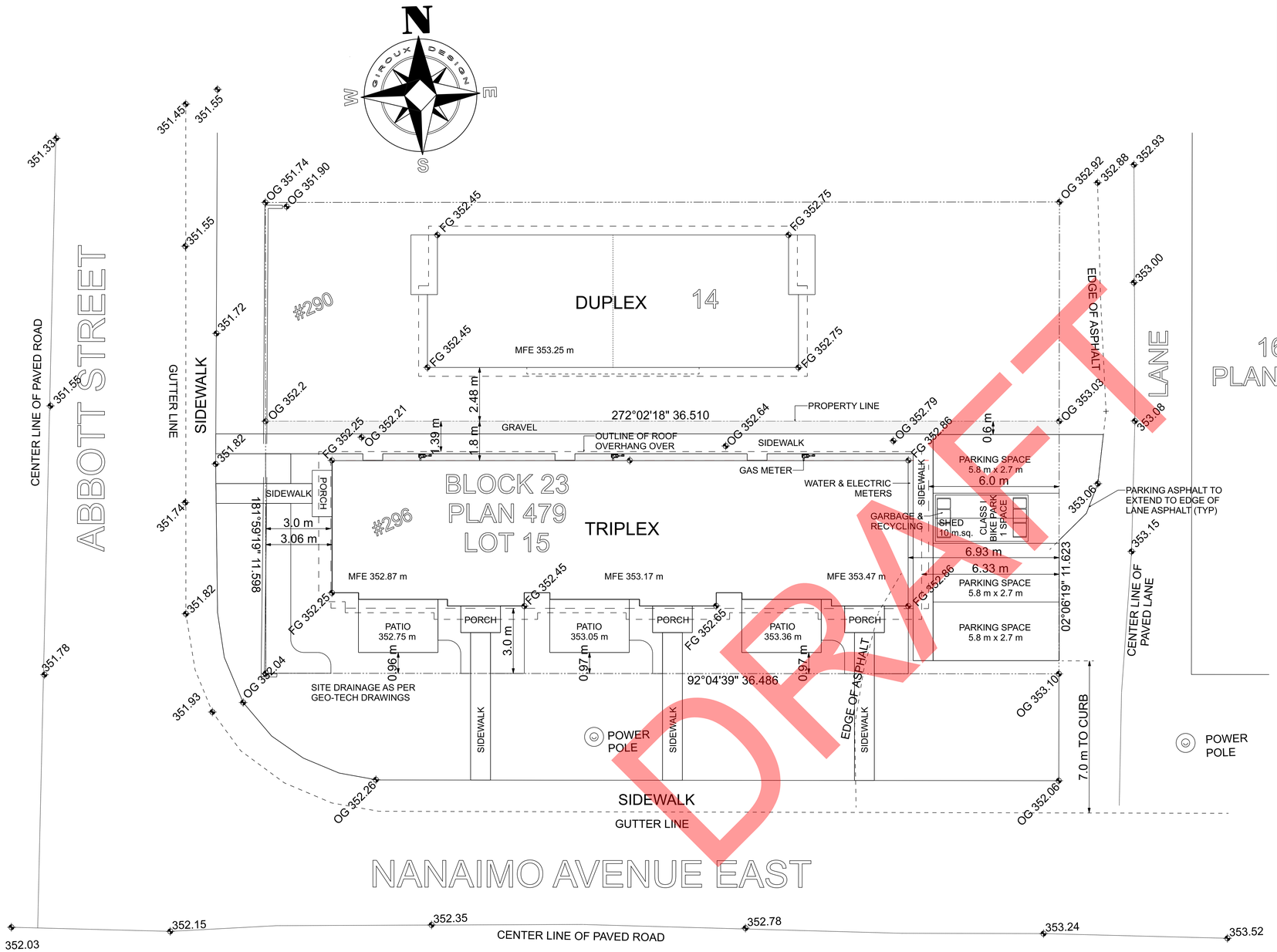
MAXIMUM LOT COVERAGE	40%	37.7% (159.55 m.sq.)	NO
MAXIMUM DENSITY	0.80 FAR	0.76 FAR (321.53 m2)	NO
MAXIMUM HEIGHT	12 m	7.85 m	NO
MINIMUM FRONT YARD (WEST)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (NORTH)	3.0 m	1.5 m	YES
MINIMUM EXTERIOR SIDE YARD (SOUTH)	4.5 m	3.0 m	YES
MINIMUM REAR YARD (EAST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	3	3	NO
BICYCLE PARKING (CLASS I/CLASS II	3/0	3/0	NO
AMENITY AREA (20 m2 PER UNIT)	60 m2	60 m2	NO



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SITE PLAN

SCALE: 1:100
CIVIC ADDRESS: 296 ABBOTT STREET, PENTICTON, B.C.
LEGAL DESCRIPTION: SITE PLAN OF LOTS 15, BLOCK 23, DL 202, SDYD, PLAN 479
PID: 008-862-729

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UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

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FIELD SURVEY COMPLETED THIS 13th DAY OF NOVEMBER, 2020.
ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM PENTICTON MONUMENT #84H0129

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS.
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MANDEVILLE LAND SURVEYING INC. FILE No. 20-226

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Site Plan

296 Abbott Street, Penticton, BC
DESIGN BY: AJG
DRAWN BY: AJG
DATE: 4/20/21
REVISED:

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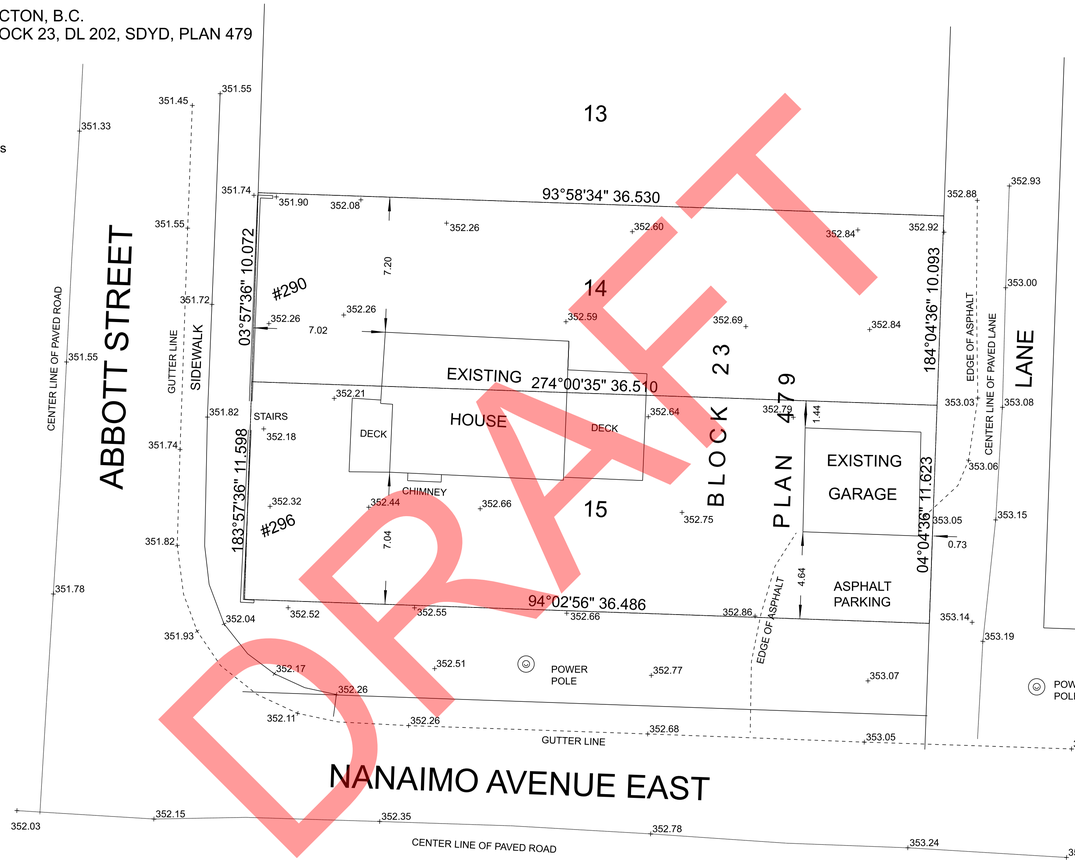
SITE PLAN OF LOTS 14 & 15, BLOCK 23, DL 202, SDYD, PLAN 479

CIVIC ADDRESS: 290 AND 296 ABBOTT STREET, PENTICTON, B.C.
LEGAL DESCRIPTION: SITE PLAN OF LOTS 14 & 15, BLOCK 23, DL 202, SDYD, PLAN 479
PID: 008-862-711, 008-862-729

SCALE 1:150

5 2.5 0 5 10 15 metres



LEGEND

353.42 SPOT ELEVATION

POWER POLE

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FIELD SURVEY COMPLETED THIS 13th DAY OF NOVEMBER, 2020.

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MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
582 MARTIN STREET, PENTICTON, B.C.
PH: 250-488-6377 WEB: MSURVEYING.COM

FILE: 20-226 DWG: 20-226

Surveyors Site Plan

296 Abbott Street, Penticton, BC

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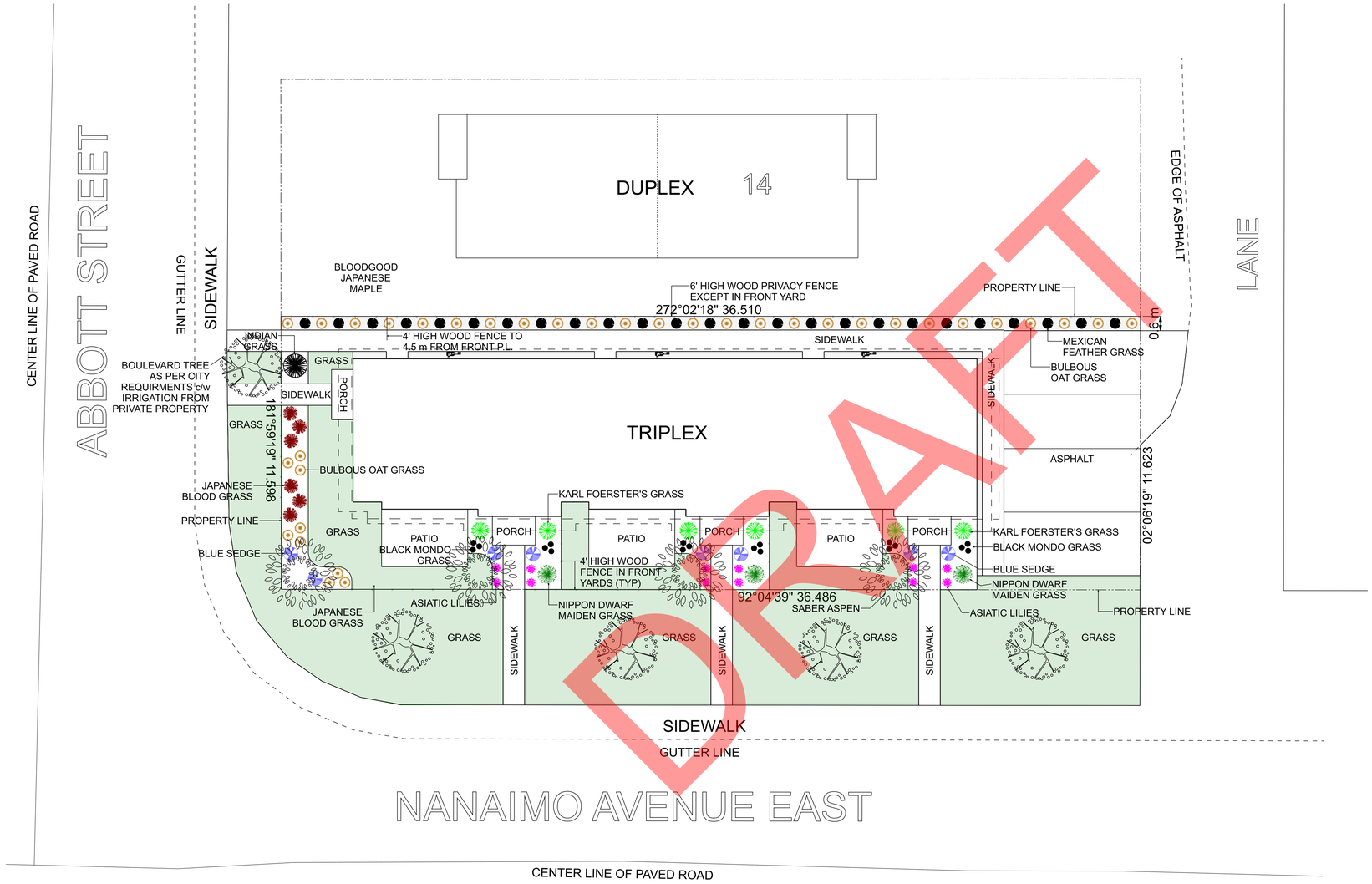

LANDSCAPE PLAN

SCALE: 1:100
CIVIC ADDRESS: 296 ABBOTT STREET, PENTICTON, B.C.
LEGAL DESCRIPTION: SITE PLAN OF LOTS 15, BLOCK 23, DL 202, SDYD, PLAN 479
PID: 008-862-729

LANDSCAPE SCHEDULE

Asiatic Lilies (Asiatic Hybrid Lilies) 12 qty.
Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens') 18 qty.
Blue Sedge (Carex Flacca) 8 qty.
Bulbous Oat Grass (Arrhenatherum bulbosum 'Variegatum') 35 qty.
Indian Grass (Sorgastrum nutans 'Indian Steel') 1 qty.
Japanese Blood Grass (Imperata cylindrica 'Red Baron') 6 qty.
Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster) 6 qty.
Mexican Feather Grass (Stipa tenuissima) 25 qty.
Nippon Dwarf Maiden Grass (Miscanthus sinensis 'Nippon') 3 qty.

TREES:
Saber Aspen (Populous qrandidetata 'Sabe') 4 qty.

GARBAGE DISPOSAL:
Garbage & Recycling Containers 3 sets

GROUND COVER/HARD SURFACES:
Property Area (4,561 sq.ft.)
Asphalt (1454 sq.ft.)
Grass (2568 sq.ft.)
Planting Beds-Bark Mulch (314 sq.ft.)
River Rock-2" Rainbow (333 sq.ft.)
Landscape Fabric (647 sq.ft.)
Sidewalks/Patios (1,053 sq.ft.)

FENCING:
4' High Wood Fence (205 lin.ft.)
6' High 'Good Neighbour' Privacy Fence (138 lin.ft.)

LANDSCAPE NOTES:

SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS

ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m

NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION

NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA

LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.

LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)

DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

296 Abbott Street, Penticton, BC

DESIGN BY: AJG | DATE: 4/20/21
DRAWN BY: AJG | REVISED:

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Landscape Plan

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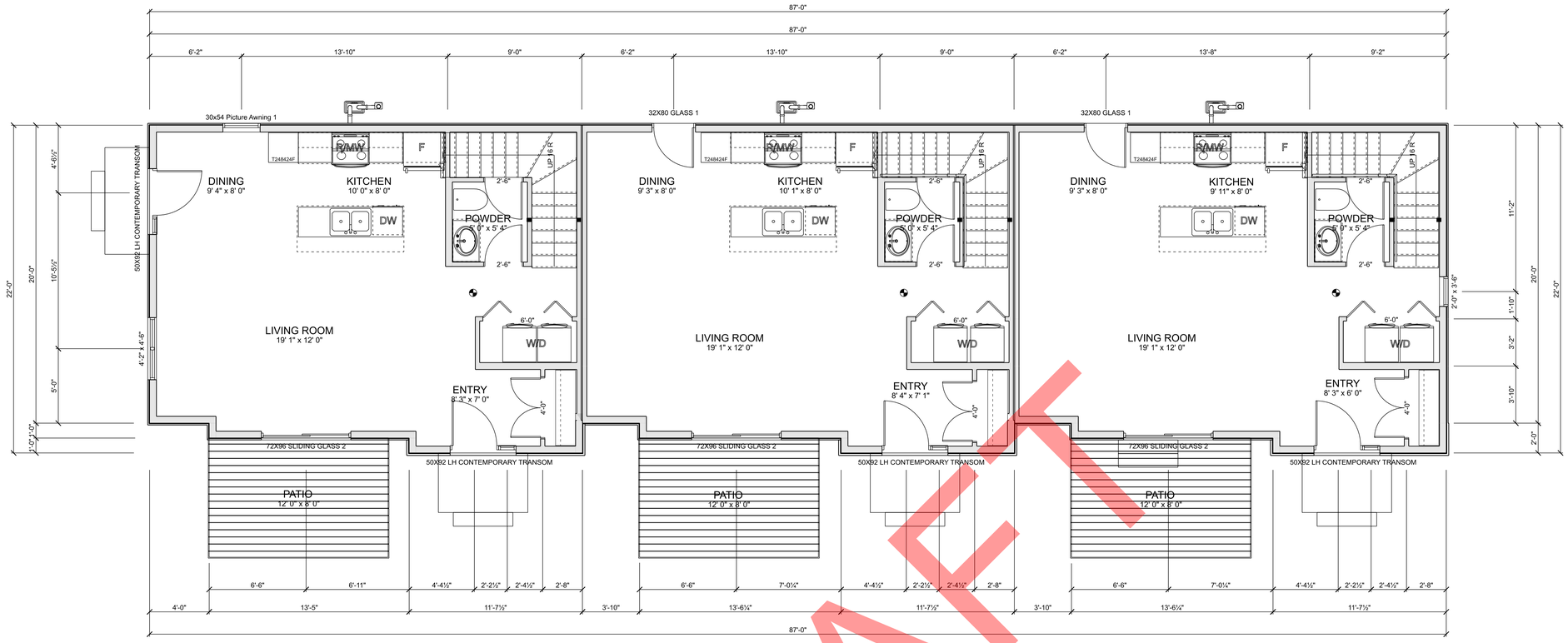
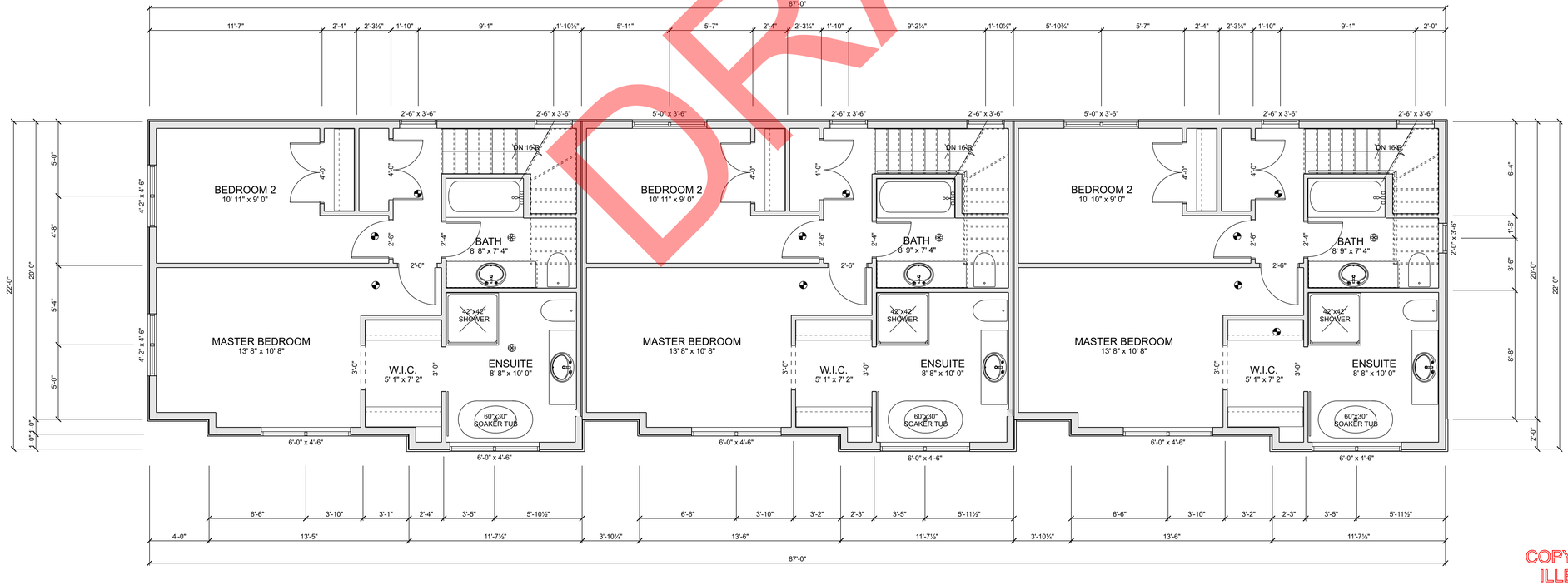


MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"
MAIN FLOOR LIVING AREA: 1717.4 sq ft.



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"
SECOND FLOOR LIVING AREA: 1743.6 sq ft.

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Floor Plans

296 Abbott Street, Penticton, BC

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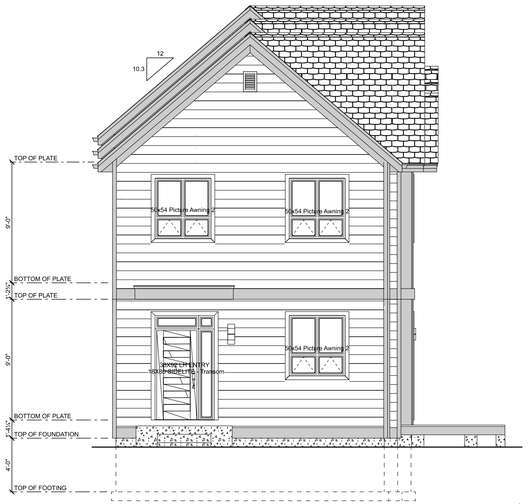
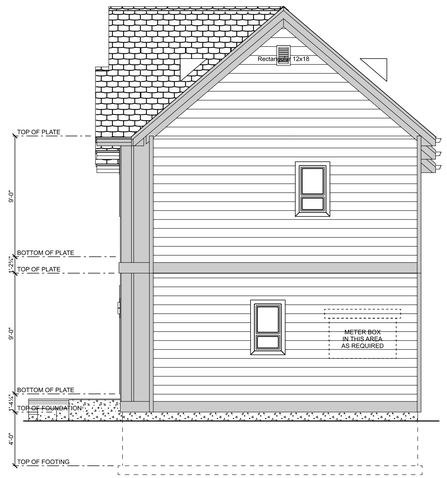


WEST FACING ELEVATION (FACING ABBOTT ST.)

SCALE: 3/16" = 1'-0"

SOUTH FACING ELEVATION (FACING NANAIMO AVE. E)

SCALE: 3/16" = 1'-0"



EAST FACING ELEVATION (FACING LANE)

SCALE: 3/16" = 1'-0"

NORTH FACING ELEVATION

SCALE: 3/16" = 1'-0"

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Exterior Elevations

296 Abbott Street, Penticton, BC

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WEST ELEVATION
SCALE: 3/16" = 1'-0"

SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

EAST ELEVATION
SCALE: 3/16" = 1'-0"

NORTH ELEVATION
SCALE: 3/16" = 1'-0"

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Exterior Colour Elevations

296 Abbott Street, Penticton, BC

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The Corporation of the City of Penticton

Bylaw No. 2021-18

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. 2021-18".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott 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	day of	, 2021
A PUBLIC HEARING was held this	day of	, 2021
READ A SECOND time this	day of	, 2021
READ A THIRD time this	day of	, 2021
ADOPTED this	day of	, 2021

Notice of intention to proceed with this bylaw was published on the __ day of _____, 2021 and the __ day of _____, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone 296 Abbott Street

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

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-18

Date: _____ **Corporate Officer:** _____

Council Report

penticton.ca

Date: May 18, 2021 File No: RMS/Bylaws
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II

Subject: **Zoning Bylaw No. 2021-01**

Staff Recommendation

THAT Council give first reading to "Zoning Bylaw No. 2021-01", a bylaw intended to repeal and replace "Zoning Bylaw No. 2017-08";

AND THAT Council forward the bylaw to the May 31, 2021 Public Hearing.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Summary

A review of the Zoning Bylaw was initiated in 2020, after the adoption of the 2019 Official Community Plan (OCP). The OCP noted that a review of the Zoning Bylaw should occur within 1-2 years as part of the implementation of the OCP. The scope of the review was to ensure the Bylaw was meeting the development needs of the building community, protecting community interest and was generally aligned with the new OCP.

Since adoption of the current Zoning Bylaw in March 2017, a significant amount of development has occurred within the City, with 894 residential and commercial Building Permits being issued (Figure 1). Through the review and processing of those applications, staff monitored and tracked components of the bylaw that created concern or confusion for the building community. That process has informed many of the proposed changes. While the goal of the review was not to significantly change large components of the bylaw, several changes have been made to the bylaw, with the intent of making the bylaw easier to use and to be more reflective of our current development environment, while still maintain the regulatory limits that protect the community from overzealous development.

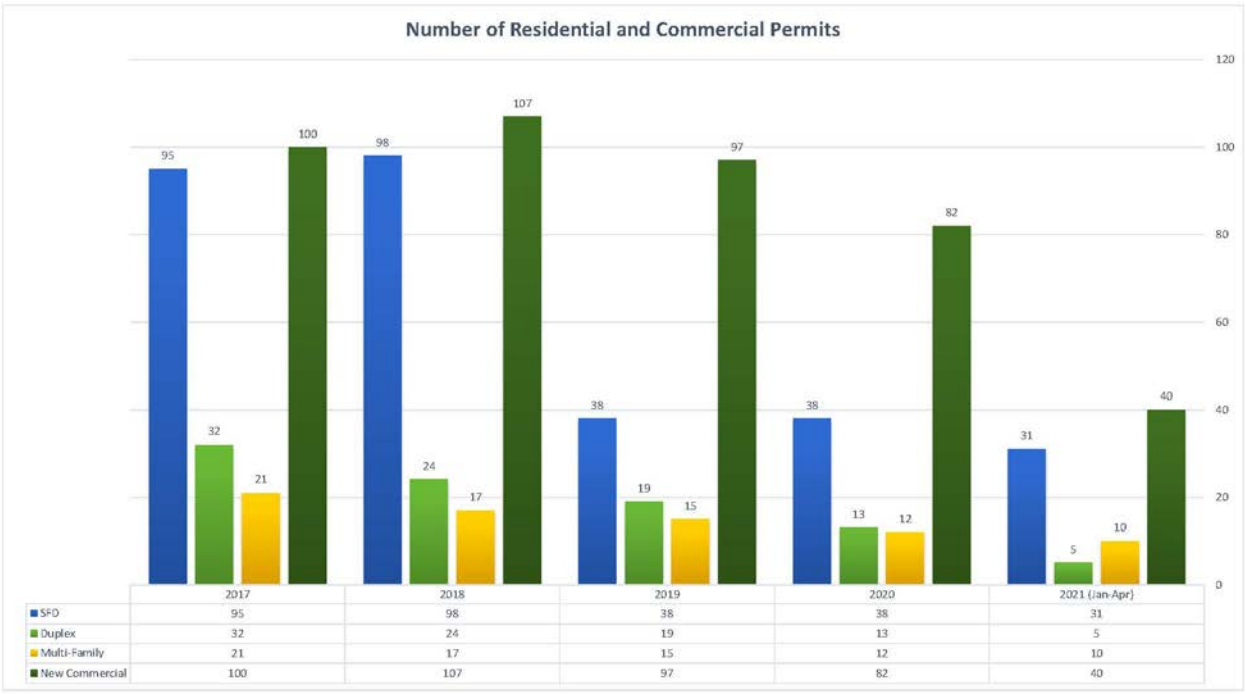

Figure 1 - Building Permits 2017 - current

Background

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

The current City of Penticton Zoning Bylaw No. 2017-08 came into effect in March 2017, replacing Zoning Bylaw No. 2011-23. Since adoption of the Bylaw, staff have marked areas that caused confusion or concern; there are often components of a Bylaw that appear to work in policy, but do not always function in practice. In addition, since adoption of the bylaw a number of development variance permit applications have been made and supported by Council.

It is good practice to review bylaws on a semi-regular basis to keep them current and effective. The amendments being proposed include items such as new definitions, amendments to existing definitions, minor amendments and major amendments.

The City's 2019 Official Community Plan (OCP) includes a section for 'Master Plans and Bylaws to Update' within the implementation of the OCP. A number of plans, strategies and bylaws are identified to be reviewed, and if necessary, adjusted or renewed, to be brought into alignment with the vision and goals of the OCP. The Zoning Bylaw was identified as a Short Term priority, to be completed within 1-2 years of the OCP's adoption. The revised bylaw meets several policies of the OCP, which are reviewed within the Analysis section of this report.

What is a Zoning Bylaw?

Zoning bylaws regulate how land, buildings and other structures may be used. Zoning bylaws divide the whole or part of the City into zones, name each zone and establish the boundaries of those zones.

The power to regulate through a zoning bylaw also includes the power for local governments to prohibit any use or uses in a zone.

The following may be regulated within a zone:

1. Use and density of land, buildings and other structures,
2. Siting, size and dimensions of buildings and other structures and permitted uses,
3. Location of uses on the land and within buildings and other structures,
4. Shape, dimensions and area of all parcels of land created by subdivision (this can include establishing minimum and maximum parcel sizes).

What happens when development does not fit the regulations of the Zoning Bylaw?

There are two ways that a development may conflict with development regulations within the City's bylaws and separate processes for remedy:

	Types of Conflict	Remedy
1.	Use or density provisions set out in the zoning bylaw are not met	Requires amendment to the zoning bylaw. May need OCP amendment if policy change is not supported by OCP land use designation.
2.	Any other regulation not met in zoning bylaw or other development bylaw (i.e. sign, subdivision and development)	Requires a variance of the bylaw.

Technical Review

The proposed changes to the Zoning Bylaw were led by the Planning Department with the collaboration of the Development Services Division, including Business Licensing, Building and Development Engineering, as the Zoning Bylaw has regulations that affect all of these departments. A summary of the proposed changes was presented and discussed with the Technical Planning Committee, which is a team of staff members from various City departments involved with development applications. No significant issues arose through this process.

Consultation

In late 2020, staff prepared a summary of the proposed changes to the Zoning Bylaw, and presented them to the Economic Prosperity and Development Services Advisory Committee. The committee at that meeting passed the following resolution:

4.3 Zoning Amendments – Nicole Capewell, Planner II

The representative from the Planning Department provided Committee members with a presentation to update City bylaws from those defined in 2017 to more current zoning needs. Amendments suggested include definitions, text changes, interpretation concerns, references, redundancies, new regulations to fill gaps, retaining walls, vacation rental parking, multifamily zones (cluster housing and single detached houses) and agricultural zones (accessory buildings for residential purposes).

Following questions regarding the proposed amendments Committee members were prompted to send any further queries and comments to Nicole Capewell, Planner II.

It was MOVED and SECONDED
THAT the Economic Prosperity and Development Services Advisory Committee supports the proposed Zoning Bylaw Amendments.

CARRIED UNANIMOUSLY

Staff also presented to the Agriculture Advisory Committee a proposal for large amendments to the agricultural zone; however, since the presentation, the scale of the changes has been significantly reduced after consultation with neighbouring communities. Staff intend to review agricultural zones further in the future, with engagement from the Agriculture Advisory Committee, likely through the review of the Agriculture Plan, which is identified as a Medium Term project within the OCP Implementation section. At this time, the changes to the agriculture zone are limited to a maximum size for residential accessory structures.

In addition to the Council Committees that staff consulted with, staff are aware that the development community are frequent users of the Zoning Bylaw, and that the proposed changes could affect their future applications for development within the City. As such, staff communicated with their group of professionals by directly sending a summary of the proposed changes for their comment and feedback. Further individuals who frequently use the Zoning Bylaw were contacted directly for one-on-one conversations about the impacts of the proposed changes. This consultation helped to determine and adjust certain components of the proposed changes to ensure they would be practical to use.

Instream Applications

The new bylaw is intended to take effect upon adoption. There is a provision in the bylaw that allows approvals of in stream applications to be considered under the previous bylaw for a year. In stream zoning amendment applications will need to be amended reflecting the new zoning bylaw at the time of zoning adoption. These will be dealt with on a file-by-file basis. Staff estimate this would apply to 14 applications.

Proposal

What are the major changes proposed under the new bylaw?

Staff have identified the following items as 'Major Amendments' to the Zoning Bylaw:

1. Retaining walls – introducing a maximum height for retaining walls when located outside of required yards.

Currently, the Zoning Bylaw sets the maximum height of a retaining wall of 1.2m when located within a required setback. However, there are no specific regulations for maximum height when a retaining wall is located outside of a setback. In recent years, retaining walls have become more frequent and staff have been utilizing the maximum height for accessory buildings or structures when reviewing retaining walls, which most residential zones permit heights up to 4.5m. Based on significant public feedback on this topic, staff had identified the need to review this item further, as the accessory building or structure maximum heights were not intended to be used for retaining walls and the maximum 4.5m height is much higher than comparable jurisdictions allow.

Staff are proposing retaining wall regulations similar to that of Kelowna and Vernon, which limit the height of retaining walls throughout the entire property, but allow for increases when retaining walls are required through subdivision. Ideally, grading plans would be developed and reviewed at the time of subdivision, where retaining wall locations and heights would be identified. The new regulations would allow staff to use the subdivision process to allow for increases in retaining wall height, when reviewing the entire subdivision. The proposed change also allows properties that are lower than their neighbours, to install higher retaining walls as they would be the property most impacted.

Current	Regulation
Maximum height within a setback	1.2m
Maximum height outside a setback	Follows height of accessory structures in zone (often 4.5m in residential areas)
Proposed	Regulation
Maximum height within a setback	1.2m
Maximum height outside a setback	2.4m
Allowances for up to 2.4m in height when natural grade of property is lower than that of the abutting.	
Allowances for higher retaining walls when approved through a subdivision.	

2. Vacation Rental Parking – introducing a parking requirement for high occupancy vacation rentals.

Online platforms like Airbnb and VRBO have led to the operation of many short term rentals across Canada and around the world. As Penticton is a desirable location for tourists and the travelling public to visit, our community has experienced an increase in business licenses for short-term vacation rentals. In 2016, the City had issued 70 licenses for short-term rentals. Today, there are 264 licenses; Feedback from neighbours of vacation rentals has shown that parking has increasingly become a concern for rental units within established neighbourhoods. The proposed changes would introduce parking requirements for a specific category of vacation rentals: major high occupant vacation rentals, which accommodate more than six (6) people. Currently, parking is calculated based on building type. For example, a single-family dwelling requires two parking spaces. A vacation rental within a single-family dwelling that allowed more than six people would only require two parking spaces. The proposed regulation would take into account the number of bedrooms being licensed, which would more accurately account for the number of vehicles likely present for these rentals.

Proposed	Regulation
Major High Occupant Vacation Rentals that allow more than six people	1 per licensed bedroom, up to a maximum of 4 parking spaces

3. New Multifamily Zone – introducing a new zone: "RD4 – Low Density Cluster Housing" to allow for a maximum of four dwelling units on a property, and fill a gap between current zones.

   The City's 2019 Official Community Plan (OCP) has shifted the way that growth occurs in the City. Previously, the 2002 OCP identified urban villages, and looked to see higher towers and increased density in those 'core' areas. The 2019 OCP looks to spread density across the City, by encouraging gentler densification in areas that are readily serviced with existing infrastructure.

   Since adoption of the new OCP, residential house designers and architects have identified a gap in the existing zones in the Zoning Bylaw to meet the new OCP objectives. The difference between the RD (duplex) zones, and the RM2 (Low Density Multiple Housing) zone is substantial, and the RD4 zone was drafted in response to this gap. The RD4 zone provides similar density to the RM2 zone; however, it does not allow the larger building types permitted in RM2, such as apartment and townhouse units. The RD4 zone provides an opportunity for developers to be creative with different housing forms, while not exceeding 4 units on a property. The RD4 zone aligns well with the 'Infill Residential' designation in the new OCP. Developments proposed under the RD4 zone will be considered multifamily development and require development permit approval prior to construction. Development permits are to ensure that the proposed development is successfully integration into the existing neighbourhood and meets the objectives of the infill residential areas.

4. Maximum Size of Residential Accessory Structure in Agriculture and Country Residential Zones – introducing a maximum size for residential accessory structures to ensure agriculture remains the primary purpose of agriculture and limit oversizing accessory buildings on rural properties.

   In 2019, the Agricultural Land Commission (ALC) changed the legislation that applies to properties within the Agricultural Land Reserve (ALR). One of these changes was imposing a maximum floor area size of 500m^2 for principal residences, which includes attached carports or garages that exceed 42m^2. Since this change, several applications are exploiting a 'loophole' and detaching the proposed garages and carports from the main residence. The Zoning Bylaw currently has no limitations on the size of accessory buildings in these rural zones, aside from the 10% residential lot coverage regulation. The changes proposed introduce a maximum 200m^2 size for accessory structures that are used for residential purposes on properties zoned Agriculture and Country Residential. Structures that are to be used for farm uses would not be subject to the new regulation.

Current	Regulation
Maximum Lot Coverage for Residential Structures	10% *Example: a 1 hectare property (10,024 m^2) lot coverage would allow 1,002 m^2 (10,789 sq. ft.) of residential buildings*
Proposed	**Regulation**
Maximum combined building footprint of all residential accessory buildings	200m^2

What other changes are proposed under the new bylaw?

Other amendments proposed include adjustments to existing definitions, new definitions, minor amendments (text, interpretation, references, redundancies), and medium amendments (changes to existing regulations, new regulations to fill gaps). A summary of the amendments is included below:

Amending Definitions	
Accessory building or structure	Minor adjustment, no change to intent
Accessory use	Minor adjustment, no change to intent
Agricultural farm help dwelling	Minor adjustment, no change to intent
Agri-tourism accommodation	Minor adjustment, no change to intent
Amenity space **	Maintain current outdoor definition New definition for indoor amenity space, with maximum sizes in place
Building footprint	Minor adjustment, no change to intent
Cannabis production facility	Minor adjustment, no change to intent
Cantilevered balconies **	New definition, to assist with lot coverage calculation
Carriage house	Minor adjustment, no change to intent
Cooking equipment **	New definition, to assist with illegal dwelling units (i.e. secondary suites)
Craft brewery/distillery	Update definition to allow for other forms of alcohol production, and update for clarity the requirement for retail/restaurant component
Day care centre, major	Minor adjustment, no change to intent
Day care centre, minor	Minor adjustment, no change to intent
Dwelling unit	Update to reflect new definitions (cooking equipment, kitchen and wet bar)
Fence **	New definition, to clarify when fencing regulations are applied
Kitchen **	New definition, to clarify what is considered a kitchen and to assist with illegal dwelling units (i.e. secondary suites)
Lot Coverage	Updated based on proposals that showed flaws with definition
Wet bar **	New definition, to clarify the difference between a wet bar and a kitchen and to assist with illegal dwelling units (i.e. secondary suites)
Minor Amendments	
Projections table	Update to consider accessory structures
Refuse and recycling	Eliminate redundancies, no change to intent
Day care centre	Add day care centre, minor as a use permitted in all zones

	Day care centre, major is widely permitted, allow use in CT1
Agricultural Land Reserve (ALR) and Streamside Protection	Addition of section that properties within the Agricultural Land Reserve (ALR) or along a watercourse may be subject to additional legislation at the Provincial levels
Turf limitations	Remove section
Tree requirements and protection	Minor adjustment, no change to intent
Bicycle parking in lieu	Minor adjustment, no change to intent
Bicycle parking space dimensions	New
Development standards for bicycle parking	Clarify development standards for bicycle parking (i.e. hard surface)
Vehicle parking clearances	Update to align with Subdivision and Development Bylaw
Tandem parking	Amend when tandem parking may be used
Accessible parking spaces	Merged standards from Disabled Persons' Bylaw into parking section of Zoning Bylaw for convenience
Urban hens	Remove provisions that will be regulated through the Animal Control Bylaw. Ensure alignment between bylaws
Secondary suite size	Update after BC Building Code changes. Maintain intent that secondary suites shall remain 'secondary' in nature
Carriage house building footprint	Minor adjustment, no change to intent
Carriage house height	Add ability for two storey carriage houses on double fronting lots
Carriage house landscaping	Remove, landscaping is regulated through Development Permits
Carriage house access	Update for consistency and to reflect desired access standards by Fire Department
Maximum floor area of accessory buildings	Minor adjustment, no change to intent
Amend RM2 zone	Allow for reduced setback for buildings that don't exceed 2 storeys
RM5	Require flex units to provide parking
Mobile home parks (RSM)	Merged standards from 1992 Mobile Home Park Bylaw into the RSM zone
Hard surfacing	Introduce hard surfacing maximum for RM4
Add craft brewery/distillery to C5	These uses are currently not permitted in the zones listed, however upon review of the purpose of the zone and practice, staff consider these uses are appropriate in the zones they are proposed to be added to.
Add health service to C6	
Add bakery to C7	

The Zoning Bylaw amendments will not include any updates to Schedule A of the Bylaw, which is the Zoning Bylaw Map. No changes to zoning on existing properties are being proposed. While a new zone (RD4) is being introduced, there is no proposition to "pre-zone" any properties. If a property owner is interested in using the RD4 (or any other) zone, they will be required to apply for a zoning amendment for their property.

Analysis

Support

The purpose of the Zoning Bylaw review was to deliver an effective, user-friendly zoning bylaw that is easy to interpret and be used by staff, developers, the public and homeowners, and be one that meets the current and anticipated needs of our community.

The revised bylaw meets several policies of the OCP, including policy support for the identified major amendments:

1. Retaining walls
    a. The hillside development permit area, which is an area-specific development permit area (only properties included in Map 4 of the OCP are subject to), provides guidelines to be considered for new developments, which includes considerations of retaining walls:
        i. Keep retaining walls to a maximum of 4' high before stepping back to a distance of a minimum of 4', unless the retaining wall is integral to and integrated with the architecture of the home, in which case it may extend up to 8' (Hillside Guideline HS13).
2. Vacation Rental Parking (Major High Occupancy only)
    a. Monitor vacation rentals to ensure they do not have a negative impact on the long-term rental stock or negative social impacts on existing neighbours and/or neighbourhoods. Refine vacation rental policy and regulations if necessary (OCP Policy 4.1.2.10).
3. New Multifamily Zone
    a. The OCP identifies that a number of infill units are required to meet the housing needs between 2016 to 2046 (OCP pg. 37). In creating a zone that allows for development that complements the existing neighbourhood, and promotes gentle intensification, we can allow development to proceed, which is in line with the OCP vision for certain areas of the City.
    b. Continually improve the efficient processing of development applications (OCP Policy 4.1.2.6).
    c. Ensure a range of housing types, sizes, tenures and forms exist throughout the city to provide housing options for all ages, household types, and incomes (OCP Goal 4.1.3 Housing Diversity).
4. Maximum Size of Residential Accessory Structure in Agriculture and Country Residential Zones
    a. Agricultural lands are protected from non-agriculture development and are not intended to accommodate urban growth (OCP pg. 47)

All of the proposed changes are intended to make the Zoning Bylaw as easy to understand and efficient as possible. For the reasons listed above, staff recommend that Council give first reading to the bylaw and forward it to the May 31st, 2021 Public Hearing for comment from the public.

Alternate Recommendations

Deny/refer

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

1. THAT Council deny first reading of "Zoning Bylaw No. 2021-01".
2. THAT Council delay first reading of "Zoning Bylaw No. 2021-01" and direct staff to conduct further research on topics as directed by Council.

Attachments

Attachment A – Zoning Bylaw No. 2021-01

Respectfully submitted,

Nicole Capewell
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

The Corporation of the City of Penticton

Bylaw No. 2021-01

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. 2017-08;

AND WHEREAS this bylaw has been considered in conjunction with The City of Penticton Official Community Plan Bylaw No. 2019-08;

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. 2021-01".

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 Economic Prosperity and Development Services Advisory Committee and the Ministry of Transportation prior to adoption.

4. **Repeal:**

"City of Penticton Zoning Bylaw No. 2017-08", "City of Penticton Disabled Persons' Bylaw No. 1992-79" and "City of Penticton Mobile Home Parks Bylaw No. 1992-21" and the amendments thereto are hereby repealed upon the adoption of this Bylaw.

READ A FIRST time this	day of	,2021
A PUBLIC HEARING was held this	day of	,2021
READ A SECOND time this	day of	,2021
READ A THIRD time this	day of	,2021
RECEIVED the approval of the Ministry of Transportation on the	day of	,2021
ADOPTED this	day of	,2021

Notice of intention to proceed with this bylaw was published on the ___ of __, 2021 and the ___ day of ___, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*

this _____ day of _____, 2021

_____

for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer

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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 Officials, 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. 2021-01, 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 Officials 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 of this Bylaw 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 of this Bylaw.

2.2 Illustrations

2.2.1 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

2.3.1 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

2.5.1 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

2.6.1 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 principal ***building*** or ***structure***.

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***. An ***accessory use*** is permitted at the same time or after the permitted principal use is established on a parcel.

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 ***dwelling unit*** on an agricultural zoned property that is used to house necessary 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 dwellings***, ***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 *Assessment Act*, up to a maximum of 10 ***sleeping units***. Typical uses include but are not limited to ***farm*** inns and seasonal ***farm*** cabins.

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, INDOOR means a common area located within a building, which is developed for the recreational ***use*** of the residents. Typical ***uses*** include, but are not limited to, children's play area, games room, swimming pool, indoor gym or hobby room.

AMENITY SPACE, OUTDOOR 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.

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.

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***.

BARELAND STRATA LOT (see *LOT, BARELAND STRATA*)

BASEMENT means a ***storey*** or ***storeys*** of a ***building*** located below the ***first storey***, that is 1.8 m 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 1 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 2 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***.

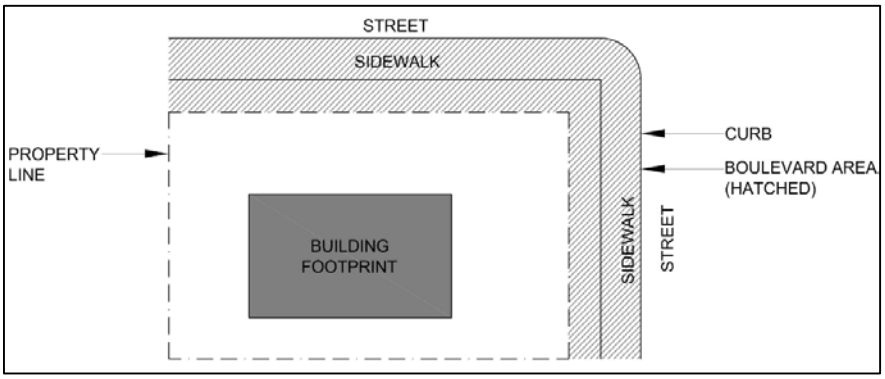

Figure 1 - Boulevard Definition

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 extending more than 0.6 m from the outside of the exterior wall, ***deck*** or ***balcony*** over 0.6 m in ***height***.

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

BUILDING GRADE (see ***GRADE, BUILDING***)

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.

CANNABIS PRODUCTION FACILITY means a federally licensed facility through the *Cannabis Act*, as amended from time to time, where cannabis products are grown, processed and packaged.

CANNABIS RETAIL STORE means a business selling cannabis products through a storefront with a cannabis retail store license issued from the BC Liquor and Cannabis Regulation Branch.

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***.

CANTILEVERED BALCONY means a ***balcony*** that protrudes from the face of the ***building*** without any visible supports other than the fixing to the face of the ***building***. The weight and imposed loads are supporting by cantilevering the structure off the wall.

CARRIAGE HOUSE means an ***accessory dwelling unit*** located on a residential ***lot***. 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 250 m^2 in ***gross floor area***. Typical ***uses*** include but are not limited to small food stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, printed matter, or the rental of videos. This ***use*** does not include the sale of alcoholic beverages.

COOKING EQUIPMENT means equipment, devices or appliances that can be utilized to prepare a meal and includes but is not limited to a gas or electric range or stove, countertop cooking unit, hot plate, wall oven, microwave oven, convection oven, toaster oven, electric frying pan, electric wok, pressure cooker, crock pot, cabinet for the storage of food or any other such culinary facility or any combination of such culinary facilities.

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

CORNER LOT (see ***LOT, CORNER***)

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

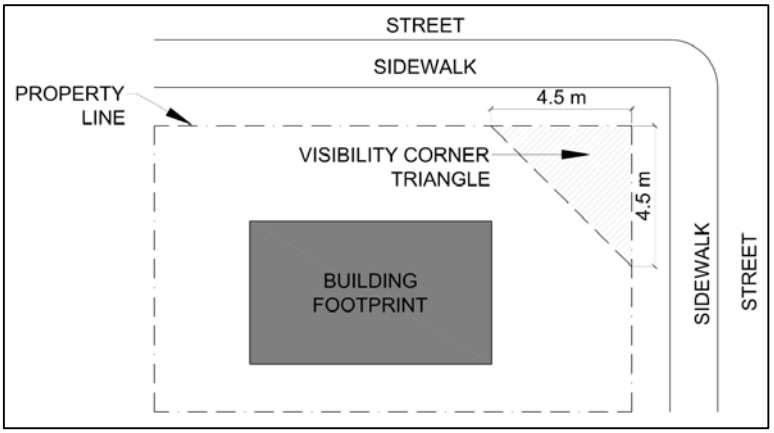

Figure 2 - Corner Visibility Triangle Definition

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

CRAFT BREWERY/DISTILLERY means a ***building*** used for production of alcoholic beverages including beer, ale, cider, wine or spirits, with a maximum ***gross floor area*** of 1,000 m^2. The use must also include a retail and/or restaurant component, of at least 25% of the total ***gross floor area*** of the ***craft brewery/distillery***.

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 eight (8) 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 not more than eight (8) 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 (FAR)***, 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 containing ***cooking equipment***, and which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a ***kitchen***. A ***dwelling unit*** may include a maximum of one (1) ***wet bar***, in addition to one (1) ***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.

FENCE means a ***structure*** used as an enclosure or for ***screening*** purposes, but excludes ***retaining walls***, gates, pergolas, and trellises.

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, CARRIAGE HOUSE (CHFA) means the total floor area in a ***carriage house***, measured from the outside face of the exterior wall. ***CHFA*** does not include ***decks***, ***balconies*** and covered ***patios*** or ***garages*** and other enclosed or open parking areas.

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 m 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:

.1 ***Garages***, other enclosed or open parking areas
.2 ***balconies***, ***decks*** and ***patios***
.3 Garbage or loading rooms
.4 Floor area devoted exclusively to mechanical or electrical equipment
.5 ***Basements***
.6 Lofts
.7 Stairwells and elevator shafts

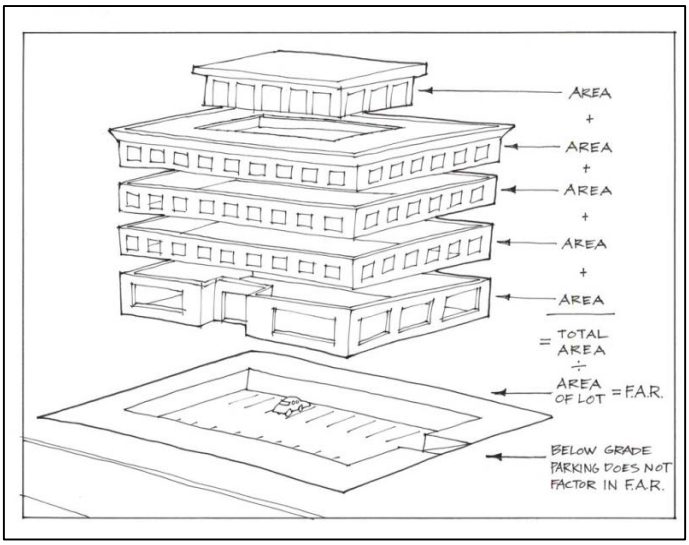

Figure 3 - Floor Area Ratio (FAR) Definition

FLOOR AREA RATIO (***FAR***) means the numerical value of the ***floor area, net (NFA)*** 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***)

FUNERAL SERVICE means premises used for the care and preparation of human remains for interment or cremation. The ***use funeral service*** may also include holding of bereavement rites and ceremonies and associated retail sales of funeral products as ***accessory uses***.

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 ***public 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.

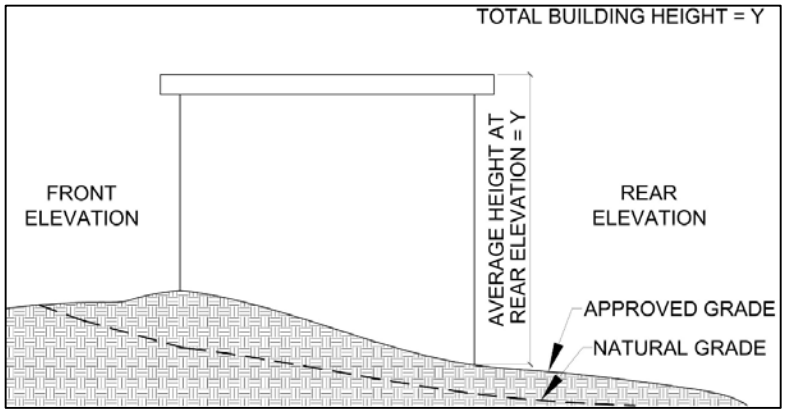

Figure 4 - Grade Definitions

GRADE, BUILDING means the lowest of the average levels of finished ground adjoining each exterior wall of a ***building***, excluding 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 ***floor area, net (NFA)*** of at least 929 m^2 (10,000 sq. ft.), 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 BC Liquor and Cannabis Regulation Branch (LCRB) or the sale of 100% BC wine, with a wine-on-the-shelf model, as licensed by the LCRB, 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.

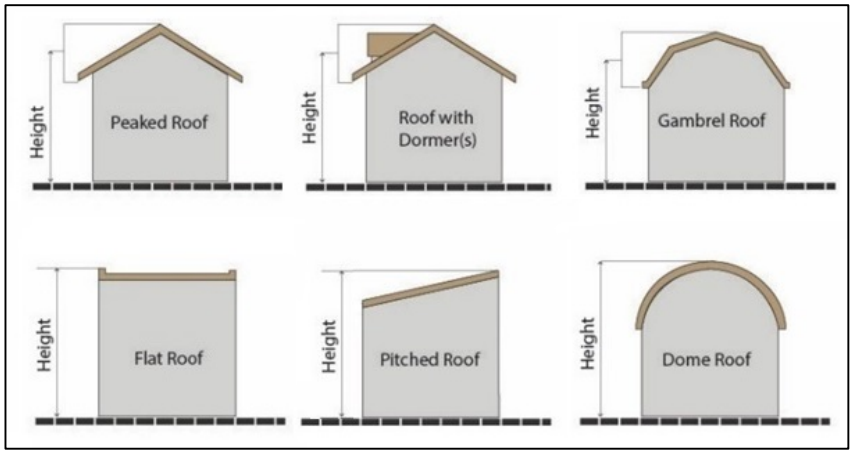

Figure 5 - Height Definition

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:

.1 a person;

.2 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

.3 a group of not more than five (5) 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 BC Liquor and Cannabis Regulation Branch (LCRB) 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 (10) animals at any given time.

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

.1 recycling used goods and materials,

.2 manufacturing or assembling of semi-finished or finished goods, products or equipment,

.3 preparation of printed and film materials,

.4 storing, cleaning, servicing, renting, repairing or testing of materials, goods and equipment normally associated with industrial, ***business*** or ***household use***,

.5 terminals for the storage or transhipping of materials, goods and equipment,

.6 the towing and compounding of ***vehicles*** (not including salvage) and storage of tow trucks,

.7 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

.8 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:

.1 the confinement of poultry, livestock or fur bearing animals, or

.2 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 ***cooking equipment***, 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 agricultural 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 walkways, ***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* of 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 with the BC Liquor and Cannabis Regulation Branch (LCRB).

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

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

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

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

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

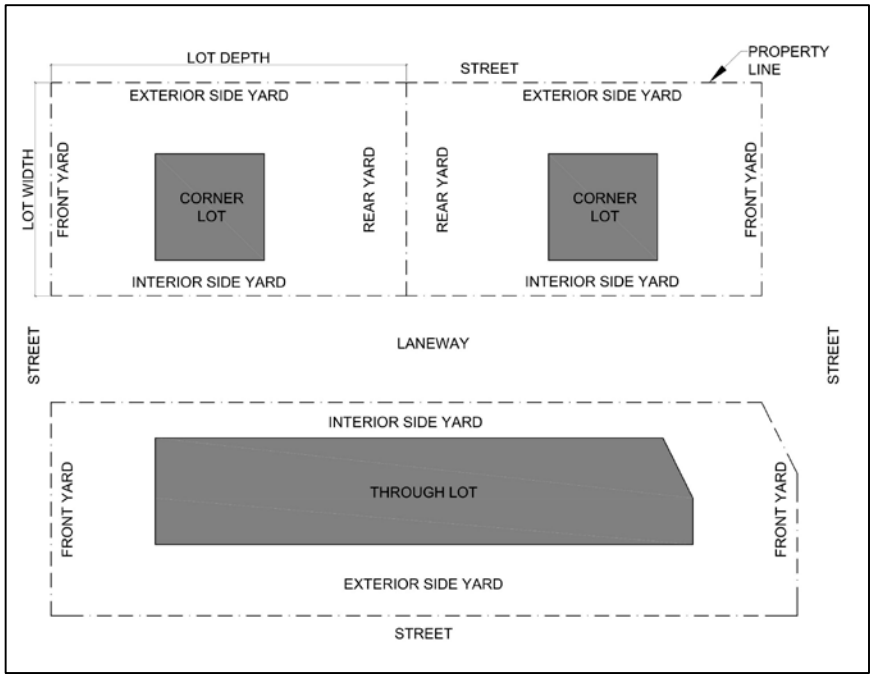

Figure 6 - Lot Definition

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 ***carports***; covered ***patios*** larger than 23 m^2; and ***decks*** over 0.6 m in height. ***Lot coverage*** excludes uncovered steps, cornices, porticos, pergolas, ***cantilevered balconies*** and similar projections permitted in accordance with Table 4.1 of this Bylaw.

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, 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 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 WIDTH means:

.1 where a ***lot*** has parallel ***side lot lines***, the distance between the ***side lot lines*** at the ***front yard setback*** line;

.2 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***;

.3 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.

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 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.

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 SPACE means an area of land for the installation of one (1) ***mobile home*** situated within a ***mobile home park***.

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

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

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 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. ***Accessory uses*** 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 and Cannabis Regulation Branch (LCRB).

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***.

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.

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***, laundromats or body rub business.

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 LOT, 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***.

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***:

.1 in which every unit is occupied as a residential ***dwelling unit***,

.2 for the temporary accommodation of the travelling public under a rental pool scheme operated by a strata corporation, or

.3 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***.

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 building***.

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

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

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

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

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

SIDE YARD (see ***YARD, SIDE***)

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

SLEEPING UNIT means a habitable room not equipped with a ***kitchen***, 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 1.8 m or greater.

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

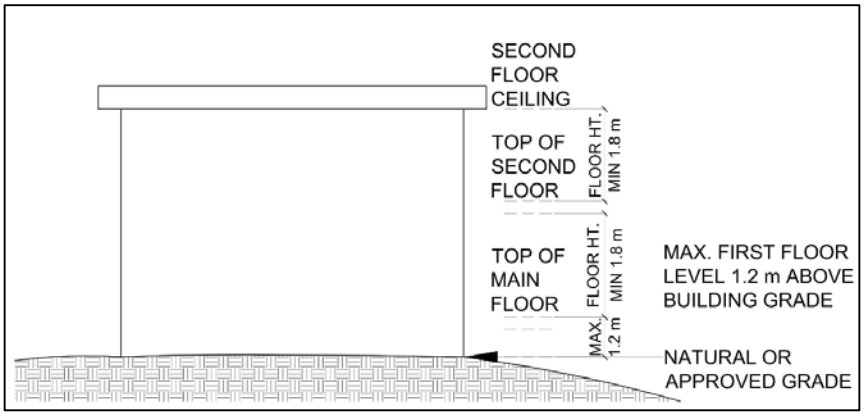

Figure 7 - Storey Definition

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 the vacationing public for a period of one (1) month or less. Rentals of a ***dwelling unit*** for less than 14 days in a calendar year are not considered vacation rentals.

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.

WET BAR means a small facility that is used exclusively to prepare beverages and other items that do not require cooking. Exhaust fans, 220-volt wiring, natural gas rough in and permanent cooking facilities of any type are not permitted. The provision of wet bars in no way permits an additional ***dwelling unit*** to be established.

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 BC Liquor and Cannabis Regulation Branch (LCRB). 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, EXTERIOR SIDE means a ***side yard*** immediately adjoining a ***street***.

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***.

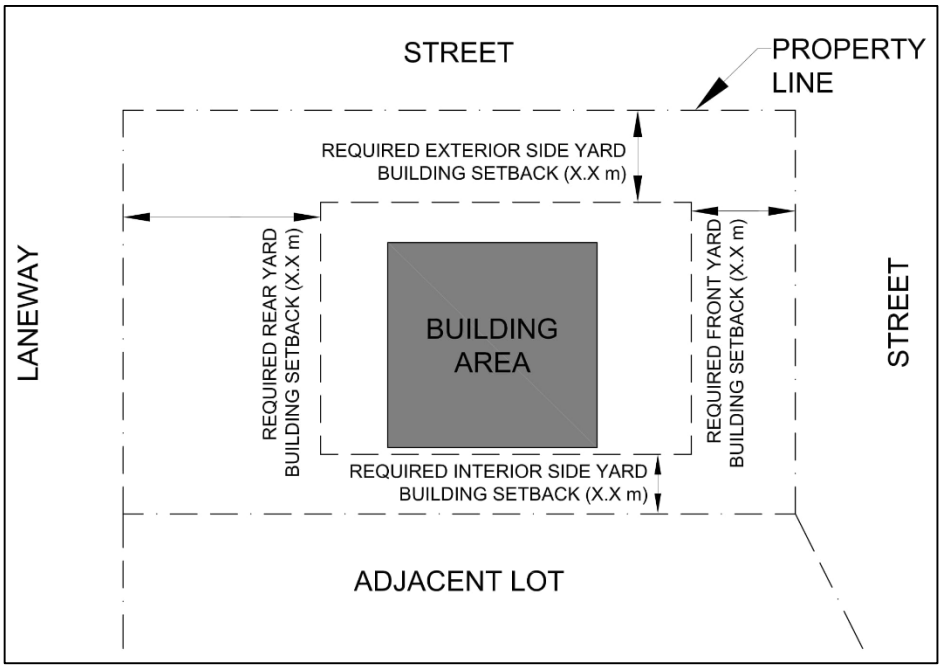

Figure 8 - Yard Definitions

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*** or structure shall not be used as a ***dwelling unit***, unless permitted in accordance with Section 8.2 of this Bylaw.

4.2.2 Notwithstanding any ***yard*** requirements of this bylaw, any ***accessory building*** or ***structure*** with a ***building footprint*** of 10.0 m^2 or less, may be erected anywhere on a ***lot***, provided that it is situated behind the front face of the ***principal building***.

4.2.3 The following are permitted anywhere on a ***lot***:

.1 ***fences***, in accordance with Section 5.4 of this Bylaw,

.2 ***retaining walls***, in accordance Section 5.4 of this Bylaw,

.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 6.0 m.

4.2.6 Where a driveway gate exceeds 1.2 m in height, the minimum required distance from the driveway gate to the back of the curb or sidewalk shall be 6.0 m.

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 of this Bylaw, the ***corner visbility triangle*** may be reduced to the area created by the actual ***setback*** of the ***building*** or ***structure***.

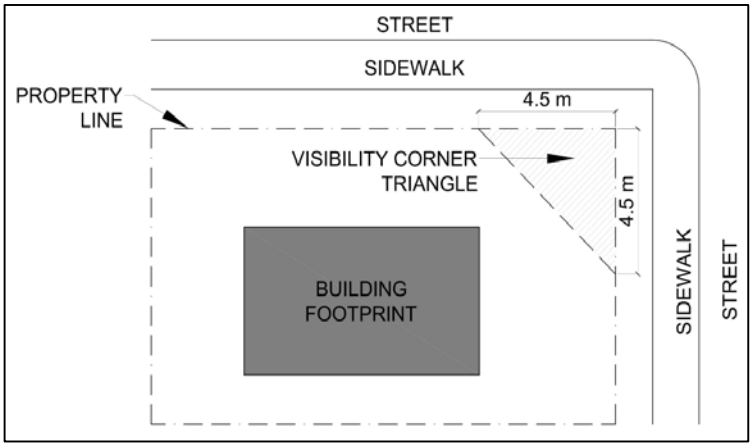

Figure 9 - Corner Visibility Triangle Diagram

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 of this Bylaw, 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 ***City*** of 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:

.1 A road dedication, required by the ***City***, where the dedication:

.a reduces the area or ***width*** of the ***lot*** to less than the required minimum ***lot area***, or

.b reduces the area or ***width*** of an existing undersized ***lot***.

4.7 Swimming Pools and Hot Tubs

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

4.7.1 Swimming pools and hot tubs shall not be located in a required ***front yard***.

4.7.2 Above ground swimming pools and hot tubs shall meet the siting requirements of ***accessory buildings***.

4.7.3 At grade swimming pools shall be located at a minimum of 1.0 m from ***side*** and ***rear property lines*** and 3.0 m from any ***street***.

4.8 Temporary Uses and Buildings

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

4.8.1 Fabric Covered Metal Frame Buildings

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

4.8.2 Tents, Recreational Vehicles and Similar Structures

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

4.8.3 Outdoor Temporary Uses

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

4.8.4 Metal Storage Containers

Notwithstanding Section 4.8.2 of this Bylaw, ***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 of this Bylaw, 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 Sections 4.8.4.2 to 4.8.4.7 of this Bylaw, 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 – Permitted Projections

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 yard*** 1.5 m ***exterior yard*** 3.0 m ***rear yard*** *except ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0.6m in any ***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 yard*** 1.5 m ***exterior yard*** 3.0 m ***rear yard*** *except ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0.6m in any ***yard***
Fire escapes, open stairways, landings, steps, ramps and patios	1.5 m ***front yard*** 1.5 m ***exterior yard*** 3.0 m ***rear yard*** If features is less than 0.6 m from grade then not subject to regulations

	*except ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0.6m in any ***yard*** Wheelchair ramps have no limit
Covered or uncovered ***balcony***, porch, ***deck***, platform and veranda	1.5 m ***front yard*** 1.5 m ***exterior yard*** 3.0 m ***rear yard*** *except ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0.6m in any ***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 housing*** 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, recycling bins, utility kiosks, and containers 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 ***Screening*** required in Section 4.10 of this Bylaw shall consist of ***landscaping*** and/or ***fencing*** that is 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***, and

.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 Bylaw.

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 1.2 m in ***height***, shall be required.

4.12 Uses Permitted in All Zones

4.12.1 The following uses shall be a permitted use in all zones:

.1 ***Public parks*** shall be a permitted use in all zones

.2 ***Utility services*** shall be a permitted use in all zones.

.3 ***Urban agriculture*** shall be permitted in all zones.

.4 Cultural exhibits shall be permitted in all zones.

.5 ***Day care centre, minor*** shall be permitted in all zones.

4.13 Agricultural Land Reserve

4.13.1 Notwithstanding any other provisions of this Bylaw, all lands within the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the Regulation), as amended from time to time, and any Orders of the Agricultural Land Commission (ALC). The ALCA and Regulations generally prohibit or restrict non-farm ***use*** and subdivision of ALR lands, unless permitted or exempted.

4.14 Streamside Protection

4.14.1 Development must not occur within 30.0 m of a ***watercourse*** boundary or a distance determined by a Qualified Environmental Professional (QEP), whichever is greater, in accordance with the *Riparian Area Protection Act*, *Riparian Area Protection Regulation*, and the Development Permit Area requirements identified within the ***City*** of Penticton's Official Community Plan Bylaw, as amended from time to time.

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 Chapter 5 of this Bylaw, 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***, ***multiple housing*** and commercial ***zoned*** properties are required to be appropriately irrigated, with a fully automated, underground irrigation system.

5.1.5 Irrigation systems may encroach onto ***City*** owned ***boulevard areas***.

5.1.6 In cases where a property is to be developed in phases, temporary ***landscaping*** shall be required until the remainder of the property is developed.

5.1.7 Synthetic turf is prohibited.

5.2 Landscape Buffers Separating Uses

5.2.1 All ***landscape buffers*** shall be provided in accordance with the regulations outlined in Table 5.1 and shall consist of:

.1 One (1) tree for every 10.0 linear meters of required buffer area, including ***walkway***s and driveways. Deciduous trees shall be a minimum ***caliper*** of 60 mm and a minimum clear stem height of 1.5 m. Coniferous trees shall be a minimum 2.5 m in height, and

.2 One (1) shrub for every linear meter of required buffer area, including ***walkway***s and driveways. The shrubs shall be a minimum No. 2 pot shrub.

5.2.2 Required ***landscape buffers*** shall be continuous along the affected property boundaries, interrupted only by ***walkways*** and driveways providing access to the property.

5.2.3 All required ***landscape buffer*** areas shall be watered by a fully automatic, underground, irrigation system.

Table 5.1 – Required Landscape Buffers

Standard	Residential – Multiple Housing	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	N/A

5.2.4 Notwithstanding the ***landscape buffer*** requirements listed in Table 5.1, 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 Table 5.1.

5.2.5 Where ***landscape buffers*** are being reduced in accordance with Section 5.2.4 of this Bylaw, cash-in-lieu of each tree not planted, in accordance with the ***City's*** Fees and Charges Bylaw, as amended, must be submitted to the ***City*** to be deposited in the Urban Forest Reserve Fund to be used for tree infilling in the ***City***.

5.2.6 Where a visual ***screen*** is required, it may consist of either vegetation or decorative ***fence*** or wall.

5.2.7 ***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***.

5.3 Tree Requirement and Protection

5.3.1 Trees are required to be planted for all new residential development in accordance with the following regulations:

.1 For new single family or ***duplex*** developments, one (1) tree per ***dwelling unit***, not including ***secondary*** or ***accessory suites***, is required to be planted on the property, with a minimum of one (1) tree being located 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, as amended from time to time.

5.3.2 Trees required in accordance with Section 5.3.1 of this Bylaw are required to be either a deciduous tree with a minimum ***caliper*** of 60 mm and a clear stem height of 1.5 m or a coniferous tree with a minimum height of 2.5 m.

5.4 Fences and Retaining Walls

5.4.1 Fencing

.1 Subject to the ***corner visibility triangle*** regulations in Section 4.3 of this Bylaw, the following ***height*** limitations shall apply to ***fences***, decorative (non-retaining) walls and hedges in all ***zones***:

.a 1.2 m;

.b 1.8 m if situated behind the ***front yard setback***;

.c 1.8 m if situated within the ***interior, exterior,*** and ***rear yard setback;***

.d 2.4 m if situated ***adjacent*** to a controlled access highway; and

.e 2.4 m if in an agricultural or industrial ***zone***.

.2 Barbed wire and electric fencing is prohibited in all ***zones*** except for A, M1 M2 and M3.

.3 Razor wire is prohibited in all ***zones***.

.4 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.

.5 Notwithstanding Section 5.4.1.1 of this Bylaw, for all properties located in a commercial or residential ***zone***, 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:

.a Powder coated chain link ***fence*** containing ***screening*** along all ***street*** frontages that has either:

.i A weather resistant banner containing art work that would not be considered offensive by the public; or

.ii 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

.b Solid wooden ***fencing*** that contains artwork that would not be considered offensive by the public on all visible ***street*** frontages.

5.4.2 Retaining walls

.1 ***Retaining walls*** that are located within any required ***yards*** must not exceed a ***height*** of 1.2 m above ***approved grade***.

.2 ***Retaining walls*** that are located outside of any required ***yards*** must not exceed a ***height*** of 2.4 m above ***approved grade***.

.3 ***Retaining walls*** approved as a condition of subdivision may exceed the maximum ***heights*** specified within Sections 5.4.2.1 and 5.4.2.2 of this Bylaw.

.4 Multiple parallel ***retaining walls*** must be spaced to provide at least a 1.2 m horizontal separation between them, as shown in Figure 10.

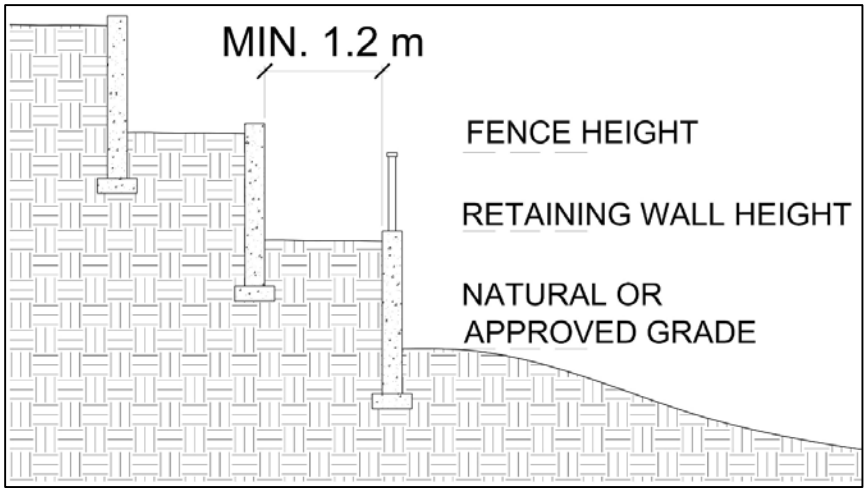

Figure 10 – Multiple Retaining Walls

.5 Notwithstanding Section 5.4.2.1 of this Bylaw, in the case of a retaining wall constructed on a property zoned M1, M2 or M3, the retaining wall must not exceed a ***height*** of 2.4 m above ***approved grade***.

.6 Notwithstanding Section 5.4.2.1 of this Bylaw, a retaining wall may be higher than 1.2 m, measured from ***approved grade***, where the ***natural grade*** of the subject property is lower than the ***abutting*** property, to a maximum of 2.4 m, as shown in Figure 11.

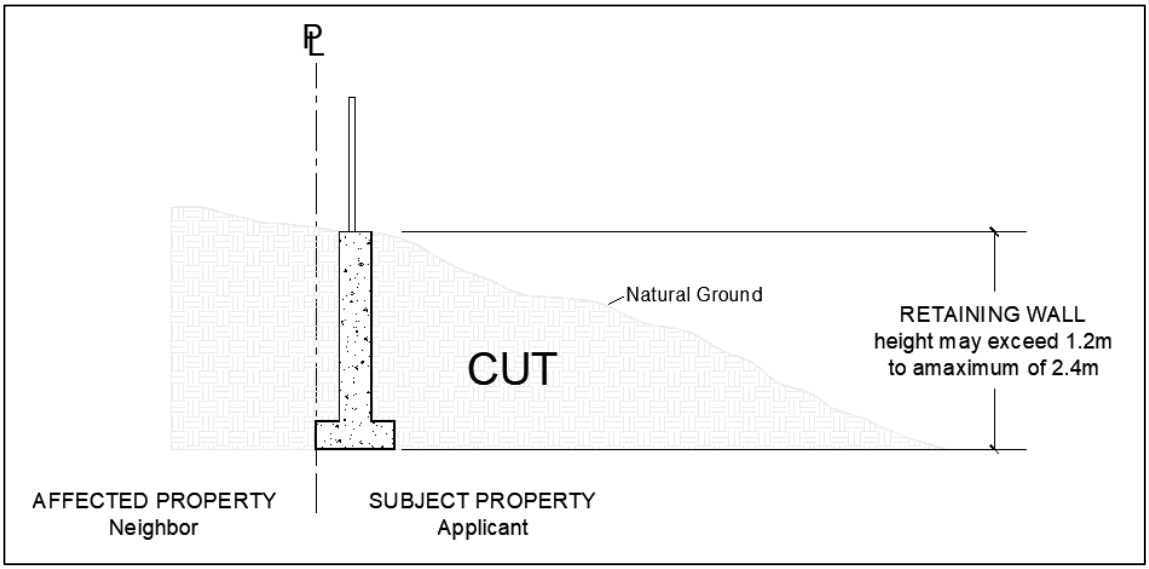

Figure 11 – Height of Retaining Walls

5.4.3 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 the 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 6.6 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 6.6.

.5 Visitor parking locations are to be clearly marked as "VISITOR PARKING".

.6 In any residential or ***multiple housing zone***, no ***vehicle*** or equipment having a gross ***vehicle*** weight in excess of 5600 kg 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 or ***multiple housing 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 Highway 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**

.a Where five (5) additional ***Class 1*** or ***Class 2 bicycle parking spaces*** are provided on site, the ***vehicle parking space*** requirement can be reduced by a maximum of one (1) ***parking space***.

.b Section 6.1.2.1.a of this Bylaw may only be applied where the proposed development requires ***Class 1*** or ***Class 2 bicycle parking spaces***, in accordance with Section 6.4 of this Bylaw.

.2 **Cash-in-Lieu**

.a Cash-in-lieu may only be provided for the following zones, in accordance with Table 6.1:

.i Multi-family residential: RD4, RM2, RM3, RM4, RM5,

.ii Commercial: C1, C2, C3, C4, C5, C6, C7, C8, C9,

.iii Industrial: M1, M2 and M3, or

.iv Bicycle parking in any zone.

.b 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 into the Off-Street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve.

.c In the case of the RD4, RM2 and RM3 zones, the cash-in-lieu provision shall not lower the total number of ***parking spaces*** to below one (1) ***parking space*** per ***dwelling unit***.

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
$13,000	$13,000	$500

6.1.3 Shared Parking Provisions

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

.a Notwithstanding Section 6.1.1.4 of this Bylaw, 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 Section 6.1.1.1 of this Bylaw, 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 spaces*** are 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 in accordance with Tables 6.2 and 6.3, and Figures 12 and 13:

Table 6.2 – Standard Car Parking Dimensions					
Stall Angle	**Standard Stall Width (m)**	**Accessible 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 m in ***height***, the width of the ***parking space*** shall be increased by 0.3 m to enable the convenient opening of ***vehicle*** doors.

.3 Where a ***parking space*** is located parallel with a ***property line***, the width of the ***parking space*** shall be increased by 0.5 m to enable the convenient opening of ***vehicle*** doors.

.4 Notwithstanding Table 6.6, 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".

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

Table 6.3 – Small Car Parking Dimensions				
Stall Angle	**Small Car Width (m)**	**Stall Length (m)**	**Drive Isle (m) (one-way)**	**Drive Isle (m) (two-way)**
90º	2.5	5.6	6.0	7.0
60º	2.5	5.1	5.5	6.6
45º	2.5	4.8	4.0	6.6
30º	2.5	4.2	3.6	6.6

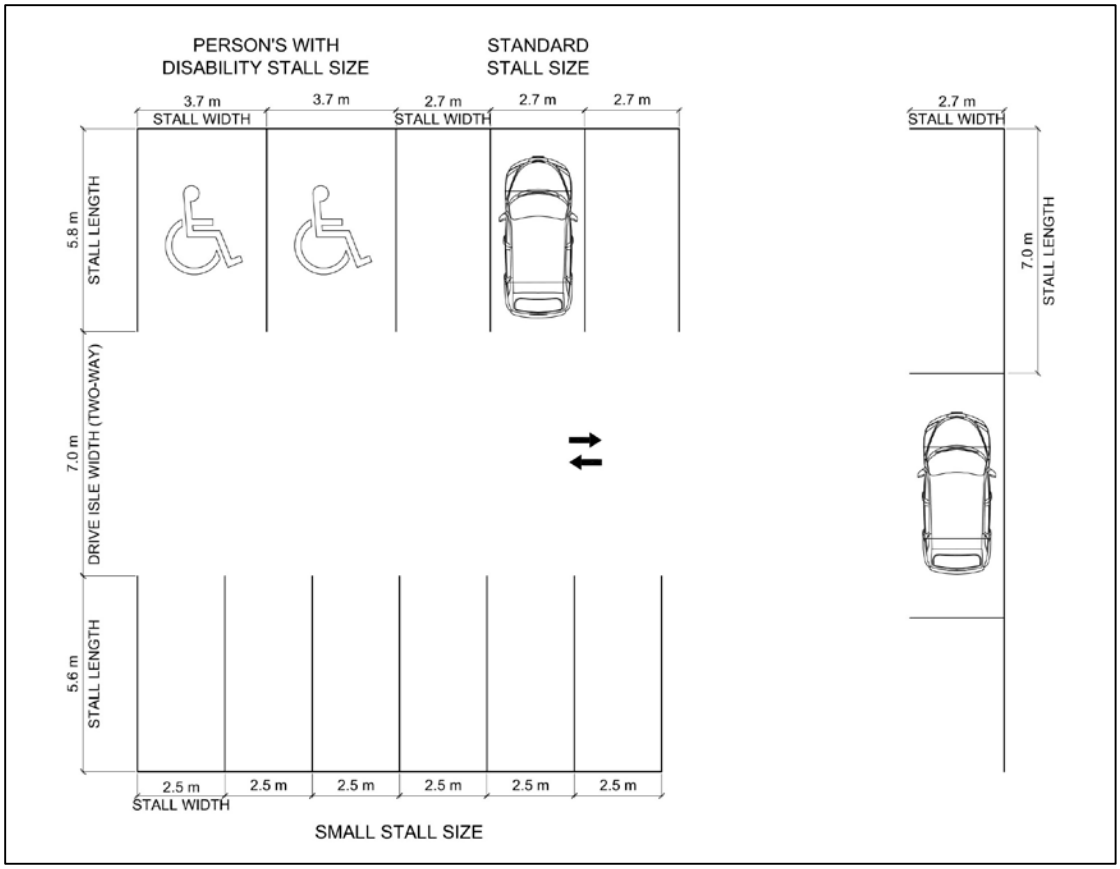

Figure 12 - Stall Size

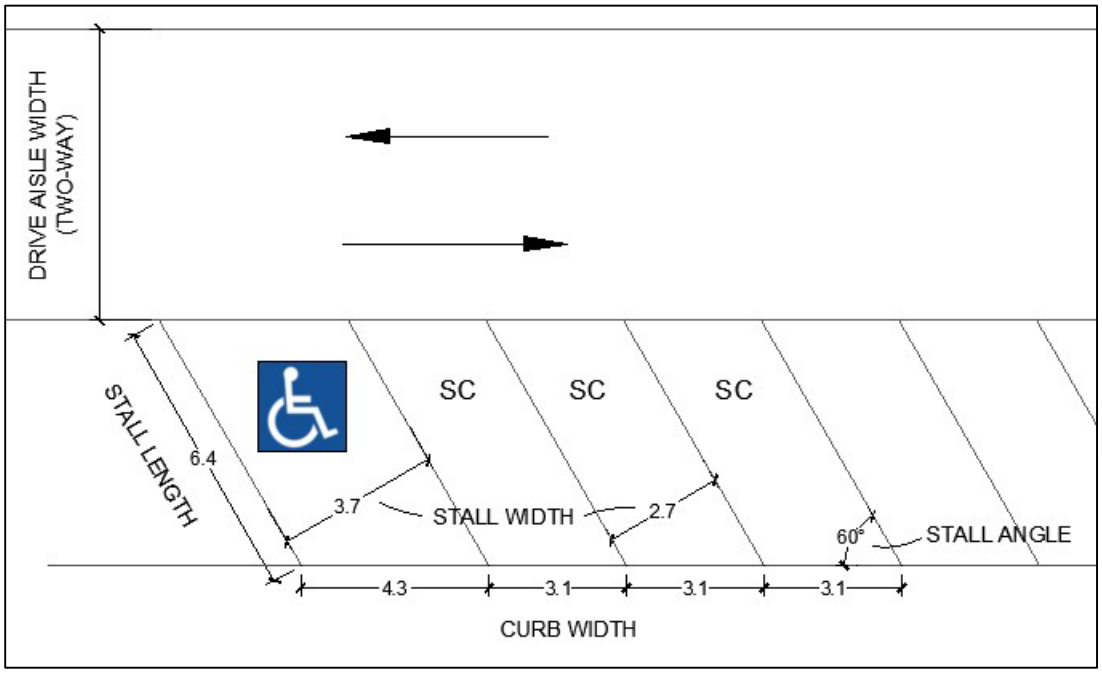

Figure 13 - Stall Size

6.1.6 Tandem Parking

.1 Required ***parking spaces*** may only be configured as ***tandem parking*** for ***single detached dwellings***, including any required ***parking spaces*** for a ***secondary suite*** or ***carriage house*** on the same ***lot*** as the ***single detached dwelling***.

.2 ***Multiple housing*** developments, including ***duplex*** housing, ***cluster housing***, and ***townhouse*** buildings:

.a Any ***parking spaces*** that are provided in excess of the requirement per ***dwelling unit*** may be configured as ***tandem parking***.

.3 Required visitor ***parking spaces*** shall not be configured as ***tandem parking***.

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 6.6.

.3 The ***loading space*** requirements for more than one (1) ***use*** on a single ***lot*** or for a ***building*** containing more than one (1) ***use***, shall be the sum total of the ***loading space*** requirements for each of the component uses.

6.2.2 Size and Access

.1 ***Loading spaces*** shall be of adequate size and accessibility to accommodate the ***vehicles*** expected to load and unload, but in no case shall a ***loading space*** be less than 28 m^2 in area, less than 3.0 m in width, or have less than 4.0 m in overhead ***clearance***.

.2 Access to any ***loading spaces*** shall be provided on the ***lot*** or from a ***lane abutting*** the ***lot***, and arranged such that no backing or turning movement of ***vehicles*** going to or from the ***lot*** causes interference with traffic on the ***abutting streets*** or ***lanes***.

6.3 Development Standards for Parking and Loading Areas

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

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

.1 Shall clearly delineate individual ***parking spaces***, ***loading spaces***, accessible spaces, manoeuvring aisles, entrances, and exits with pavement markings, signs, and/or other physical means.

.2 Shall direct surface drainage to approved planting areas or an approved on-site drainage system or to the public storm system in accordance with the Subdivision and Development Bylaw.

.3 Shall, except in the case of agricultural zones, ***public parks*** and ***open space use***, consist of a durable, dust-free hard surface of concrete, asphalt, grasscrete, or similar material.

.4 Shall locate concrete wheel stops where ***parking spaces abut*** sidewalks, ***buildings***, ***streets*** or landscaped areas.

.5 Shall be constructed with surface grades not exceeding 6%.

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

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

6.4 Off-Street Bicycle Parking

6.4.1 Bicycle Parking Requirements

The number of bicycle parking spaces required for uses shall be calculated in accordance with the standards set out in Table 6.4 below (i.e. 0.5 per unit means 0.5 bicycle parking spaces per dwelling unit).

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 m2	Minimum of 2, plus one for every 125 m^2 over 250 m2
Public ***Assembly*** and Organizations	Minimum 4	Minimum 4
Residential ***Uses*** (***Multiple Housing***)	0.5 per unit	0.1 per unit

6.4.2 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.

.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.

6.4.3 Development Standards for Bicycle Parking

.1 ***Bicycle Parking, Class 1*** shall be located in bicycle lockers, compounds or rooms with lockable doors specifically provided and equipped for bicycle storage.

.2 ***Bicycle Parking, Class 2*** 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.

.4 Bicycle parking spaces shall be located on a hard surface.

.5 For multiple housing developments, where a dwelling unit is designed with and has access to its own garage space, no Class 1 bicycle parking shall be required for that dwelling unit.

6.4.4 Bicycle Parking Space Dimensions

.1 Bicycle parking stalls shall be provided in accordance with Table 6.5.

.2 Aisles between bicycle racks shall be a minimum of 1.2 m in width.

Table 6.5 – Bicycle Parking Dimensions

	Width	**Length**	**Clearance**
Horizontal Bicycle Parking	0.6 m	1.8 m	1.9 m
Vertical Bicycle Parking	0.6 m	1.0 m	1.9 m

6.5 Parking Requirements

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

Table 6.6 – Parking Requirements

Use	Minimum Parking Space Requirement	Loading Space Requirement
Agricultural		
Agri-Tourism	4 per ***business***	0
Alcohol Production Facility	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 and ***Rural Home Residential Occupation***	1 per business	0
Health Service	1 per 30 m^2 NFA	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 sleeping 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 or C6 ***Zone***	1 per ***dwelling unit***	0
Apartment, Townhouse, Cluster Housing	1 per dwelling unit plus 0.25 spaces/unit for visitors	0
Duplex, Live-Work unit	1 per unit	0
Bed and Breakfast Home	1 per bedroom to a maximum of 3 plus 1 for the required corresponding dwelling unit	0
Boarding House	1 per 2 sleeping rooms plus 2 for the required corresponding principal ***dwelling 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 per ***accessory suite*** Plus 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
Vacation Rentals – Major High Occupant	1 per licensed bedroom, up to a maximum of 4 parking spaces	0

6.6 Accessible Parking Requirements

6.6.1 The number of accessible ***parking spaces*** required for ***uses*** shall be calculated in accordance with Table 6.7, and are considered as part of the required number of ***parking spaces***.

6.6.2 Every subsequent owner or occupier of the property shall maintain the required accessible parking spaces.

6.6.3 Accessible parking spaces shall be as level as practicable, as near as practicable to the building entrance(s) and designed to service those with mobility challenges, including curb ramps.

6.6.4 Every accessible parking space shall be clearly identified with signage.

6.6.5 Accessible parking requirements shall not be eligible for any parking reductions.

Table 6.7 Accessible Parking Requirements

Total Number of Parking Spaces Required	Number of Accessible Spaces to be Included
0 – 9	0
10 – 20	1
21 – 50	2
51 – 100	3
Over 101	3 + 2% of total spaces over 100 spaces

Chapter 7 - Specific Use Regulations

7.1 Applicability of Specific Use Regulations

7.1.1 The specific ***use*** regulations shall apply to all ***zones*** unless otherwise exempted in this Chapter.

7.1.2 Where these regulations may be in conflict with any ***zone*** regulations or general regulations, these specific ***use*** regulations shall take precedence.

7.2 Bed and Breakfast Home

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

7.2.1 A ***bed and breakfast home***, where permitted in a zone shall only be operated as an ***accessory use*** within a ***single detached dwelling***, with a maximum 4 ***sleeping units*** with accommodation for a maximum of two (2) guests per ***sleeping unit***.

7.2.2 A ***bed and breakfast home*** shall not change the residential character or external appearance of the ***dwelling*** involved.

7.2.3 The licensed operator of a ***bed and breakfast home*** must reside in the ***dwelling*** in which the bed and breakfast operation is located.

7.2.4 A ***bed and breakfast home*** that has only one (1) ***sleeping unit*** for accommodating guests shall be considered as a ***minor home occupation***.

7.3 Minor Home Occupation

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

7.3.1 A ***minor home occupation***, where permitted in a zone, shall only be an ***accessory use***.

7.3.2 ***A minor home occupation*** may only be conducted within a principal ***dwelling unit***, ***secondary suite, Carriage House***, or accessory building.

7.3.3 No exterior storage or operation of equipment shall be permitted in conjunction with a ***minor home occupation***.

7.3.4 No variation from the residential character and appearance of land or ***buildings*** shall be permitted.

7.3.5 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the ***minor home occupation*** and, at all times, the privacy and enjoyment of ***adjacent dwelling***s shall be preserved and the amenities of the neighbourhood shall not be adversely affected.

7.3.6 A ***minor home occupation*** shall not generate more than one (1) client visit to the site from which the ***business*** is being operated on any given day. Additionally, no more than one (1) commercial ***vehicle*** visit per day is permitted. The permitted commercial ***vehicle*** visit must be between the hours of 8:00 a.m. and 6:00 p.m.

7.3.7 This ***use*** does not include the repair or painting of ***vehicles***, trailers or boats, tow-truck operations, manufacturing and industrial ***uses***, social escort services, cabinet making, welding

or machine shops, ***major care centre***, meat cutting, commercial animal breeding, parking or storage of industrial or construction equipment or materials.

7.3.8 No person other than residents of the property on which the ***minor home occupation*** is being carried out shall be engaged in the ***minor home occupation***.

7.3.9 The total area of a ***minor home occupation*** shall not exceed 25% of the floor area of the ***dwelling*** up to a maximum area of 20 m^2.

7.3.10 General retail sales or display of products not produced on the premises shall not be permitted in a ***minor home occupation***, except for products incidental to the service, agricultural products, mail order sales, telephone or internet sales, goods which the customer does not enter the premises to inspect or pick up.

7.3.11 A ***minor home occupation*** sign is permitted according to the provisions of the ***City*** Sign Bylaw, as amended from time to time.

7.4 Major Home Occupation

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

7.4.1 The doors to the ***accessory building*** or ***structure*** in which the ***business*** is located must be closed when the ***business*** is being conducted.

7.4.2 A ***major home occupation*** shall not exceed 25% of the floor area of the ***dwelling unit***, and in no case shall the combined area of the residence used for the ***business*** and an ***accessory building*** used for the ***business*** exceed 50 m^2.

7.4.3 One employee who is not a resident of the primary ***dwelling unit*** where the ***major home occupation*** is located may work at that location

7.4.4 A ***major home occupation*** shall not generate more than two (2) client visits at any given time

7.4.5 No more than one major home occupation is permitted per property.

7.5 Rural Home Occupation

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

7.5.1 Two (2) employees who are not residents of the principal residence may work at that location.

7.5.2 A ***rural home occupation*** shall not occupy more than 25% of the floor area of the ***dwelling unit***, and in no case shall the combined area of the ***principal residence*** used for the ***business*** and the ***accessory building*** or ***structure*** used for the ***business*** exceed 100 m^2 of floor area.

7.5.3 If there is more than one (1) ***dwelling*** on a ***lot***, there may be a ***rural home occupation use*** in each ***dwelling unit*** provided the total number of clients, employees or floor area permitted for the combined ***home occupations*** does not exceed the limits outlined in Section 7.5 of this Bylaw.

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 Section 7.6 of this Bylaw shall only be rented out by the owner of the property in question, or by a tenant with the owner's permission.

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 is permitted per vacation rental dwelling unit.

7.6.4 Parking Requirements

.1 ***Vehicle*** parking for high occupancy vacation rentals shall be provided in accordance with Chapter 6, and shall meet the following regulations:

.a The property ***owner*** shall ensure that renters park all ***vehicles*** within the allocated parking areas on the property.

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***.

7.8 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.

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

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

8.1.2 Sewer Service

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

8.1.3 Strata Titles

.1 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	Maximum ***gross floor area***	40% of the habitable floor area of the building.
.2	Minimum ***amenity space:***	15m^2 of ***amenity space, outdoor*** shall be provided individually for both the principal ***dwelling*** and the ***secondary suite***.

8.2 Carriage Houses

8.2.1 Limitation of Carriage Houses

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

8.2.2 Strata Titles

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

8.2.3 Development Regulations

.1	Minimum ***lot area***:	370 m^2, regardless of zoning.
.2	Maximum ***building footprint*** for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	150 m^2, or 15% of the ***lot area***, whichever is less.

.3	Maximum ***building footprint*** for urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing .e RD2 (Duplex Housing: Lane .f RD3 (Residential Infill)	90 m^2, or 15% of the ***lot area***, whichever is less.
.4	Maximum ***height*** for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	7.0 m and two ***storeys***.
.5	Maximum ***height*** for urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing .e RD2 (Duplex Housing: Lane .f RD3 (Residential Infill)	.i Where a ***carriage house*** is accessed from a ***lane*** or is located on a ***double fronting lot***, maximum height is 7.0 m and two floors. .ii Where no ***lane*** exists, the maximum height is 5.0 m and one floor.
.6	***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 the ***rear yard setback*** shall be 1.5 m in all ***zones***.
.7	Siting in rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	A ***carriage house*** may be located anywhere on the parcel, subject to ***setback*** requirements.
.8	Siting in urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing) .e RD2 (Duplex Housing: Lane) .f RD3 (Residential Infill)	A carriage house shall be located no closer to the front lot line than the principal ***dwelling***.
.9	Minimum ***amenity space, outdoor***	15 m^2 shall be provided individually for both the principal ***dwelling*** and the ***carriage house***.
.10	Maximum ***Carriage House Floor Area*** for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture)	150 m^2

	.c RC (Country Residential)	
.11	Maximum ***Carriage House Floor Area*** for urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing .e RD2 (Duplex Housing: Lane .f RD3 (Residential Infill)	135 m^2
.12	Privacy	In the case of a carriage house having windows on a side yard within 1.5 m of another property, all windows on that building face must be opaque.

8.2.4 Conversion of Pre-Existing Buildings

.1 Notwithstanding Section 8.2.3.6 of this Bylaw, in the case of a pre-existing, legally constructed ***accessory building*** being converted into a carriage house, the ***setbacks*** shall be the existing ***setbacks***.

.2 Any additions or alterations to the ***building*** shall comply with the setbacks as listed in Section 8.2.3.6 of this Bylaw.

8.2.5 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***.

.3 Where a rear lane is provided, vehicular access to the ***carriage house*** must be from the 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

8.2.6 Access

.1 At a minimum, a dedicated, unobstructed, hard surfaced path of 1.2 m in width must be provided, linking the carriage house to the street frontage on the property.

8.3 Duplex Suite

8.3.1 Limitation of Suites

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

8.3.2 Strata Titles

.1 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 Amenity Space

.1 A minimum of 15m^2 of ***amenity space, outdoor*** shall be provided individually for each of the principal residence and the ***duplex suite***.

8.3.4 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

.1 ***Flex units*** are limited to a maximum floor area of 40% of the total ***net floor area*** of the principal residence, up to a maximum of 150m^2.

8.4.2 Strata Title

.1 A ***flex unit*** may not be sited or located on a separate titled parcel from the principal unit or be created as a strata lot within the principal unit.

8.4.3 Notwithstanding Section 4.9 of this Bylaw, stairs, ***balconies*** and architectural projections that do not constitute greater than 25% of the face of the front elevation, may project 2.5 m into the required ***front yard*** or ***exterior side yard***.

8.5 Security Operator Dwelling Units

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

Chapter 9 – Rural Zones

9.1 FG - Forestry and Grazing

PURPOSE

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

9.1.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***agricultural farm help dwelling***
.3 ***agricultural use***
.4 ***animal clinic***
.5 ***animal kennels and stable***
.6 ***carriage house*** (subject to accessory suites regulation 8.2)
.7 ***forestry***
.8 ***municipal solid waste facility***
.9 ***one single detached dwelling***
.10 ***rural home occupation*** (subject to specific use regulation 7.5)
.11 ***secondary suite*** (subject to accessory suites regulation 8.1)
.12 ***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***:	
	.a ***principal building***	12.0 m
	.b ***accessory building*** or ***structure***	13.5 m
.5	Minimum ***front yard***:	10.0 m
.6	Minimum ***side yard***:	
	.a ***interior side yard***	4.5 m
	.b ***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 Section 9.1.2 of this Bylaw.

.2 Necessary ***agricultural farm help dwellings*** are limited to one (1) unit on a property of at least 2 ha or more.

9.1.4 SITE SPECIFIC PROVISIONS

.1 In the case of Lot 1, District Lot 190 and 2710, Similkameen Division Yale District Plan KAP7449, located at 3200 Evergreen Drive, two single family residences and a 20 room

tourist accommodation resort with a maximum floor area of 1850m^2 shall be permitted.

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

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***:	
	.a residential ***buildings***	10%
	.b including ***agricultural structures***	35%
	.c including agricultural greenhouses with closed wastewater and storm water management, and re-circulating irrigation systems	75%
.4	Maximum ***height***:	
	.a ***principal building***	12.0 m
	.b ***accessory building***	13.0 m
	.c ***agricultural structure***	16.0 m
.5	Minimum ***front yard***:	9.0 m
.6	Minimum ***interior side yard***:	4.5 m
.7	Minimum ***exterior side yard***:	9.0 m
.8	Minimum ***rear yard***:	9.0 m
.9	Maximum combined ***building footprint*** of all residential ***accessory buildings***:	200 m^2

9.2.3 MINIMUM SEPARATION DISTANCES

.1 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	*Urban Area Boundary*	Natural Watercourse	*Property Line*
.a	Intensive impact agriculture	60.0 m	30.0 m	30.0 m
.b	All farm structures using exhaust fans	N/A	15.0 m	15.0 m
.c	On-farm composting	30.0 m	30.0 m	30.0 m
.d	Agricultural waste storage	30.0 m	30.0 m	30.0 m
.e	Tree, vine, field and forage crops	7.5 m	15.0 m	N/A
.f	Apiculture	15.0 m	15.0 m	N/A
.g	Chemical storage structure	15.0 m	15.0 m	N/A
.h	Field storage	N/A	30.0 m	N/A

9.2.4 MAXIMUM GROSS FLOOR AREAS FOR SPECIFIC USES

.1 The following uses are subject to maximum gross floor areas:

.a	***farm garden stand***:	150 m^2
.b	***farm retail sales*** area:	300 m^2
.c	***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:

.a The parcel must have a minimum area of 0.4ha;

.b 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 ***permitted uses*** above:

.1 In the case of Lot 1, Plan 29729, DL 190, LD 54, SDYD, located at 4560 Valleyview Road, a ***farm*** inn, being a self-contained ***building*** with a maximum of 4 sleeping rooms, intended to provide temporary accommodation to the travelling public, shall be permitted.

.2 In the case of Lot 1, DL 369, Plan 22517, located at 1379 Riddle Road, a vacation cottage, being a self-contained ***building*** with a maximum size of 82 m^2 that is intended for short-term ***vacation rental*** by the travelling public, shall be permitted.

.3 In the case of Lot 104A, DL 199, 205, 672, Plan 307, except Plan B487, Pcl B on Plan A 203, located at 1175 Chapman Road, ***tourist accommodation***, being the ***use*** of a ***single detached dwelling*** for the accommodation of the travelling public in a maximum of 4 suites, without cooking equipment, where the room rate includes breakfast served on the premises, shall be permitted.

.4 In the case of a portion of the remainder of DL 196 except plans B6706, M9351, 3980, 6394, 8025, 8529, 9167, 11805, 14079, 14454 and 20784, located at 4650 Lakeside Road as shown as the hatched area in the drawing below, a ***public parking lot*** shall be permitted and where the parking area is not required to be hard surfaced, lighted nor drained.

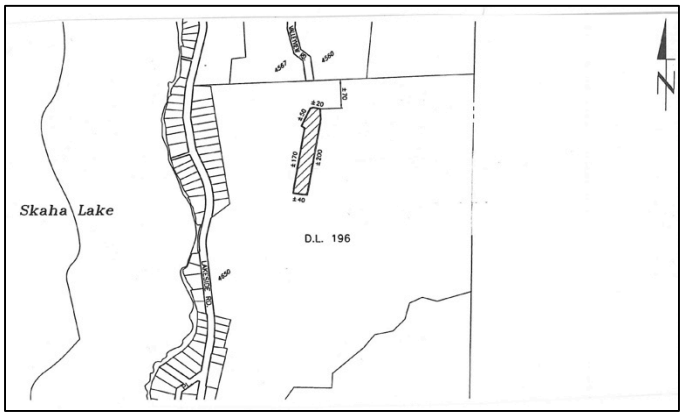

Figure 14 - Location of Public Parking Lot at 4650 Lakeside Road

.5 In the case of Lot 148, District Lot 187, SDYD, Plan 450 located at 1056 Corbishley Avenue, ***agri-tourism accommodation*** on a ***farm***, shall be permitted.

.6 In the case of Lot 128, District Lot 204, SDYD, Plan 450 located at 1291 Corbishley Avenue, ***agri-tourism accommodation*** on a ***farm***, shall be permitted.

.7 In the case of Lot 3, District Lot 187, SDYD, Plan 23377, located at 468 Lower Bench Road, an additional ***vacation rental*** suite, shall be permitted.

.8 In the case of Lot 6, District Lot 155, SDYD, Plan 306, Except Plan 21731 located at 398 Upper Bench Rd. South, ***Contractor Services, General***, shall be permitted subject to the following conditions:

.a That the non-farm use be limited to a landscaping business; and

.b 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 In the case of Parcel B (DD28224F), Plan B1152 of Block C DL204, Similkameen Division Yale District, Plan 305 Except Part on Plan 35371, located at 948 Naramata Road, a ***Craft Brewery/Distillery***, shall be permitted.

.10 In the case of Lot 3, District Lot 187, Similkameen Division Yale District, Plan 23377, located at 468 Lower Bench Road, a 20 suite hotel and operator dwelling unit shall be permitted and, notwithstanding section 9.2.2 Subdivision and Development Regulations, a maximum parcel coverage of 35% for all buildings is permitted.

.11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, ***agri-tourism accommodation*** shall be permitted.

.12 In the case of Lot B, DL187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation, with a maximum of six (6) ***sleeping units***, 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***:	
	.a ***principal building***	10.5 m
	.b ***accessory building*** or ***structure***	5.0 m
.5	Minimum ***front yard***:	9.0 m
.6	Minimum ***side yard***:	
	.a ***interior side yard***	4.0 m
	.b ***exterior side yard***	6.0 m
.7	Minimum ***rear yard***:	6.0 m
.8	Maximum combined ***building footprint*** of all residential ***accessory buildings***:	200 m^2

9.3.3 SITE SPECIFIC PROVISIONS

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

.1 In the case of Lots 1 – 10, Plan KAS2711, located at 112 Penrose Court and **Lot** 1 KAP 73860:

.a Instead of the ***uses*** and regulations listed within the RC zone, the following ***uses*** are permitted and the following regulations apply:

.i ***single detached dwelling***
.ii ***major home occupation*** (subject to specific use regulation 7.4)
.iii ***accessory use, building*** or ***structure***

.b *SUBDIVISION AND DEVELOPMENT REGULATIONS*

.i	Minimum ***lot width***:	45 m
.ii	Minimum ***lot area***:	0.4 ha
.iii	Maximum ***lot*** coverage:	15%

.iv	Maximum ***height***:	
	i. ***principal building***	10.5 m
	ii. ***accessory building*** or ***structure***	5.0 m
.v	***Parent parcel*** requirements:	
	i. mini***mum front yard***	10.0 m
	ii. ***mini***mum ***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***:	
	.a *standard lot*	16 m
	.b ***corner lot***	18 m
.2	Minimum ***lot area***:	560 m^2
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***height***:	
	.a ***principal building***	10.5 m
	.b ***accessory building*** or ***structure***	4.5 m
.5	Minimum ***front yard***:	6.0 m
.6	Minimum interior ***side yard***:	
	.a ***principal building***	1.5 m
	.b ***accessory building or structure***	1.2 m
.7	Minimum exterior ***side yard***:	
	.a ***principal building***	3.0 m
	.b ***accessory building or structure***	1.2 m
.8	Minimum ***rear yard***:	
	.a ***principal building***	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m
.9	Maximum combined ***building footprint*** 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, located 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, located at 4596 Lakeside Road, the keeping of not more than 3 horses, shall be permitted.

.3 In the case of Lot 1, Plan 31303, located at 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 Avenue, 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***.

.7 In the case of Lot 1, District Lot 116 SDYD Plan 19512 Except Plan 29643, located at 168 Kirkpatrick Avenue, a ***Bed and Breakfast Home*** shall be permitted.

.8 In the case of Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a ***Bed and Breakfast Home***, shall be permitted.

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***:	
	.a standard ***lot***	13 m
	.b ***corner lot***	15 m
.2	Minimum ***lot area***:	390 m^2
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***height***:	
	.a ***principal building***	10.5 m
	.b ***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***:	
	.a ***principal building***	1.5 m
	.b ***accessory building or structure***	1.2 m
.7	Minimum exterior ***side yard***:	
	.a ***principal building***	3.0 m
	.b ***accessory building or structure***	1.2 m
.8	Minimum ***rear yard***:	
	.a ***principal building***	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m
.9	Maximum combined ***building footprint*** 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 West, a ***Bed and Breakfast Home***, shall be permitted.

.2 In the case of Lot B, District Lot 115, Similkameen Division Yale District, Plan KAP49954, located at 187 Wyles Crescent, a ***day care centre, major*** up to 25 children, shall be permitted, with hours of operation restricted to 7:00 a.m. to 6:00 p.m.

.3 In the case of Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3508, located at 434 Lakeshore Drive West, 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 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)

10.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	
	.a standard ***lot***	9.1 m
	.b ***corner lot***	10.5 m
.2	Minimum ***lot area***:	275 m^2
.3	Maximum ***lot coverage***:	50%
.4	Maximum ***height***:	
	.a ***principal building***	10.5 m
	.b ***accessory building*** or ***structure***	4.5 m
.5	Minimum ***front yard***:	4.5 m
.6	Minimum interior ***side yards***:	
	.a ***principal building***	1.2 m
	.b ***accessory building*** or ***structure***	1.2 m
.7	Minimum exterior ***side yard***:	
	.a ***principal building***	3.0 m
	.b ***accessory building*** or ***structure***	1.2 m
.8	Minimum ***rear yard***:	
	.a ***principal building***	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m
.9	Maximum combined ***building footprint*** of all ***accessory buildings***:	75 m^2

10.3.3 OTHER REGULATIONS

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

10.4 RD1 – Duplex Housing

PURPOSE

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

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

10.4.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

		No ***Lane***	***Lane***
.1	Minimum ***lot width***:		
	.a standard ***lot***	20 m	15 m
	.b ***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***:		
	.a ***principal building***	10.5 m	10.5 m
	.b ***accessory building*** or ***structure***	4.5 m	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***:		
	.a ***principal building***	1.5 m	1.5 m
	.b ***accessory building*** or ***structure***	1.2 m	1.2 m
.7	Minimum exterior ***side yard***		
	.a ***principal building***	3.0 m	3.0 m
	.b ***accessory building*** or ***structure***	1.2 m	1.2 m
.8	Minimum ***rear yard***:		
	.a ***principal building***	6.0 m	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m	1.5 m
.9	Maximum combined ***building footprint*** of all ***accessory buildings***:	75 m^2	75 m^2

10.4.3 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***.

10.5 RD2 – Duplex Housing: Lane

PURPOSE

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

10.5.1 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)

10.5.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	
	.a standard ***lot***	9.1 m
	.b ***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***:	
	.a ***principal building***	10.5 m
	.b ***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***:	
	.a ***principal building***	1.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.8	Minimum *exterior* ***side yard:***	
	.a ***principal building***	3.0 m
	.b ***accessory building*** or ***structure***	1.2 m
.9	Minimum ***rear yard***:	
	.a ***principal building***	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m
.10	Maximum combined ***building footprint*** 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 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.

10.5.4 SITE SPECIFIC PROVISIONS

.1 In the case of Lot 10, Block 32, District Lot 202, SDYD, Plan 269 located at 125 Eckhardt Avenue East, ***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 West, 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.

.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***, with vehicular access from the street, shall be permitted.

.6 In the case of that part of Lots 18-20 shown on Plan B4556, Block 30 District Lot 202 Similkameen Division Yale District Plan 755, located at 380 White Avenue East, two ***duplexes*** with a combined ***Floor Area Ratio*** of 1.15, shall be permitted.

.7 In the case of Lot 2, DL250, SDYD, Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two ***dwelling units*** are permitted per lot, while allowing ***vehicular*** access from the ***street***.

10.6 RD3 – Residential Infill

PURPOSE

The purpose is to provide a ***zone*** for infill housing with a maximum of three (3) ***dwelling units*** 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 ***minor home occupation*** (subject to specific use regulation 7.3)
.5 ***secondary suite*** (subject to accessory suites regulation 8.1)
.6 ***vacation rental*** (subject to specific use regulation 7.6)

10.6.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	
	.a standard ***lot***	9.1 m
	.b ***corner lot***	10.5 m
.2	Minimum ***lot area***:	275 m^2
.3	Maximum ***lot coverage***:	55%
.4	Maximum ***density***:	1.0 FAR
.5	Maximum ***height***:	
	.a ***principal building***	10.5 m
	.b ***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***:	1.2 m
.8	Minimum *exterior* ***side yard:***	3.0 m
.9	Minimum ***rear yard***:	
	.a ***principal building***	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m
.10	Maximum combined ***building footprint*** of all ***accessory buildings***:	75 m^2

10.6.3 OTHER REGULATIONS

.1 Notwithstanding Section 8.2.1.1 of this Bylaw, in the case of the RD3 zone, a ***carriage house*** is permitted on the same lot as a principal ***dwelling*** with a ***secondary suite*** or a ***duplex building*** for a maximum of three (3) ***dwellings*** on a lot.

.2 In the case of ***duplex*** development, where a rear ***lane*** is provided, ***vehicular*** access must be from the rear ***lane***.

.3 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.

10.7 RD4 – Low Density Cluster Housing

PURPOSE

The purpose is to provide a ***zone*** for the development of a maximum of four (4) ***dwelling units*** in the form of ***single detached***, semi-detached, three-plex or four-plex housing on urban ***lots***.

10.7.1 PERMITTED USES AND BUILDINGS

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

.1 ***accessory use, building*** or ***structure***
.2 ***cluster housing***
.3 ***congregate housing***
.4 ***day care centre, major***
.5 ***back-to-back duplex***, ***side-by-side duplex***, or ***stacked duplex***
.6 ***minor home occupation*** (subject to specific use regulation 7.3)
.7 ***single detached dwelling***
.8 ***vacation rental*** (subject to specific use regulation 7.6)
.9 ***secondary suite*** (subject to accessory suites regulation 8.1)
.10 ***duplex suite*** (subject to accessory suites regulation 8.3)

10.7.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	
	.a standard ***lot***	18 m
	.b ***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***:	
	.a ***principal building***	10.5 m
	.b ***accessory building*** or ***structure***	4.5 m
.6	Minimum ***front yard*** (subject to general development regulations 4.2.5)**:**	4.5 m
.7	Minimum ***interior side yard***:	
	.a ***principal building***	3.0 m
	i. when less than 8.0m in height and not exceeding 2 storeys	1.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.8	Minimum ***exterior side yard***	
	.a ***principal building***	4.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.9	Minimum ***rear yard***	
	.a ***principal building***	6.0 m
	.b ***accessory building*** or ***structure***	1.5 m
.10	Maximum combined ***building footprint*** of all ***accessory buildings***:	75 m^2

10.7.3 OTHER REGULATIONS

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

10.7.4 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20 m^2 for each ***dwelling unit***.

.2 25% of the required ***amenity space*** must be provided at the ground floor level.

.3 A maximum of 20% of the required ***amenity space*** may be provided as ***amenity space, indoor***.

10.8 RM1 – Bareland Strata Housing

PURPOSE

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

10.8.1 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)

10.8.2 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:	
	.a Minimum ***front yard***	4.5 m
	.b Minimum ***side yard***	
	.i ***interior side yard***	4.5 m
	.ii ***exterior side yard***	4.5 m
	.c Minimum ***rear yard***	4.5 m
.5	Maximum ***strata lot coverage***:	
	.a single ***storey building***	50%
	.b two (2) ***storey building***	40%
.6	Maximum ***height***:	
	.a ***principal building***	8.5 m
	.b ***accessory building*** or ***structure***	5.0 m

10.8.3 SITE SPECIFIC PROVISIONS

.1 In the case of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, ***townhouses*** are not permitted.

.2 In the case of Lot A District Lot 2710 Similkameen Division Yale District Plan EPP108577, located at 2990 Partridge Drive (formerly known as 2990, 2995 and 3000 Partridge Drive), duplexes and townhouses shall not be permitted, and the maximum building height for principal buildings shall be 10.5m.

10.9 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.

10.9.1 PERMITTED USES

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

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

10.9.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	
	.a standard ***lot***	18 m
	.b ***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***:	
	.a ***principal building***	12 m
	.b ***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***:	
	.a ***principal building***	3.0 m
	.i When less than 8.0 m in height and not exceeding two (2) storeys	1.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.8	Minimum ***exterior side yard***	
	.a ***principal building***	4.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.9	Minimum ***rear yard***	6.0 m

10.9.3 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20 m^2 for each ***dwelling unit***.

.2 25% of the required ***amenity space*** must be provided at the ground floor level.

.3 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

10.9.4 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***.

.3 In the case of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 932, located at 337 Hastings Avenue, the following regulations shall apply:

.a Minimum ***lot width*** of 14.6m;

.b Maximum Density, ***Floor Area Ratio (FAR)*** of 0.90;

.c Maximum ***Lot Coverage*** of 48%;

.d Maximum ***Building Height*** of 7.0m;

.e Minimum ***Interior Side Yard*** of 1.6m; and

.f Waive the requirement for one (1) visitor ***parking space***.

.4 In the case of Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2444, located at 452 Lakeshore Drive West, a maximum of four (4) ***dwelling units*** are permitted.

.5 In the case of Lot 3 District Lots 202 and 249 Similkameen Division Yale District Plan 3350, located at 533 Forestbrook Drive, a maximum of four (4) ***dwelling units*** shall be permitted.

10.10 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.

10.10.1 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 ***extended care residence***
.6 ***minor home occupation*** (subject to specific use regulation 7.3)
.7 ***townhouse***
.8 ***vacation rental*** (subject to specific use regulation 7.6)

10.10.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

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

10.10.3 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20 m^2 for each ***dwelling unit***.

.2 25% of the required ***amenity space*** must be provided at the ground floor level.

.3 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

10.10.4 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.

10.10.5 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, ***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, parking shall be permitted.

10.11 RM4 – High Density Multiple Housing

PURPOSE

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

10.11.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***apartment***
.3 ***congregate housing***
.4 ***daycare centre, major***
.5 ***extended care residence***
.6 ***minor home occupation*** (subject to specific use regulation 8.4)
.7 ***vacation rental*** (subject to specific use regulation 7.6)

10.11.2 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***:	
	.a ***principal building***	27 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***interior side yard***:	4.5m
.8	Minimum ***exterior side yard***:	6.0 m
.9	Minimum ***rear yard***:	6.0 m

10.11.3 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20 m^2 for each ***dwelling unit***.

.2 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

10.11.4 OTHER REGULATIONS

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

.2 A maximum of 85% of the ***lot*** shall be covered with ***hard surfacing***, including ***buildings***, ***structures***, parking areas, driveways, ***walkways***, ***patios*** and similar construction.

10.11.5 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

.a Maximum ***height***:

46.0m

	.i	***principal building***	
.b	Minimum ***front yard***:		6.0 m
.c	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:

.a	Maximum ***height***:		
	.i	***principal building***	30.5 m
	.ii	***accessory building*** or ***structure***	5 m
.b	***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
.c	***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
.d	Notwithstanding Chapter 6, off street parking requirements are as follows::		
	.i	***bachelor dwelling unit***	1.0 per unit
	.ii	1 *bedroom* ***dwelling unit***	1.5 per unit
	.iii	2 *bedroom* ***dwelling unit***	1.5 per unit
	.iv	3 *bedroom* ***dwelling unit*** and greater	2.0 per unit
	.v	Up to 25% of total required ***parking spaces*** may be designated for small car ***use***	

.e An ***accessory building*** containing common facilities for private ***use*** by residents shall conform to the ***setback*** requirements identified in Section 10.11.5.2.2 and 10.11.5.2.3 of this Bylaw.

10.12 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.

10.12.1 PERMITTED USES

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

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

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

.9 ***artisan craft***
.10 ***office***
.11 ***personal service establishment***

10.12.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	10 m
.2	Minimum ***lot area***:	275 m^2
.3	Maximum ***lot coverage***:	100%
.4	Maximum ***density***:	2.0 ***FAR***
.5	Maximum ***height***:	15 m
.6	Minimum ***front yard***	2.5 m
.7	Minimum ***interior side yard***:	0.0 m
.8	Minimum ***exterior side yard***:	2.5 m
.9	Minimum ***rear yard***:	0.0 m

10.12.3 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 ***dwelling***, up to a maximum of 150 m^2 and may not be separately titled from the principal ***dwelling*** or be strata titled separately from the principal ***dwelling***.

.3 Notwithstanding Section 10.12.2.6 and 10.12.2.8 of this Bylaw, stairs, ***balconies*** and architectural projections that do not constitute greater than 25% of the ***building face*** of the front elevation, may project a maximum of 2.5 m into the required ***front yard*** or ***exterior side yard***.

10.13 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***.

10.13.1 PERMITTED USES

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

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

10.13.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***mobile home park lot width***:	50.0 m
.2	Minimum ***mobile home park lot*** depth:	50.0 m
.3	Minimum ***mobile home park lot area***:	2.0 ha
.4	Maximum ***density***:	25 ***dwelling***s / ha
.5	Maximum ***mobile home park lot coverage***:	45%
.6	Maximum ***height***:	
	.a ***principal building***	lesser of 6.0 m or 1 ***storey***
	.b ***accessory building*** or ***structure***	4.5 m
.7	Minimum ***setbacks*** for ***mobile home park***:	
	.a ***front yard***	6.0 m
	.b ***interior side yard***	6.0 m
	.c ***exterior side yard***	6.0 m
	.d ***rear yard***	6.0 m
.8	Minimum ***mobile home space*** area	280 m^2
.9	Minimum ***mobile home space*** width	11.0 m
.10	Minimum ***mobile home space interior side yard***	1.5 m and 3.0 m
.11	Minimum ***mobile home space exterior side yard***	3.5 m
.12	Maximum ***lot coverage*** for ***mobile home space***	45%

10.13.3 OTHER REGULATIONS

.1 Each ***mobile home space*** shall be permitted a maximum of one (1) detached storage shed or ***accessory building*** or ***structure***, subject to the following:

.a Maximum ***building footprint*** of 10 m^2,

.b Maximum ***height*** of 2.5 m,

.c Located to the rear of the ***mobile home*** on the ***mobile home space***,

.d Be located no closer than 1.5 m of the boundary of the ***mobile home space***, and

.e Be located no closer than 1.2 m from the ***mobile home***.

10.13.4 LANDSCAPING BUFFER

.1 A ***landscape buffer*** shall be provided around the boundary of a ***mobile home park*** in accordance with the ***landscape buffer*** standards identified in Section 5.2 of this Bylaw.

.2 In a required buffer area, the following shall apply:

.a No recreation, ***amenity*** or service areas shall be located,

.b No ***building*** or ***structures*** shall be located, and

.c No garbage disposal areas or other use shall be located.

10.13.5 AMENITY SPACE REQUIREMENTS

.1 ***Amenity space*** shall be provided in the amount of 900.0 m^2 for every 25 ***mobile home spaces*** provided.

.2 ***Amenity space, indoor*** and ***amenity space, outdoor*** may be used to provide the total required ***amenity space***.

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 ***one duplex***
.8 ***health service***
.9 ***high technology service***
.10 ***live-work unit*** (subject to specific use regulation 7.8)
.11 ***minor home occupation*** (subject to specific use regulation 7.3)
.12 ***major home occupation*** (subject to specific use regulation 8.4)
.13 ***office***
.14 ***personal service establishment***
.15 ***one single detached dwelling***
.16 ***restaurant***
.17 ***vacation rental*** (subject to specific use regulation 7.6)

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 ***interior side yard***:	1.5 m
.7	Minimum ***exterior side yard***:	4.5 m
.8	Minimum ***rear yard***:	6.0 m

11.1.3 OTHER REGULATIONS

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

.2 The commercial component of the ***live-work unit*** must have an area of at least 40% of the ***dwelling unit***.

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 ***day care centre, major***
.5 ***dwelling unit***
.6 ***minor home occupation*** (subject to specific use regulation 8.4)
.7 ***personal service establishment***
.8 ***restaurant***
.9 ***vacation rental*** (subject to specific use regulation 7.6)

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 ***interior side yard***:	2.4 m
.7	Minimum ***exterior side yard***:	3.0 m
.8	Minimum ***rear yard***:	3.5 m
	.a except where the ***lot abuts*** a ***residential zone***	6.0 m

11.2.3 OTHER REGULATIONS

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

.2 A maximum of one (1) ***dwelling unit*** within a commercial ***building*** with a separate entrance to the outside shall be permitted.

11.3 C3 – Mixed Use Commercial

PURPOSE

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

11.3.1 PERMITTED USES

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

.1 ***accessory use, building*** *or* ***structure***
.2 ***artisan crafts***
.3 ***assembly***
.4 ***business support service***
.5 ***commercial school***
.6 ***congregate housing***
.7 ***day care centre, major***
.8 ***dwelling unit***
.9 ***funeral service***
.10 ***grocery store***
.11 ***health service***
.12 ***high technology service***
.13 ***indoor animal daycare and grooming***
.14 ***indoor recreation***
.15 ***live work unit*** (subject to specific use regulation 7.8)
.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*** (subject to specific use regulation 7.6)

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 ***interior side yard***:	4.5 m
.8	Minimum ***exterior side yard***:	4.5 m
.9	Minimum ***rear yard***:	6.0 m

11.3.3 OTHER REGULATIONS

.1 A minimum area of 10.0 m^2 of ***amenity space*** shall be provided per ***dwelling unit***.

.2 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

.3 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.

.2 In the case of the following lands, "public parking" and "***storage and warehousing***" shall be permitted uses:

.a ***Lot*** 6, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745, Except Plans 3134 and DD 1573D (705 Wade Avenue W);

.b That Portion of Closed Road in District ***Lot*** 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Shown on Plan B7684, Lying Adjacent to Lot 5, Plan 745 (701 Wade Avenue W);

.c That Part of ***Lot*** 5, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (669 Wade Avenue W);

.d That Part ***Lot*** 4, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (667 Wade Avenue W);

.e That Part of ***Lot*** A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728 (330 Power Street) that is zoned C3.

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 ***cannabis retail store***
.8 ***commercial school***
.9 ***day care centre, major***
.10 ***dwelling units***
.11 ***financial service***
.12 ***funeral service***
.13 ***government service***
.14 ***grocery store***
.15 ***health service***
.16 ***high technology service***
.17 ***household repair service***
.18 ***indoor amusement, entertainment and recreation***
.19 ***indoor animal daycare and grooming***
.20 ***liquor primary licensed premise***
.21 ***minor home occupation*** (subject to specific use regulation 7.3)
.22 ***office***
.23 ***on-site beer/wine making***
.24 ***outdoor markets***
.25 ***personal service establishment***
.26 ***public parking lot***
.27 ***restaurant***
.28 ***retail store***
.29 ***tourist accommodation***
.30 ***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 ***interior side yard***:	0 m and 4.5 m
	.a except when a lot ***abuts***, or is ***adjacent*** to, a residential or institutional ***zone***	6.0 m

.8	Minimum ***exterior side yard***:	4.5 m
.9	Minimum ***rear yard***:	3.0 m
	.a 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 5.0 m^2 of ***amenity space*** shall be provided per ***dwelling unit***.

.6 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

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 ***cannabis retail store***
.10 ***commercial school***
.11 ***community garden***
.12 ***convenience store***
.13 ***craft brewery/distillery***
.14 ***cultural exhibits***
.15 ***custom indoor manufacturing***
.16 ***day care centre, major***
.17 ***dwelling units***
.18 ***financial service***
.19 ***funeral service***
.20 ***government service***
.21 ***grocery store***
.22 ***health service***
.23 ***high technology service***
.24 ***household repair service***
.25 ***indoor amusement, entertainment and recreation***
.26 ***indoor animal daycare and grooming***
.27 ***liquor primary licensed premise***
.28 ***minor home occupation*** (subject to specific use regulation 7.3)
.29 ***office***
.30 ***on-site beer/wine making***
.31 ***outdoor market***
.32 ***personal service establishment***
.33 ***public parking lot***
.34 ***restaurant***
.35 ***retail store***
.36 ***tourist accommodation***
.37 ***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
	.a except Main ***Street*** – 100 Block up to and including 600 Block; and	15 m
	.b Front ***Street***	15 m
.6	Minimum ***front yard***:	0 m
.7	Minimum ***interior side yard***:	0 m
.8	Minimum ***exterior side yard***:	0 m
.9	Minimum ***rear yard***:	0 m

11.5.3 OTHER REGULATIONS

.1 ***Dwelling units*** are restricted to second or higher ***storeys***.

.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 0.4 m from the ***building***, provided that the projection has a ***clearance*** above grade of at least 2.8 m from a public ***street*** and 4.5 m from a public ***lane***.

.3 Notwithstanding Section 4.9 of this Bylaw, canopies and **awnings** may project up to 1.5 m from a ***building***, provided that the projection has a ***clearance*** of 2.8 m from the established ***building grade*** of a sidewalk and 4.5 m above a public ***lane.***

.4 Notwithstanding Chapter 6 – Parking Regulations of this Bylaw, any commercial ***use*** identified in this ***zone*** shall not be required to provide any required ***vehicle parking*** or ***loading spaces***.

11.5.4 SITE SPECIFIC PROVISIONS

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

.1 In the case of ***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 In the case of ***Lot*** B, Plan 36574, located at 56 Forbes Street (Veterans Way), 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 In the case of ***Lot*** 1, Plan KAP 56198, located at 123 Nanaimo Street, an ***emergency shelter***, shall be permitted.

.4 In the case ***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 In the case ***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, ***winery***, shall be permitted.

.6 In the case of ***Lot*** 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, residential ***uses*** shall be permitted on the first floor.

.7 In the case of ***Lot*** 5, Block 19, District Lot 202, Similkameen Division Yale District Plan 269, located at 532/536 Main Street, ***dwelling units*** on the ***first storey*** behind commercial spaces shall be permitted.

.8 In the case of ***Lot*** A, DL 4, Group 7, SDYD (Formerly Yale Lytton), Plan KAP92015, located at 249 Westminster Avenue West, a ***craft brewery/distillery*** and cidery shall be permitted.

.9 In the case of ***Lot*** 9, Block 15, DL 202, SDYD, Plan 269, located at 456 Main Street, one dwelling unit on the ***first storey*** behind the commercial space shall be permitted.

.10 In the case of ***Lot*** A District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District plan KAP49367, located at 352 Winnipeg Street, the use '***self-storage***' shall be permitted, limited to a maximum ***gross floor area*** of 505 m^2.

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 ***cannabis retail store***
.9 ***commercial school***
.10 ***contractor service, limited***
.11 ***craft brewery/distillery***
.12 ***custom indoor manufacturing***
.13 ***day care centre, major***
.14 ***dwelling unit***
.15 ***financial service***
.16 ***funeral service***
.17 ***government service***, including ***outdoor storage***, works yards
.18 ***grocery store***
.19 ***health service***
.20 ***high technology service***
.21 ***home and on-site beer and/or wine making and supply centre***
.22 ***household repair service***
.23 ***indoor amusement, entertainment and recreation***
.24 ***indoor animal daycare and grooming***
.25 ***live work unit*** (subject to specific use regulation 7.8)
.26 ***motor vehicle and equipment repair shop***
.27 ***office***
.28 ***personal service establishment***
.29 ***restaurant***
.30 ***retail store***
.31 ***vacation rental*** (subject to specific use regulation 7.6)
.32 ***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 ***interior side yard:***	0.0 m
	.a except when ***abutting*** a residential, public or institutional ***zone***	3.0m
.7	Minimum ***exterior side yard:***	0.0 m
.8	Minimum ***rear yard***:	
	.a except when ***abutting*** a ***residential, public*** or ***institutional zone***	0.0 m 6.0 m

11.6.3 OTHER REGULATIONS

.1 ***Dwelling units*** are restricted to second or higher ***storeys***.

.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 0.4 m from the ***building***, provided that the projection has a ***clearance*** above grade of at least 2.8 m from a public ***street*** and 4.5 m from a public ***lane***.

.3 Notwithstanding Section 4.9 of this Bylaw, canopies and **awnings** may project up to 1.5 m from a ***building***, provided that the projection has a ***clearance*** of 2.8 m from the established ***building grade*** of a sidewalk and 4.5 m above a public ***lane.***

.4 Notwithstanding Chapter 6 – Parking Regulations of this Bylaw, 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.

.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.

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 ***bakery***
.6 ***building and garden supply***
.7 ***business support service***
.8 ***call centre***
.9 ***commercial school***
.10 ***contractor service, general***
.11 ***contractor service, limited***
.12 ***craft brewery/distillery***
.13 ***custom indoor manufacturing***
.14 ***day care centre, major***
.15 ***fleet service***
.16 ***funeral service***
.17 ***garden centre***
.18 ***government service***, including ***outdoor storage***, works yard
.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 ***live work unit*** (subject to specific use regulation 7.8)
.26 ***motor vehicle and equipment repair shop***
.27 ***motor vehicle body repair and paint shop***
.28 ***motor vehicle sales and rentals***
.29 ***office***
.30 ***personal service establishment***
.31 ***recreation equipment sales, service and rentals***
.32 ***restaurant***
.33 ***retail store***
.34 ***one security/operator dwelling unit*** (subject to accessory suites regulation 8.5)
.35 ***self-storage***
.36 ***storage and warehouse***
.37 ***transport truck and motorhome sales, service, and rentals***
.38 ***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 ***interior side yard:***	0.0m and 4.5m
	.a except when ***abutting*** a ***residential, public or institutional zone***	6.0m
.7	Minimum ***exterior side yard***	4.5 m
.8	Minimum ***rear yard***:	0.0 m
	.a 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 In the case of ***Lot*** 10 DL 1997S, Plan KAS 1732, located at 126-197 Warren Avenue East, a hair salon, shall be permitted.

.2 ***Tourist accommodation*** shall be permitted on the following properties:

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

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

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

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

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

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

.g ***Lot*** 6, Plan KAP10827, District Lot 116, Similkameen Division Yale District, Except Plan 13370, located at 2307 Skaha Lake Road.

.3 In the case of ***Lot*** 8, District Lots 1997S and 3237S, Similkameen Division Yale District, Plan 4762 and That Part of Closed Road in District Lot 3237S, Similkameen Division Yale District, Shown as Parcel B (Plan B7772), Lying Adjacent to Lot 8, Plan 4762, located at 1700 and 1706 Main Street, the following uses shall be permitted: ***dwelling units***, ***congregate housing***, transitional housing and ***emergency shelter***.

.4 In the case of the following lands, ***public parking lot*** and ***storage and warehousing*** shall be permitted uses:

.a That Part of ***Lot*** 3, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (645 Wade Avenue W);

.b That Part of ***Lot*** A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728 (330 Power Street) that is zoned C7.

.5 In the case of ***Lot*** 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, ***cannabis retail store*** shall be permitted.

11.8 C8 – Vehicle Service Station

PURPOSE

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

11.8.1 PERMITTED USES

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

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

11.8.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	30 m
.2	Minimum ***lot area***:	1000 m^2
.3	Maximum ***lot coverage***:	35%
.4	Maximum ***height:***	10.5 m
.5	Minimum ***front yard***:	4.5 m
.6	Minimum ***interior side yard***:	4.5 m
.7	Minimum ***exterior side yard***	4.5 m
.8	Minimum ***rear yard***:	4.5 m
	.a 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 ***accessory use, building*** or ***structure***
.7 ***artisan crafts***
.8 ***business support service***
.9 ***commercial school***
.10 ***custom indoor manufacturing***
.11 ***dwelling unit***
.12 ***health service***
.13 ***high technology service***
.14 ***indoor amusement, entertainment and recreation***
.15 ***live-work unit*** (subject to specific use regulation 7.8)
.16 ***office***
.17 ***outdoor market***
.18 ***personal service establishment***
.19 ***restaurant***
.20 ***retail store***

11.9.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	30 m
.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***:	
	.a Marina Way	1.0 m
	.b Vancouver Avenue	4.0 m
.7	Minimum ***side yard***	
	Marina Way	
	.a ***interior side yard***:	0 m
	.b ***exterior side yard***:	2.0 m
.8	Minimum ***side yard***	
	Vancouver Avenue	
	.a ***interior side yard***:	2.0 m

.b	***exterior side yard***:	2.0 m
.9	Minimum ***rear yard***:	0 m

11.9.3 OTHER REGULATIONS

.1 A minimum area of 5.0 m^2 of ***amenity space*** shall be provided per ***dwelling unit***.

.2 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

.3 ***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***

11.9.4 SITE SPECIFIC PROVISIONS

.1 In the case of Proposed ***Lots*** 2, 3 and 4 located at 203, 225 and 247 Vancouver Avenue, single detached housing is a permitted use as identified on Schedule 'B' of this Bylaw.

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 ***day care centre, major***
.3 ***indoor amusement, entertainment and recreation***
.4 ***liquor primary licensed premise***
.5 ***outdoor amusement, entertainment and recreation***
.6 ***outdoor market***
.7 ***personal service establishment***
.8 ***recreation equipment sales, service and rentals***
.9 ***restaurant***
.10 ***retail store***
.11 ***security/operator dwelling unit*** (subject to accessory suites regulation 8.5)
.12 ***tourist accommodation***

11.10.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

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

11.10.3 OTHER REGULATIONS

.1 The ***gross floor area*** for a ***personal service establishment*** or for a ***retail store*** shall not exceed 100 m^2.

.2 ***Recreation and equipment sales, service and rentals*** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty-(50) cc engine.

.3 No more than one (1) ***security/operator dwelling unit*** is permitted on a site with a maximum ***gross floor area*** of 100 m^2.

11.10.4 SITE SPECIFIC PROVISIONS

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

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

.a	Maximum ***height***:	24m

.b	Minimum ***front yard***:		6.0 m
.c	Minimum ***side yard***:		
	i.	***interior side yard***	6.0 m
	ii.	***exterior side yard***	6.0 m
.d	Minimum ***rear yard***:		9.0 m
.e	Minimum ***building*** separation from internal ***streets***, surface ***parking spaces*** or ***walkways***		3.0 m
.f	Maximum casino games		
	i.	Slot machines	300
	ii.	Gaming tables	30

.2 In the case of ***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.;

.a Hotel use

.b 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.

.c Residential use – up to 50% of the hotel floor area occupied by hotel rooms.

.d Eating and drinking establishments, indoor entertainment, recreation and amusement.

.e Retail trade and personal services to a maximum of 100m^2 in floor area.

.f Recreational equipment rentals including motor scooters not exceeding 55cc engine displacement, but excluding other motorized vehicles.

.g Conference facilities, including meeting rooms and kitchen facilities.

.h Professional offices, not to exceed 10% of the building in which they are located not to exceed 900m^2 (9,690 sq. ft.).

.i Notwithstanding the Subdivision and Development Regulations in Section 11.10.2, the following regulations apply to these properties:

.i Maximum Lot Coverage 40%

.ii Maximum Floor Area Ration 1.75

.iii Minimum Parcel Size 0.4ha

.iv Maximum Height 40m (subject to Penticton Airport Zoning Regulations.

.j 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*** (subject to accessory suites regulation 8.5)

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 ***interior side yard***:	4.5 m
	.a except when ***abutting*** a ***residential*** or ***institutional zone***	6.0 m
.6	Minimum ***exterior side yard***:	4.5 m
.7	Minimum ***rear yard***:	4.5 m
	.a 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 and Tourist Accommodation Bylaw.

.2 ***Indoor amusement entertainment and recreation*** is limited to an ***accessory use*** for ***campground*** guests.

.3 ***Recreation equipment sales, service and rentals*** are limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty-(50) cc engine.

.4 ***Convenience store*** shall be limited to 100 m^2 ***gross floor area***.

11.12 CT3 – Hotel Resort

PURPOSE

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

11.12.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***indoor amusement, entertainment and recreation***
.3 ***liquor primary licensed premise***
.4 ***personal service establishment***
.5 ***recreation equipment sales, service and rentals***
.6 ***resort residential***
.7 ***retail store***
.8 ***restaurant***
.9 ***tourist accommodation***
.10 ***vacation rental*** (subject to specific use regulation 7.6)

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 ***interior side yard***:	6.0 m
.8	Minimum ***exterior side yard***:	6.0 m
.9	Minimum ***rear yard***:	9.0 m
.10	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***
.11	Notwithstanding Chapter 6, off street parking requirements are as follows:	
	.a Studio	0.75 spaces
	.b 1 or 2 bedroom ***sleeping unit***	0.75 spaces
	.c bedroom unit with lock-off unit	1.3 spaces
	.d 3 or more bedroom ***sleeping unit***	2 .0 spaces

11.12.3 OTHER REGULATIONS

.1 ***Resort residential building*** must include a minimum of 450 m^2 of resort ***amenity*** facilities, including outdoor pools, indoor games, recreation, fitness and health rooms, pools and spas, guest lounges, meeting rooms and similar amenities.

.2 In addition to the General Regulations Chapter of this Bylaw dealing with projections, utilities, underground parking and similar ***structures*** constructed entirely beneath the surface of the ground may encroach into required yards provided such underground

encroachments do not result in a grade inconsistent with ***abutting*** properties and the encroachments are covered by sufficient soil depth or surface treatment to foster ***landscaping***.

.3 Within 60 m of the front ***lot line abutting*** Skaha Lake Road, the following ***uses*** shall be permitted: ***restaurant***, ***liquor primary licensed premise***, ***retail store, personal service establishment, indoor entertainment, recreation and amusement***, professional ***office***, ***dwelling units*** above the first floor and under the same roof of the ***building*** within which the ***permitted use*** is carried out, provided that a separate entrance from ground level is provided.

.4 ***Recreation equipment sales, service and rentals*** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding to fifty-(50) cc capacity.

.5 ***Personal service establishments*** and ***retail store uses*** shall be limited to 100 m^2 of ***gross floor area***.

Chapter 12 – Industrial Zones

12.1 M1 –General Industrial

PURPOSE

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

12.1.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***animal clinic***
.3 ***animal shelter***
.4 ***artisan crafts***
.5 ***building and garden supply***
.6 ***business support service***
.7 ***call centre***
.8 ***cannabis production facility***
.9 ***contractor service, general***
.10 ***contractor service, limited***
.11 ***fleet service***
.12 ***funeral service***
.13 ***garden centre***
.14 ***general industrial use***
.15 ***government service*** including ***outdoor storage***
.16 ***high technology service***
.17 ***household repair service***
.18 ***indoor animal daycare and grooming***
.19 ***mobile catering food service***
.20 ***motor vehicle body repair and paint shop***
.21 ***motor vehicle and equipment repair shops***
.22 ***motor vehicle and equipment services, industrial and agriculture***
.23 ***motor vehicle sales and rental***
.24 ***outdoor storage***, excluding ***wrecking yard***
.25 ***restaurant***
.26 ***one security/operator dwelling unit*** (subject to accessory suites regulation 8.5)
.27 ***self- storage***
.28 ***storage and warehouse***
.29 ***utility service, major***
.30 ***wholesale business***

12.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	20.0 m
.2	Minimum ***lot area***:	1000 m^2
.3	Maximum ***height***:	15 m
.4	Minimum ***front yard***:	6.0 m

.5	Minimum ***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
.6	Minimum ***exterior side yard***:	4.5 m
.7	Minimum ***rear yard***:	0 m
	.a when ***abutting*** a ***residential, commercial, public*** or ***institutional zone***	7.5 m

12.1.3 OTHER REGULATIONS

.1 An ***accessory use*** may include an indoor display, ***office*** and technical training and/or retail sales area for products assembled or manufactured on site.

.2 The floor area devoted to ***accessory uses*** shall not exceed 25% of the ***gross floor area*** of a building.

.3 A ***security/operator dwelling unit*** shall not exceed a ***gross floor area*** of 100 m^2.

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

.5 In the case of a business servicing or repairing ***recreational vehicles***, overnight parking of RVs shall be considered an ***accessory use***.

.6 A **funeral service** shall be limited to 250m^2 ***gross floor area***.

12.1.4 SITE SPECIFIC PROVISIONS

.1 In the case of ***Lot*** 2, Plan 6155 located at 201 Okanagan Avenue East a Fitness centre and food take out delivery shall be a ***permitted use***.

.2 In the case of ***Lot*** A, DL 3821S, SDYD, Plan KAP51916, located at 1363 Commercial Way an ***indoor amusement, entertainment and recreation*** facility in a ***building*** with a minimum floor area of 230 m^2.

.3 In the case of ***Lot*** 1, District Lot 251 Similkameen Division Yale District Plan 12353, located at 2250 Camrose Street, the use of the premises by a non-profit society:

.a Providing family service operations to include life skills training (may include cooking, budgeting, first aid), employment skills training, and work experience facilitation; and

.b Operating a second hand store which primarily sells donated used merchandise; and

.c Operating a food bank for the purposes of storing and distributing food products for non-profit and charitable purposes; and

.d Operating administrative offices shall be permitted.

12.2 M2 – Heavy Industrial

PURPOSE

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

12.2.1 PERMITTED USES

The ***permitted uses*** in this ***zon***e are:

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

12.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	30.0 m
.2	Minimum ***lot area***:	2000 m^2
.3	Maximum ***height***:	15 m
.4	Minimum ***front yard***:	6.0 m
.5	Minimum ***interior side yard***:	6.0 m
.6	Minimum ***exterior side yard***:	4.5 m
.7	Minimum ***rear yard***:	6.0 m
.a	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:

.a *PERMITTED USES*

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

.b *SUBDIVISION AND DEVELOPMENT REGULATIONS*

.1	Minimum ***lot width***:	20 m
.2	Minimum ***lot area***:	1000 m^2
.3	Maximum ***height***:	50.0 m
.4	Minimum ***front yard***:	6.0 m

.5	Minimum ***interior side yard***:	4.5m
.6	Minimum ***exterior side yard***:	6.0 m
.7	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 ***interior side yard***:	6.0 m
.6	Minimum ***exterior side yard***:	4.5 m
.7	Minimum ***rear yard***:	6.0 m
	.a 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 and 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 ***accessory use, building*** or ***structure***
.2 ***assembly***
.3 ***carnival***
.4 ***cemetery***
.5 ***commercial school***
.6 ***congregate housing***
.7 ***day care centre, major***
.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*** (subject to accessory suites regulation 8.5)

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 ***interior side yard***:	4.5 m
.8	Minimum ***exterior side yard***:	6.0 m
.9	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 45 m.

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***
.10 ***restaurant***

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 ***interior side yard***:	4.5 m
.7	Minimum ***exterior side yard***:	6.0 m
.8	Minimum ***rear yard***:	7.5 m

13.2.3 OTHER REGULATIONS

.1 A ***security/operator dwelling unit*** shall not exceed a ***gross floor area*** of 100 m^2.

.2 A ***restaurant*** shall be limited to 100 m^2 ***gross floor area.***

13.2.4 SITE SPECIFIC PROVISIONS

.1 In the case of ***Lot*** 6 and the western portion of Lot 5 District Lots 202, 249 and 250 Similkameen Division Yale District, Plan 1410, located at 470 and the western portion of 490 Edmonton Avenue, 'day care centre, major', shall be permitted.

13.3 P3– Major Utilities

PURPOSE

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

13.3.1 PERMITTED USES

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

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

13.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

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

13.3.3 OTHER REGULATIONS

.1 In the case where ***utility service, major*** is ***abutting*** or ***adjacent*** to a residential ***zone***, ***landscaping*** shall be required in accordance with the ***landscape buffer*** specification outlined in Section 5.2 of this Bylaw.

Chapter 14 - Comprehensive Development

14.1 CD1 – Repealed

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 ***interior side yard***:	2.5 m
.8	Minimum ***exterior side yard***:	2.5 m
.9	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.

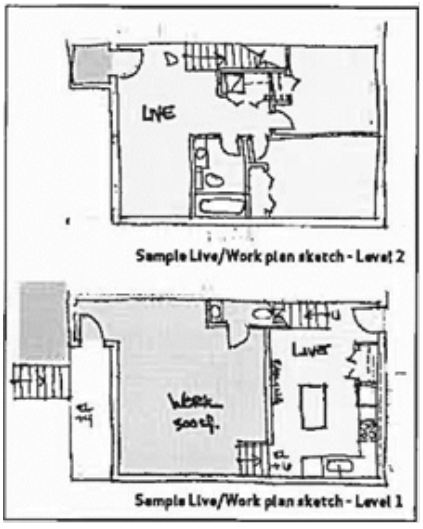

Figure 15 - Live Work CD2

.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 Section 14.2.4 of this Bylaw, 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:

.a ***office*** uses

.b studio for and artist, artisan, sculptor, photographer, or musician.

.c retail sale and display of items produced on the premises

.d 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 of this Bylaw, unenclosed stairwells, balconies, porches, canopies and similar architectural projections may project up to 2.0 m into all ***yards***.

.4 The maximum density specified in Section 14.2.3.4 of this Bylaw may be increased to a maximum floor area of 2.5 if the owner provides the following:

.a A cash payment in the amount of $200,000,

.b 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,

.c Construction of the improvements within the dedicated open space shown on attached specifications.

.5 Amenities contributions described in Section 14.2.5.4 shall be deliverable upon application for a building permit authorizing construction of any part of the development.

14.3 CD3 – Comprehensive Development (2784 Skaha Lake Road)

14.3.1 PURPOSE

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

14.3.2 PERMITTED USES

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

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

14.3.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum lot width:	30.0 m
.2	Minimum ***lot area***:	1500 m^2
.3	Maximum ***lot coverage***:	70%
.4	Maximum ***density***	2.0 ***FAR***, subject to the Density Bonus provisions below
.5	Maximum ***height:***	46.0 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***interior side yard***:	4.5 m
.8	Minimum ***exterior side yard***:	4.5 m
.9	Minimum ***rear yard***:	4.5 m
.10	Parking Requirements	
	.a Commercial	1 per 28 m^2
	.b Residential	
	.i Bachelor	1.0 spaces per unit
	.ii 1 Bedroom	1.25 spaces per unit
	.iii 2 or more Bedrooms	1.5 spaces per unit

14.3.4 PROJECTIONS INTO YARD SETBACKS

.1 Notwithstanding Section 4.9 of this Bylaw:

.a 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.

.b 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

14.3.5 DENSITY BONUS

.1 The maximum density specified in Section 14.3.3.4 of this Bylaw may be increased, to a maximum floor area ratio of 2.5 where the owner voluntarily provides a cash payment of $15.00 for every .09 m^2 (1 square foot) of bonus density to the City of Penticton to be placed in a reserve fund for affordable and special needs housing or public amenities off the site. This payment is due at the time of issuance of any building permit authorizing the construction of a building whose construction results in the FAR exceeding 2.0 by any amount, and to the extent that the building permit authorizes construction exceeding that density.

14.3.6 OTHER REGULATIONS

.1 A minimum area of 6.0 m^2 of ***amenity space*** shall be provided per bachelor dwelling or group home bedroom, 10.0 m^2 of ***amenity space*** shall be provided per 1 bedroom dwelling, and 15.0 m^2 of ***amenity space*** shall be provided per dwelling with more than 1 bedroom.

.2 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.

14.3.7 SITE SPECIFIC PROVISIONS

.1 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:

.a 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;

.b 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;

.c Where a building permit application is made for phased development, the Density Bonus specified in Section 14.3.5 of this Bylaw shall be based on Table 14.1. The Area 1, 2 and 3 boundaries are shown on Figure 16 below.

Figure 14.1 – CD3 Density		
Land Area	**Base FAR**	**Bonus FAR**
Total @ 12,710m^2	2.0	2.5
Land Area 1 @ 4236 m2	2.0	2.5
Land Area 2 @ 4236 m2	2.0	2.5
Land Area 3 @ 4236 m2	2.0	2.5

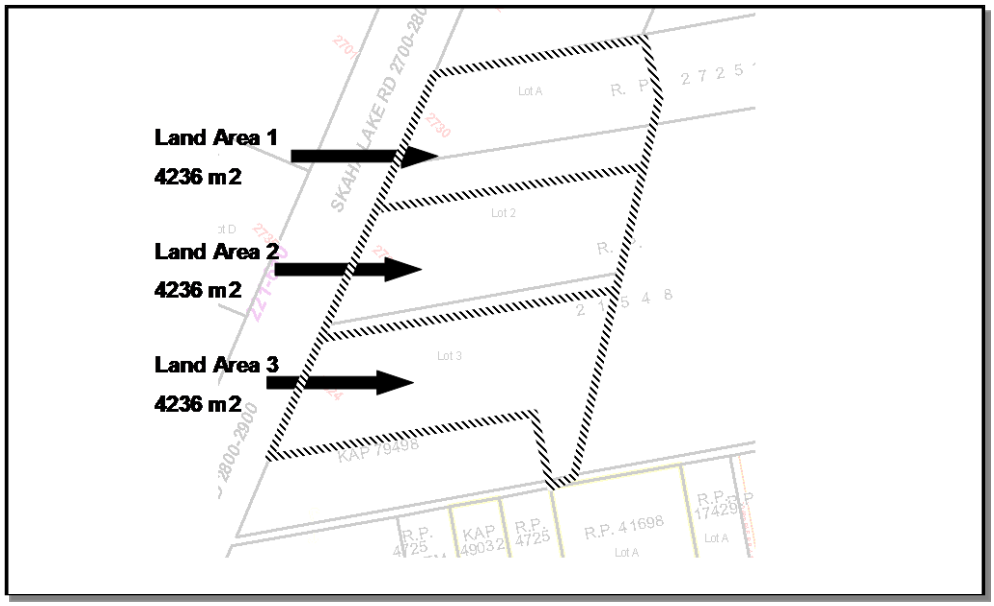

Figure 16 - Phasing and Density Bonus - 2784 Skaha Lake Road

14.4 CD4 – Repealed

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

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

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

14.5.3 DEVELOPMENT REGULATIONS

.1	Minimum ***lot area***:	4000 m^2
.2	Maximum ***lot coverage***:	60%
.3	Maximum ***density***: (without density bonus)	2.0 ***FAR***
.4	Minimum ***height*** of residential tower:	20.0 m and 6 storeys
.5	Maximum ***height***:	45 m and 14 storeys
.6	Minimum ***front yard***:	4.5 m
.7	Minimum ***side yard:***	0.0 m
.8	Minimum ***rear yard***:	3.0 m

14.5.4 DEVELOPMENT REGULATIONS

.1 Notwithstanding Section 6.5 of this Bylaw, in the case of the ***use apartment vehicle parking*** shall be provided at the following rate:

.a 1 space per dwelling unit,

.b 5 guest spaces per residential building.

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

.a 5.0 m2 per unit.

14.5.5 DENSITY BONUS

.1 Notwithstanding Section 14.5.3.3 of this Bylaw, 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.

14.6 CD6 – Comprehensive Development (962 Churchill Avenue)

14.6.1 PURPOSE

This ***zone*** provides for the comprehensive development of a residential site for *Lot 1, DL 3, SDYD (Formerly Yale Lytton), Plan 24763*, located at 962 Churchill Avenue.

14.6.2 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 ***vacation rental*** (subject to specific use regulation 7.6)

14.6.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	21.0 m
.2	Minimum ***lot area***:	700 m^2
.3	Maximum ***lot coverage***:	55%
.4	Maximum ***density***:	1.9 ***FAR***
.5	Maximum ***height***:	
	.a ***principal building***	19.0 m
	.b ***accessory building*** or ***structure***	4.5 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***interior side yard:***	
	.a ***principal building***	2.5 m
	.b ***accessory building*** or ***structure***	1.5 m
.8	Minimum ***rear yard***:	
	.a ***principal building***	6.0 m
	.b ***accessory building or structure***	1.5 m

14.6.4 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20.0 m^2 for each ***dwelling unit***.

14.6.5 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1 In addition to the projections permitted in Table 4.1 of this Bylaw, the maximum projection into a required side yard for a deck is 0.2 m.

.2 The minimum width of a landscape buffer ***abutting*** a residential zone shall be 2.0 m.

14.7 CD7 – Comprehensive Development (154 Brunswick Street)

14.7.1 PURPOSE

This ***zone*** provides for the comprehensive development of a residential site for *Lot 1, DL 4, SDYD (Formerly Yale Lytton), Plan KAP49946*, located at 154 Brunswick Street.

14.7.2 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 ***office***
.5 ***vacation rental*** (subject to specific use regulation 7.6)

14.7.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	31.0 m
.2	Minimum ***lot area***:	1,700 m^2
.3	Maximum ***lot coverage***:	65%
.4	Maximum ***density***:	2.0 ***FAR***
.5	Maximum ***height***:	
	.a ***principal building***	23.0 m
	.b ***accessory building*** or ***structure***	4.5 m
.6	Minimum ***front yard***:	3.0 m
.7	Minimum ***interior side yard:***	
	.a ***principal building***	4.5 m
	.b ***accessory building*** or ***structure***	1.5 m
.8	Minimum ***rear yard***:	
	.a ***principal building***	4.5 m
	.b ***accessory building*** or ***structure***	1.5 m

14.7.4 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 20.0 m^2 for each ***dwelling unit***.

14.7.5 OTHER REGULATIONS

.1 A landscaping buffer to be provided along property lines ***abutting*** a residential zone and highway shall not apply.

.2 An ***office*** shall not exceed a maximum ***gross floor area*** of 100 m^2.

14.7.6 ALLOWABLE PROJECTIONS

.1 In addition to the projections permitted in Table 4.1 of this Bylaw, the following projections apply:

Table 14.2 – CD7 Projections	
Feature	**Maximum projection in to Require Yards**
Roof features including roof projection, eaves, eave-troughs and gutters	1.7 m *interior side yard* 0.5 m *front yard*
Open stairways, landings, steps	1.2 m *interior side yard*, provided that 1.5 m is still maintained between the feature and the property line 1.5 m *front yard*
Covered or uncovered *balcony*, porch, and *deck*	1.6 m *interior side yard (northern)* 0.8 m *interior side yard (southern)*

14.7.7 PARKING REGULATIONS

.1 Off-street *vehicle parking* shall comply with the standards and regulations established in Chapter 6 of this Bylaw.

.2 Notwithstanding Section 14.7.7.1, up to 44% of the required off-street *parking* spaces may be designed as small car *parking spaces*, in accordance with Table 6.3 of this Bylaw. Such spaces shall be clearly marked with "small car".

.3 Cash-in-lieu: in lieu of providing the required number of off-*street vehicular parking spaces*, the property *owner* may provide the City with 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 of this Bylaw. The sum of money will be deposited in the Off-Street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off-Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve.

City of Penticton

Schedule 'B'
Zoning Bylaw No. 2021-01

N

0 0.25 0.5 1

Kilometres

Scale: 1:12,500

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Parcel
- Penticton Indian Band
- Waterbody

Zoning Bylaw No. 2021-01 (Classification)

- No Zoning

Rural Zones

- FG - Forestry and Grazing
- A - Agriculture
- RC - Country Residential Housing

Urban Residential Zones

- R1 - Large Lot Residential
- R2 - Small Lot Residential
- R3 - Small Lot Residential: Lane
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- RD3 - Residential Infill
- RD4 - Low Density Cluster Housing
- RM1 - Bareland Strata Housing
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- RM4 - High Density Multiple Housing
- RM5 - Urban Residential
- RSM - Mobile Home Park Housing

Commercial Zones

- C1 - Commercial Transition
- C2 - Neighborhood Commercial
- C3 - Mixed Use Commercial
- C4 - General Commercial
- C5 - Urban Centre Commercial
- C6 - Urban Peripheral Commercial
- C7 - Service Commercial
- C8 - Vehicle Service Station
- C9 - Marina Way Commercial
- CT1 - Tourist Commercial
- CT2 - Campground Commercial
- CT3 - Hotel Resort

Industrial Zones

- M1 - General Industrial
- M2 - Heavy Industrial
- M3 - Wrecking Yard

Public Assembly & Recreation Zones

- P1 - Public Assembly
- P2 - Parks and Recreation
- P3 - Major Utilities

Comprehensive Development

- CD2 - Comprehensive Development (2784 Skaha Lake Road)
- CD3 - Comprehensive Development (2784 Skaha Lake Road)
- CD5 - Comprehensive Development (3388 Skaha Lake Road)
- CD6 - Comprehensive Development (962 Churchill Avenue)
- CD7 - Comprehensive Development (154 Brunswick St)

2021-05-12 3:59 PM

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Okanagan Lake

Skaha Lake

Amended By Bylaw No.

Council Report

penticton.ca

Date: May 18, 2021 File No: RMS/1220 Munson Ave
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 1220 Munson Avenue

Subject: **Development Variance Permit PL2021-8973**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-8973" for Lot 3 District Lot 187 Similkameen Division Yale District Plan 2991 Except Plan M16292, located at 1220 Munson Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 4.8.4.5: to increase the maximum number of metal storage containers permitted on a property within the A zone from 1 to 3; and
- Section 8.1.4.2: to increase the maximum gross floor area of a secondary suite from 90m^2 or 40% of the habitable area of the building, whichever is less, to 117m^2 or 40% of the habitable area of the building, whichever is less;

AND THAT Council direct staff to issue "Development Variance Permit PL2021-8973".

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to legalize an existing secondary suite located within the existing single detached dwelling and to allow the three existing metal storage containers to remain on the subject property. This application has come forward as a result of Bylaw Enforcement actions related to these two items, which require relief from the Zoning Bylaw regulations prior to being legalized. As such, this Development Variance Permit has come forward.

Background

The subject property is 1 hectare (2.5 acres) in size and is located on the south side of Munson Avenue near Upper Bench Road North (Figure 1). The property contains a single detached dwelling, which contains an unpermitted secondary suite. The property is used as a hobby orchard by the property owner. Surrounding land uses are primarily agricultural in nature, including wineries and single detached dwellings on larger, rural properties.

The subject property is designated 'Agriculture' by the Official Community Plan, and is zoned 'Agriculture' in the Zoning Bylaw. The subject property is located within the provincial Agricultural Land Reserve (ALR). Section 31 of the ALR Use Regulation allows for secondary suites in single detached dwellings on properties in the ALR, subject to the local government's zoning regulations.

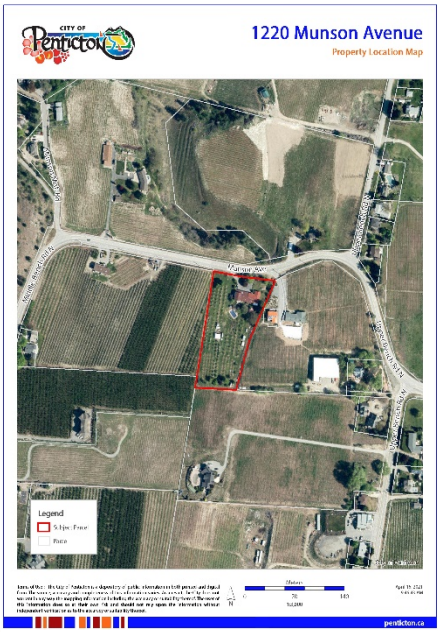


Figure 1 - Property location map

Technical Review

This application was reviewed by the City's Technical Planning Committee, a group of City staff from various departments who review planning applications. The committee had limited comments for the applicant. A building permit will be required to legalize the secondary suite, should Council approve the variance to increase the size of the secondary suite. The applicant has submitted the required building permit applications to legalize unpermitted works on the subject property, which are on-hold pending the result of this variance request.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	Metal Storage Container Requirement (Section 4.8.4)	Provided on Plans
Maximum Number of Metal Storage Containers on lots within the A zone:	One (1)	Three (3) **– Variance Requested**
	Secondary Suite Requirement (Section 8.1)	**Provided on Plans**
Limitation of Suites:	No more than one (1) secondary suite shall be permitted in a single detached dwelling.	Only one (1) secondary suite is shown on the plans.
Sewer Service:	No secondary suite will be allowed without connection to a community sewer system unless the lot of at least 830m^2 and meets the requirements of the sewer system	The subject property is not connected to the municipal sanitary sewer system. The lot is 10,000m^2 (1 ha) which exceeds the minimum lot area required

	regulation under the *Public Health Act.*	when a property has a private on-site sewer system. At the building permit stage to legalize the suite, sufficient capacity of the existing on-site sewer system must be demonstrated.
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.	The secondary suite shall not be separately titled from the principal dwelling.
Minimum Gross Floor Area:	32 m^2	117 m^2
Maximum Gross Floor Area:	90 m^2 or 40% of the habitable floor area of the building, whichever is less	117 m^2, which is equal to 40% of the habitable floor area of the building **– Variance Requested**
Minimum Amenity Space:	15 m^2 of amenity space shall be provided individually for each of the principal residence and the secondary suite.	18m^2 patio for secondary suite Approx. 50 m^2 total of patio, deck, and balcony for principal dwelling

Analysis

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. Staff have reviewed the two requested variances and are recommending support for the following reasons:

1. *Section 4.8.4.5: To increase the maximum number of metal storage containers on a property in the Agriculture (A) zone from 1 to 3.*
    a. The metal storage containers are located in a low spot on the property and away from homes on neighbouring properties (Attachment 'C').
        i. This placement mitigates negative impacts on neighbouring properties.
    b. The metal storage containers are an alternative storage option to a purpose-built storage building.
        i. The applicant notes that the metal storage containers are used to store farm equipment (Attachment 'D').
        ii. The property contains a fruit orchard which requires associated equipment to maintain.
    c. The metal storage containers are grouped together (Attachment 'C').
        i. This avoids a greater potential impact than if the metal storage containers were spread around the property.

2. *Section 8.1.4.2: To increase the maximum gross floor area of a secondary suite from 90m^2 or 40% of the habitable area of the building, whichever is less, to 117m^2 or 40% of the habitable area of the building, whichever is less.*
    a. In 2019, the BC Building Code changed to ease size restrictions on secondary suites.
        i. The intent of this change, which removed any size limit to secondary suites, was to encourage more secondary suites to be built across BC as a viable housing option.
        ii. Approval of the variance will ensure the suite is available for rental and is safe and meets minimum health and safety standards as outlined in the Code.
    b. The City is moving towards amending the maximum secondary suite provision in the Zoning Bylaw, following the course of the BC Building Code change.
        i. Planning staff are working to amend the maximum gross floor area for secondary suites in an upcoming Zoning Bylaw update. The proposed changes would remove the 90m^2 cap, and retain the limit of 40% of the habitable area of the building. This would allow secondary suites to be tied in scale to the principal residence, ensuring they remain 'secondary' in scale. The proposed 117m^2 secondary suite on the subject property is equal to 40% of the habitable area of the building. Under the proposed Zoning Bylaw update, a variance would not be required.
    c. The property contains ample room for parking and amenity areas for the occupants of both the principal dwelling and the secondary suite.
        i. One additional parking space is required for a secondary suite, in addition to the required parking for the principal residence. The existing U-driveway contains more than enough space to exceed the minimum parking requirements of 3 parking spaces.
    d. Secondary suites are permitted by the ALR Use Regulation, as long as the suite is located within a principal residence (i.e. not a separate structure).
        i. Section 31 of the ALR Use Regulation permits secondary suites within homes on ALR land.
        ii. The suite must be within the principal residence, which is the case on the subject property.

Given the reasons above, staff support the application to increase the number of metal storage containers on the property from 1 to 3, and to increase the maximum gross floor area for a secondary suite from 90m^2 to 117m^2. Staff recommend that Council approve the development variance permit and direct staff to issue the permit.

Alternate Recommendations

Council may consider the requested variances are undesirable and require the applicant to build within the Zoning Bylaw regulations. If this is the case, Council should deny the Development Variance Permit. Staff recommend against this option, as in staff's opinion the metal storage containers are an appropriate alternative to a larger-scale storage building and the City is moving to relax secondary suite size regulations. Negative impacts on neighbours are not anticipated as a result of the two requested variances being approved.

1. THAT Council deny "Development Variance Permit PL2021-8973".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – Draft Development Variance Permit PL2021-8973

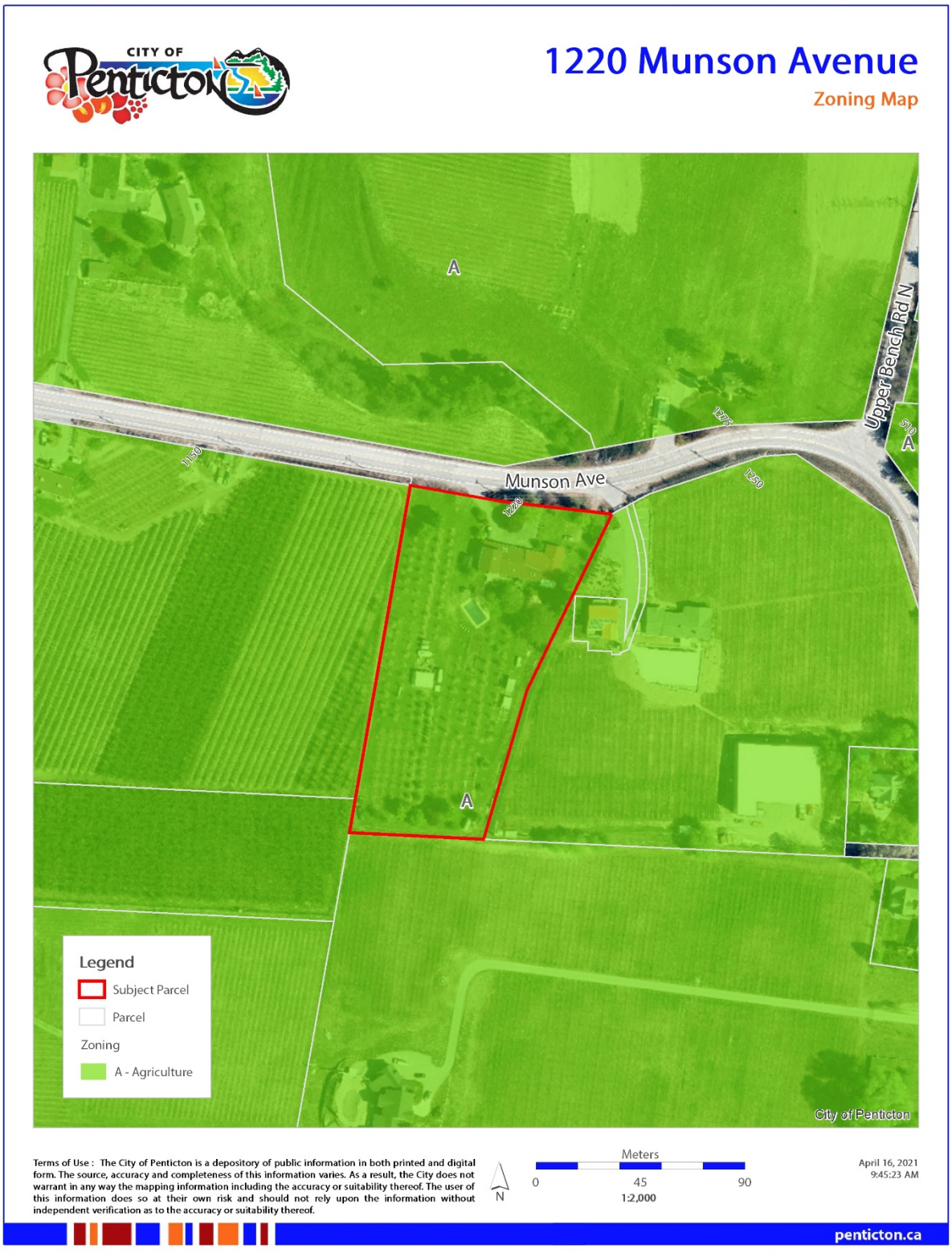
Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Zoning Map



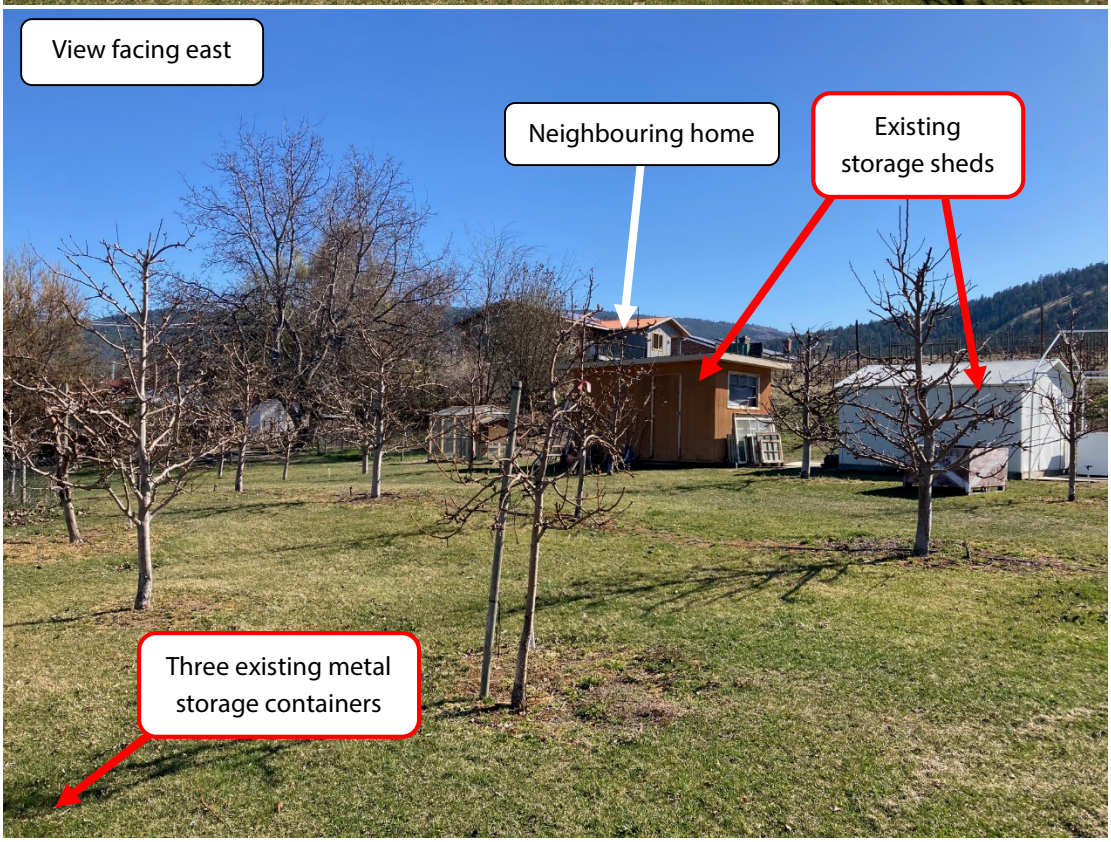
Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Three existing metal storage containers

Three existing metal storage containers

View facing west
Neighbouring vineyard
Three existing metal storage containers


View facing east
Neighbouring home
Existing storage sheds
Three existing metal storage containers

Attachment D – Letter of Intent

March 10, 2021

Letter of Intent 1220 Munson Variance Request.

To City staff and Council

This variance request is to allow 2 additional storage containers to remain on this farm property.
Three containers are an integral part of our mixed fruit farming operation and offer an affordable alternative to an expensive less secure barn or permanent structure.
The containers are newer clean White in colour consistent with other out buildings on the property.
The containers are not visible from the road when the farm is covered in foliage and barely visible from the road in winter months.
The 3 containers are neat tidy and cover only 480 sq feet. They are 8 feet high.
This is a small fraction of the size of barn or steel-clad building that we would be allowed to build on this same spot under existing rules.
None of my neighbours and no one has raised concern about the containers that were only discovered on an unrelated inspection by city officials.
The negative impact of these containers on my neighbours is minimal and the value to my family is immense.
We are one of the shrinking number of stone fruit farmers still operating in the area. We appreciate the city and councils support so we can continue the farming work we do. Our hope is you will give this request serious consideration and allow the variance.

Sincerely
Gordon Tietjen
Malcolm Tietjen
(The Fruit and Flower Pedlar)

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

Development Variance Permit

Permit Number: DVP PL2021-8973

Owner Name
Owner 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 3 District Lot 187 Similkameen Division Yale District Plan 2991 Except Plan M16292
Civic:	1220 Munson Avenue
PID:	010-915-125

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 legalization of a secondary suite and to legalize the placement of additional metal storage containers on the subject property and to increase the permitted size of a secondary suite, as shown in the plans attached in Schedule 'A':
    a. Section 4.8.4.5: to increase the maximum number of metal storage containers on a property within the A zone from 1 to 3.
    b. Section 8.1.4.2: to increase the maximum gross floor area for a secondary suite from 90m^2 or 40% of the habitable area of the building, whichever is less, to 117m^2 or 40% of the habitable area of the building, whichever is less.

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

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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 _____, 2021.

Issued this _____ day of _____, 2021.

_____

Angela Collison
Corporate Officer

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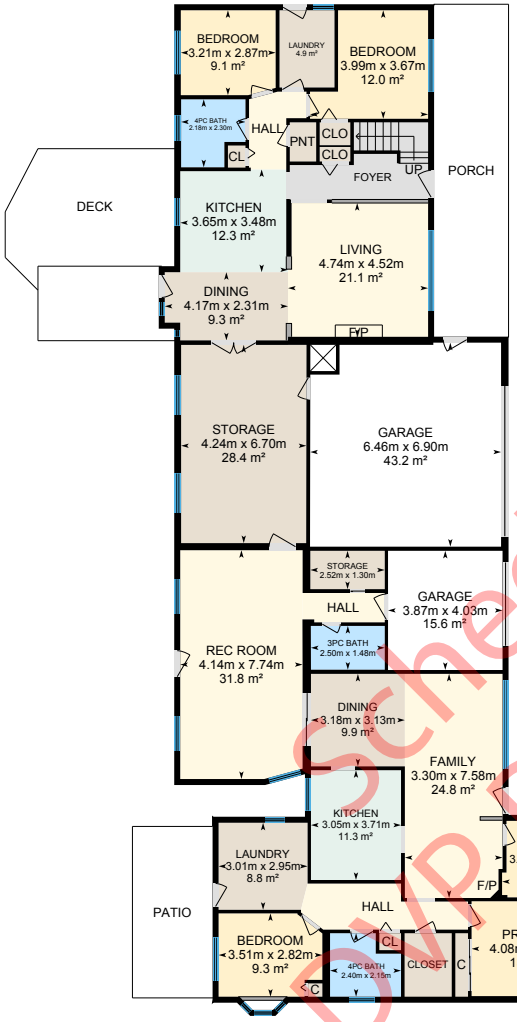
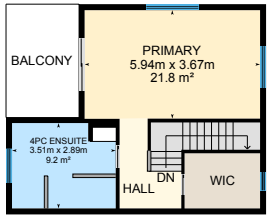
1220 Munson Ave, Penticton, BC

Main Building: Total Exterior Area Above Grade 350.77 m²





Schedule 'A'
DVP PL2021-8973

N

Main Floor
Exterior Area 297.94 m²

N

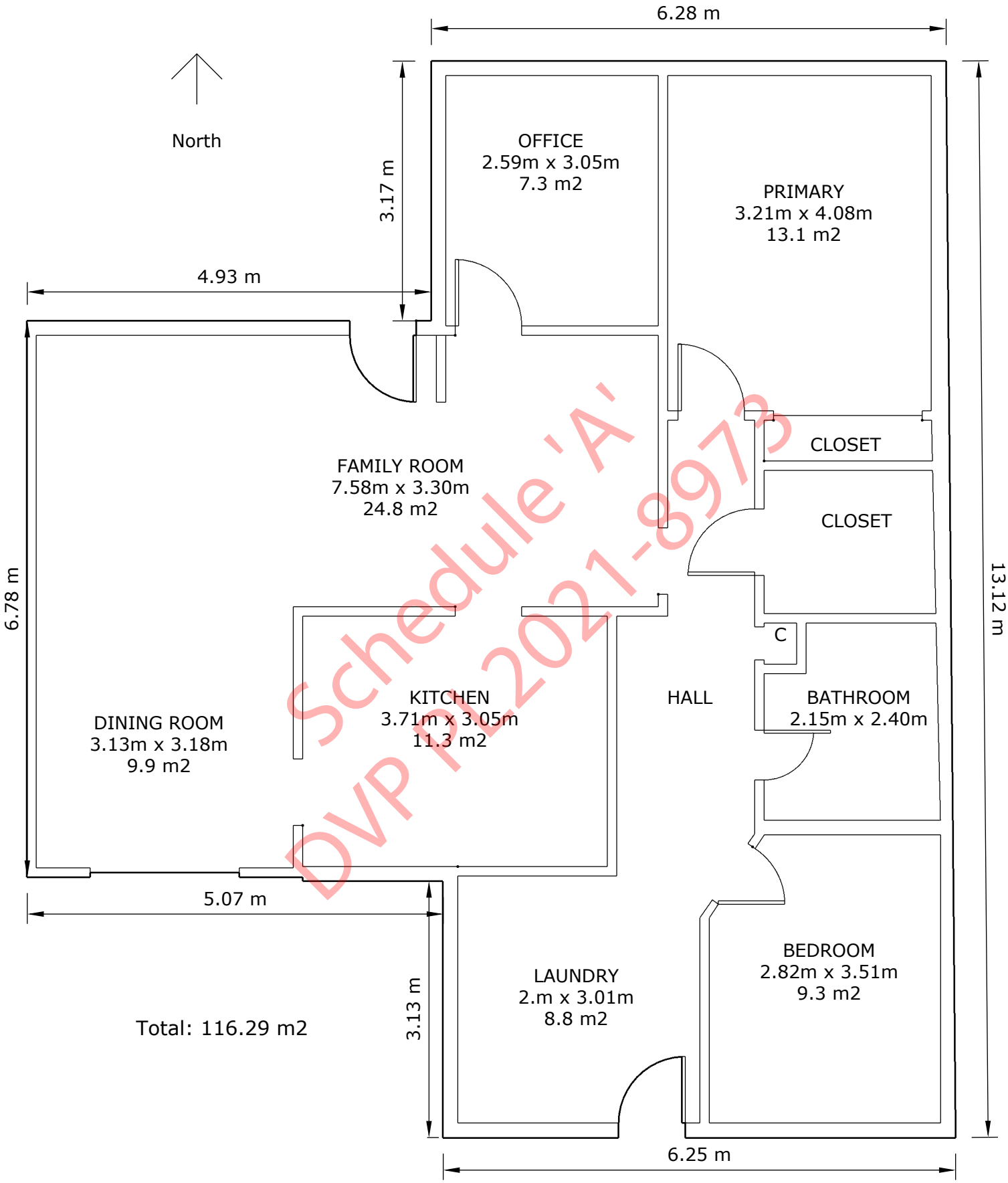
2nd Floor
Exterior Area 52.83 m²

0 3 6 m

PREPARED: Feb 2021

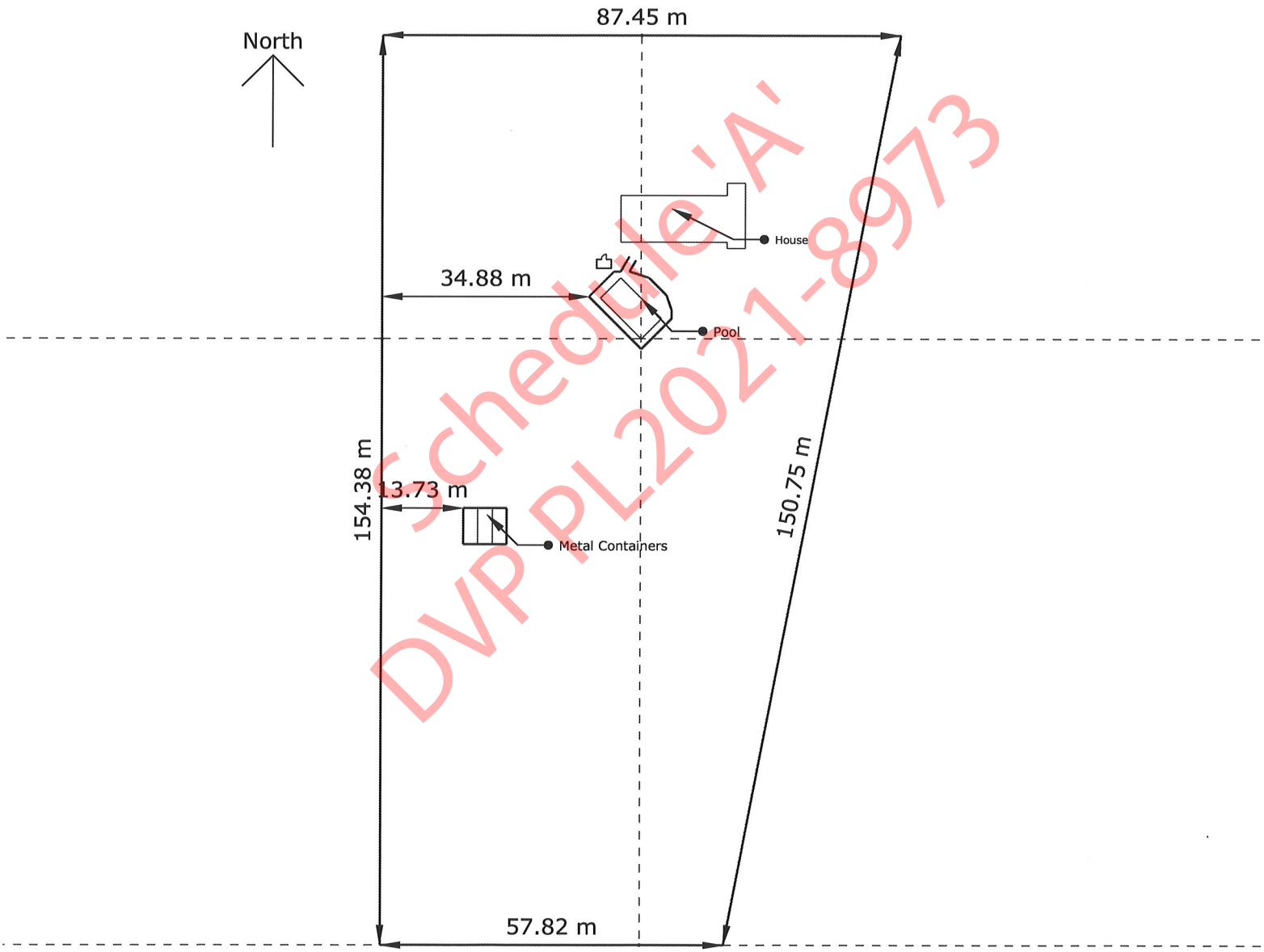
White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

1220 Munson Ave, Penticton, BC
East Side



Schedule 'A'
DVP PL2021-8973

1220 Munson Ave, Penticton, BC



Schedule 'A'
DVP PL2021-8973

Council Report

penticton.ca

Date: May 18, 2021 File No: RMS/2475 Skaha Lake Rd
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 2475 Skaha Lake Road

Subject: **Road Dedication Condition for Zoning Amendment Bylaw No. 2020-27**

Staff Recommendation

THAT Council remove the condition of a 2.2m road dedication along the Skaha Lake Road frontage prior to the adoption of "Zoning Amendment Bylaw No. 2020-27" and require that the 2.2m road dedication be completed prior to the issuance of the Occupancy Permit;

AND THAT Council adopt "Zoning Amendment Bylaw No. 2020-27";

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2020-27", approve "Development Permit PL2020-8759" for 2475 Skaha Lake Road, a permit to allow for the construction of a motor vehicle sales and rental business.

Background

Figure 1 - Rendering of proposed development.

On July 21, 2020, Council gave second and third reading to "Zoning Amendment Bylaw No. 2020-27", a bylaw to rezone 2475 Skaha Lake Road to allow the expansion of Penticton Toyota (Figure 1). The subject property is located near Skaha Lake Road and Galt Avenue (Attachment 'A'). Staff identified the need for a road dedication through review of the rezoning and development permit applications for this project. Additional road right-of-way is required to facilitate the future intersection upgrades at this location. As a result, the road dedication was required as a condition to be completed prior to adoption of the rezoning. At first, a 2.0m road dedication was identified, however this was updated to 2.2m after more detailed engineering design of the upgraded intersection was completed. The associated form and character development permit is also on hold until the rezoning is adopted, and both of these approvals are required prior to the applicants obtaining a building permit.

Road dedications are completed through the Land Titles Office and are typically a routine process, occurring in relatively quick succession. In this instance, staff understand that a historic 'water agreement' originally registered on the property in 1909, has created issues with completion of the road dedication. As such the dedication has been on hold until the agreement has been reviewed by the Province and discharged. In the meantime, redevelopment of the property has been placed on hold because the rezoning is still pending. It is unusual that road dedications take over 9 months to complete, as is the case here.

Staff are recommending that the required road dedication be completed at a later stage of the process to allow the development to proceed while the legal process plays out. Staff are recommending that the road dedication be completed prior to issuance of the occupancy permit as opposed to zoning, in order to allow construction to proceed while this road dedication is being completed. This allows the applicant to begin on-site construction this spring, and still ensures the road dedication is completed to facilitate the upgraded intersection. Staff consider there being a low risk that the dedication not be complete as all of the survey work is done and all appropriate signatures are in place.

Alternate Recommendation

Council may wish to keep the condition as-is, which would keep the Zoning Amendment Bylaw at 3rd reading until the required road dedication is registered. Staff are not recommending this option, as the timeline for completion of the road dedication is uncertain based on the province's review of the 1909 water agreement.

1. THAT Council keep "Zoning Amendment Bylaw No. 2020-27" at third reading until the required road dedication is registered with the Land Titles Office.

Attachments

Attachment A – Location Map
Attachment B – Draft Development Permit PL2020-8759
Attachment C – Zoning Amendment Bylaw No. 2020-27

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Location Map

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

Development Permit

Permit Number: DP PL2020-8759

Owner Name
Owner 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 2 District Lot 116 Similkameen Division Yale District Plan 9227

   Civic: 2475 Skaha Lake Road

   PID: 003-217-183

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a motor vehicle sales and rental business 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 $_____ 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 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 4 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 (Landscape Inspection & Refund Request) 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 in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

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General Conditions

7. In accordance with Official Community Plan 2019-08, Design Guideline G38, the applicant shall provide landscaping on the islands in the parking lot.

8. 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'.

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 _____ day of _____, 2020.

Issued this _____ day of _____, 2020.

_____

Angela Collison
Corporate Officer

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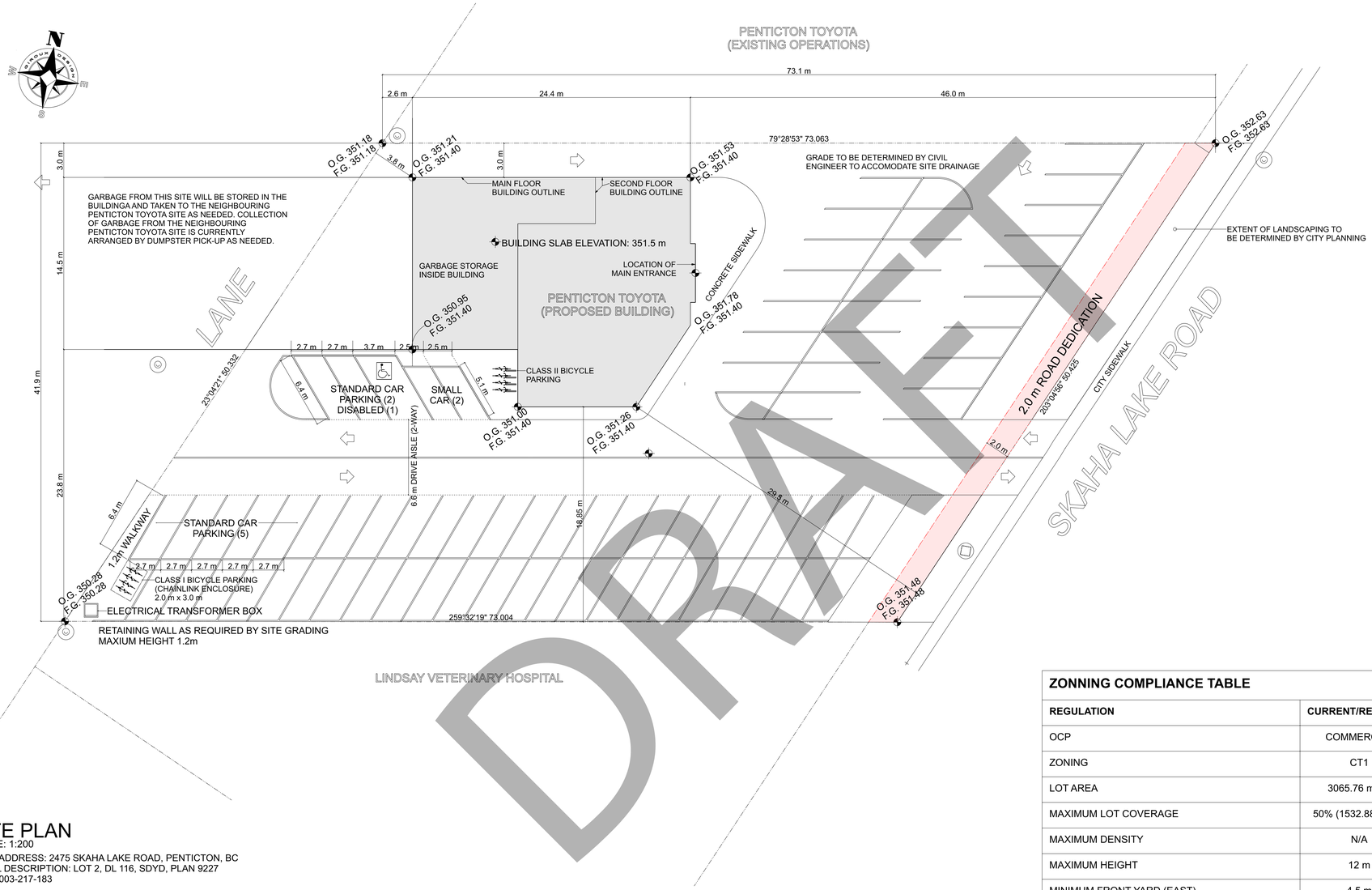

SITE PLAN
SCALE: 1:200

CIVIC ADDRESS: 2475 SKAHA LAKE ROAD, PENTICTON, BC
LEGAL DESCRIPTION: LOT 2, DL 116, SDYD, PLAN 9227
P.I.D.: 003-217-183

ZONNING COMPLIANCE TABLE

REGULATION	CURRENT/REQUIRED	PROVIDED ON PLANS	AMENMENT REQUIRED
OCP	COMMERCIAL	COMMERCIAL	NO
ZONING	CT1	C7	YES
LOT AREA	3065.76 m.sq.	3065.76 m.sq.	N/A
MAXIMUM LOT COVERAGE	50% (1532.88 m.sq.)	14% (425.95 m.sq.)	NO
MAXIMUM DENSITY	N/A	N/A	N/A
MAXIMUM HEIGHT	12 m	9.6 m	NO
MINIMUM FRONT YARD (EAST)	4.5 m	28.15 m	NO
MINIMUM INTERIOR SIDE YARD (NORTH & SOUTH)	0.0 m AND 4.5 m	3.0 m AND 18.81 m	NO
MINIMUM REAR YARD (WEST)	0.0 m	4.7 m	NO
PARKING SPACES (1 PER 50 m.sq.)	10	10 (8 + 2 SMALL CAR)	NO
BICYCLE PARKING (CLASS I)	4	4	NO
BICYCLE PARKING (CLASS II)	4	4	NO

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Proposed Site Plan

PENTICTON TOYOTA
USED VEHICLE SALES CENTRE
1475 SKAHA LAKE RD.
PENTICTON, BC

DESIGN BY: JMG/AJG | DATE: 6/05/20
DRAWN BY: JMG/AJG | REVISED:

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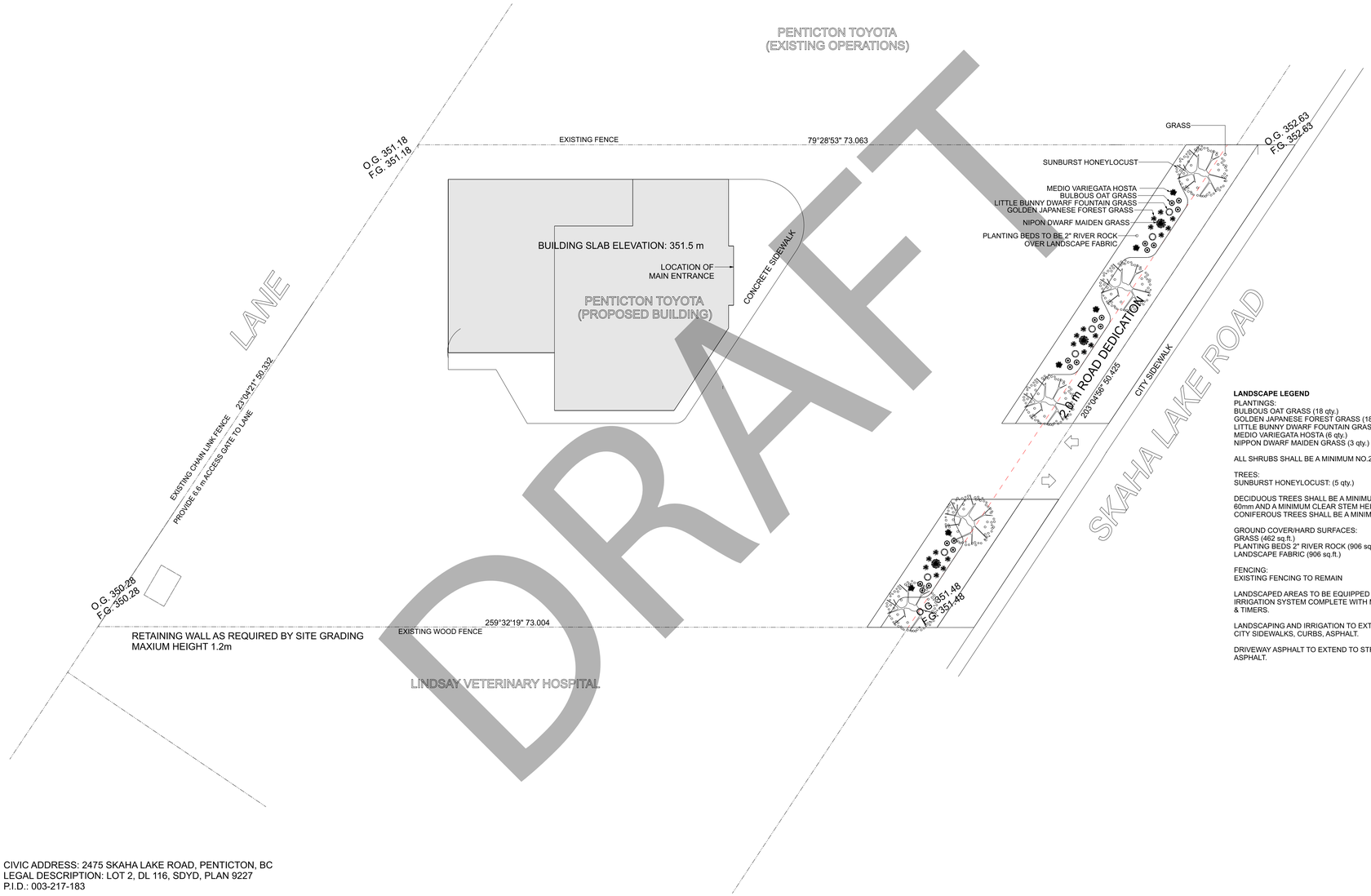
Custom Home and Building Design Since 1950.
Giroux Design Group Inc.
phone: 250.276.4373 / 250.770.3285
e-mail: contact@girouxdesigngroup.com
web: www.girouxdesigngroup.com

PLAN NO.
WP-5629

SHEET NO.
A1

www.girouxdesigngroup.com - www.westhomeplanners.com



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CIVIC ADDRESS: 2475 SKAHA LAKE ROAD, PENTICTON, BC
LEGAL DESCRIPTION: LOT 2, DL 116, SDYD, PLAN 9227
P.I.D.: 003-217-183

LANDSCAPE PLAN
SCALE: 1:200

LANDSCAPE LEGEND

PLANTINGS:
BULBOUS OAT GRASS (18 qty.)
GOLDEN JAPANESE FOREST GRASS (18 qty.)
LITTLE BUNNY DWARF FOUNTAIN GRASS (6 qty.)
MEDIO VARIEGATA HOSTA (6 qty.)
NIPPON DWARF MAIDEN GRASS (3 qty.)

ALL SHRUBS SHALL BE A MINIMUM NO.2 POT SHRUB

TREES:
SUNBURST HONEYLOCUST: (5 qty.)

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

GROUND COVER/HARD SURFACES:
GRASS (462 sq.ft.)
PLANTING BEDS 2" RIVER ROCK (906 sq.ft.)
LANDSCAPE FABRIC (906 sq.ft.)

FENCING:
EXISTING FENCING TO REMAIN

LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.

LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT.

DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

PENTICTON TOYOTA
USED VEHICLE SALES CENTRE
1475 SKAHA LAKE RD.
PENTICTON, BC

DESIGN BY: JMG/AJG | DATE: 6/05/20
DRAWN BY: JMG/AJG | REVISED:

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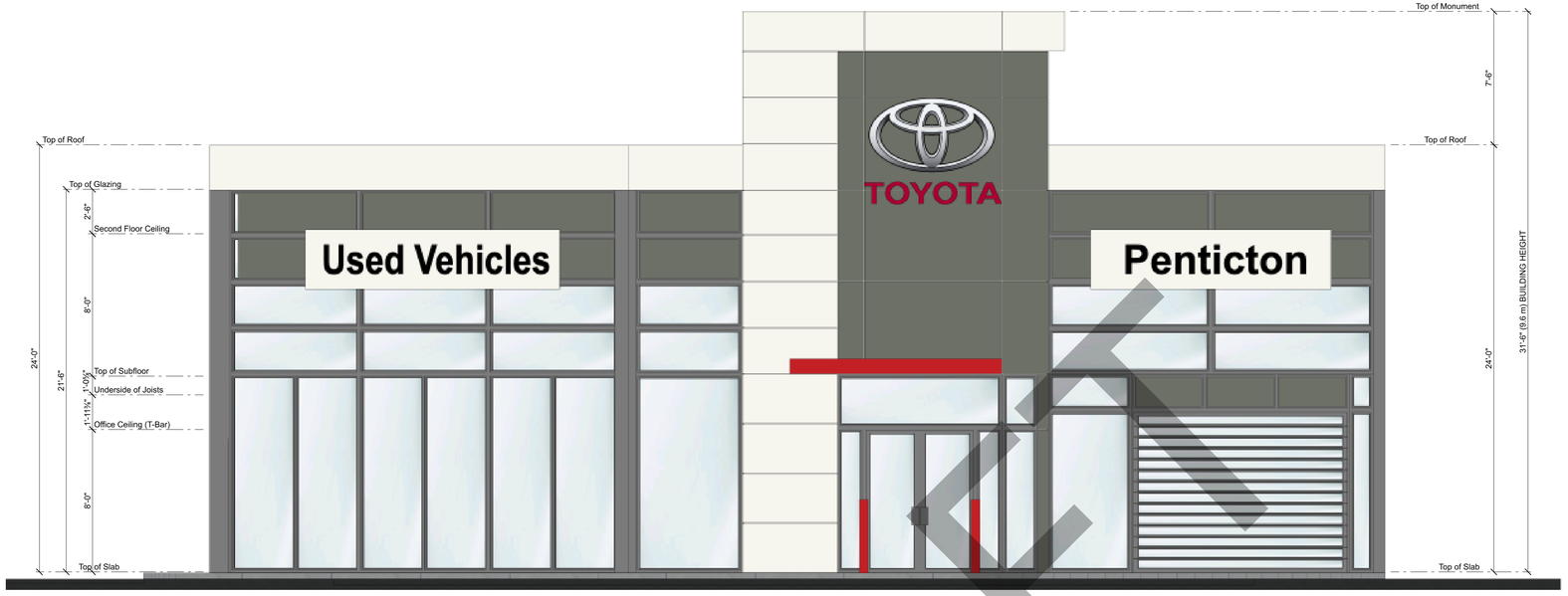
Due to local codes, regulations and building practices and/or because of specific site conditions, these drawings are not to be used as a guide for construction unless the builder has confirmed their suitability for construction of a building in all locations. Consequently



FRONT ELEVATION (FACING EAST TO SKAHA LAKE ROAD)
SCALE: 1/4" = 1'-0"

RIGHT ELEVATION (FACING NORTH TO PENTICTON TOYOTA)
SCALE: 1/4" = 1'-0"

DRAFT

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Exterior Elevations (Front & Right)

PENTICTON TOYOTA
USED VEHICLE SALES CENTRE
1475 SKAHA LAKE RD.
PENTICTON, BC

DESIGN BY: JMG/AJG | DATE: 6/05/20
DRAWN BY: JMG/AJG | REVISED:

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Due to local codes, regulations and building practices and/or because of specific site conditions these drawings may require minor alterations. Giroux Design Group makes no warranties or representations as to their suitability for construction of a building in all locations. Consequently, these drawings are not to be used as a guide for construction unless the builder has confirmed their suitability for use with all local building requirements and has satisfied himself as to the accuracy and suitability of these drawings for his specific location and conditions. Additionally, Giroux Design Group is unable to accept any liability for the accuracy or overall integrity of these drawings in excess of their original purchase price. Therefore, the builder must carefully check all dimensions and details in these drawings and assume responsibility for the same.

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PLAN NO. WP-5629

SHEET NO. A6

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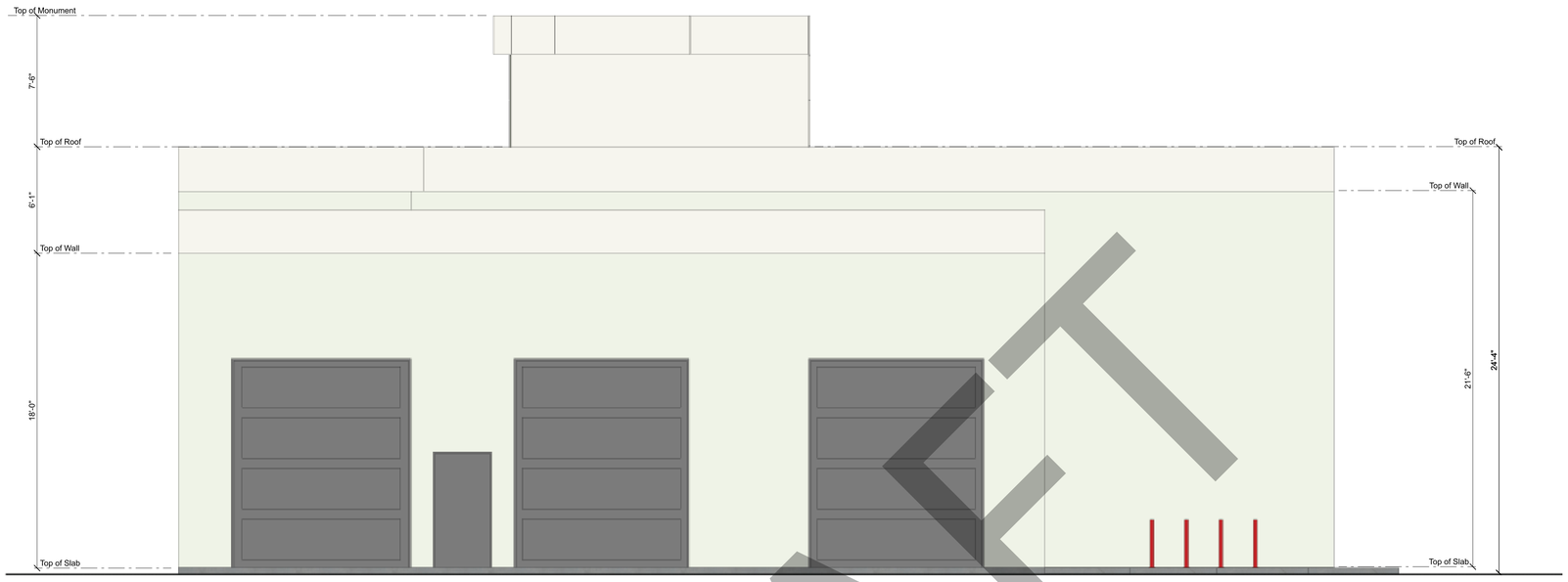

REAR ELEVATION (FACING WEST TO LANE)
SCALE: 1/4" = 1'-0"

LEFT ELEVATION (FACING SOUTH TO LINDSAY VETERINARY CLINIC)
SCALE: 1/4" = 1'-0"

DRAFT

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Exterior Elevations (Rear & Left)

PENTICTON TOYOTA
USED VEHICLE SALES CENTRE
1475 SKAHA LAKE RD.
PENTICTON, BC

DESIGN BY: JMG/AJG | DATE: 6/05/20
DRAWN BY: JMG/AJG | REVISED:

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Due to local codes, regulations and building practices and/or because of specific site conditions, these drawings may not be suitable as is for construction on the construction of a building in all locations. Consequently, these drawings are not to be used as a guide for construction unless the builder has confirmed their suitability and all the dimensions have been verified with actual site conditions. Additionally, Giroux Design Group is unable to accept any liability for the accuracy or overall integrity of these drawings in excess of their original purchase price. Therefore, the builder must carefully check all dimensions and details in these drawings and assume responsibility for the same.

GIROUX DESIGN GROUP
Custom Home and Building Design Since 1950.
Giroux Design Group Inc.
phone: 250.276.4373 / 250.770.3285
e-mail: contact@girouxdesigngroup.com
web: www.girouxdesigngroup.com

PLAN NO.
WP-5629

SHEET NO.
A7

www.girouxdesigngroup.com - www.westhomeplanners.com

The Corporation of the City of Penticton

Bylaw No. 2020-27

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. 2020-27".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 2 District Lot 116 Similkameen Division Yale District Plan 9227, located 2475 Skaha Lake Road from CT1 (Tourist Commercial) to C7 (Service Commercial).

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

READ A FIRST time this	7	day of	July, 2020
A PUBLIC HEARING was held this	21	day of	July, 2020
READ A SECOND time this	21	day of	July, 2020
READ A THIRD time this	21	day of	July, 2020
ADOPTED this		day of	, 2020

Notice of intention to proceed with this bylaw was published on the 10 day of July, 2020 and the 14 day of July, 2020 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
2475 Skaha Lake Rd

From CT1 (Tourist Commercial)
To C7 (Service Commercial)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2020-27

Date: _____ **Corporate Officer:** _____

Council Report

penticton.ca

Date: May 18, 2021 File No: RMS/ Address
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Planning Manager
Address: 1220 Davenport Avenue

Subject: **Manufacturing Brewery Facility and Lounge Endorsement**

Staff Recommendation

THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) to support the request for the proposed brewery manufacturing facility and lounge endorsement application for Abandoned Rail Brewing Company located at 1220 Davenport Avenue with restrictions of exterior patio service hours from 11:00 am to 8:00 pm.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Figure 1 - Property Location Map

Proposal

The purpose for the lounge endorsement is to be able to provide patrons and the community a unique atmosphere whereby they can enjoy a beverage (alcoholic or non-alcoholic) from the manufacturing facility. A complete outline has been provided in the applicant's Letter of Intent (Attachment C). Additional information (Attachment D) has been provided since the application was presented to Council on April 20, 2021.

The Lounge Endorsement is proposed to have the following total occupant loads:

- Interior – Tasting = 20 persons
- Exterior – Patios = 85 persons (up to 40 people during Covid restrictions

The proposed hours of operation Monday to Sunday are:

- Monday through Sunday 11:00 am-8:00 pm

- Peak Season: 11-8
- Off Season: Weekdays 2-6 and Weekends 12-6

Analysis

On April 20, 2021 Council directed staff to commence public notification for the proposed brewery lounge endorsement with restrictions of exterior patio service hours to 8pm and no amplified music. A public notice sign was posted on site and local residents and business owners within 150m of the property boundaries of the proposed brewery lounge were notified by mail. One public notice was placed in the local newspaper. One letter of support has been received and one letter of nonsupport received prior to the public notification commencing.

As per the provincial Liquor and Cannabis Regulation Branch (LCRB), the City is to review and provide a resolution related to the following criteria:

- Gather public input from the community within the immediate vicinity of the establishment,
- The location of the establishment, person capacity and hours of liquor service of the establishment,
- The impact of noise on nearby residents,
- The impact on the community if the application is approved, and
- The view of residents and a description of the method used to gather views.

A technical review has been completed by staff and the Liquor Licensing Technical Review Committee (LLTRC) and is supportive of the application with the following comments for Councils' consideration:

Location of establishment, person capacity and hours of service:

- There are13 onsite parking spaces and the possibility for additional on-street parking along Davenport Avenue. Staff parking will be located offsite.
- Plenty of bike parking will be provided for cyclists coming from the KVR.
- Proposed occupant loads have been approved in relation to BC Building Code requirements.
- The occupant loads were reduced based on the applicants consultation with the neighbors.
- The proposed hours of service (interior and exterior) match hours of similar local drinking establishments and will be reduced during the off season.

The impact of noise on nearby residents:

- Amplified music (speakers) on the exterior patio areas will not be permitted.
- The applicant has outlined an action plan to have staff assess and control patron noise and any potential nuisances to the surrounding neighborhood governed by the City's existing Bylaw regulations.
- The main patio is located on the North side of the tasting room, in a sunken area with tall banks and fruit trees surrounding which provides a natural sound barrier and will dampen noise transfer (Attachment B)

The impact on the community if the application is approved:

- The Brewery operations will continue to add to the vitality of the Naramata Bench area. The owners are highly aware of the restrictions and responsibilities that come with this type of endorsement.

The applicant has worked closely with the neighbors to mitigate any impacts on the surrounding area. Since the application was presented to Council, a reduction in occupant loads has occurred from 113 to 85 on the

patios. Based upon the comments received from the LLTRC members and consultation with staff and public, it is recommended that the proposed application be supported.

Alternate Recommendations

1. THAT Council not support the Abandoned Rail Brewing Company Endorsement application.

Attachments

Attachment A – Photos of Property
Attachment B – Site Plan
Attachment C – Letter of Intent
Attachment D – Additional information
Attachment E – Letters received

Respectfully submitted,

Audrey Tanguay
Planning Manager

Director Development Services	Chief Administrative Officer
BL	DvD

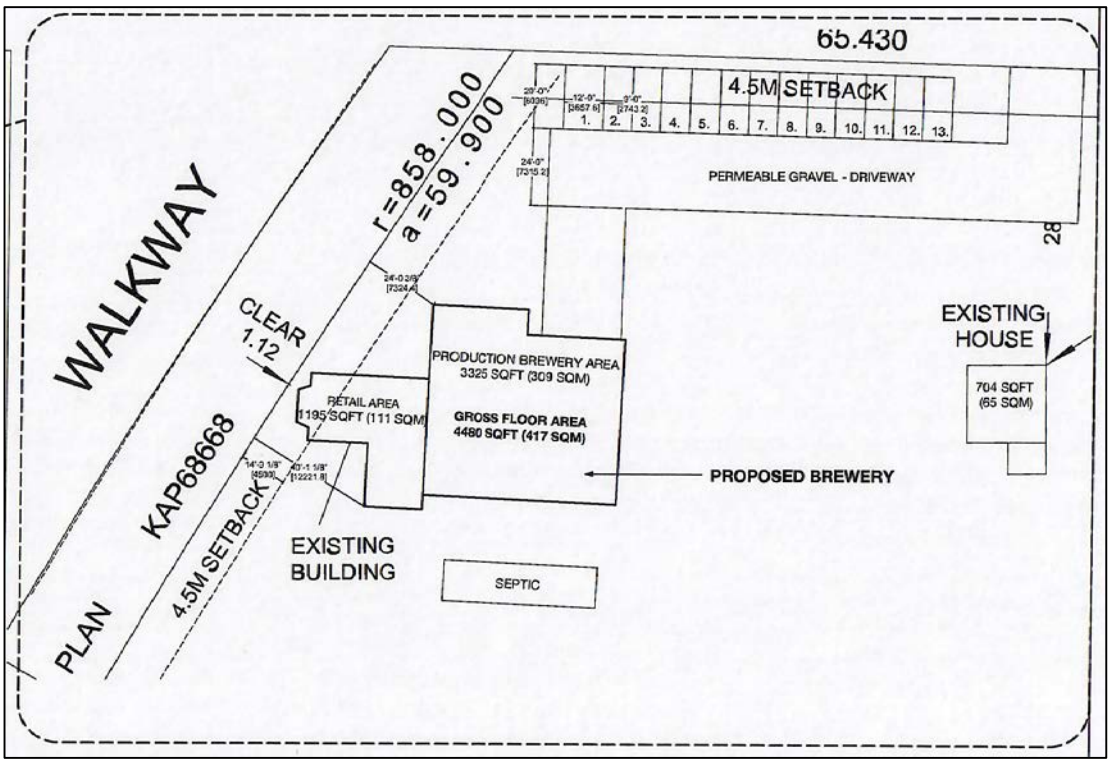
Attachment A – Photos of Property

Looking towards property from the KVR Trail

Looking towards KVR and Davenport Avenue

View looking towards KVR

Attachment B – Site Plan



Proposed Site Plan

Attachment C – Letter of Intent

Proposed Establishment Description

Abandoned Rail Brewing Company's goal is to provide high quality beer, made from estate grown barley, to customers in a setting that will showcase what Penticton and the Okanagan has to offer. We've kept the inside tasting room small, but maximized the outdoor patio space on both the north and south sides of the brewery. The north side will offer some shade from those hot sunny days while being in amongst the cherry, plum and peach trees (which we plan to use the fruit for 'specialty' beers). As well as a heated covered portion of the patio for those odd rainy days or cooler days to be out of the elements. The south side patio will be within feet of the barley growing that's used to make the beer, providing views of neighbouring vineyards, Munson Mountain, Mount Nkwala and beyond. With our location on the KVR Trail, we will provide a refreshing stop for cyclists, walkers, joggers, and general outdoor enthusiasts alike. We also want to provide a comfortable and relaxing space for families, with an activity area for kids as well as the option to bring your dog on the spacious patio areas.

The main purpose though, of our Lounge Endorsement application, is having the ability to serve an actual glass of beer. The Manufacturers License only allows us to serve a sample size, being a maximum of 125ml. An added benefit of the Lounge Endorsement is the ability to serve other types of alcohol. Although these would only be a small percentage of what we would offer, we could serve some of the fine wines and ciders from other establishments that surround the brewery. On top of these products, we've kept a small number of our Ambrosia apple trees that we plan to juice and serve as our renowned apple slushies that has put the former Trail Store on the map.

During peak season we plan to open from 11am until 8pm, in hopes to grab a glimpse of those famous Okanagan sunsets, but at the same time, not staying open too late. In the off season we will reduce those hours to 11am - 7pm on weekends and holidays, with weekday hours from 3pm – 7pm.

We also plan to have a local food truck on site for delicious pairings with our beer. With few options on the Naramata Bench, and especially the KVR Trail, we believe this will be a huge benefit to the area. Many of the cyclists and trail-goers we've spoken with are looking for a quick and tasty option that's easily accessible. Also, after talking with several wine tour companies, they've told us that they don't usually have enough time to stop for the dine-in options that are currently available on the Naramata Bench and that something on the quicker side would fit in well with the tours they offer.

Community Impact Statement

With our location on the KVR Trail and the Naramata Bench, we will provide a refreshing stop for cyclists, joggers, walkers and outdoor enthusiasts. We want to be a destination for families, providing an activity area for kids, and with all the outdoor patio space, a place that will be comfortable to bring your dog. In addition to our beer, we plan to have a food truck to provide quick and delicious nourishment that is needed, and currently not provided, for the trail users and wine touring folk.

The setting of the brewery and patio spaces sits approximately 10 feet below the KVR Trail. This creates a natural sound barrier to our nearest neighbor that is 150 feet from the brewery, with whom we have spoken with about any concerns they may have. The next two nearest neighbors are about 500 feet from the brewery. In addition, the latest we plan to open at any point in the year will be 8pm with opening at 11am. We don't plan on having large events, bands or loud music. We've also provided far more parking than required by the city, on site. While we plan on having adequate vehicle parking, we also believe a fair amount of traffic will be on foot or bike – we will have multiple bike racks to encourage this mode of transport.

As with any agricultural alcohol production facilities, there will be byproduct that needs proper disposal. In our case, we will have spent grain (a nutritious barley mash that is left over after we have brewed) that we have arranged with a neighbouring farmer to feed to their animals.

- Max outdoor seating: Applied for 85 to leave a buffer, but with the intentions of up to 40 people during covid restrictions & up to 65 people afterwards
- Hours of operation: (subject to change but no later than 8pm)
    - Peak Season: 11-8
    - Off Season: Weekdays 2-6 & Weekends 12-6
- Parking:
    - Staff won't use customer parking area
    - Despite only being required to have 3 spaces, we currently plan to have 13 – we are trying to leave as much agricultural land for agricultural purposes as possible, but can add more spaces if demand requires
    - There will be plenty of bike parking on site (not on the KVR) and believe a large portion of our customer base will be people coming off of the KVR
- Noise:
    - The main patio is located on the North side of the tasting room, it is a sunken area with tall banks and fruit trees surrounding it which provides a natural sound barrier and will dampen noise transfer (photos attached).
    - There will be no outdoor speakers.
- Waste generated on site: We are finalizing an agreement with a local farmer to provide our spent grain and yeast as livestock feed
- Septic/Waste water:
    - We will have two separate and oversized systems for both the front of house and the manufacturing area.
    - Where applicable venting is required, a carbon filter will be used to remove odors.

Please let us know if there is anything else we can help clarify, we are available and happy to discuss any concerns that come up. We've been working on this project for three years and have put a lot of thought into every aspect in hopes of making this a successful, efficient and sustainable business that brings value to the area. Up until now, we have had nothing but support from neighbours that we've met and have been open with them about our plans. As with all business plans, some aspects have changed throughout the planning process but it was always done with good intentions or out of necessity – not trying to pull a fast one on anyone. We have a lot of respect for our neighbours and hope this space can be one they look forward to enjoying one day too. We have always planned to be a small, family-run and family-oriented brewery and still plan to keep it that way.

Scott & Nicole Breier

Attachment E – Letters received

From: Brent [redacted]
Sent: May 10, 2021 12:35 PM
To: corpadmin
Cc: Planning Generic
Subject: 1220 Davenport Ave.

Warning! This message was sent from outside your organization and we are unable to verify the sender.

Good morning.

I am writing with concern regarding the Abandoned Rail Brewing Company brewery that is being built meters from our residence at 1166 Davenport Avenue.

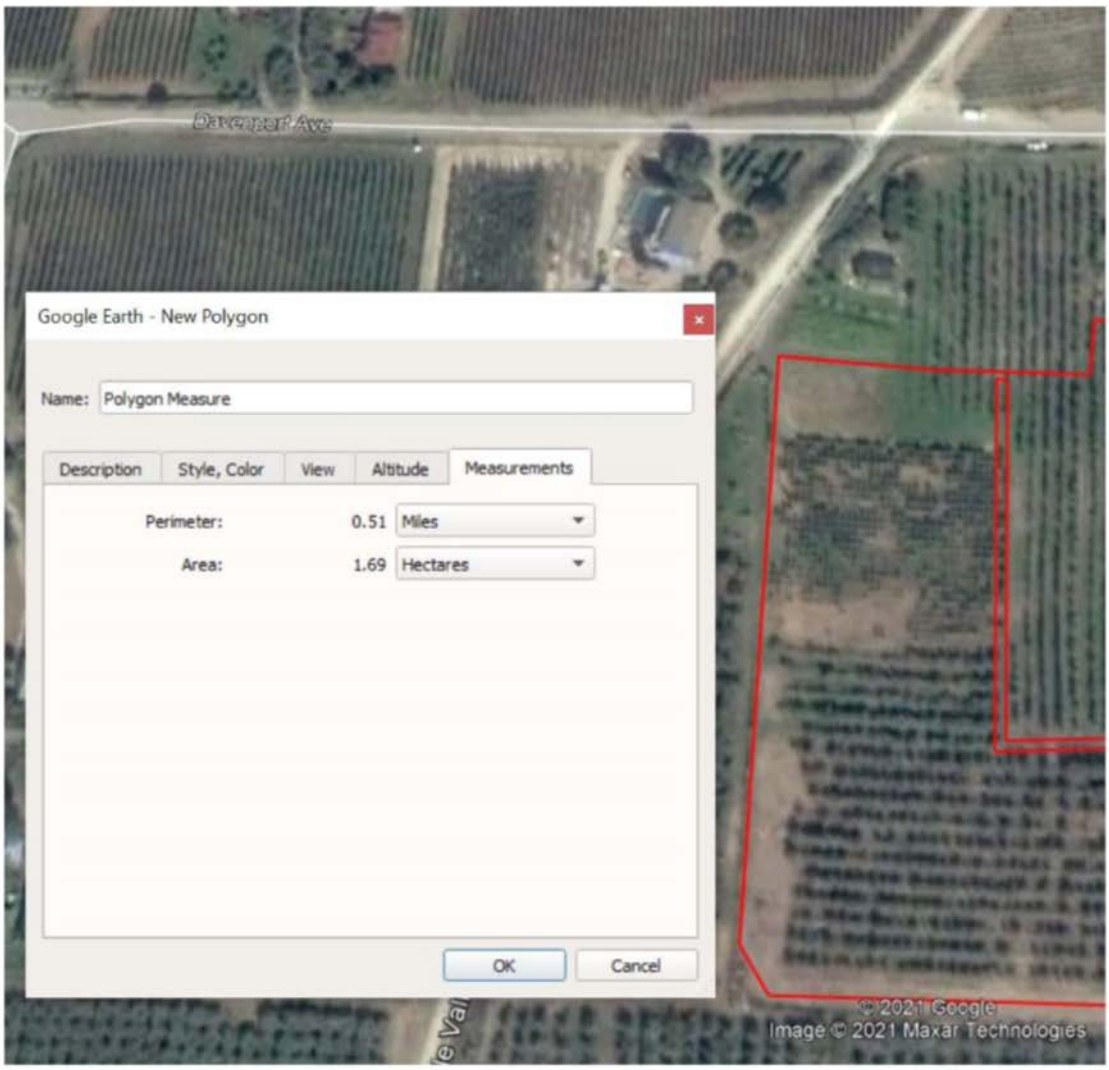
At the April 20 Council meeting I submitted comments regarding the variance proposal for the patio and lounge. It was noted that we were out of the country and had little notice to respond to that application.

We have just returned to Canada and Penticton late Saturday evening. Upon opening our mail we discovered that the comment period ended on May 7. I am submitting comments to this in hope that they will be reviewed prior to this lounge application.

I have reviewed the ALC decision from December 2, 2019. While I understand that now the Breiers have circumvented the hurdle of 2ha of barley planted, I have a few questions regarding their recent application for a lounge endorsement from the City of Penticton. A satellite image of the property and the area where they have their barley planted does not equate to 2 Ha. Further, last year when the 2Ha was supposedly planted there were still 20 rows of apples on the east side of their property with an average length of about 100m, which would have further reduced the planted acreage. I wonder how this project has even gotten this far? Please see the attached satellite measurement. Even today, there is not 2 ha of barley planted as required under 13(2) of the ALR use Regulations.

It is my understanding that they must grow 50%+ of their ingredients. Will this be monitored and audited? Based on calculations (we are former brewery owners ourselves) and knowing what their approximate yields are, the amount of beer they will be able to brew by using only their 50% and purchasing another 50% will be woefully inadequate for the patron load they plan to maintain. Forget if they have a crop failure. Also being a Professional Agrologist working with broadacre crops throughout Western Canada, I question how they propose to maintain a monoculture of barley on their lands, without any view to rotating crops? It's not a sustainable or recommended agricultural practice for various reasons which I would be pleased to discuss.

1



To the lounge endorsement.

First, is there a current liquor license? And if not why is a lounge endorsement even being considered?

In the original ALC application there was a small tasting room (20 people) and some parking (7 stalls). We did not oppose this.

That has now ballooned to 2 patios, a kids recreation area, lounge and as I understand it potential for a kitchen, food trucks, with proposed 20 person indoor occupancy and 85 person patio capacity. They have just been granted a variance to extend their patio 2.1 M closer to our house. If they get their lounge endorsement, they plan to serve other brewery's beer, local wine, and cider. Is this consistent with the ALR land use guidelines? Guest beer, wine and cider are not produced on their land. How is this justified?

2

With the hours of operation incongruent with the other local wineries, staying open 2-3 hours past closing of most of the tasting rooms, I fear that this will be a congregation point for people who have been tasting wine, spirits and ciders through the day and will stop at the brewery for their final libations of the day. Being a venue a 50-60 minute walk but a quick 5-10 minute drive down Naramata road, the incidence of driving under the influence should be strongly considered.

The proposed area for the outdoor patio cannot exceed 125 M2 under section 13(1) of the ALR land use regulations. Does this include the kids recreation area as well as the space that the food trucks will take up? On food truck days when the onsite parking stalls will be in use by those trucks, it will be likely that the street parking in front of our property will be in full use, likely blocking our driveways and limiting visual access to the KVR crosswalk by vehicular traffic.

Further, I don't see any reapplication to the ALC for a reversal of the December 2019 decision. How has this been approved as a go forward with not the required 2 Ha of produce?

I would like to understand how when we purchased our quiet property in 2014 with the hopes of living in the country in peaceful existence, and have worked tirelessly to improve it, with all lands in the area zoned Agricultural within the ALR, has now turned into an large production facility, pub, and food truck strip mall. Had this project continued along its original intended path consistent with the wineries in the area (size, hours) as was positioned to us, you would not be receiving this email.

All of this is proposed to be within 30 M of our home.

We are strongly opposed to the lounge endorsement.

We are strongly opposed to the hours of operation not consistent with the other taste rooms in the area.

We are and remain strongly opposed to the building of the patio near to our home.

We are strongly opposed to the lack of parking for the number of patrons being proposed.

We are strongly opposed to the noise and additional traffic that this will create in our neighborhood, and the likelihood of intoxicated drivers.

We strongly oppose any amplified music that would disrupt our peaceful existence at our residence.

Brent Tarasoff, P. Ag.
1166 Davenport Ave.
Penticton, BC
[redacted]

From: Tom Keilty [redacted]
Sent: Monday, April 26, 2021 8:34 AM
To: corpadmin <corpadmin@penticton.ca>; Planning Generic <planning@penticton.ca>
Subject: Support for Abandoned Rail Applications PL008946 and PL2021-8964

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Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

Re: 1220 Davenport Avenue
Abandoned Rail Brewing Company
PL008946 Manufacturing Brewery Facility and Lounge Endorsement
PL2021-8964 Side yard setback variance

We, Tom and Jeni Keilty of 1243 Evans Avenue, Penticton, V2A 8V1 are the neighbours residing immediately south of the subject property. We are writing to register our support for the applications as proposed.

The lounge endorsements and variance requests, we believe, are not only reasonable but fundamentally necessary to a viable business. We fully support the applicant's endeavour to establish a brewery on the bench and feel strongly that a successful business there is in the best interests of the City of Penticton and the surrounding neighborhood.

We would like to thank the applicant for their vision, courage, and investment in our community and wish them great success.

Thank you

1

Tom and Jeni Keilty
1243 Evans Avenue
Penticton BC V2A 8V1

From: starshine[redacted]
Sent: May 11, 2021 12:02 PM
To: corpadmin <corpadmin@penticton.ca>
Cc: Council <Council@penticton.ca>
Subject: 1220 Davenport Ave. Lounge Endorsement

Caution! This message was sent from outside your organization.

I have left messages for Blake Laven and Audrey Tanguay within the last 2 weeks which have not been returned.
I did have an initial conversation with Blake but then wished to have a follow-up call to ask a few more questions regarding the proposed patio size at 1220 Davenport Ave.

As neighbors, we are enclosing the attached to be considered before the Liquor Board and Council at the May 18, 2021 regular meeting. Thank-you for your time and attention – Jo Nichols

RE: 1220 Davenport Patio Size Request

We are neighbors within a close proximity to the new brewery at 1220 Davenport Road and we wish Scott and Nicole success with their new brewery enterprise.
Our initial understanding was that the existing Trail Store was to be an outlet for brewery tastings and to sell product with only a few tables outside, like the surrounding wineries and distillery. We were surprised at the proposal that was posted and as such, we have a few concerns, but hope they can be addressed as follows:

1. **Noise** – we moved here to enjoy the peaceful rural setting. Scott and Nicole indicated to us their intent was to only have a 45 seat capacity patio which we are okay with, so we support an official limit of a 45 seat patio. Without that limit, we are concerned a future owner could increase it to a larger capacity patio that would generate enough noise to affect our enjoyment of our property.
2. **Parking** - there is not enough parking on site to support the maximum capacity of 85 patio plus 20 tasting room patrons. The amount of available on-site parking should determine capacity limits, as Davenport is a steep, narrow street with little spare room for overflow parking on the shoulders of the road and without enforcement, we worry the "No Parking " signs would not be effective. Also, it is not appropriate to pave over ALR land for a large parking lot.
3. **Traffic & Safety** – 1220 Davenport is located where the KVR Trail and Davenport intersect. We are concerned about trail users and the increase in vehicle traffic on Davenport if the 85 plus 20 seat capacity is approved. Many users are families with young children and seniors.
4. **Hours of Operations** – we would like to see the hours of operation be in-line with those of the surrounding winery businesses within ALR lands, which close no later than 6pm with the exception of the occasional special event. As mentioned earlier, this is a peaceful, rural neighborhood. We like to enjoy our rural properties and as such, support business permits that limit the amount of street congestion and noise generated by nearby agri-food businesses.

Therefore, we support the application for the new brewery if appropriate reduced limits to capacity and hours of operation, similar to those of nearby winery businesses, are implemented.

Jo Nichols and Darrell-Lee McKenzie

From: Daisy Kapusta
Sent: Wednesday, May 12, 2021 5:01 PM
To: corpadmin
Subject: Abandoned rail brewing company

Hello
We're just writing a confirmation of our continued support of the new Abandoned Rail Craft Brewery being built along the KVR Trail. We live just above the owners (we are at 961 Naramata Rd., Penticton) The building is looking great and blends into the existing landscape very well! Our views are unaffected! We believe it will be a wonderful alternative/addition to the winery's surrounding the area and tourists and locals will be able to stop along the trail for a beverage and enjoy the scenery! We've lived on the Naramata bench a long time and feel the vibe changing positively!
Kind regards
Ron Humeny
Daisy Kapusta
961 Naramata Rd. Penticton, BC
Sent from my iPad

From: Chris Holler
Sent: Wednesday, May 12, 2021 9:48 PM
To: corpadmin
Subject: Brewery on davenport

Caution! This message was sent from outside your organization. Allow sender | Block sender

Hello my name is Chris Holler from Poplar Grove Winery. I live at 109 Davenport rd.

I am a neighbour and business owner in the area of the new brewery being built at the trail store. I am in support of this new business and an very excited to have it on the bench.

My only concern is parking up davenport Avenue so our tractors have access to the vineyard. We pay annual lease payment to use the area around the KVR and we don't want that restricted due to increased vehicles parked inhibiting our access to the areas we pay money to access.

Sincerely,

Chris Holler

Subject: 1220 Davenport Road

From: Brent
Sent: May 13, 2021 12:02 PM
To: Audrey Tanguay <audrey.tanguay@penticton.ca>
Cc: Blake Laven <Blake.Laven@penticton.ca>; Nicole Capewell <Nicole.Capewell@penticton.ca>; Kari Tarasoff
Subject: RE: 1220 Davenport Road

Hi Audrey.

After reflecting on our Wednesday zoom meeting, I would like a few more comments included in the council notes please.

I attach a paragraph from the Community impact statement. I want council to know, in writing, that the last time there was any discussion regarding the size and scope of the project with Scott Breier, was in the Fall of 2019 when his proposal was for a small 20 person tasting room and a small patio.

To include this as a current community impact statement that very much implies that we are on board with what the size and scope of the project has become, is false, and we'd like that on record. Also, the distance from my front patio and kitchen window to his 85 person patio is 30m. Scott's measurements, much like his planted acreage, are exaggerated.

Secondly, at the end of the meeting Blake asked us how many patrons we thought is reasonable for the lounge endorsement. I would ask you, Blake, Nicole and each of the councillors to send me their acceptable number of alcohol consuming people (and the resulting traffic and issues) that they would want lingering and lounging in their neighbor's back yard, every day and evening, all summer long.

Blake also mentioned that we should "just go talk to our neighbour" about our concerns. I have spoken to Scott several times over the past year about random neighbourly things, wine tasting, hops, beer, even growing barley. We are literally in our yard all summer long, visible and available. At no time since the Fall of 2019 has Scott taken the initiative to update us on any of his evolving plans. To suggest that the onus should be on us to be neighbourly at this point, is audacious.

I look forward to those responses.

Regards,

Community Impact Statement

With our location on the KVR Trail and the Naramata Bench, we will provide a refreshing stop for cyclists, joggers, walkers and outdoor enthusiasts. We want to be a destination for families, providing an activity area for kids, and with all the outdoor patio space, a place that will be comfortable to bring your dog. In addition to our beer, we plan to have a food truck to provide quick and delicious nourishment that is needed, and currently not provided, for the trail users and wine touring folk.

The setting of the brewery and patio spaces sits approximately 10 feet below the KVR Trail. This creates a natural sound barrier to our nearest neighbor that is 150 feet from the brewery, with whom we have spoken with about any concerns they may have. The next two nearest neighbors are about 500 feet from the brewery. In addition, the latest we plan to open at any point in the year will be 8pm with opening at 11am. We don't plan on having large events, bands or loud music. We've also provided far more parking than required by the city, on site. While we plan on having adequate vehicle parking, we also believe a fair amount of traffic will be on foot or bike – we will have multiple bike racks to encourage this mode of transport.

As with any agricultural alcohol production facilities, there will be byproduct that needs proper disposal. In our case, we will have spent grain (a nutritious barley mash that is left over after we have brewed) that we have arranged with a neighbouring farmer to feed to their animals.

Brent Tarasoff, P.Ag.

Late Correspondence - Item 10.9 Manufacturing Brewery Facility and Lounge Endorsement
Re: 1220 Davenport Avenue

From: corpadmin
Subject: May 18 Council Meeting - Abandoned Rail Brewing Co.

From: Nicole Gidman
Sent: May 14, 2021 3:58 PM
To: Council <Council@penticton.ca>
Subject: May 18 Council Meeting - Abandoned Rail Brewing Co.

Good Afternoon Council members,

Hope you are all doing well.

We, Nicole and Scott Breier, owners of Abandoned Rail Brewing Company, are aware of some of the concerns that have come up in regards to our project and hoped we could clarify a few things ahead of next week's meeting.

It is understandable that a farm brewery in this area is new territory and we would like to try to put everyone's mind at ease:

- We have zero intentions of being a loud, boisterous establishment. We ourselves are due with our first child in mid June and started this process (in 2018) with the aim of being a family-friendly place where we would want to spend time with our children.
- We have applied for a max occupancy of 85 people, but it is just that, a max occupancy. We plan to open with fewer seats and if we feel we're in a good spot, then look at potentially seating more.
- There will not be any outdoor speakers.
- We have proposed an additional 10 more parking spaces than required by the city (and any staff parking will be separate).
- We are working with the city on having 'no parking' signs at specific spots on Davenport Ave. as to not disrupt the neighbours or traffic flow and potentially putting up signage of our own to emphasize this point.
- We hope to have one food truck, mostly during summer months, and have a separate dedicated space on-site for that truck where it is tucked out of the way (not taking up parking spaces or on Davenport Ave.)
- We have applied for closing time of 8pm (last call at 7:30pm), and this would only be during the summer months, closing earlier in the winter.
- We will have ample bike parking on-site.
- We have reached out and talked with many neighbours throughout this process and are happy to keep doing so – we hope to be a place that they enjoy too.

We appreciate all feedback and hope that this helps clarify our intentions.

Have a nice weekend,
Nicole & Scott Breier

Late Correspondence - Item 10.9 Manufacturing Brewery Facility and Lounge Endorsement
Re: 1220 Davenport Avenue

From: Chris D'Angelo
Sent: Thursday, May 13, 2021 4:11 PM
To: corpadmin
Subject: Abandoned Rail Brewery

Warning! This message was sent from outside your organization and we are unable to verify the sender. Allow sender | Block sender

To whom this may concern,

My name is Chris D'Angelo. I am the Winemaker/Grape Grower, and one of the owners of D'Angelo Estate Winery and Guesthouse at 979 Lochore rd., just off of Davenport and Naramata rd.

D'Angelo Estate Winery and Guesthouse
979 Lochore rd.
Penticton, BC
V2A 8V1
1-250-493-1364 Winery

Our family owned and operated business has been at our location since the early 2000's farming grapes and making wines. We know all of our neighbours. We get along with all of our neighbours. We as a family are in full support of this neighbouring Brewery.

We know Scott and Nicole Breier well, and we know they are family oriented, honest, hardworking people with a dream, and a vision. The idea of having a (first of its kind in the area) Brewery, growing their own barley on their land, and possibly other ingredients in the future, is in my opinion, pioneering in their industry. It can be as much respected, as I grow my grapes on my land to make wine. Consider that please.

As far as the location goes, I think it couldn't get any better. We are in the heart of wine country, on the Naramata Bench, and there aren't any Breweries. Zero. But, Wineries, a fruit Winery, Cidery(s), distillery(s), all of these business's contribute to the Bench. Each brings something different to offer our locals and annual tourists. Not to mention, they are right on the KVR trail, which will allow people to access the brewery either on bicycle or on foot, as well as a motor vehicle.

We as a family, support and encourage their vision. This would be a great contribution to the neighbour hood and the Naramata Bench.

Sincerely,

Chris D'Angelo and the D'Angelo Family.

Thank you for your time.

--

Late Correspondence - Item 10.9 Manufacturing Brewery Facility and Lounge Endorsement
Re: 1220 Davenport Avenue

From:
Sent: Monday, May 17, 2021 10:22 AM
To: corpadmin; Planning Generic
Subject: Support for Abandoned Rail Applications PL008946 and PL2021-8964

Caution! This message was sent from outside your organization. Allow sender | Block sender

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

Re: 1220 Davenport Avenue
Abandoned Rail Brewing Company
PL008946 Manufacturing Brewery Facility and Lounge Endorsement
PL2021-8964 Side yard setback variance

Michael Daley and myself live in the area and frequent the KVR trail as part of our recreational activities. We fully support this variance.
This is a great expansion of the Trail store that had been set up for many years and a welcome addition to the agricultural area to add agri-food variety to the existing wineries, distilleries and cideries that process local fruit and food on the Bench. The neighbour across the trail was growing hops which also was a nice diverse crop for the area. I know BC Tree Fruits was using it in their cider.
Diversity of food crops and value added manufacturing businesses are an important part of Penticton's agricultural economic impact, and a nice highlight to the recreational amenities in the area for both locals and tourists.

The requests seem very reasonable and necessary to support the returns for this business especially as investments in land and building become increasingly expensive. We fully support the applicant's endeavour to establish a brewery on the bench and feel strongly that a successful business there is in the best interests of the City of Penticton and the surrounding neighborhood.

We have spoken with many friends and family who also support this application but will likely not be writing in!

Thanks.

Sincerely,

Michael Daley and Josie Tyabji
Vancouver Ave.

Virus-free. www.avast.com

Late Correspondence - Item 10.9 Manufacturing Brewery Facility and Lounge Endorsement
Re: 1220 Davenport Avenue

Subject: 220 Davenport Road Lounge Application further comments

From: Brent
Sent: May 18, 2021 10:01 AM
To: Audrey Tanguay <audrey.tanguay@penticton.ca>
Cc: Blake Laven <Blake.Laven@penticton.ca>; Nicole Capewell <Nicole.Capewell@penticton.ca>
Subject: RE: 1220 Davenport Road Lounge Application further comments

Good morning Audrey.

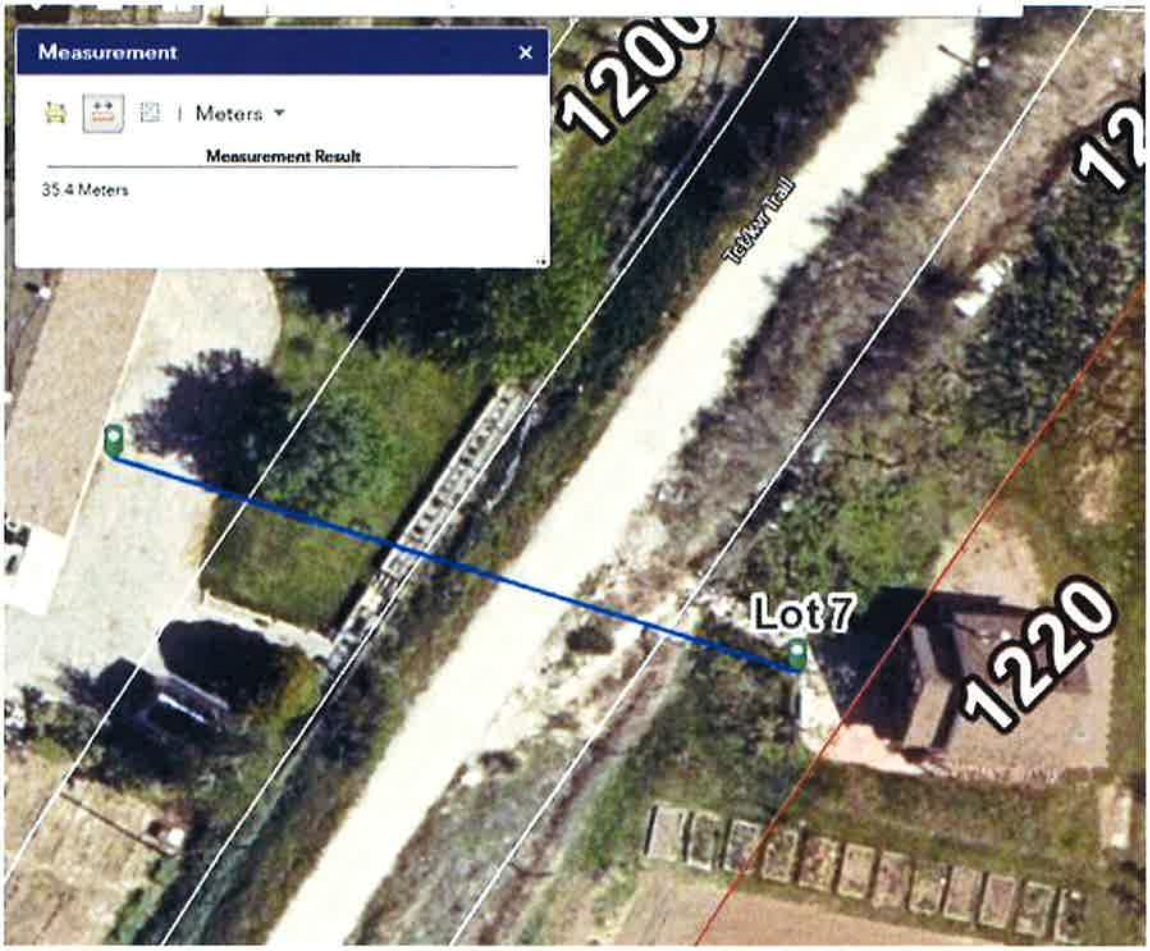
While I know the comment period is well past, Councillor Frank Regehr came out to measure the distances that are reported on the community impact statement. We appreciate Frank coming out and would like our comments passed to city council considering we spent the better part of 20 minutes in discussion with Frank.

Frank recommended that we use the city measurement (GIS) site to verify distances, so here are the measurements.

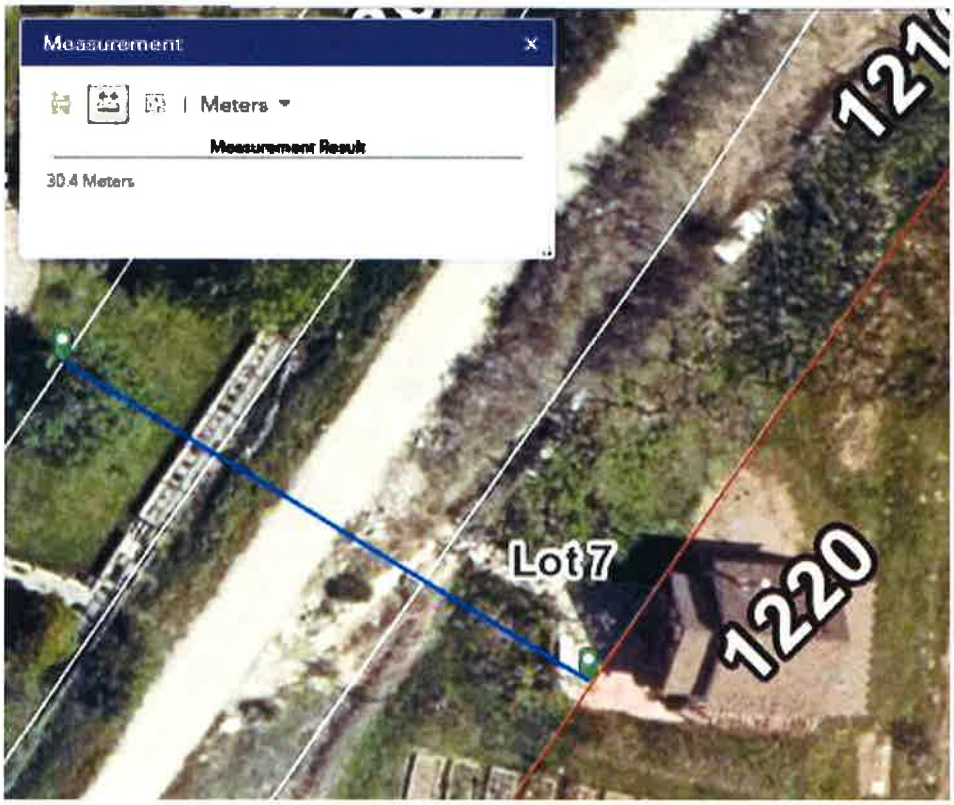
Scott claims there is a distance of 150 feet to the nearest neighbor.

That may be true of the measurement from building to building.

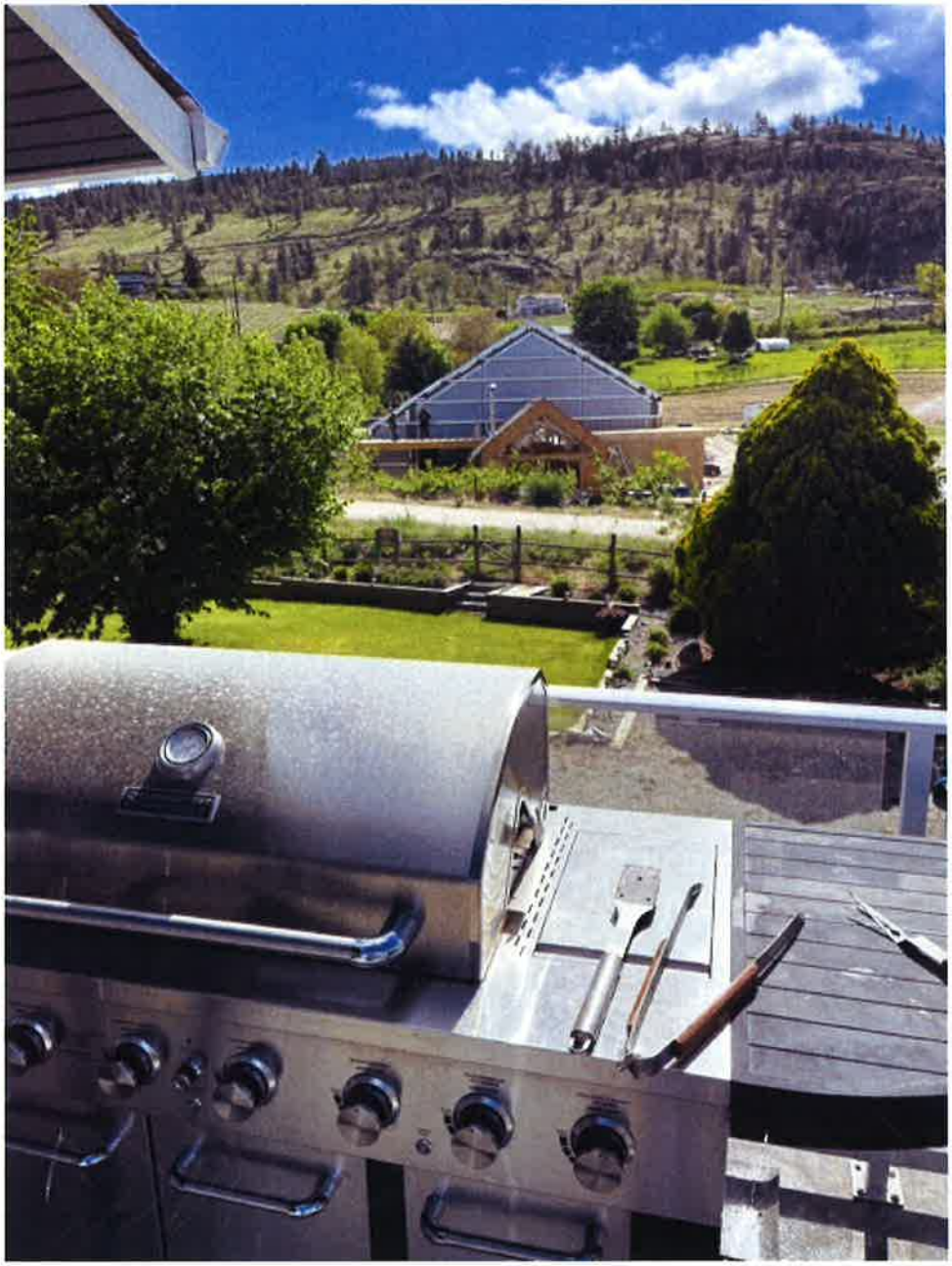
Please see the attached measurements from our living area (where we like to quietly enjoy afternoons in the shade) to their cement patio from the city GIS site.



Also, depending on your view of "neighbor to neighbor, should we be quietly enjoying an afternoon of bean bag toss or bocce on our lawn, the distance is far less. See the actual measurement from property line to property line. Of course, the patio variance granted subtracts 2.1 M from the measured 30.4 M.



We also pointed out to Frank, and as you saw on our Zoom meeting, that our indoor living area and outdoor kitchen are on the second floor of our home, in direct line of site to the proposed patio and lounge area, negating the claim of a natural sound barrier due to the elevation of the KVR trail. We can hear every word spoken by the construction workers if we are outside or if our windows are open.



I hope that the council can see these measures and further comments prior to tonight's recommendations.

Brent Tarasoff, P. Ag.
1166 Davenport Ave.
Penticton, BC
V2A 8V1
C:
E:

Council Report

penticton.ca

Date: May 18, 2021 File No: RMS/ Address
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Director of Development Services
Address: Juniper Drive

Subject: **Budget amendment and latecomer agreement for Juniper Drive main extensions**

Staff Recommendation

THAT Council approve a budget amendment to pre-service development along the south end of Juniper Drive to be funded from the Water Surplus up to a maximum up $23,900, and from the Sewer Surplus up to a maximum of $42,500;

AND THAT Council direct staff to create a latecomers agreement affecting properties along Juniper Drive for the proposed installation of water and sewer services to recover the actual costs from the property owners when they develop, or request to connect to the City service with any funds recovered being returned to the respective Water and Sewer Surpluses.

Strategic priority objective

Asset & Amenity Management: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

Staff recently issued a Preliminary Layout Approval (PLA) for the two lot subdivision of 3110 Valleyview Road. One of the two lots being created will have access from Valleyview Road, and the other lot will have access from the cul-de-sac at the end of Juniper Drive.

The developer's preference was to extend the water and sewer mains within Juniper Dive to the new development rather than the installation of a water well and septic tank. The developer understands that this is a more costly option, but would like the certainty of connection to City utilities.

Council supported the creation of a latecomer agreement for 3170, 3160, 3150 and 3145 Juniper Dive (Resolution Number 471-2020, on December 8th 2020). Under that agreement, any properties that choose to connect to the water or sewer main in the next 15 years they will pay an equal share of the installation cost. As per legislated requirement, the costs outlined in the agreement are collected by the City and returned to the original developer who paid to install the works.

Since this resolution many of the properties along Juniper Drive have expressed their interest in further development which is now possible because the water and sewer lines are being installed. While the City has yet to receive any formal applications there is the interest for 5 additional lots to subdivide. This development potential is outlined in Attachment A.

Given that there is so much development interest, it makes sense to preservice the potential lots. Pre-servicing would mean installing sewer and water connections from the water main to each prospective lot. This would mean that the road would not have to be dug up each time a new service is requested and save significant future costs to future developers and / or the City.

The pre-servicing is not something that the developer would be required to pay for or that the city can require the developer to pay for. The developer / subdivider, understands that pre-servicing would likely speed up the development of the potential lots along Juniper and thus make it more likely that the excess costs the developer had to pay would be recouped by development quicker than if the pre-servicing were not done and has requested that the City contribute these costs to the project. Under this scenario, the City would include these works in another latecomer agreement and recoup the costs when the lots come on line.

Financial implication

Staff are recommending that the funds for this work be funded from the Water Surplus to cover the cost of the new water services and from the Sewer Surplus to cover the cost of the new sewer services. When these funds are collected in the future they will be returned into the appropriate surpluses. The funds removed from the surplus accounts will be equal to the actual costs of the service installation, based on the cost estimate this will be a maximum of $23,900 from the Water Surplus and a maximum of $42,500 from the Sewer Surplus.

It is recommended that Staff include in the amount recovered the 18% administration fee as outlined in the Fees and Charges Bylaw to go towards the City's administration cost of this resolution. This amount will be added to the actual cost of the works when calculating the latecomer charge.

Analysis

It is best practice, where possible, to ensure that installed works allow for future development and servicing upgrades. While it is possible to install these additional services at the time of any future development, it does have an impact on the servicing cost and the life of the asset. For example, if the potential lots are not 'pre-serviced' the road will need to be dug up and a new connection to the main will need to be installed for each additional new service. This requires patches to the road and disruption for the neighbourhood. Also, this process is much costlier than pre-servicing.

The cost of pre-servicing can be recovered when the properties subdivide or request to connect to the new services. Installing the services as part of this project will support development in the area at a low overall cost to the City.

The one risk to pre-servicing, is if the potential lots do not come online, the City will be out the funds for that particular service. Given recent discussions with the subject property owners, staff are confident that the majority of services will be utilized within a 5 year window.

The estimated cost for the provision of the 19 new services is $60,360.30. This estimate is based on the current tender price from the contractor completing the water and sewer main extension. Staff are requesting that Council authorize this amount with a 10% contingency totaling $66,400.00 to provide this pre-servicing.

As these funds will be recovered when the surrounding properties develop, or connect to the service, and as pre-servicing increases the long term performance of the assets, it is Staff's recommendation to support this request.

Alternate recommendations

Council may consider the risk that the future development not occur to be too great and that pre-servicing will be a potential waste of resource. If that is the case, Council should pass the alternative resolution, which is to not support the initiative. Passing the alternative resolution will result in the water and sewer main extensions proceeding without services being installed to any potential future lots. At the time when any future lots come on, the sub-divider / developer of each lot would then be required to pay the fee outlined in the fees and charges bylaw for a water ($6,100) and sewer connection ($6,100) per service. This fee, however, would be higher than what would be required should the pre-servicing occur. Also, as the $6,100 per service fee is pre-set, this is the maximum that the City could recoup. While this *should* cover the works required, it may not and any overruns would be at the expense of the City.

Alternative 1: That Council not support the pre-servicing of the potential development along Juniper Drive.

Attachments

Attachment A – Letter from 3110 Valleyview Road requesting City contribution to works

Respectfully submitted,

Blake Laven
Director of Development Services

Concurrence

General Manager Finance & Administration	Chief Administrative Officer
JWB	DvD

Attachment A: Letter from 3110 Valleyview Road requesting City contribution to works

March 24, 2021

Ecora File No.: 201484
City of Penticton File No, SD PL2020-8770

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

Attention: **Michael Hodges, Development Infrastructure Manager**

Reference: **3110 Valleyview Road – Juniper Drive – Additional Sanitary and Watermain Services – Costs**

Background

Ecora was retained by the owner of 3110 Valleyview Road to provide a Subdivision Servicing Design for a proposed lot at the top of property which would be accessed from Juniper Drive. Through correspondence with the City of Penticton and approval of a Latecomers Agreement, the owners have opted to extend 230 meters of sanitary main and 94 meters of water main south along Juniper Drive to service their new lot. The expectation is that if further subdivisions happen along Juniper Drive in the future, the owners will be able to recuperate their initial large investment in this infrastructure.

On behalf of the owners Arnold and Marguerite Dunham, Ecora Engineering & Resource Group Ltd. (Ecora) would like the City of Penticton to consider paying for the additional services requested along Juniper Drive. To prevent future road cuts, the City of Penticton has requested that all the lots along Juniper Drive (where the two extensions are proposed) be serviced with a sanitary and water service to the property line. There are eleven sanitary services and nine water services proposed. Two water services and two sanitary services are proposed for the Dunham's property. Therefore, there are nine additional sanitary and seven additional water services that the Dunham's are requesting the City of Penticton to pay.

There are five proposed subdivisions along Juniper Drive including the Dunham;s subdivision. Ecora has enclosed a sketch plan of each subdivision with this letter that shows the configuration of lots. The proposed lots will also be serviced as part of the proposed construction.

In addition, two of the water services proposed for 3115 Juniper Drive requires a hot tap connection to the existing watermain. Ecora would like the City of Penticton Public Works crew to complete this hot tap. The prime contractor can complete the excavation and installation of services.

Ecora has prepared a table in excel which is enclosed with this letter that outlines the cost of each proposed water and sanitary service to each lot. *The cost does not include rock hammering in the servicing trench, if necessary.

Ecora issued a tender for this construction which closed on Friday March 5. Twincon Enterprises Ltd. provided the low bid, and a Notice of Award has been issued to Twincon. The Costing spreadsheet is based on Twincon Enterprises Ltd. unit rates from tender.

Ecora Engineering & Resource Group Ltd.
201 - 284 Main Street, Penticton, BC V2A 5B2
| P: 250.492.2227 | F: 250.492.2135
www.ecora.ca

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

Sincerely

Ecora Engineering & Resource Group Ltd.

Kelly Mercer, AScT
Branch Manager
Direct Line: 250.486.2408
Kelly.mercer@ecora.ca

c: Arnold and Margurite Dunham

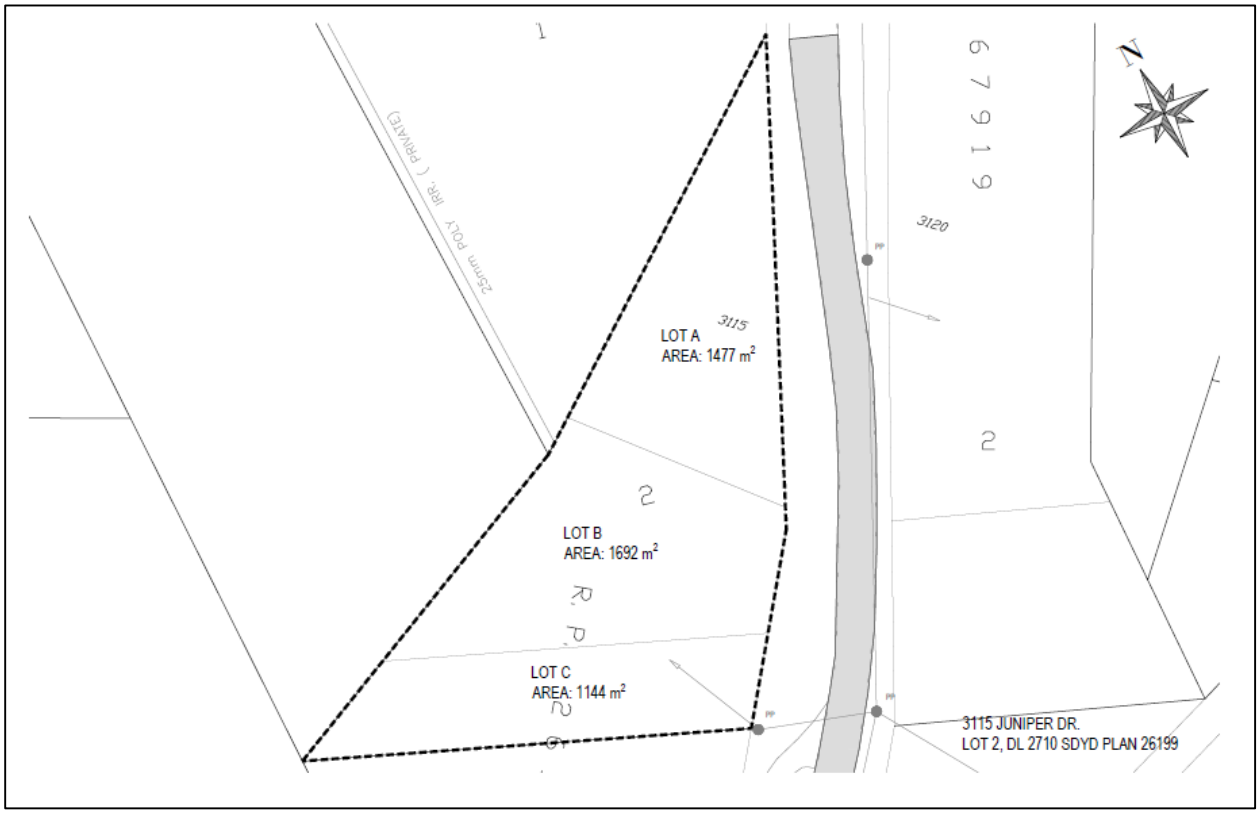
Enclosure: Five Subdivision Sketch Plans
Cost Spreadsheet

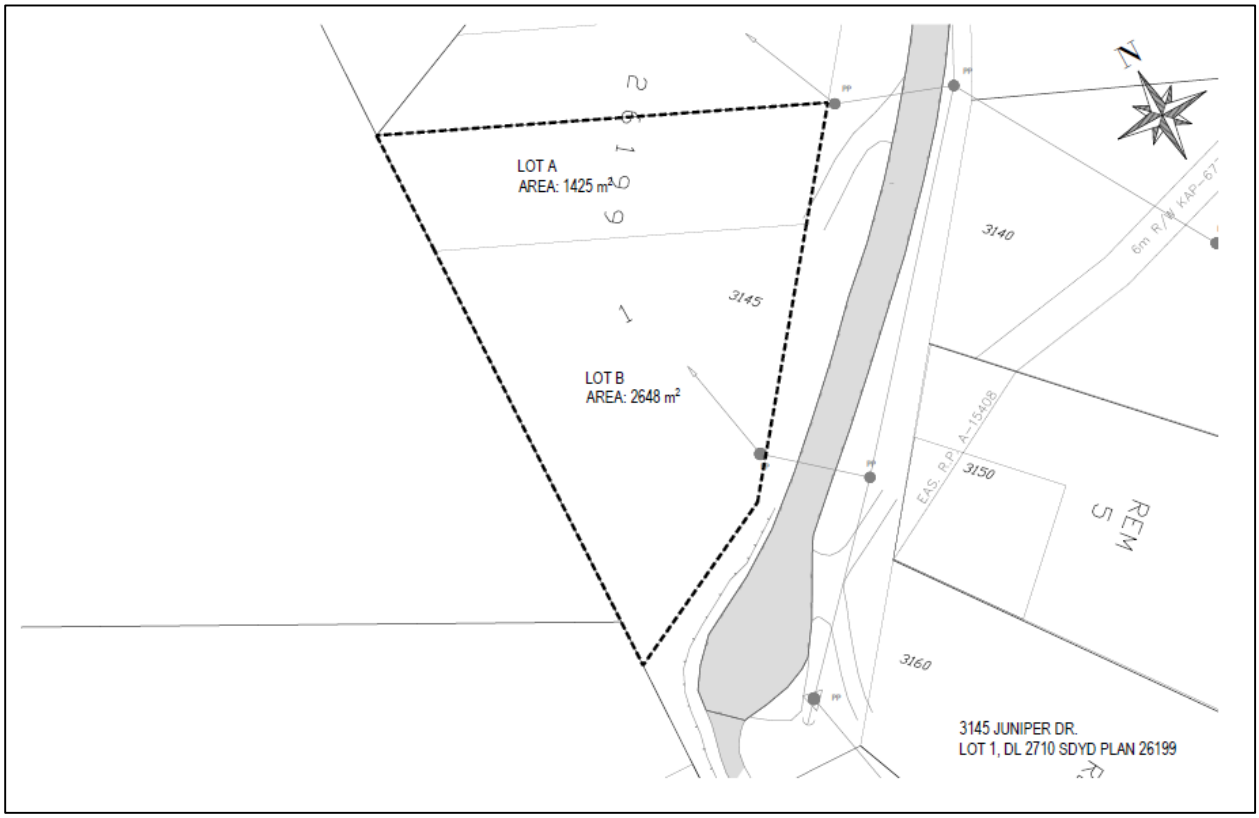
Ecora Engineering & Resource Group Ltd.
Juniper Drive - Proposed Subdivisions/Services
Additional Sanitary & Water Services

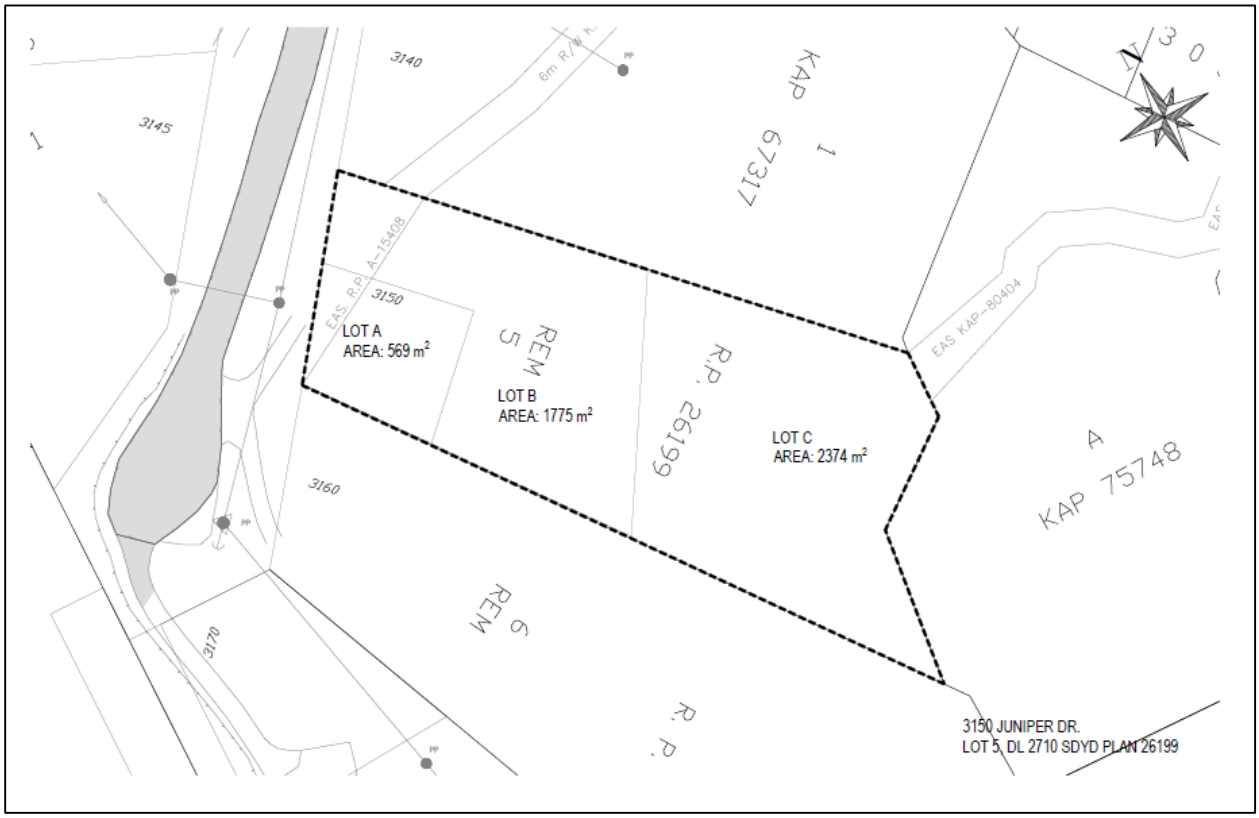
Tender Prices	Unit	Price
25mm Water Service Connection	Each	$1,100.00
25mm Municial Tubing	Lineal Meter	$60.00
100mm Sanitary Connection	Each	$1,400.00
100mm Sanitary Service PVC Pipe	Lineal Meter	$125.00

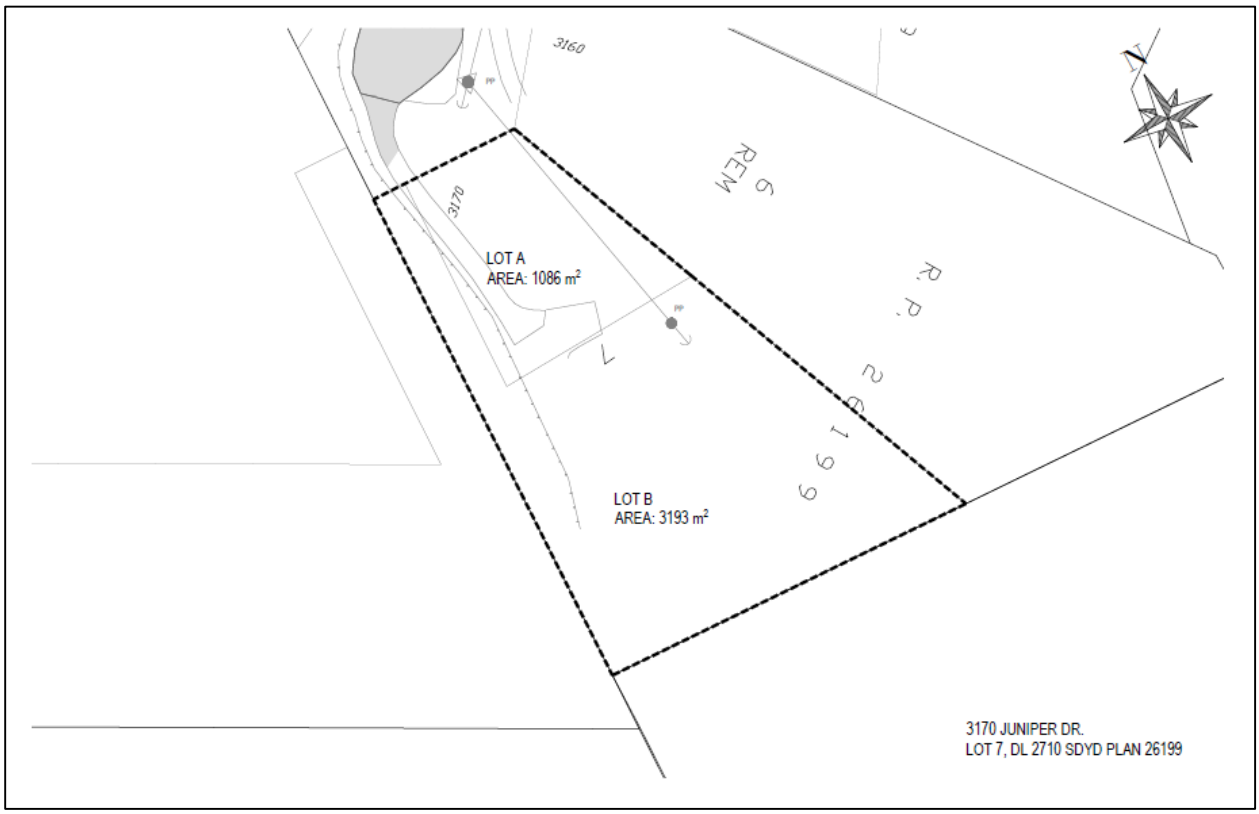
Address	Number of Water Conn.	Total Length of Water Services	Total Cost of Water Connection	Total Cost of Water Service Pipe	Number of Sanitary Connections	Total Length of Sanitary Services	Total Cost of Sanitary Connection(s)	Total Cost of Sanitary Service Pipe	Total Cost of Sanitary and Water
3115 Juniper Dr. Ex.	0	0	$0.00	$0.00	0	0	$0.00	$0.00	$0.00
3115 Juniper Dr. (Hot tap)	1	12	$1,100.00	$720.00	1	17	$1,400.00	$2,125.00	$5,345.00
3115 Juniper Dr. (Hot tap)	1	13.5	$1,100.00	$810.00	1	18.5	$1,400.00	$2,312.50	$5,622.50
3120 Juniper Dr.	1	12	$1,100.00	$720.00	1	6	$1,400.00	$750.00	$3,970.00
3145 Juniper Dr. Ex.	0	0	$0.00	$0.00	1	18	$1,400.00	$2,250.00	$3,650.00
3145 Juniper Dr. New	1	12	$1,100.00	$720.00	1	18	$1,400.00	$2,250.00	$5,470.00
3150 Juniper Dr. Ex.	1	15	$1,100.00	$900.00	1	12	$1,400.00	$1,500.00	$4,900.00
3150 Juniper Dr. New	1	15	$1,100.00	$900.00	1	12	$1,400.00	$1,500.00	$4,900.00
3160 Juniper Dr.	1	23.5	$1,100.00	$1,410.00	1	20.1	$1,400.00	$2,512.50	$6,422.50
3170 Juniper Dr. Ex.	1	26	$1,100.00	$1,560.00	1	22	$1,400.00	$2,750.00	$6,810.00
3170 Juniper Dr. New	1	19.5	$1,100.00	$1,170.00	1	12	$1,400.00	$1,500.00	$5,170.00
								Subtotal:	**$52,260.00**
								Eng. (10%)	**$5,226.00**
								GST (5%)	$2,874.30
								Total:	**$60,360.30**

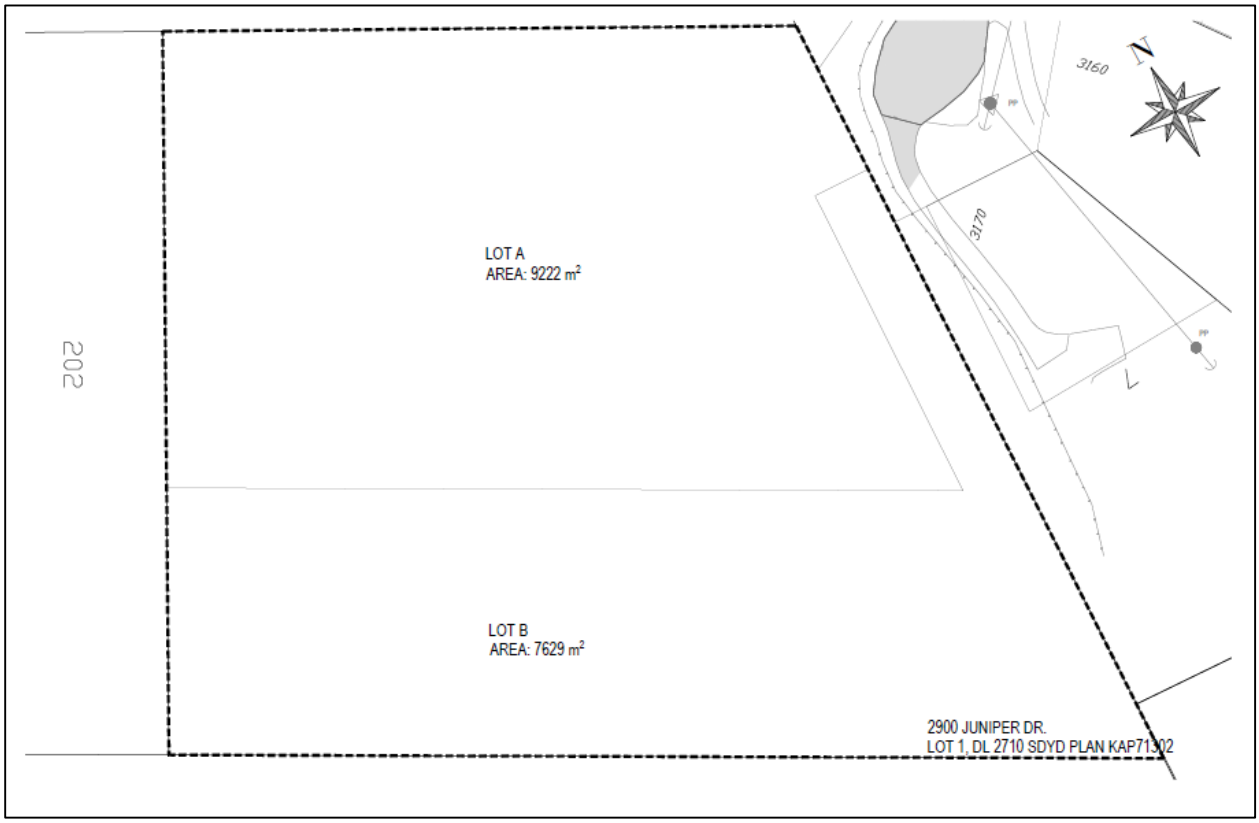
* Service trench rock hammering has not been accounted for in this cost estimate


LOT A
AREA: 1477 m²
LOT B
AREA: 1692 m²
LOT C
AREA: 1144 m²
3115 JUNIPER DR.
LOT 2, DL 2710 SDYD PLAN 26199
3120
3115
25mm POLY. IRR. (PRIVATE)
67919


LOT A
AREA: 1425 m²
LOT B
AREA: 2648 m²
3145 JUNIPER DR.
LOT 1, DL 2710 SDYD PLAN 26199
3140
3145
3150
3160
EAS. R.P. A-15408
REM 5


3140
3145
3150
3160
3170
6m R/W
EAS R.P. A-15408
EAS KAP-80404
LOT A
AREA: 569 m²
LOT B
AREA: 1775 m²
LOT C
AREA: 2374 m²
5 REM
R.P. 26199
6 REM
R.P.
1 KAP 67317
A KAP 75748
3150 JUNIPER DR.
LOT 5, DL 2710 SDYD PLAN 26199


3160
3170
6 REM
LOT A
AREA: 1086 m²
LOT B
AREA: 3193 m²
7
R.P. 26199
3170 JUNIPER DR.
LOT 7, DL 2710 SDYD PLAN 26199


3160
3170
LOT A
AREA: 9222 m²
202
LOT B
AREA: 7629 m²
2900 JUNIPER DR.
LOT 1, DL 2710 SDYD PLAN KAP71302

Council Report

penticton.ca

Date: May 18, 2021 File No: 1855-03
To: Donny van Dyk, Chief Administrative Officer
From: Adam Goodwin, Social Development Specialist

Subject: **Applying for Two Grants from BC Healthy Communities (PlanH)**

Staff Recommendation

Grant A: PlanH Community Connectedness Grant

THAT Council direct staff to apply for the PlanH: Community Connectedness Grant for $5,000 and work with community partners to implement the grant activities;

AND THAT Council direct staff to work with the Community Foundation of the South Okanagan to seek $5,000 from the Vancouver Foundation's neighbourhood grants program to supplement the PlanH: Community Connectedness Grant activities;

AND THAT Council direct staff to work with community partners to implement the grant activities should the grant application be successful;

AND THAT Council authorize the Social Development Specialist to submit the PlanH: Community Connectedness Grant online application.

Grant B: PlanH Healthy Public Policy Grant

THAT Council direct staff to apply for the PlanH: Healthy Public Policy Grant for $15,000 to go towards the youth homelessness work;

AND THAT Council approve the spending of $1,000 of cash from the Social Development budget as a matching contribution to the grant application;

AND THAT Council direct staff to work with community partners to implement the grant activities should the grant application be successful;

AND THAT Council authorize the Social Development Specialist to submit the PlanH: Healthy Public Policy online application.

Strategic priority objective

Vision: A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Background

BC Healthy Communities (PlanH) is a provincial not-for-profit organization that supports the health and social well-being of communities. It currently has two grants that align with work that Social Development is currently facilitating. These grants are only available to local governments and First Nations. The grants are funded through contributions from BC Healthy Communities, the Ministry of Health, and the Union of BC Municipalities (UBCM). While there are the two separate grant opportunities that staff are recommending the City apply for, they are being presented concurrently in this report as they are both to the same organization, have identical timelines, and have similar application requirements.

Grant A: PlanH Community Connectedness Grant for Neighbourhood Life Work

The City of Penticton is a partner with the Community Foundation of South Okanagan's neighbourhood small grants. The City has provided funding up to $5,000 at a time to support the Community Foundation's neighbourhood grants. City staff support the Foundation's program by helping promote the program and supporting the decision making around projects that receive grant funding. Any member of the community can apply for up to $500 to facilitate a neighbourhood building initiative. To-date, most of the Foundation's neighbourhood grants have focused on general neighbourhood opportunities. Strong and connected neighbourhoods are important to the overall safety and well-being of the community.

Working with the Community Foundation, South Okanagan Immigrant and Community Services, other partners, and potentially the Vancouver Foundation, there is an opportunity for the City to apply for a PlanH Community Connectedness Grant to grow the work it is already doing with the Community Foundation to support neighbourhoods and community connectedness. The City has worked closely with South Okanagan Immigrant and Community Services (SOCIS) over the last several years. This includes on initiatives such as the Provincial Nominee Program, Local Immigration Partnership, the Respect Network, Welcoming Communities, and is also working with organizations such as SOICS, the RCMP and school district on racism reporting tools. Adding SOICS to the PlanH grant program would provide an opportunity to strengthen relationships between SOICS, the City, and the Community Foundation, and possible allow for new innovative opportunities to emerge that will positively contribute to the community safety and well-being of Penticton.

The PlanH Community Connectedness grant would be used to help fund a project that would support youth in developing videography skills through their sharing of stories about getting to know their neighbourhood. Youth would be paired up with an individual with high levels of technical knowledge in how to make a video and tell stories. Youth would use whatever equipment they have (e.g., their own phone, a phone of a family member, a higher quality camera) to develop a story about their neighbourhood. The stories can focus on any particular aspect of neighbourhood life, including who are their neighbours, relationships and social networks within the neighbourhood, and/or activities in their neighbourhood that promote citizen engagement. The goal is to use youth and younger adults to be catalysts in their

neighbourhoods for stronger neighbourhoods and connectedness. The videos developed by the youth would be compiled by the youth and revealed at the OneWorld Festival and used by various community partners to showcase the important role that youth have in community safety and well-being. Specifically, activities that youth could help facilitate in their neighbourhoods could be something such as checking in on neighbours who have dementia (in support of the Age Friendly Action Plan), working together to develop strategies to prevent unwanted tagging in their neighbourhood (in support of Council's safety priority), among many others.

Grant B: PlanH Healthy Public Policy Grant for Youth Homelessness Work

During the December 8, 2020 Regular Council Meeting, Council received an update about the development of the youth homelessness strategy work. During this meeting Council also directed staff to work with the school district to complete a youth homelessness questionnaire. While the results of the questionnaire and strategy are still being analyzed and finalized for presentation to Council at an upcoming meeting, one of the emerging findings from this work identified the importance of having a nighttime space for youth. While many youth at risk of or experiencing homelessness may use services such as the Foundry during the daytime, there is limited overnight community services for youth. The grant can be used to facilitate activities that have youth help identify and design potential overnight options.

For the overnight options that do exist in Penticton, staff checked with services such as bylaw, fire, and police to understand the levels of calls-for-service to these addresses. There are very minimal calls-for-services to these existing services, and it would be anticipated that any suggestions emerging from this work would be developed to ensure that they are well designed so they can be integrated into the neighbourhood.

Financial implication

Both grant programs can contribute 100% of the eligible cost activities. By applying for the PlanH Community Connectedness Grant (Grant A), there may also be an opportunity to double the $5,000 amount by receiving supporting funds from the Vancouver Foundation (for a total of $10,000). This grant must focus on *upstream* activities (e.g., sense of belonging, social connectedness, neighbourhood life). For the PlanH Healthy Public Policy Grant (Grant B), it is anticipated that $1,000 from the approved 2021 Social Development budget will be used to help engage youth in the grant activities. Staff time and resources will be necessary to complete the activities of both grants.

Analysis and staff recommendation

Both grants complement work already being facilitated by the Social Development team. Having the additional resources, of up to $25,000, will result in more impact in the community. If successful the grants will help the Social Development team continue to strengthen relationships in the community and allow the team to identify its role in community safety and well-being.

Social connectedness is an important component of residents feeling a sense of belonging. This can have a positive impact on individuals' sense of community safety and well-being. Finding ways to facilitate connectedness in the community is an *up-stream*, evidence-based approach. It complements some of the on-going *down-stream* approaches already being used in the community by various organizations and partners.

Continuing the youth homelessness work is important for both youth currently experiencing housing insecurity and/or homelessness, and for decreasing the risk of a youth continuing to experience homelessness in adulthood. The youth homelessness work currently wrapping up, including the recently complete youth homelessness questionnaires distributed through the school district, identified the important opportunity to identify overnight options for youth that complement the existing daytime options.

Alternate recommendations

THAT Council direct staff to bring back additional information.

Respectfully submitted,

Adam Goodwin,
Social Development Specialist

Concurrence

Chief Financial Officer / General Manager, Administration and Finance	Director, Development Services	Chief Administrative Officer
JWB	BL	DvD

The Corporation of the City of Penticton

Bylaw No. 2021-15

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. 2021-15".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 14 Block 19 District Lot 202 Similkameen Division Yale District Plan 269, located at 583 Ellis Street, from C3 (Mixed Use Commercial) to RM5 (Urban Residential).

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

READ A FIRST time this	4	day of	May, 2021
A PUBLIC HEARING was held this	17	day of	May, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 11 day of May, 2021 and the 12 day of May, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
583 Ellis Street

From C3 (Mixed Use Commercial)
To RM5 (Urban Residential)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-15

Date: _____ **Corporate Officer:** _____

The Corporation of the City of Penticton

Bylaw No. 2021-13

A Bylaw to Amend Official Community Plan Bylaw No. 2019-08

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 No. 2019-08";

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 "Official Community Plan Amendment Bylaw No. 2021-13."

2. **Amendment:**

"Official Community Plan Bylaw No. 2019-08" is hereby amended as follows:

2.1 To change the following designations as follows:

Amend Map 1: Future Land Use, by changing the future land use designation for Lot 3 District Lots 379 and 182 Similkameen Division Yale District Plan 6750 Except Plan H14743, located at 435 Green Ave West, from 'Detached Residential' to 'Urban Residential'.

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

READ A FIRST time this	4	day of	May, 2021
A PUBLIC HEARING was held this	17	day of	May, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 11 of May, 2021 and the 12 of May, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Official Community Plan
Amendment
435 Green Ave W

Amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation from 'Detached Residential' to 'Urban Residential'

City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2021-13

Date: _____ **Corporate Officer:** _____

The Corporation of the City of Penticton

Bylaw No. 2021-14

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. 2021-14".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 3 District Lots 379 and 182 Similkameen Division Yale District Plan 6750 Except Plan H14743, located at 435 Green 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	4	day of	May, 2021
A PUBLIC HEARING was held this	17	day of	May, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 11 day of May, 2021 and the 12 day of May, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2021

_____
for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
435 Green Ave W

From R2 (Small Lot Residential)
To RM3 (Medium Density Multiple Housing)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-14

Date: _____ **Corporate Officer:** _____