

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

To view the live broadcast and recordings, visit www.penticton.ca

Tuesday, March 21, 2023
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 March 7, 2023 Regular Council Meeting 1-3 Adopt
7. **Consent Agenda:**

Recommendation:

THAT Council approve the Consent Agenda:

 1. Minutes of the March 7, 2023 Committee of the Whole Meeting. 4-5
8. **Staff Reports:**

Seibert	8.1	2023 Emergency Operations Centre (EOC) Grant <i>Staff Recommendation: THAT Council support the application for grant funding from UBCM for Emergency Operations Centre (EOC) costs for equipment, supplies and training for the City of Penticton Emergency Operations Centre in the amount of \$25,000.</i>	6-13
Hardisty	8.2	Update on Notice of Motions related to the Okanagan Correctional Centre <i>Staff Recommendation: THAT Council receive into the record the report dated March 21, 2023 titled "Update on Notice of Motions related to the Okanagan Correctional Centre".</i>	14-44

Laven/ Mercier	8.3	Safe Public Places Bylaw No. 2023-06 <i>Staff Recommendation: THAT Council give first reading to “Safe Public Places Bylaw No. 2023-06”, a bylaw that supports a safe, secure and healthy community through regulating solicitation, disorderly conduct, public nuisances, public substance use, and the general safe use of public places. AND THAT “Safe Public Places Bylaw No. 2023-06” is referred to the Medical Health Officer (MHO), to consider comments from the MHO prior to further readings of the bylaw.</i>	45-59
Laven/ Mercier	8.4	Bylaw Enforcement Officer Bylaw No. 2023-07 and CP#2023-03 Bylaw Enforcement Officer Procedures Policy <i>Staff Recommendation: THAT Council give first, second and third reading to “Bylaw Enforcement Officer Bylaw No. 2023-07, a bylaw that designates Bylaw Enforcement Officers and assigns authority THAT Council approve “CP#2023-03 Bylaw Enforcement Officer Procedure Policy”</i>	60-68
Dixon	8.5	Contract Award for Point Intersection and associated Capital Projects <i>Staff Recommendation: THAT Council direct staff to include \$3,116,169 of capital funding in the 2023-2027 Financial Plan in years 2023 and 2024 for the Point Intersection and associated Capital Projects, funded through a combination of Development Cost Charges, Sewer, Water and Electrical capital funds as noted in the Attachment A of this report.</i>	69-74
Tanguay	8.6	Development Variance Permit PL2023-9515 Re: 1151 Kensington Street <i>Staff Recommendation: THAT Council approve “Development Variance Permit PL2023-9515” for Lot 95 District Lots 249 and 250 Similkameen Division Yale District Plan 4168, located at 1151 Kensington Street, a permit to vary the following sections of Zoning Bylaw 2021-01:</i> • <i>Section 7.4.2: to increase the size of an accessory building for a major home occupation from 50 m² to 53.5 m².</i> • <i>Section 6.5: to reduce the number of required parking spaces on the property from 3 to 2.</i> <i>AND THAT Council direct staff to issue “Development Variance Permit PL2023-9515”.</i>	75-92
	9.	Public Question Period	
	10.	Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.	
	11.	Bylaws and Permits:	
Collyer	11.1	Zoning Bylaw No. 2023-08	93-230
	12.	Notice of Motion	
	13.	Business Arising	
	14.	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. Use the raise hand feature and you'll be given the opportunity to turn on your camera and unmute your microphone and ask Council your questions. Please note that the meeting is streaming live and recorded, access to recordings can be found on the City's website.	
	15.	Council Round Table	
	16.	Adjournment	

Minutes

penticton.ca

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

Tuesday, March 7, 2023
at 1:00 p.m.

Present: Mayor Bloomfield
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager, Community Services
Blake Laven, Director of Development Services
Paula McKinnon, 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

46/2023

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on March 7, 2023 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

47/2023

It was MOVED and SECONDED

THAT Council recess to a Committee of the Whole meeting at 1:01 p.m.

CARRIED UNANIMOUSLY

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:30 p.m.

6. Adoption of Minutes:

6.1 Minutes of the February 7, 2023 Regular Meeting of Council

48/2023

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of February 7, 2023 as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the February 28, 2023 Special Meeting of Council

49/2023

It was MOVED and SECONDED

THAT Council adopt the Special Council Meeting minutes of February 28, 2023 as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

50/2023

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the February 7, 2023 Committee of the Whole Meeting; and
2. Minutes of the February 7, 2023 Public Hearings.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 Safe and Resilient Council Priority: Public Safety Planning

51/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated March 7, 2023

titled "Safe & Resilient Council Priority: Public Safety Planning", a report that outlines the public safety planning and actions being implemented in 2023 with the involvement of an internal operational working group.

CARRIED UNANIMOUSLY

8.2 RCMP Annual Report

52/2023

It was MOVED and SECONDED

THAT Council receive into the record the report titled "RCMP Annual Report" dated March 7, 2023.

CARRIED UNANIMOUSLY

8.3 Notice: General Local Election Campaign Financing Non-Compliance – Disqualification

53/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated March 7, 2023

titled "Notice: General Local Election Campaign Financing Non-Compliance – Disqualification".

CARRIED UNANIMOUSLY

8.4 Revised Regular Council Meeting Schedule – April 2023

54/2023

It was MOVED and SECONDED

THAT Council revise the Regular Council meeting schedule and move the April 4, 2023 Regular Council meeting to Monday, April 3, 2023 with a start time of 10:00 a.m.

CARRIED UNANIMOUSLY

8.5 Zoning Bylaw No. 2023-08

55/2023

It was MOVED and SECONDED

THAT Council give first reading to “Zoning Bylaw No. 2023-08”, a bylaw intended to repeal and replace “Zoning Bylaw No. 2021-01”;

AND THAT Council forward “Zoning Bylaw N. 2023-08” to the March 21, 2023 Public Hearing.

CARRIED UNANIMOUSLY

9. Bylaws and Permits

Councillor Miller left the meeting at 2:34 p.m.

9.1 Land Use Contract No. 3380 Discharge Bylaw No. 2023-02
Re: 302 Eckhardt Avenue West

56/2023

It was MOVED and SECONDED

THAT Council adopt “Land Use Contract No. 3380 Discharge Bylaw No. 2023-02.”

CARRIED UNANIMOUSLY

Councillor Miller returned to the meeting at 2:35 p.m.

10. Notice of Motion

11. Business Arising

12. Public Question Period

13. Council Round Table

14. Adjournment to a Closed Meeting

57/2023

It was MOVED and SECONDED

THAT Council adjourn to a closed meeting of Council at 2:50 p.m. pursuant to the provisions of the *Community Charter* as follows: *Section 90(1)*

- (e) *the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (g) *litigation or potential litigation affecting the municipality; and*
- (i) *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Minutes

penticton.ca

Committee of the Whole

held at City Hall, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, March 7, 2023

Recessed from the Regular Council Meeting at 1:00 p.m.

Present:

Mayor Bloomfield
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt

Staff:

Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager, Community Services
Blake Laven, Director of Development Services
Paula McKinnon, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:00 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on March 7, 2023 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 Update from Okanagan College

Dr. Neil Fassina, President, Okanagan College, provided Council with a presentation on Okanagan College's activities.

3.2 Free Income Tax Program 2023

Brandi Beckett, Executive Director, Access Centre, informed Council about the Access Centre's diverse programing available throughout the South Okanagan region, including the free volunteer income tax program.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held March 7, 2023 at 1:30 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Council Report

penticton.ca

Date: March 21, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Brittany Seibert, Emergency Program Coordinator
Subject: 2023 Emergency Operations Centre (EOC) Grant

File No:

Staff Recommendation

THAT Council support the application for grant funding from UBCM for Emergency Operations Centre (EOC) costs for equipment, supplies and training for the City of Penticton Emergency Operations Centre in the amount of \$25,000.

Background

Under the *Emergency Program Act*, municipalities, First Nation communities and regional districts are responsible for responding to emergencies in their area. As part of the City's Emergency Management Program, the City operates their own Emergency Operations Centre (EOC). The EOC supports emergency response personnel in the field and coordinates all official communications regarding the emergency.

Over the past five years, the Emergency Program Manager (Fire Chief) has developed the EOC for the City of Penticton in order to coordinate emergency response and recovery actions. In 2022, the newly appointed Emergency Program Coordinator continued to build upon this work by focusing on training of staff, purchasing of equipment, and conducting table top exercises.

This \$30,000 funding will build on the already \$100,000 we have received in grants from UBCM for our EOC and will allow for the improvement and capacity of the City of Penticton EOC for increased preparedness and ability to respond to emergency incidents.

Strategic priority objective

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

Safe & Resilient: The City of Penticton will enhance and protect the safety of all residents and visitors to Penticton.

Organizational Excellence: The City of Penticton will support a culture of service excellence built on good governance, leadership and sound financial decisions.

Financial implication

The Community Emergency Preparedness Fund (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments and their residents in responding to emergencies. Funding is provided by the Province of BC and is administered by Union of BC Municipalities (UBCM).

The grant funding can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$30,000. Staff is proposing to make an application for grant funding in the amount of \$25,000.

Climate Impact

Disasters, many of which are exacerbated by climate change and which are increasing in frequency and intensity, significantly impede progress towards sustainable development. More dedicated action needs to be focused on tackling underlying disaster risk drivers, such as the consequences of climate change and variability. Increasing our City's capacity to operate an EOC effectively in the face of climate change will help to ensure our excellence in emergency response and recovery.

Attachments

Attachment A – Emergency Operations Centres & Training 2023 Program & Application Guide

Respectfully submitted,

Brittany Seibert
Emergency Program Coordinator

Concurrence

Fire Chief <i>LW</i>	Director of Finance and Administration <i>AMC</i>	Chief Administrative Officer DyD
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Community Emergency Preparedness Fund

Emergency Operations Centres & Training

2023 Program & Application Guide

1. Introduction

The [Community Emergency Preparedness Fund](#) (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments, First Nations, and communities in responding to emergencies. Funding is provided by the Province of BC and is administered by the Union of BC Municipalities (UBCM).

As of May 2022, the funding streams include:

- Disaster risk reduction - climate adaptation
- Emergency operations centres and training
- Emergency support services
- Extreme heat risk mapping, assessment, and planning
- Indigenous cultural safety and cultural humility training
- Public notification and evacuation route planning
- Volunteer and composite fire departments equipment and training

Background

An Emergency Operations Centre (EOC) is a physical location where representatives come together during an emergency to coordinate response and recovery actions and resources, support emergency response personnel in the field, and coordinate all official communications regarding the emergency.

Under the *Emergency Program Act*, municipalities and regional districts are responsible for responding to emergencies in their area.

In April 2017, Emergency Management BC entered into a 10-year service agreement with Indigenous Services Canada in order to be able to provide equivalent emergency management services to First Nations.

Emergency Operations Centres & Training Funding Stream

The intent of this funding stream is to support eligible applicants to build local capacity through the purchase of equipment and supplies required to maintain or improve an EOC and to enhance EOC capacity through training and exercises.

2. Eligible Applicants

All local governments (municipalities and regional districts) and all First Nations (bands and Treaty First Nations) in BC are eligible to apply. Eligible applicants can submit one application per intake, including regional applications or participation as a partnering applicant in a regional application.

3. Grant Maximum

The Emergency Operations Centres & Training funding stream can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$30,000.00.

In order to ensure transparency and accountability in the expenditure of public funds, all other contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the funding. This includes any other grant funding and any revenue that is generated from activities that are funded by the Community Emergency Preparedness Fund.

4. Eligible Projects

To qualify for funding, projects must be:

- A new project (retroactive funding is not available);
- Capable of completion by the applicant within one year from the date of grant approval;
- In alignment with the [Emergency Operations Centre Operational Guidelines](#).

Regional Projects

Funding requests from two or more eligible applicants for regional projects may be submitted as a single application for eligible, collaborative projects. In this case, the maximum funding available would be based on the number of eligible applicants included in the application. It is expected that regional projects will demonstrate cost-efficiencies in the total grant request.

The primary applicant submitting the application for a regional project is required to submit a resolution as outlined in Section 7 of this guide. Each partnering applicant is required to submit a resolution that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.

5. Requirements for Funding

As part of the approval agreement, approved projects must meet the following requirements for funding:

- Any in-person activities, meetings, or events must meet public health orders and/or guidance in relation to COVID-19.
- Activities must comply with all applicable privacy legislation under the *Freedom of Information and Protection of Privacy Act* in relation to the collection, use, or disclosure of personal information while conducting funded activities. Personal information is any recorded information about an identifiable individual other than their business contact information. This includes information that can be used to identify an individual through association or inference.

6. Eligible & Ineligible Costs & Activities

Eligible Costs & Activities

Eligible costs are direct costs that are approved for funding, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. Eligible costs can only be incurred from the date of application submission until the final report is submitted.

Eligible activities must be cost-effective and are limited to:

- Purchase and installation of equipment and supplies to maintain or improve EOCs (e.g. information technology, communication systems, vests, generators, trailers for the purpose of transportation, storage and mobile EOCs, etc.);

- Training and exercises to increase EOC capacity. For all virtual courses/training, eligible costs include: course fee (if any), required course materials, and travel (including accommodations and per diems) only if required for internet connection or access to necessary technology. For all in-person courses/training, eligible costs include: course fee, required course materials, and travel (including accommodations and per diems);

The following expenditures are also eligible provided they relate directly to eligible activities identified above:

- Incremental applicant staff and administration costs
- Consultant costs
- Public information costs
- Honoraria for equity-denied populations or service organizations that support equity-denied populations
- Honoraria for cultural leaders, Elders, Indigenous knowledge keepers, and/or cultural keepers when they are scheduled to speak, present, or teach. Note: these honoraria should reflect the role of Indigenous Peoples as subject matter experts and be equitable to consultant rates.
- Translation costs and the development of culturally appropriate EOC materials

Ineligible Costs & Activities

Any activity that is not outlined above or is not directly connected to activities approved in the application is not eligible for grant funding. This includes:

- Routine or ongoing operating costs or activities (e.g. heating, cooling, and lighting; security; software or service subscriptions or membership fees)
- Routine or ongoing planning costs or planning activities that are not incremental to the project
- Use of an EOC during an emergency
- Training offered and paid by the Provincial Emergency Management Training Program
- Major capital improvements or renovations to existing facilities, and/or construction of new, permanent facilities
- Purchase of vehicles
- Regular salaries and/or benefits of applicant staff or partners
- Project-related fees payable by the applicant(s) (e.g. permit inspection fee for installation of a generator)
- Purchase of promotional items, door/raffle prizes, give-away items, and/or gifts
- Emergency preparedness marketing campaigns
- Costs related to developing or submitting the application package

7. Application Requirements & Process

Application Deadline

The application deadline is **March 31, 2023**. Applicants will be advised of the status of their applications within 90 days of the application deadline.

Required Application Contents

All applicants are required to submit an electronic copy of the complete application, including:

- Completed Application Form with all required attachments
- Local government Council or Board resolution, Band Council resolution, or Treaty First Nation resolution, indicating support for the current proposed activities and willingness to provide overall grant management.
- Detailed budget for each component identified in the application. This must clearly identify the CEPF funding request, applicant contribution, and/or other grant funding.
- For regional projects only: Local government Council or Board resolution, Band Council resolution, or Treaty First Nation resolution from each partnering applicant that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.

Resolutions from partnering applicants must include the language above
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Submission of Applications

Applications should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All applications should be submitted to Local Government Program Services, Union of BC Municipalities by e-mail: cepf@ubcm.ca.

Review of Applications

UBCM will perform a preliminary review of all applications to ensure the required application contents have been submitted and to ensure that eligibility criteria have been met. Only complete application packages will be reviewed.

Following this, the CEPF Evaluation Committee will assess and score all eligible applications. Higher application review scores will be given to projects that:

- Clearly demonstrate how EOCs will be maintained or improved and/or demonstrate that EOC capacity will be enhanced
- Consider large scale Emergency Support Services scenarios
- Support recommendations or requirements identified in the local Emergency Plan
- Demonstrate transferability to other local governments and First Nations in BC
- Include in-kind or cash contributions to the project from the eligible applicant, partnering applicant(s), community partners or other grant funding
- Demonstrate cost-effectiveness
- Were not funded under previous intakes of the Emergency Operations Centres funding stream

Point values and weighting have been established within each of these scoring criteria. Only those applications that meet a minimum threshold point value will be considered for funding.

The Evaluation Committee will consider the provincial, regional, and urban/rural distribution of proposed projects. Recommendations will be made on a priority basis. All funding decisions will be made by UBCM.

All application materials will be shared with the Province of BC and First Nations' Emergency Services Society

8. Grant Management & Applicant Responsibilities

Grants are awarded to eligible applicants only and, as such, the applicant is responsible for completion of the project as approved and for meeting reporting requirements.

Applicants are also responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

Notice of Funding Decision & Payments

All applicants will receive written notice of funding decisions. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded, and that is required to be signed and returned to UBCM within 30 days.

Grants are paid at the completion of the project and only when the final report requirements have been met.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

Progress Payments

To request a progress payment, approved applicants are required to submit:

- Description of activities completed to date;
- Description of funds expended to date;
- Written rationale for receiving a progress payment.

Changes to Approved Projects

Approved grants are specific to the project as identified in the approved application, and grant funds are not transferable to other projects. Generally speaking, this means funds cannot be transferred to an activity that was not included in the approved application.

Approval from UBCM and/or the Evaluation Committee will be required for any variation from the approved project. Depending on the complexity of the proposed amendment, requests may take up to 90 days to review.

To propose changes to an approved project, applicants are required to submit:

- Amended application package, including updated, signed application form, required attachments, and an updated Council, Board, Band Council, or Treaty First Nation resolution;
- For regional projects only, evidence of support from partnering applicants for proposed amendments will be required; and
- Written rationale for proposed changes to activities and/or expenditures.

Applicants are responsible for any costs above the approved grant unless a revised application is submitted and approved prior to work being undertaken.

Extensions to Project End Date

All approved activities are required to be completed within the time frame identified in the approval agreement and all extensions beyond this date must be requested in writing and be approved by UBCM. Extensions will not exceed one year from the date of the original final report deadline.

9. Final Report Requirements & Process

All funded activities must be completed within one year of notification of funding approval and the final report is due within 30 days of project completion.

Applicants are required to submit an electronic copy of the complete final report, including the following:

- Completed Final Report Form with all required attachments
- Detailed financial summary that indicates the actual expenditures from the Community Emergency Preparedness Fund and other sources (if applicable) and that aligns with the actual activities outlined in the final report form
- Copies of any training or capacity building materials that were produced with grant funding
- Photos and/or media directly related to the funded project

Submission of Final Reports

Final reports should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All applications should be submitted to Local Government Program Services, Union of BC Municipalities by e-mail: cepf@ubcm.ca.

All final report materials will be shared with the Province of BC and First Nations' Emergency Services Society
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10. Additional Information

Union of BC Municipalities
525 Government Street
Victoria, BC, V8V 0A8

E-mail: cepf@ubcm.ca

Phone: (250) 387-4470

Council Report

penticton.ca

Date: March 21, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Cheryl Hardisty, Council and Executive Operations Manager
Subject: Update on Notice of Motions related to the Okanagan Correctional Centre

Staff Recommendation

THAT Council receive into the record the report dated March 21, 2023 titled "Update on Notice of Motions related to the Okanagan Correctional Centre".

Background

On November 15, 2022 Council passed two motions related to the Okanagan Correctional Centre as follows:

361/2022 **It was MOVED and SECONDED**
THAT Council send a letter to the Minister of Public Safety and Attorney General responsible for BC Corrections requesting they provide the number of individuals in custody who have been released in the last 12 months from the Okanagan Correctional Centre in Oliver and dropped off in Penticton, as well as other relevant information;
AND THAT Council direct staff to submit a Freedom of Information request for the information if a response is not received in a timely manner.

CARRIED

362/2022 **It was MOVED and SECONDED**
THAT Council invite the Warden from the Okanagan Correctional Centre in Oliver to a future meeting of Council to address the concerns related to dropping off individuals in Penticton and related topics.

CARRIED UNANIMOUSLY

Accordingly, City staff sent a letter to the Okanagan Correctional Centre with respect to a meeting. OCC staff extended an invitation to Council to attend the facility and meet with the Warden and tour the facility (Attachment A). Staff arranged for this meeting which took place on January 18th with a number of members of Council in attendance. OCC staff provided an overview of their operations and current challenges and provided release data to Council.

Staff sent a letter to the Ministry conveying the request as well which is included in this report as Attachment B.

Additionally, an access request for Provincial records (FOI) was submitted and responsive records were due back to the City from the Province March 15th. The Province has provided responsive records, included in Attachments C - E.

Attachments

Attachment A – Letter to Ministry of Public Safety and Solicitor General

Attachment B – Letter to OCC requesting meeting with Council

Attachment C – FOI responsive records package – 2022-2023 Intake_Releases Final

Attachment D – FOI responsive records package – Release Tracking 2022

Attachment E – FOI responsive records package – January 2023

Respectfully submitted,

Cheryl Hardisty
Council and Executive Operations

Concurrence

Chief Administrative
Officer

DyD



Mayor's Office, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Tel: 250-490-2400 Fax: 250-490-2402

www.penticton.ca

December 1, 2022

Ms. Debby Rempel
Warden
Okanagan Correctional Centre
200 Enterprise Way
Oliver BC V0H 1T2

Dear Ms. Rempel:

Re: Invitation to attend City of Penticton Council Meeting

Further to the City of Penticton Council Meeting on November 15, 2022 the following Business Arising was carried unanimously:

9.1 Business Arising from the Notice of Motion

It was MOVED and SECONDED

THAT Council invite the Warden from the Okanagan Correctional Centre in Oliver to a future meeting of Council to address the concerns related to dropping off individuals in Penticton and related topics.

CARRIED UNANIMOUSLY

We are hopeful to have a productive discussion to understand these processes better. Please contact my office to consider opportunities.

Sincerely,

Julius Bloomfield
Mayor



Mayor's Office, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Tel: 250-490-2400 Fax: 250-490-2402

www.penticton.ca

January 4, 2023

Ministry of Public Safety and Solicitor General

PO Box 9010 Stn Prov Govt

Victoria, BC V8W 9E2

At our November 15th meeting, Penticton City Council passed the following resolution:

361/2022

It was MOVED and SECONDED

THAT Council send a letter to the Minister of Public Safety and Attorney General responsible for BC Corrections requesting they provide the number of individuals in custody who have been released in the last 12 months from the Okanagan Correctional Centre in Oliver and dropped off in Penticton, as well as other relevant information;

AND THAT Council direct staff to submit a Freedom of Information request for the information if a response is not received in a timely manner.

CARRIED

Council is seeking to understand how many people have been released from the Okanagan Correctional Centre in Oliver and dropped off in Penticton.

We look forward to hearing from you.

Sincerely,

Mayor Julius Bloomfield

Jan-22

Intakes	Releases
87	61

Court of Origin Releases	Release Community
Kelowna: 22	Kelowna: 18
Penticton: 10	Penticton: 8
Vernon: 10	Vernon: 12
Cranbrook: 6	Cranbrook: 5
Salmon Arm: 1	Salmon Arm: 0
Williams Lake: 1	Williams Lake: 0
Surrey: 1	Surrey: 2
Kamloops: 3	Kamloops: 0
Nelson: 2	Nelson: 0
Peterborough: 1	Peterborough: 1
Feds: 3	Feds: 3
Vancouver: 1	West Kelowna: 4
	Oliver: 1
	Osoyoos: 1
	Keremeos: 1
	Vancouver: 1
	Enderby: 1
	Princeton: 1
	Castlegar: 1
	FPH: 1

Court of Origin	Release Community	Reason for Community Change
Cranbrook	Cranbrook	
Cranbrook	Kelowna	Housing in Kelowna
Cranbrook	Cranbrook	
Cranbrook	Surrey	Reporting conditions in Surrey
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
FEDS	FEDS	
FEDS	FEDS	
FEDS	FEDS	
Kamloops	Vernon	Reporting Conditions in Vernon
Kamloops	Vernon	Reporting Conditions in Vernon
Kamloops	Penticton	Reporting Conditions in Penticton
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	West Kelowna	EOS- Taxi to West Kelowna
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Federal Parole conditions
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	West Kelowna	EOS - Taxi to West Kelowna
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	West Kelowna	EOS - Taxi to West Kelowna
Kelowna	FPH	Released to FPH
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Keremeos	Keremeos Resident
Kelowna	Kelowna	
Nelson	Castlegar	Reportins Conditions in Castlegar
Nelson	West Kelowna	Shelter in West Kelowna
Penticton	Penticton	
Penticton	Penticton	
Penticton	Oliver	Oliver Resident
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Osoyoos	Osoyoos Resident
Penticton	Vancouver	Reporting Conditions in Vancouver
Penticton	Princeton	Princeton Resident
Penticton	Penticton	
Peterborough	Peterborough	Transported via Sheriffs
Salmon Arm	Enderby	Enderby Resident
Surrey	Kelowna	Fed. Parole conditions
Vancouver	Vernon	Shelter in Vernon
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Penticton	Discovery House condition
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Williams Lake	Cranbrook	Reporting Conditions in Cranbrook

Feb-22

Intakes	Releases
83	58

Court of Origin Releases	Release Community
Kelowna: 29	Kelowna: 21
Penticton: 11	Penticton: 10
Feds: 2	Feds: 3
Kamloops: 2	Kamloops: 0
Nelson: 1	Nelson: 0
Quesnel: 1	Quesnel: 0
Vernon: 8	Vernon: 7
Castlegar: 1	Castlegar: 0
Cranbrook: 3	Cranbrook: 0
	100 Mile House: 1
	Creston: 1
	Enderby: 1
	FPH: 4
	Logan Lake: 3
	Oliver: 1
	Rock Creek: 1
	Salmon Arm: 1
	Saskatchewan: 1
	Surrey: 3

Court of Origin	Release Community	Comments
Castlegar	Rock Creek	Rock Creek Resident
Cranbrook	100 Mile House	100 Mile House Resident
Cranbrook	Logan Lake	Vision Quest Recovery
Cranbrook	Creston	Creston Resident
FED	FED	
FED	FED	
Kamloops	Enderby	Enderby Resident
Kamloops	Vernon	Reporting Conditions in Vernon
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FPH	Mental Health
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Penticton	Penticton Resident
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Oliver	Oliver Resident
Kelowna	Penticton	Discovery House condition
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FPH	Mental Health
Kelowna	FPH	Mental Health
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Logan Lake	Vision Quest Recovery
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Penticton	Discovery House condition
Nelson	Surrey	Treatment Centre
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Vernon	Vernon Reporting Conditions
Penticton	Penticton	
Penticton	FPH	Mental Health
Penticton	Penticton	
Penticton	Logan Lake	Vision Quest Recovery
Penticton	Surrey	Treatment Centre
Penticton	Penticton	
Penticton	Penticton	
Quesnel	Surrey	Treatment Centre
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Salmon Arm	Salmon Arm Resident
Vernon	FED	Federal Sentence
Vernon	Vernon	
Vernon	Vernon	
Vernon	Saskatchewan	Returned to jurisdiction

Mar-22

Intakes	Releases
95	72

Court of Origin Releases	Release Community
Kelowna: 30	Kelowna: 21
Penticton: 12	Penticton: 11
Vernon: 12	Vernon: 10
Nelson: 4	Nelson: 0
Cranbrook:3	Cranbrook: 1
Port Coquitlam: 1	Port Coquitlam: 1
Kamloops: 1	Kamloops: 0
Feds: 3	Feds: 5
Golden: 2	Golden: 0
Prince George: 1	Prince George: 0
Rossland: 1	Rossland: 1
Victoria: 1	Victoria: 0
Edmonton: 1	Creston: 1
	FPH: 1
	OK Falls: 1
	Sparwood: 1
	Saskatchewan: 1
	USA: 1
	West Kelowna: 2
	Surrey: 6
	Alberta: 2
	Castlegar:1
	Calgary: 1
	Chilliwack: 3
	Christina Lake: 1

Court of Origin	Release Community	Comments
Cranbrook	Cranbrook	
Cranbrook	Sparwood	Sparwood Resident
Cranbrook	Surrey	Treatment Centre
Edmonton	Alberta	Return to jurisdiction
	FEDS	
	FEDS	
	FEDS	
Golden	Calgary	Judge ordered to reside in Calgary
Golden	Surrey	Treatment Centre
Kamloops	Kelowna	Reporting Conditions in Kelowna
Kelowna	Kelowna	
Kelowna	West Kelowna	West Kelowna Resident
Kelowna	Saskatchewan	Return to jurisdiction
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Creston	Condition to reside in Creston
Kelowna	Kelowna	
Kelowna	Penticton	Reporting Conditions in Penticton
Kelowna	Kelowna	
Kelowna	USA	CBSA
Kelowna	Kelowna	
Kelowna	West Kelowna	West Kelowna Resident
Kelowna	Kelowna	
Kelowna	Christina Lake	Condition to reside in Christina Lake
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FEDS	Federal Sentence
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Alberta	Return to jurisdiction
Kelowna	Chilliwack	Treatment Centre
Kelowna	Penticton	Reporting Conditions in Penticton
Kelowna	Kelowna	
Kelowna	FPH	Mental Health
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Nelson	FEDS	Federal Sentence
Nelson	Chilliwack	Treatment Centre
Nelson	Castlegar	Castlegar Resident
Nelson	Surrey	Treatment Centre
Penticton	Penticton	
Penticton	Kelowna	Kelowna Resident
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Chilliwack	Treatment Centre
Penticton	OK Falls	OK Falls Resident
Penticton	Penticton	
Penticton	Surrey	BAIL - Taken to treatment center by OCC Staff
Penticton	Penticton	
Port Coquitlam	Port Coquitlam	
Prince George	Kelowna	Kelowna Resident
Rossland	Rossland	
Vernon	Vernon	
Vernon	Surrey	Kelowna Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Kelowna	NOGO condition Vernon
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Victoria	Penticton	Released to Penticton to pick up vehicle (was arrested there, vehicle impounded as confirmed by RCMP.

Apr-22

Intakes	Releases
102	45

Court of Origin Releases	Release Community
Kelowna: 22	Kelowna: 18
Penticton: 5	Penticton: 3
Vernon: 10	Vernon: 11
Cranbrook: 3	Cranbrook: 3
Kamloops: 3	Kamloops: 0
Nelson: 1	Nelson: 1
Rossland: 1	Rossland: 0
	Armstrong: 1
	Feds: 1
	FPH: 3
	Grandforks: 1
	Oliver: 1
	Savona: 1
	West Kelowna: 1

Court of Origin	Release Community	Comments
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Kamloops	Vernon	Reporting conditions Vernon
Kamloops	Kelowna	Taxi to Kelowna to retrieve items from Halfway House
Kamloops	Vernon	Vernon Resident
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Oliver	Condition to reside in Oliver
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	West Kelowna	West Kelowna Resident
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FPH	Mental Health
Kelowna	FPH	Mental Health
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FPH	Mental Health
Kelowna	Kelowna	
Nelson	Nelson	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	FEDS	Federal Sentence
Penticton	Savona	Treatment Centre
Rossland	Grandforks	Grandforks Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Armstrong	Armstrong Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	

May-22

Intakes	Releases
80	50

Court of Origin Releases	Release Community
Kelowna: 28	Kelowna: 18
Penticton: 2	Penticton: 4
Cranbrook: 5	Cranbrook: 2
Kamloops: 1	Kamloops: 0
Nelson/Castlegar: 1	Castlegar: 1
Rossland: 1	Rossland: 0
Smithers: 1	Smithers: 0
Vernon: 10	Vernon: 10
Williams Lake: 1	Williams Lake: 1
	FEDS: 4
	Prince George: 1
	Golden: 1
	Surrey: 4
	FPH: 1
	CBSA: 1
	Oliver: 1
	Salmon Arm: 1

Court of Origin	Release Community	Comments
Cranbrook	Cranbrook	
Cranbrook	FEDS	Federal Sentence
Cranbrook	FEDS	Federal Sentence
Cranbrook	Cranbrook	
Cranbrook	Prince George	Prince George Resident
Kamloops	Vernon	Reporting condition to Vernon
Kelowna	Kelowna	
Kelowna	FEDS	Federal Sentence
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Golden	Golden resident
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Reporting condition to Surrey
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Williams Lake	Williams Lake Resident
Kelowna	Kelowna	
Kelowna	FPH	Mental Health
Kelowna	FEDS	Federal Sentence
Kelowna	Surrey	Treatment in Surrey
Kelowna	Kelowna	
Kelowna	Penticton	Requested ride to Penticton
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Treatment in Surrey
Kelowna	CBSA	CBSA
Kelowna	Oliver	Oliver resident
Nelson/ Castlegar	Castlegar	
Penticton	Penticton	
Penticton	Penticton	
Rossland	Surrey	Treatment in Surrey
Smithers	Kelowna	Reporting conditions in Kelowna
Vernon	Salmon Arm	Reporting conditions in Salmon Arm
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Williams Lake	Penticton	Penticton resident

Jun-22

<u>Intakes</u>	<u>Releases</u>
80	56

<u>Court of Origin Releases</u>	<u>Release Community</u>
Kelowna: 25	Kelowna: 15
Penticton: 11	Penticton: 12
Vernon: 11	Vernon: 10
Cranbrook: 2	Cranbrook: 2
Kamloops: 1	Kamloops: 1
Nelson: 2	Nelson: 1
Rossland: 1	Rossland: 1
Feds: 2	Feds: 2
Oliver: 1	Oliver: 1
	Alberta: 2
	Armstrong: 1
	Chilliwack: 1
	Edmonton: 1
	Grandforks: 1
	Nakusp: 1
	Port Coquitlam: 1
	Savona: 1
	Surrey: 2

Court of Origin	Release Community	Comments
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
FED	FED	
FED	FED	
Kamloops	Kamloops	
Kelowna	Alberta	Return to jurisdiction
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Savona	Treatment Centre
Kelowna	Penticton	Penticton Resident
Kelowna	Alberta	Return to jurisdiction
Kelowna	Port Coquitlam	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Chilliwack	Treatment Centre
Kelowna	Grandforks	Grandforks Resident
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna	
Kelowna	Edmonton	Return to jurisdiction
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Vernon	Family in Vernon
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Nelson	Nelson	
Nelson	Nakusp	Nakusp Resident
Oliver	Oliver	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Rossland	Rossland	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Armstrong	Armstrong Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Surrey	Treatment Centre
Vernon	Vernon	

Jul-22

Intakes	Releases
99	50

Court of Origin Release	Release Community
Kelowna: 15	Kelowna: 14
Penticton: 6	Penticton: 6
Vernon: 13	Vernon: 13
Abbotsford: 1	Abbotsford: 1
Burnaby: 1	Burnaby: 0
Cranbrook: 2	Cranbrook: 2
Creston: 1	Creston: 0
Grand Forks: 1	Grand Forks: 1
Kamloops: 3	Kamloops: 1
Merritt: 1	Merritt: 0
Nelson: 1	Nelson: 1
Rossland: 3	Rossland: 1
Vancouver: 1	USA: 1
Castlegar: 1	Castlegar: 1
	Feds: 1
	FPH: 1
	Oliver: 1
	Summerland: 1
	Surrey: 2
	West Kelowna:1

Court of Origin	Release Community	Comments
Abbotsford	Abbotsford	
Burnaby	Penticton	Penticton Resident
Castlegar	Castlegar	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Creston	USA	CBSA
Grand Forks	Grand Forks	
Kamloops	Oliver	Released while admitted at SOGH
Kamloops	Kamloops	
Kamloops	Vernon	Vernon Resident
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna (West)	West Kelowna Resident
Kelowna	Fed	Federal sentence
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Merritt	Kelowna	Housing
Nelson	Nelson	
Penticton	Penticton	
Penticton	Vernon	Released at court
Penticton	Penticton	
Penticton	Summerland	Summerland Resident
Penticton	Penticton	
Penticton	Penticton	
Rossland	Rossland	
Rossland	Castlegar	Castlegar Resident
Rossland	Penticton	Treatment Centre
Vancouver	Kelowna	Kelowna Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Kelowna	Reporting Conditions in Kelowna
Vernon	FPH	Mental Health
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	

Aug-22

Intakes	Releases
138	64

Court of Origin Releases	Release Community
Kelowna: 18	Kelowna: 16
Penticton: 12	Penticton: 9
Vernon: 12	Vernon: 13
Castlegar: 3	Castlegar: 0
Cranbrook: 3	Cranbrook: 1
Feds: 7	Feds: 7
Kamloops: 3	Kamloops: 0
Nelson: 1	Nelson: 1
Rossland: 4	Rossland: 1
Salmon Arm: 1	Salmon Arm: 1
	Enderby: 1
	Keremeos: 1
	Savona: 3
	Surrey: 6
	Trail: 3
	Creston: 1

Court of Origin	Release Community	Comments
Castlegar	Surrey	Treatment Centre
Castlegar	Penticton	Requested, RCMP notified
Castlegar	Savona	Treatment Centre
Cranbrook	Kelowna	Work in Kelowna
Cranbrook	Cranbrook	
Cranbrook	Creston	Creston Resident
FED	FED	
FED	FED	
FED	FED	
FED	FED	
FED	FED	
FED	FED	
FED	FED	
Kamloops	Vernon	Vernon Resident
Kamloops	Kelowna	Must reside condition in Kelowna
Kamloops	Vernon	Vernon Resident
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Surrey	Treatment Centre
Kelowna	Penticton	Release to RCMP at PRH
Kelowna	Kelowna	
Kelowna	Surrey	CBSA
kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Savona	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Nelson	Nelson	
Penticton	Savona	Treatment Centre
Penticton	Surrey	Treatment Centre
Penticton	Penticton	
Penticton	Penticton	
Penticton	Keremeos	Keremeos resident
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Surrey	Treatment Centre
Penticton	vernon	Reporting Condition in Vernon
Penticton	Penticton	
Penticton	Penticton	
Rossland	Trail	Trail Resident
Rossland	Rossland	
Rossland	Trail	
Rossland	Trail	
Salmon Arm	Salmon Arm	Bail - UTG picked up at OCC
Vernon	Vernon	
Vernon	Vernon	
Vernon	Enderby	Enderby Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Kelowna	Reportin Condition in Kelowna
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	

Sep-22

Intakes	Releases
112	73

Court of Origin Releases	Release Community
Kelowna: 47	Kelowna: 27
Penticton: 8	Penticton: 6
Vernon: 9	Vernon: 10
Castlegar: 1	Castlegar: 1
Cranbrook: 3	Cranbrook: 1
Creston: 1	Creston: 0
Kamloops: 2	Kamloops: 0
Nelson: 2	Nelson: 2
	Alberta: 2
	Armstrong: 1
	Chilliwack: 1
	Enderby: 1
	Feds: 2
	FPH: 1
	Oliver: 4
	Peachland: 1
	Savona: 5
	Surrey: 7
	Other: 1

Court of Origin	Release Community	Comments
Castlegar	Castlegar	
Cranbrook	FPH	Mental Health
Cranbrook	Savona	Treatment Centre
Cranbrook	Cranbrook	
Creston	Surrey	Treatment Centre
Kamloops	Armstrong	Armstrong Resident
Kamloops	Vernon	Vernon Resident
Kelowna	Grand Prairie, AB	Return to jurisdiction
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Savona	Treatment Centre
Kelowna	Savona	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Alberta	Return to jurisdiction
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Savona	Treatment Centre
Kelowna	Penticton	Requested Penticton
Kelowna	Penticton	Housing in Penticton
Kelowna	Kelowna	
Kelowna	Vernon	Treatment Centre
Kelowna	Peachland	Peachland Resident
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Surrey	Treatment Centre
Kelowna	Surrey	Treatment Centre
Kelowna	Chilliwack	Treatment Centre
Kelowna	Oliver	Oliver RCMP
Kelowna	Penticton	Reporting Conditions in Penticton
Kelowna	Kelowna	
Kelowna	N/A	DECEASED
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Penticton	Penticton Resident
Kelowna	Kelowna	
Kelowna	Fed	Federal Sentence
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Savona	Treatment Centre
Kelowna	Penticton	Penticton Resident
Nelson	Nelson	
Nelson	Nelson	
Penticton	Oliver	SOGH
Penticton	Penticton	
Penticton	Oliver	Oliver Resident
Penticton	Oliver	Reporting conditions in Oliver
Penticton	Fed	Federal Sentence
Penticton	Kelowna	Reporting conditions in Kelowna
Penticton	Vernon	Vernon Resident
Penticton	Surrey	CBSA
Vernon	Vernon	
Vernon	Surrey	Treatment Centre
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Enderby	Enderby Resident
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	

Oct-22

Intakes	Releases
111	68

Court of Origin Releases	Release Community
Kelowna: 29	Kelowna: 23
Penticton: 7	Penticton: 9
Vernon: 9	Vernon: 9
Cranbrook: 10	Cranbrook: 9
Abbotsford: 1	Abbotsford: 0
Castlegar: 1	Castlegar: 2
Chilliwack: 1	Chilliwack: 0
Feds: 4	Feds: 2
CBSA: 1	CBSA: 1
Nelson: 1	Nelson: 0
Rossland: 1	Rossland: 0
Salmon Arm: 1	Salmon Arm: 0
Vancouver: 1	Vancouver: 0
Williams Lake: 1	Williams Lake: 1
	West Kelowna: 1
	Trail: 1
	Kamloops: 2
	Kimberly: 1
	Oliver: 1
	Surrey: 4
	Savona: 1
	Port Coquitlam: 1

Court of Origin	Release Community	Comments
Abbotsford	Penticton	Reporting conditions in Penticton
Castlegar	Castlegar	
CHILLIWACK	West Kelowna	Requested
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Kimberly	Kimberly Resident
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Cranbrook	Cranbrook	
Federal	Feds	Federal Sentence
Federal	Feds	Federal Sentence
Federal	Kelowna	Release to Kelowna Parole
Federal	Kamloops	Federal parole conditions
Immigration	Immigration	CBSA
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Williams Lake	Reporting Conditions in WL
Kelowna	Savona	Treatment Centre
Kelowna	Penticton	Reporting Conditions in Penticton
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Surrey	Treatment Centre
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Port Coquitlam	Mental health
Kelowna	Penticton	Reporting Conditions in Penticton
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Nelson	Castlegar	Castlegar Resident
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Surrey	Treatment Centre
Penticton	Penticton	
Penticton	Penticton	
Rossland	Trail	Trail Resident
Salmon Arm	Vernon	Vernon Resident
Vancouver	Kamloops	Reporting Conditions in Kamloops
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Oliver	SOGH
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Williams Lake	Kelowna	Reporting Conditions in Kelowna

Nov-22

<u>Intakes</u>	<u>Releases</u>
97	57

<u>Court of Origin Releases</u>	<u>Release Community</u>
Kelowna: 19	Kelowna: 18
Penticton: 5	Penticton: 4
Vernon: 14	Vernon: 13
Abbotsford: 1	Abbotsford: 1
Cranbrook: 4	Cranbrook: 2
Feds: 8	Feds: 9
Fort St. John: 1	Fort St. John: 0
Invermere: 1	Invermere: 0
Kamloops: 2	Kamloops: 0
Trail: 1	Trail: 1
Vancouver: 1	Vancouver: 0
	Creston: 1
	Lumby: 2
	Oliver: 1
	Port Coquitlam: 1
	Salmon Arm: 1
	Surrey: 2
	Windermere: 1

[illegible]

Dec-22

Intakes	Releases
107	62

Court of Origin Releases	Release Community
Kelowna: 29	Kelowna: 19
Penticton: 7	Penticton: 6
Vernon: 14	Vernon: 13
Abbotsford: 1	Abbotsford: 0
Cranbrook: 6	Cranbrook: 3
Nakusp: 1	Nakusp: 1
Nelson: 2	Nelson: 0
Rossland: 1	Rossland: 0
Salmon Arm: 1	Salmon Arm: 1
	Alberta: 1
	Creston: 1
	Feds: 6
	Logan Lake: 1
	Osoyoos: 1
	Port Alberni: 1
	Trail: 1
	West Kelowna: 3
	Lake Country: 1
	Rock Creek: 1
	Savona: 2

Court of Origin	Release Community	Comments
Abbotsford	Vernon	Reporting Condition in Vernon
Cranbrook	Cranbrook	
Cranbrook	FEDS	Federal Sentence
Cranbrook	Creston	Creston Resident
Cranbrook	Cranbrook	
Cranbrook	Alberta	Return to jurisdiction
Cranbrook	Cranbrook	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FEDS	Federal Sentence
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Logan Lake	Treatment Centre
Kelowna	West Kelowna	West Kelowna Resident
Kelowna	Kelowna	
Kelowna	West Kelowna	
Kelowna	West Kelowna	
Kelowna	Vernon	Reporting Conditions in Vernon
Kelowna	Kelowna	
Kelowna	Port Alberni	Bail condition to live with parents
Kelowna	Kelowna	
Kelowna	FEDS	Federal Sentence
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	FEDS	Federal Sentence
Kelowna	FEDS	Federal Sentence
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Kelowna	
Kelowna	Rock Creek	Rock Creek Resident
Nakusp	Nakusp	
Nelson	Savona	Treatment Centre
Nelson/ Rossland	Trail	Trail Resident
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Penticton	
Penticton	Savona	Treatment Centre
Penticton	Osoyoos	Osoyoos Resident
Rossland	Penticton	flight to YVR from Penticton
Salmon Arm	Salmon Arm	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Kelowna	Reporting Conditions in Kelowna
Vernon	Lake country	Housing
Vernon	FEDS	Federal Sentence
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	
Vernon	Vernon	

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.01.01	Kelowna	Kelowna
2022.01.02	Cranbrook	Cranbrook
2022.01.02	Vernon	Vernon
2022.01.03	Cranbrook	Kelowna
2022.01.03	Kelowna	Kelowna
2022.01.04	Vernon	Vernon
2022.01.05	Kelowna	Kelowna
2022.01.05	Vernon	Vernon
2022.01.05	Penticton	Penticton
2022.01.05	Kelowna	West Kelowna
2022.01.05	Vernon	Vernon
2022.01.06	Vernon	Penticton
2022.01.07	Kelowna	Kelowna
2022.01.07	Cranbrook	Cranbrook
2022.01.09	Salmon Arm	Enderby
2022.01.11	Cranbrook	Surrey
2022.01.11	Kelowna	Kelowna
2022.01.11	Kelowna	Kelowna
2022.01.11	Kelowna	Surrey
2022.01.11	Vernon	Vernon
2022.01.11	Kelowna	Kelowna
2022.01.11	Williams Lake	Cranbrook
2022.01.12	Kelowna	Kelowna
2022.01.12	Penticton	Penticton
2022.01.13	Vernon	Vernon
2022.01.14	Vancouver	Vernon
2022.01.14	Vernon	Vernon
2022.01.14	Kelowna	Kelowna
2022.01.17	Surrey	Kelowna
2022.01.17	Penticton	Oliver
2022.01.17	Kelowna	Kelowna
2022.01.17	Kelowna	Kelowna
2022.01.17	Penticton	Penticton
2022.01.18	Nelson	Castlegar
2022.01.18	Vernon	Vernon
2022.01.18	Nelson	West Kelowna
2022.01.19	Peterborough	Peterborough
2022.01.19	FEDS	FEDS
2022.01.19	Penticton	Penticton
2022.01.20	Kamloops	Vernon
2022.01.21	Penticton	Penticton
2022.01.21	Kelowna	West Kelowna
2022.01.21	Cranbrook	Cranbrook
2022.01.21	Vernon	Vernon
2022.01.24	Kelowna	Kelowna
2022.01.24	Kelowna	Kelowna
2022.01.24	Kelowna	West Kelowna
2022.01.25	Kelowna	FPH
2022.01.25	Kelowna	Kelowna
2022.01.25	Kelowna	Kelowna
2022.01.25	Penticton	Osoyoos
2022.01.25	Penticton	Vancouver
2022.01.26	Kamloops	Vernon
2022.01.26	FEDS	FEDS
2022.01.27	FEDS	FEDS
2022.01.27	Kelowna	Keromeos
2022.01.27	Kamloops	Penticton
2022.01.28	Penticton	Princeton
2022.01.28	Cranbrook	Cranbrook
2022.01.29	Penticton	Penticton
2022.01.31	Kelowna	Kelowna

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.02.01	Kelowna	Kelowna
2022.02.01	Kelowna	FPH
2022.02.02	Penticton	Penticton
2022.02.02	Kelowna	Kelowna
2022.02.02	Penticton	Penticton
2022.02.03	Penticton	Penticton
2022.02.03	Castlegar	Rock Creek
2022.02.04	Nelson	Surrey
2022.02.04	Kelowna	Kelowna
2022.02.06	Penticton	Vernon
2022.02.07	Kelowna	Kelowna
2022.02.07	Vernon	Vernon
2022.02.08	Kelowna	Kelowna
2022.02.08	kelowna	Kelowna
2022.02.09	Vernon	Vernon
2022.02.09	Kelowna	Penticton
2022.02.10	Quesnel	Surrey
2022.02.10	Kelowna	Kelowna
2022.02.11	Kelowna	Kelowna
2022.02.11	Vernon	Vernon
2022.02.11	Vernon	Salmon Arm
2022.02.14	Kelowna	Oliver
2022.02.14	Kelowna	Penticton
2022.02.14	Kelowna	Kelowna
2022.02.14	Kelowna	Kelowna
2022.02.14	Kamloops	Enderby
2022.02.15	Penticton	Penticton
2022.02.15	Kelowna	FPH
2022.02.15	Penticton	FPH
2022.02.15	Kelowna	FPH
2022.02.15	Kelowna	Kelowna
2022.02.15	Penticton	Penticton
2022.02.15	Kamloops	Vernon
2022.02.16	FED	FED
2022.02.17	Kelowna	Kelowna
2022.02.17	Kelowna	Kelowna
2022.02.18	Kelowna	Kelowna
2022.02.18	Penticton	Logan Lake
2022.02.18	Kelowna	Logan Lake
2022.02.18	Penticton	Surrey
2022.02.19	Penticton	Penticton
2022.02.21	Kelowna	Kelowna
2022.02.22	Vernon	FED
2022.02.22	FED	FED
2022.02.22	Kelowna	Kelowna
2022.02.23	Cranbrook	100 Mile House
2022.02.24	Cranbrook	Logan Lake
2022.02.24	Kelowna	Kelowna
2022.02.24	Kelowna	Kelowna
2022.02.04	Vernon	Vernon
2022.02.04	Penticton	Penticton
2022.02.25	Kelowna	Kelowna
2022.02.25	Kelowna	Kelowna
2022.02.25	Kelowna	Kelowna
2022.02.25	Vernon	Vernon
2022.02.28	Vernon	Saskatchewan
2022.02.28	Kelowna	Penticton
2022.02.28	Cranbrook	Creston

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.03.01	Port Coquitlam	Port Coquitlam
2022.03.01	Cranbrook	Cranbrook
2022.03.02	Vernon	Vernon
2022.03.03	Vernon	Surrey
2022.03.03	Penticton	Penticton
2022.03.04	Kelowna	Kelowna
2022.03.04	Kelowna	West Kelowna
2022.03.04	Kelowna	Saskatchewan
2022.03.04	Kelowna	Kelowna
2022.03.07	Kelowna	Kelowna
2022.03.07	Kelowna	Creston
2022.03.07	Kelowna	Kelowna
2022.03.07	Kelowna	Penticton
2022.03.07	Vernon	Vernon
2022.03.07	Vernon	Vernon
2022.03.07	Penticton	Kelowna
2022.03.08	Nelson	FEDS
2022.03.08	FEDS	FEDS
2022.03.08	Vernon	Vernon
2022.03.08	Victoria	Penticton
2022.03.10	Kelowna	Kelowna
2022.03.10	Golden	Calgary
2022.03.10	Penticton	Penticton
2022.03.11	Kelowna	USA
2022.03.11	Kelowna	Kelowna
2022.03.14	Cranbrook	Sparwood
2022.03.14	Vernon	Vernon
2022.03.14	Kamloops	Kelowna
2022.03.14	Kelowna	West Kelowna
2022.03.15	Edmonton	Alberta
2022.03.15	Kelowna	Kelowna
2022.03.15	Kelowna	Christina Lake
2022.03.16	Nelson	Chilliwack
2022.03.16	Golden	Surrey
2022.03.16	Kelowna	Surrey
2022.03.16	Kelowna	Kelowna
2022.03.16	Vernon	Vernon
2022.03.18	Vernon	Vernon
2022.03.18	Kelowna	Kelowna
2022.03.18	Kelowna	Kelowna
2022.03.18	Penticton	Penticton
2022.03.21	Kelowna	Kelowna
2022.03.21	Penticton	Penticton
2022.03.21	Penticton	Penticton
2022.03.22	Kelowna	FEDS
2022.03.22	FEDS	FEDS
2022.03.22	FEDS	FEDS
2022.03.22	Penticton	Penticton
2022.03.22	Kelowna	Kelowna
2022.03.24	Rossland	Rossland
2022.03.24	Nelson	Castlegar
2022.03.24	Vernon	Kelowna
2022.03.25	Kelowna	Kelowna
2022.03.25	Kelowna	Alberta
2022.03.25	Penticton	Chilliwack
2022.03.25	Kelowna	Chilliwack
2022.03.25	Kelowna	Penticton
2022.03.28	Penticton	OK Falls
2022.03.28	Penticton	Penticton
2022.03.29	Vernon	Vernon
2022.03.30	Kelowna	Kelowna
2022.03.30	Vernon	Vernon
2022.03.30	Prince George	Kelowna
2022.03.31	Kelowna	FPH
2022.03.31	Penticton	Surrey
2022.03.31	Cranbrook	Surrey
2022.03.31	Nelson	Surrey
2022.03.31	Kelowna	Kelowna
2022.03.31	Penticton	Penticton
2022.03.31	Kelowna	Kelowna
2022.03.31	Kelowna	Kelowna
2022.03.31	Vernon	Vernon

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.04.01	Vernon	Vernon
2022.04.01	Kelowna	Kelowna
2022.04.01	Vernon	Vernon
2022.04.04	Kelowna	Kelowna
2022.04.05	Kelowna	Oliver
2022.04.05	Kelowna	Kelowna
2022.04.06	Kelowna	Kelowna
2022.04.06	Cranbrook	Cranbrook
2022.04.06	Kelowna	West Kelowna
2022.04.07	Vernon	Vernon
2022.04.07	Kelowna	Kelowna
2022.04.07	Rosland	Grandforks
2022.04.07	Kelowna	Kelowna
2022.04.08	Kelowna	Kelowna
2022.04.09	Kelowna	Kelowna
2022.04.09	Kelowna	Kelowna
2022.04.10	Penticton	Penticton
2022.04.11	Vernon	Vernon
2022.04.11	Vernon	Vernon
2022.04.12	Kelowna	FPH
2022.04.12	Kelowna	FPH
2022.04.12	Kelowna	Kelowna
2022.04.12	Penticton	Penticton
2022.04.12	Kelowna	Kelowna
2022.04.12	Cranbrook	Cranbrook
2022.04.12	Kelowna	Kelowna
2022.04.13	Kelowna	Kelowna
2022.04.13	Nelson	Nelson
2022.04.14	Kamloops	Vernon
2022.04.16	Kelowna	Kelowna
2022.04.17	Vernon	Vernon
2022.04.19	Kelowna	Kelowna
2022.04.19	Penticton	Penticton
2022.04.19	Kelowna	Kelowna
2022.04.20	Kelowna	FPH
2022.04.21	Cranbrook	Cranbrook
2022.04.21	Kelowna	Kelowna
2022.04.21	Vernon	Armstrong
2022.04.21	Vernon	Vernon
2022.04.25	Vernon	Vernon
2022.04.27	Penticton	FEDS
2022.04.19	Kamloops	Kelowna
2022.04.28	Vernon	Vernon
2022.04.29	Kamloops	Vernon
2022.04.29	Penticton	Savona

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.05.03	Kelowna	Kelowna
2022.05.03	Kelowna	FEDS
2022.05.03	Cranbrook	Cranbrook
2022.05.04	Penticton	Penticton
2022.05.05	Kelowna	Kelowna
2022.05.05	Vernon	Salmon Arm
2022.05.06	Nelson/ Castlegar	Castlegar
2022.05.06	Kelowna	Kelowna
2022.05.06	Vernon	Vernon
2022.05.10	Cranbrook	FEDS
2022.05.10	Cranbrook	FEDS
2022.05.10	Kelowna	Kelowna
2022.05.10	Vernon	Vernon
2022.05.11	Kelowna	Golden
2022.05.14	Kelowna	Kelowna
2022.05.14	Kelowna	Kelowna
2022.05.14	Vernon	Vernon
2022.05.16	Kelowna	Surrey
2022.05.17	Kamloops	Vernon
2022.05.17	Kelowna	Kelowna
2022.05.18	Penticton	Penticton
2022.05.19	Vernon	Vernon
2022.05.19	Kelowna	Kelowna
2022.05.19	Kelowna	Kelowna
2022.05.20	Vernon	Vernon
2022.05.20	Rossland	Surrey
2022.05.21	Kelowna	Williams Lake
2022.05.21	Kelowna	Kelowna
2022.05.23	Vernon	Vernon
2022.05.24	Kelowna	FPH
2022.05.24	Kelowna	FEDS
2022.05.24	Kelowna	Surrey
2022.05.24	Cranbrook	Cranbrook
2022.05.24	Kelowna	Kelowna
2022.05.25	Kelowna	Penticton
2022.05.25	Cranbrook	Prince George
2022.05.25	Kelowna	Kelowna
2022.05.25	Kelowna	Kelowna
2022.05.26	Kelowna	Kelowna
2022.05.26	Kelowna	Kelowna
2022.05.27	Kelowna	Kelowna
2022.05.27	Smithers	Kelowna
2022.05.28	Kelowna	Kelowna
2022.05.30	Kelowna	Surrey
2022.05.30	Vernon	Vernon
2022.05.31	Kelowna	CBSA
2022.05.31	Vernon	Vernon
2022.05.31	Vernon	Vernon
2022.05.31	Kelowna	Oliver
2022.05.31	Williams Lake	Penticton

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.06.01	Kelowna	Alberta
2022.06.01	Penticton	Penticton
2022.06.01	Penticton	Penticton
2022.06.01	Vernon	Vernon
2022.06.02	FED	FED
2022.06.02	Penticton	Penticton
2022.06.02	Kelowna	Kelowna
2022.06.02	Vernon	Vernon
2022.06.03	Kelowna	Kelowna
2022.06.03	Vernon	Vernon
2022.06.03	Penticton	Penticton
2022.06.05	Penticton	Penticton
2022.06.06	Kelowna	Savona
2022.06.06	Penticton	Penticton
2022.06.07	Penticton	Penticton
2022.06.07	Kelowna	Penticton
2022.06.08	Kelowna	Alberta
2022.06.08	Kelowna	Port Coquitlam
2022.06.08	Vernon	Vernon
2022.06.09	Kamloops	Kamloops
2022.06.09	Vernon	Armstrong
2022.06.13	Vernon	Vernon
2022.06.14	Vernon	Vernon
2022.06.14	Oliver	Oliver
2022.06.15	Kelowna	Kelowna
2022.06.15	FED	FED
2022.06.17	Penticton	Penticton
2022.06.17	Kelowna	Kelowna
2022.06.17	Penticton	Penticton
2022.06.17	Vernon	Vernon
2022.06.18	Penticton	Penticton
2022.06.19	Kelowna	Chilliwack
2022.06.21	Cranbrook	Cranbrook
2022.06.21	Kelowna	Grandforks
2022.06.21	Cranbrook	Cranbrook
2022.06.21	Rossland	Rossland
2022.06.22	Kelowna	Surrey
2022.06.22	Kelowna	Kelowna
2022.06.22	Vernon	Vernon
2022.06.23	Kelowna	Edmonton
2022.06.23	Kelowna	Kelowna
2022.06.23	Kelowna	Kelowna
2022.06.24	Vernon	Surrey
2022.06.24	Vernon	Vernon
2022.06.24	Kelowna	Kelowna
2022.06.26	Kelowna	Kelowna
2022.06.27	Penticton	Penticton
2022.06.28	Kelowna	Vernon
2022.06.28	Kelowna	Kelowna
2022.06.29	Nelson	Nelson
2022.06.29	Kelowna	Kelowna
2022.06.29	Kelowna	Kelowna
2022.06.29	Kelowna	Kelowna
2022.06.30	Kelowna	Kelowna
2022.06.30	Nelson	Nakusp
2022.06.30	Kelowna	Kelowna

RECORDS RELEASES - Tracking Document

Release Date	Court of Origin	Release Community
2022.07.03	Merritt	Kelowna
2022.07.03	Vernon	Vernon
2022.07.05	Vernon	Vernon
2022.07.05	Vernon	Vernon
2022.07.05	Rossland	Rossland
2022.07.06	Vancouver	Kelowna
2022.07.07	Rossland	Castlegar
2022.07.07	Vernon	Vernon
2022.07.08	Kelowna	Kelowna
2022.07.08	Kelowna	Surrey
2022.07.08	Penticton	Penticton
2022.07.08	Penticton	Vernon
2022.07.08	Kamloops	Oliver
2022.07.09	Vernon	Vernon
2022.07.11	Kelowna	Kelowna (West)
2022.07.11	Kamloops	Kamloops
2022.07.12	Penticton	Penticton
2022.07.12	Vernon	Vernon
2022.07.12	Vernon	Vernon
2022.07.13	Kelowna	Fed
2022.07.13	Cranbrook	Cranbrook
2022.07.13	Cranbrook	Cranbrook
2022.07.13	Vernon	Kelowna
2022.07.14	Abbotsford	Abbotsford
2022.07.15	Kelowna	Kelowna
2022.07.15	Kelowna	Surrey
2022.07.17	Kamloops	Vernon
2022.07.19	Kelowna	Kelowna
2022.07.20	Vernon	FPH
2022.07.20	Kelowna	Kelowna
2022.07.22	Kelowna	Kelowna
2022.07.22	Creston	USA
2022.07.22	Vernon	Vernon
2022.07.22	Vernon	Vernon
2022.07.22	Vernon	Vernon
2022.07.23	Penticton	Summerland
2022.07.23	Nelson	Nelson
2022.07.25	Kelowna	Kelowna
2022.07.25	Kelowna	Kelowna
2022.07.26	Rossland	Penticton
2022.07.26	Kelowna	Kelowna
2022.07.26	Burnaby	Penticton
2022.07.27	Vernon	Vernon
2022.07.27	Kelowna	Kelowna
2022.07.27	Kelowna	Kelowna
2022.07.27	Penticton	Penticton
2022.07.27	Kelowna	Kelowna
2022.07.27	Penticton	Penticton
2022.07.09	Grand Forks	Grand Forks
2022.07.29	Creston	Creston

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.08.02	Penticton	Savona
2022.08.02	Cranbrook	Kelowna
2022.08.03	Kamloops	Vernon
2022.08.03	Rossland	Trail
2022.08.03	Vernon	Vernon
2022.08.04	FED	FED
2022.08.04	FED	FED
2022.08.04	FED	FED
2022.08.05	Castlegar	Surrey
2022.08.05	Penticton	Surrey
2022.08.05	Kelowna	Kelowna
2022.08.06	Kelowna	Kelowna
2022.08.06	Penticton	Penticton
2022.08.09	Rossland	Rossland
2022.08.10	Kelowna	Kelowna
2022.08.11	Kamloops	Kelowna
2022.08.11	Vernon	Vernon
2022.08.12	Vernon	Enderby
2022.08.12	Kelowna	Surrey
2022.08.12	Kelowna	Surrey
2022.08.12	Kelowna	Penticton
2022.08.12	Penticton	Penticton
2022.08.12	Castlegar	Penticton
2022.08.15	Penticton	Keromeos
2022.08.15	Vernon	Vernon
2022.08.15	Kelowna	Kelowna
2022.08.15	Vernon	Vernon
2022.08.16	Penticton	Penticton
2022.08.16	Penticton	Penticton
2022.08.16	Penticton	Penticton
2022.08.16	Vernon	Vernon
2022.08.16	Nelson	Nelson
2022.08.17	Kelowna	Surrey
2022.08.17	Kamloops	Vernon
2022.08.17	kelowna	Kelowna
2022.08.18	Penticton	Surrey
2022.08.18	Penticton	vernon
2022.08.18	Rossland	Trail
2022.08.22	Rossland	Trail
2022.08.24	Vernon	Vernon
2022.08.24	Cranbrook	Cranbrook
2022.08.24	Kelowna	Kelowna
2022.08.24	Vernon	Kelowna
2022.08.24	Vernon	Vernon
2022.08.24	Vernon	Vernon
2022.08.24	Kelowna	Kelowna
2022.08.25	Kelowna	Kelowna
2022.08.26	Kelowna	Savona
2022.08.26	Penticton	Penticton
2022.08.26	Kelowna	Kelowna
2022.08.26	Kelowna	Kelowna
2022.08.29	Kelowna	Kelowna
2022.08.29	Penticton	Penticton
2022.08.29	Vernon	Vernon
2022.08.30	Vernon	Vernon
2022.08.30	Cranbrook	Creston
2022.08.30	Salmon Arm	Salmon Arm
2022.08.30	Kelowna	Kelowna
2022.08.31	Castlegar	Savona
2022.08.31	FED	FED
2022.08.31	FED	FED
2022.08.31	FED	FED
2022.08.31	FED	FED
2022.08.31	Kelowna	Kelowna

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.09.01	Kelowna	Grand Prairie, AB
2022.09.01	Kelowna	Kelowna
2022.09.01	Kelowna	Kelowna
2022.09.01	Vernon	Vernon
2022.09.01	Penticton	Oliver
2022.09.02	Kelowna	Kelowna
2022.09.02	Penticton	Penticton
2022.09.02	Kelowna	Kelowna
2022.09.02	Kamloops	Armstrong
2022.09.06	Kelowna	Surrey
2022.09.06	Creston	Surrey
2022.09.06	Vernon	Surrey
2022.09.06	Kelowna	Kelowna
2022.09.06	Kelowna	Kelowna
2022.09.07	Kelowna	Savona
2022.09.07	Kelowna	Savona
2022.09.07	Cranbrook	FPH
2022.09.07	Kelowna	Kelowna
2022.09.07	Kelowna	Kelowna
2022.09.07	Penticton	Oliver
2022.09.08	Kelowna	Kelowna
2022.09.09	Kelowna	Kelowna
2022.09.12	Kelowna	Kelowna
2022.09.12	Kelowna	Kelowna
2022.09.12	Penticton	Oliver
2022.09.13	Kelowna	Alberta
2022.09.13	Kelowna	Kelowna
2022.09.14	Kelowna	Kelowna
2022.09.14	Kamloops	Vernon
2022.09.14	Cranbrook	Savona
2022.09.14	Kelowna	Savona
2022.09.14	Kelowna	Penticton
2022.09.15	Kelowna	Penticton
2022.09.15	Kelowna	Kelowna
2022.09.16	Kelowna	Vernon
2022.09.16	Kelowna	Peachland
2022.09.16	Nelson	Nelson
2022.09.20	Vernon	Vernon
2022.09.20	Kelowna	Kelowna
2022.09.22	Castlegar	Castlegar
2022.09.21	Cranbrook	Cranbrook
2022.09.22	Nelson	Nelson
2022.09.22	Kelowna	Surrey
2022.09.22	Kelowna	Surrey
2022.09.22	Kelowna	Surrey
2022.09.22	Penticton	Federal
2022.09.22	Kelowna	Chillawack
2022.09.22	Kelowna	Oliver
2022.09.22	Kelowna	Penticton
2022.09.22	Vernon	Vernon
2022.09.23	Vernon	Vernon
2022.09.23	Vernon	Enderby
2022.09.23	Penticton	Kelowna
2022.09.24	Penticton	Vernon
2022.09.24	Kelowna	Kelowna
2022.09.25	Kelowna	N/A
2022.09.26	Kelowna	Kelowna
2022.09.26	Kelowna	Kelowna
2022.09.26	Kelowna	Penticton
2022.09.26	Vernon	Vernon
2022.09.27	Kelowna	Kelowna
2022.09.27	Kelowna	Federal
2022.09.27	Kelowna	Kelowna
2022.09.28	Vernon	Vernon
2022.09.28	Kelowna	Kelowna
2022.09.29	Kelowna	Kelowna
2022.09.29	Vernon	Vernon
2022.09.29	Kelowna	Kelowna
2022.09.29	Kelowna	Kelowna
2022.09.29	Kelowna	Kelowna
2022.09.30	Kelowna	Savona
2022.09.30	Penticton	Surrey
2022.09.30	Kelowna	Penticton

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.10.01	Cranbrook	Cranbrook
2022.10.01	Kelowna	Surrey
2022.10.03	Kelowna	Kelowna
2022.10.03	Vernon	Vernon
2022.10.03	Vernon	Vernon
2022.10.03	Abbotsford	Penticton
2202.10.04	Kelowna	Kelowna
2022.10.05	Kelowna	Kelowna
2022.10.06	Kelowna	Kelowna
2022.10.06	Kelowna	Kelowna
2022.10.06	Cranbrook	Cranbrook
2022.10.06	Rossland	Trail
2022.10.06	Kelowna	Kelowna
2022.10.07	Kelowna	Kelowna
2022.10.07	Vernon	Vernon
2022.10.07	Kelowna	Surrey
2022.10.07	Kelowna	Williams Lake
2022.10.11	Kelowna	Savona
2022.10.11	Kelowna	Penticton
2022.10.11	Nelson	Castlegar
2022.10.11	Williams Lake	Kelowna
2022.10.12	Cranbrook	Kimberly
2022.10.12	Kelowna	Kelowna
2022.10.12	Immigration	Immigration
2022.10.12	Vernon	Vernon
2022.10.13	Kelowna	Kelowna
2022.10.13	Kelowna	Kelowna
2022.10.13	Kelowna	Kelowna
2022.10.13	Penticton	Penticton
2022.10.13	Penticton	Penticton
2022.10.13	Penticton	Penticton
2022.10.14	Kelowna	Surrey
2022.10.14	Kelowna	Kelowna
2022.10.17	Vernon	Oliver
2022.10.17	Cranbrook	Cranbrook
2022.10.18	Vernon	Vernon
2022.10.18	Penticton	Penticton
	Castlegar	Castlegar
2022.10.19	Kelowna	Kelowna
2022.10.19	Vernon	Vernon
2022.10.19	Vernon	Vernon
2022.10.20	Kelowna	Kelowna
2022.10.20	Kelowna	Kelowna
2022.10.20	Kelowna	Port Coquitlam
2022.10.20	Kelowna	Penticton
2022.10.20	Vernon	Vernon
2022.10.21	Kelowna	Kelowna
2022.10.21	Cranbrook	Cranbrook
2022.10.23	Kelowna	Kelowna
2022.10.24	Kelowna	Kelowna
2022.10.25	Penticton	Surrey
2022.10.25	Cranbrook	Cranbrook
2022.10.25	Federal	Feds
2022.10.25	Federal	Feds
2022.10.25	Federal	Kelowna
2022.10.25	Federal	Kamloops
2022.10.25	Cranbrook	Cranbrook
2022.10.25	Salmon Arm	Vernon
2022.10.25	CHILLIWACK	West Kelowna
2022.10.26	Penticton	Penticton
2022.10.26	Cranbrook	Cranbrook
2022.10.27	Kelowna	Kelowna
2022.10.27	Kelowna	Kelowna
2022.10.27	Cranbrook	Cranbrook
2022.10.28	Cranbrook	Cranbrook
2022.10.28	Penticton	Penticton
2022.10.28	Kelowna	Kelowna
2022.10.28	Vancouver	Kamloops

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.11.02	Vancouver	Penticton
2022.11.09	Kelowna	Penticton
2022.11.14	Penticton	Penticton
2022.11.18	Kelowna	Kelowna
2022.11.21	Penticton	Penticton
2022.11.21	Kelowna	Kelowna
2022.11.22	Trail	Trail
2022.11.22	Cranbrook	Cranbrook
2022.11.22	Vernon	Vernon
2022.11.23	Vernon	Vernon
2022.11.23	Vernon	Vernon
2022.11.24	Vernon	Vernon
2022.11.24	Cranbrook	Creston
2022.11.24	Federal	Feds
2022.11.24	Federal	Feds
2022.11.24	Federal	Feds
2022.11.24	Federal	Feds
2022.11.25	Vernon	Vernon
2022.11.26	Vernon	Vernon
2022.11.26	Kelowna/Penticton	Kelowna
2022.11.28	Kamloops	Vernon
2022.11.30	Kelowna	Kelowna
2022.11.30	Vernon	Vernon
2022.11.30	Penticton	Oliver
2022.11.07	Kelowna	Kelowna
2022.11.16	Kelowna	Kelowna
2022.11.15	Kamloops	Kelowna

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2022.12.01	Nelson	Savona
2022.12.01	Salmon Arm	Salmon Arm
2022.12.02	Penticton	Penticton
2022.12.02	Kelowna	Kelowna
2022.12.03	Kelowna	Kelowna
2022.12.03	Vernon	Vernon
2022.12.04	Vernon	Vernon
2022.12.04	Penticton	Penticton
2022.12.05	Kelowna	Kelowna
2022.12.06	Kelowna	Kelowna
2022.12.06	Kelowna	FEDS
2022.12.06	Nelson/ Rossland	Trail
2022.12.06	Kelowna	Kelowna
2022.12.09	Vernon	Vernon
2022.12.09	Cranbrook	Cranbrook
2022.12.11	Vernon	Vernon
2022.12.12	Kelowna	Kelowna
2022.12.12	Kelowna	Logan Lake
2022.12.12	Vernon	Vernon
2022.12.12	Kelowna	West Kelowna
2022.12.12	Kelowna	Kelowna
2022.12.13	Cranbrook	FEDS
2022.12.13	Vernon	Vernon
2022.12.13	Kelowna	West Kelowna
2022.12.13	Kelowna	West Kelowna
2022.12.14	Vernon	Kelowna
2022.12.14	Penticton	Penticton
2022.12.14	Kelowna	Vernon
2022.12.15	Vernon	Lake country
2022.12.15	Kelowna	Kelowna
2022.12.16	Kelowna	Port Albernia
2022.12.16	Cranbrook	Creston
2022.12.16	Kelowna	Kelowna
2022.12.19	Nakusp	Nakusp
2022.12.19	Vernon	FEDS
2022.12.19	Kelowna	FEDS
2022.12.19	Vernon	Vernon
2022.12.20	Vernon	Vernon
2022.12.20	Penticton	Penticton
2022.12.20	Kelowna	Kelowna
2022.12.20	Kelowna	Kelowna
2022.12.20	Kelowna	Kelowna
2022.12.20	Penticton	Penticton
2022.12.21	Penticton	Savona
2022.12.21	Cranbrook	Cranbrook
2022.12.21	Vernon	Vernon
2022.12.22	Penticton	Osoyoos
2022.12.22	Cranbrook	Alberta
2022.12.22	Rossland	Penticton
2022.12.22	Vernon	Vernon
2022.12.22	Kelowna	Kelowna
2022.12.23	Kelowna	Kelowna
2022.12.23	Cranbrook	Cranbrook
2022.12.23	Abbotsford	Vernon
2022.12.23	Kelowna	Kelowna
2022.12.28	Kelowna	FEDS
2022.12.28	Kelowna	FEDS
2022.12.28	Kelowna	Kelowna
2022.12.29	Kelowna	Kelowna
2022.12.29	Kelowna	Kelowna
2022.12.30	Vernon	Vernon
	Kelowna	Rock Creek

RECORDS RELEASES - Tracking Document		
Month	Total Releases	Number of Releases Outside Court of Origin
January	61	22
February	58	24
March	72	31
April	45	12
May	50	20
June	56	13
July	50	15
August	64	24
September	73	35
October	68	22
November	57	21
December	62	24

Court of Origin List

100 Mile House
Abbotsford
Alexis Creek
Anahim Lake
Ashcroft
Castlegar
Chase
Clearwater
Cranbrook
Creston
Ferne
Golden
Grand Forks
Invermere
Kamloops
Kelowna
Lillooet
Merritt
Nakusp
Nelson
Penticton
Princeton
Revelstoke
Rossland
Salmon Arm
Surrey
Vancouver
Vernon
Williams Lake

RECORDS RELEASES - Tracking Document		
Release Date	Court of Origin	Release Community
2023.01.04	Kelowna	Kelowna
2023.01.04	Penticton: FMEP	Penticton
2023.01.05	Vernon	Vernon
2023.01.05	Penticton	Penticton
2023.01.06	Cranbrook	Cranbrook
2023.01.07	Kelowna	Kelowna
2023.01.08	Kelowna	Kelowna
2023.01.08	Kelowna	Kelowna
2023.01.08	Kamloops	Vernon
2023.01.09	Kelowna	Kelowna
2023.01.09	Vernon	Vernon
2023.01.10	Vernon	FPH
2023.01.10	Kelowna	Kelowna
2023.01.10	Kelowna	Castlegar
2023.01.11	Vernon	Vernon
2023.01.11	Vernon	Vernon
2023.01.12	Penticton	Penticton
2023.01.12	Kelowna	Kelowna
2023.01.13	Kelowna	Surrey
2023.01.13	Kelowna	Kelowna
2023.01.13	Kelowna	Kelowna
2023.01.13	Vernon	Vernon
2023.01.16	Vernon	Vernon
2023.01.16	Kelowna	Nakusp
2023.01.16	Kelowna	Penticton
2023.01.16	Vernon	Vernon
2023.01.16	Penticton	Penticton
2023.01.17	FEDS	FEDS
2023.01.17	FEDS	FEDS
2023.01.17	FEDS	FEDS
2023.01.17	Cranbrook	Penticton
2023.01.17	Kelowna	Castlegar
2023.01.18	Kelowna	Kelowna
2023.01.18	Vernon	Vernon
2023.01.20	Kelowna	Peachland
2023.01.20	Kelowna	Kelowna
2023.01.20	Kelowna	Ontario
2023.01.20	Vernon	Vernon
2023.01.22	Vernon	Vernon
2023.01.23	Vernon	Vernon
2023.01.23	Kelowna	Logan Lake
2023.01.23	Kelowna	Kelowna
2023.01.23	Vernon	Vernon
2023.01.24	Kelowna	Kelowna
2023.01.24	Penticton	Penticton
2023.01.25	Vernon	Federal
2023.01.25	Kelowna	Kelowna
2023.01.25	Kelowna	Kelowna
2023.01.25	Kelowna	Kelowna
2023.01.25	Kelowna	Kelowna
2023.01.25	Kelowna	Penticton
2023.01.25	Penticton	Penticton
2023.01.26	Vernon	Vernon
2023.01.26	Vernon	Vernon
2023.01.26	Kelowna	West Kelowna
2023.01.26	Kelowna	FPH
2023.01.30	Vernon	Vernon
2023.01.30	Kelowna	Kelowna
2023.01.31	Vernon	Vernon
2023.01.31	Kelowna	Kelowna

RECORDS RELEASES - Tracking Document		
Month	Total Releases	Number of Releases Outside Court of Origin
January	60	15
February	0	0
March	0	0
April	0	0
May	0	0
June	0	0
July	0	0
August	0	0
September	0	0
October	0	0
November	0	0
December	0	0

Court of Origin List

100 Mile House
Abbotsford
Alexis Creek
Anahim Lake
Ashcroft
Castlegar
Chase
Clearwater
Cranbrook
Creston
Fernie
Golden
Grand Forks
Invermere
Kamloops
Kelowna
Lillooet
Merritt
Nakusp
Nelson
Penticton
Princeton
Revelstoke
Rossland
Salmon Arm
Surrey
Vancouver
Vernon
Williams Lake

Council Report

penticton.ca

Date: March 21, 2023 **File No:** RMS 3900-02
To: Donny van Dyk, Chief Administrative Officer
From: Tina Mercier, Bylaw Services Manager and Blake Laven, Director of Development Services
Subject: **Safe Public Places Bylaw No. 2023-06**

Staff Recommendation

THAT Council give first reading to "Safe Public Places Bylaw No. 2023-06", a bylaw that supports a safe, secure and healthy community through regulating solicitation, disorderly conduct, public nuisances, public substance use, and the general safe use of public places;

AND THAT "Safe Public Places Bylaw No. 2023-06" is referred to the Medical Health Officer (MHO), to consider comments from the MHO prior to further readings of the bylaw.

Strategic Priorities

- The initiative proposed in this report is in alignment with Council's **Safe & Resilient** strategic priority: The City of Penticton will enhance and protect the safety of all residents and visitors to Penticton.

Executive Summary

The Community Safety Resource Review received by City Council in December 2022 outlined a desire for a tiered model of call-for-service response in Penticton, with the RCMP responding to higher level and criminal matters and Bylaw Services or other agencies responding to non-criminal, health related or lower level matters. The Review outlined a challenge to this approach in that City bylaw enforcement officers do not currently have the legal authority to effectively respond to many of the situations they are called to. The proposed *Safe Public Places Bylaw*, along with two other initiatives, *Bylaw Enforcement Officer Procedures Policy* and *Bylaw Enforcement Officers Bylaw* contained in a companion report, respond to this lack of authority. The *Safe Public Places Bylaw* creates municipal prohibitions that our bylaw enforcement officers can enforce. Passage of the bylaws and associated policy are intended to assist with the allocation of limited police and bylaw services within our community, creating a safer, more secure, and healthy community.

Background

Penticton's unsustainable levels of calls for service

Penticton is consistently rated as having one of the highest crime rates per population for similar sized communities in Canada and consistently has the highest case load per RCMP member in the province. City staff and elected officials routinely hear from the public that overall perceptions of safety and security in the community are diminishing and there is a growing sense among residents of being unheard and helpless.

Many of the calls that are contributing to these feelings of diminished safety are of a social

nuisance/disturbance/disorder

nature including items such as:

solicitation in inappropriate

locations (e.g., drive-thrus, at ATM

machines and banking vestibules

and other areas where people may

feel vulnerable); displaying and

using drug paraphernalia and

consuming drugs and alcohol in

highly public locations; individuals

taking over public spaces and

facilities like public washrooms or

areas of public parkland so that

others cannot enjoy their use;

leaving personal items and drug

paraphernalia in public places;

defecation and urination on

buildings and in doorways;

vandalizing of public structures and

places; and, other such behaviours

(see Figure 1).

Community Safety Report (Condensed)

Received From: Jan 1, 2022 To: Dec 31, 2022

Call Type	Number of Calls
Abandoned/stolen property	588
Assist Penticton Fire Department	1
Assist Police	3
Community safety concern	188
Disturbance	30
Dog-related complaint	3
Drugs/Drug Paraphernalia	179
Fire	31
Garbage complaint	48
Individual(s) causing a disturbance	284
Loitering/vagrancy	1694
Lost and Found	15
Miscellaneous	417
Panhandling	36
Private property complaint	36
Remove belongings/equipment	1
Security check	17
Sharps	71
Squatting	1
Transient camp	1280
Tree	29
Trespassing	10
Unsafe facility	2
Well being check	342

Figure 1: Social Nuisance calls for service to Bylaw Services 2022

City Council has received feedback from the Chamber of Commerce, Downtown Penticton Business Improvement Area Association and the Industrial Development Association as well as many members of the public requesting the City to take a leadership role in addressing the increasing prevalence of these social nuisance/disturbance issues. In addition, School Board 67, citing increases in undesirable activity such as drug use, litter, camping etc. on their lands, including on elementary school grounds, has requested assistance from City Bylaw with patrolling their properties as well.

These trends were confirmed in the Community Safety Resource Review (Review) presented to Council in December of 2022. While many of these activities listed above are also criminal in nature and have prohibitions in provincial and federal statutes, the RCMP, based on extremely high caseloads, often do not have the resources to effectively respond to these calls, which are considered minor offenses. There has been a more recent attempt to divert many of these types of calls to Bylaw Services for bylaw enforcement officer response. While the City has instituted a robust training program to prepare our bylaw enforcement officers to deal with these types of calls, the legal authority to effectively resolve these calls does not exist. So, often, the only approach our officers are able to do is verbal warnings and requests for voluntary compliance. When this approach is unsuccessful, the RCMP are often called to attend anyway, taking RCMP

officers away from higher priority matters. To have an effective Bylaw Services response, which will free up RCMP time for more serious matters, additional bylaw enforcement officer authority is needed.

While many larger communities have municipal bylaws that address many of these social nuisance/disturbance/disorder issues, Penticton and many smaller municipalities who have not historically had to deal with these types of issues, do not. This report and companion report proposes three initiatives aimed at increasing the authority of our bylaw enforcement officers in dealing with the problems currently facing the community. The intent is to have the bylaw enforcement officers, who are trained in these matters, to respond to these types of calls - freeing up time for RCMP officers to focus on higher level calls. This tiered response model, along with other health and housing supports, is a best practice in dealing with issues with a social nuisance/disturbance/disorder aspect.

License Inspectors and Bylaw Officers Association- LIBOA and the development of a model safe public places bylaw

While Penticton's calls for service levels and crime rates are high at a per capital level, many similar sized communities (25,000-50,000) are experiencing similar trends with the concurrent social and health epidemics of homelessness and opioid overdose, creating significant street level disorder. These smaller communities, including Penticton, have not historically had to deal with these types of issues at the scale seen in the past 5 years and do not have the tools that larger centers have to appropriately respond to the types of public calls for service from a bylaw officer/municipal employee approach.

This lack of municipal authority led the License Inspectors and Bylaw Officers Association of BC (LIBOA) to work with the City in sponsoring the creation of a model 'safe public places' bylaw that participating communities could tailor to their own community. LIBOA created a designated working committee, in which the City's Bylaw Services Manager participated, to develop the model bylaw and worked with Lidstone and Company, a law firm specializing in local government law. The model bylaw was intended to realize all the powers that the provincial statutes bestow on municipal governments to regulate these social nuisance/disorder issues. The Penticton bylaw, before Council today, was tailored to our specific situation and did not include all elements of the model bylaw.

The proposed *Safe Public Places Bylaw* is intended to give tools and lawful authority to our bylaw enforcement officers to be able to enforce sections of this Bylaw to support a safer community and appropriately respond to calls of a social nuisance/disturbance/disorder nature. Ultimately this will reduce public impact and exposure to these incidences, but also, importantly, reduce the RCMP and courts from having to be involved in many of the lower level nuisance type calls, freeing up time for the RCMP to focus on higher level criminal enforcement activities.

Decriminalization pilot

In November of 2022, the province of BC was granted, by the federal government, an exemption to the *Controlled Drugs and Substance Use Act*, legalizing the possession of small amounts of certain illicit drugs in BC for people aged 18 and above. The pilot, which took effect January 31, 2023, and will run for 3 years, is intended to shift public perceptions about drug use from a criminal nature to a health matter. While the early drafts of this Bylaw pre-dated the decriminalization pilot, the Bylaw has since been reviewed and amended to align with the pilot, adding exemptions for harm reduction workers and acknowledging space where drug use can occur (see Exemptions section below).

As part of the pilot, the province itself put limitations on areas where the use of illicit substances was to occur during the pilot, prohibiting use on school grounds and daycare centres among other areas. Furthermore, provincial literature on the decriminalization program envisions municipalities continuing to have the ability to restrict substance use in specified areas as envisioned by this Bylaw. The following excerpt is from the provincial decriminalization page on the government of BC website:

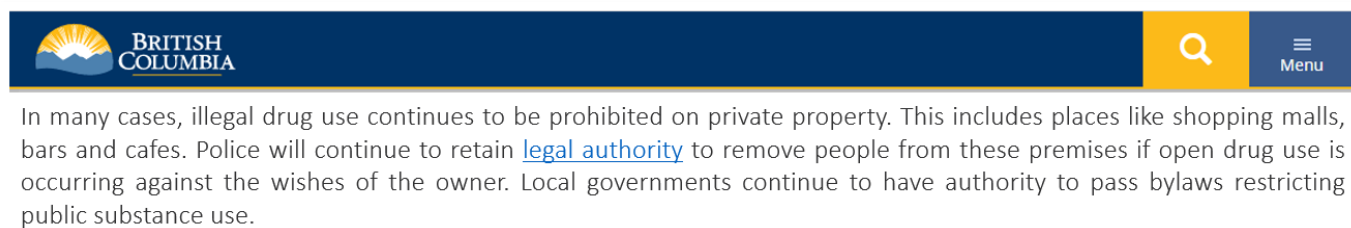


Figure 2: Excerpt taken from the BC Government website, February 2023
(<https://www2.gov.bc.ca/gov/content/overdose/decriminalization>)

Given this statement, it is clear that the province did not intend for drug users to have total freedom to use in any location at any time they wish. The Bylaw before Council is intended to bring some local balance to the decriminalization pilot in Penticton and is in line with the approach of many other municipalities that have such prohibitions on public drug use currently in place.

Penticton's Framework for Public Safety

Council during the March 7, 2023 meeting, supported several initiatives that the City is undertaking as a response to the Community Safety Review. Specifically, Council supported the creation of a long term plan for public safety in Penticton. To that end, the report presents a framework for response, which includes 4 focus areas, including: "Response"; "Social & Health"; "Community Action"; and, "Planning". The Focus on Safety Framework is included for reference as Attachment A.

The challenges Penticton is facing currently are multifaceted, have concurrent causes (lack of housing, homelessness, opioid epidemic, rise in drug related crime, etc.) and will require multi-faceted response. The Bylaw proposed by this report, and the other two initiatives proposed in the companion report, are directly related to the "Response" focus area, but these initiatives should not be considered in isolation of the larger framework and action areas or in isolation of the many provincial initiatives to address these issues.

Proposal

Safe Public Places Bylaw

The Safe Public Places Bylaw utilizes the powers given to local governments by the province, to regulate the use of public space. All of the items included in the proposed bylaw are areas in which the provincial legislature authorizes municipalities to regulate, prohibit and impose requirements. The Bylaw adopts these regulations giving local bylaw officers the authority to enforce them, where until now enforcement had to be referred to the RCMP. For example, the provincial *Safe Streets Act* has provisions against soliciting in specified areas such as from moving vehicles, however, our local bylaw enforcement officers are not authorized to enforce those provisions. So if a complaint came in about individuals soliciting at a drive-thru for example, currently this would be a matter referred to the RCMP, who are under-resourced to respond to these types of calls. With adoption of the new bylaw, our bylaw enforcement officers will have legal

authority to respond to the call and fully engage in and resolve the situation – resulting in a more effective response and better utilization of resource.

The bylaw has three (3) main regulatory sections: 1. Solicitation; 2. Use of public places; 3. Seizure of items unlawfully occupying public space.

1. *Solicitation*: This section of the bylaw deals with solicitation, defined as 'asking for money, donations, goods or other things of value whether by spoken, written or printed word, or bodily gesture. The provisions against soliciting contained in this bylaw mirror those found in the BC *Safe Streets Act* and include the following regulations:
 - No soliciting in a manner that causes an obstruction
 - No soliciting within 10 meters of an entrance to a financial institution, an ATM, a bus stop, a daycare centre, the entrance to a liquor store, 200 or 300 Blocks Main Street Breezeways, or the entrance to a number of civic buildings City Hall, Community Centre, Library etc.
 - No soliciting from a driver or passenger of a motor vehicle, while the vehicle is parked, stopped at a traffic control device, while the vehicle is at a gas station, or, in a manner that obstructs the vehicle on a street
2. *Safe Use of Public Places*: This section includes the following regulations:
 - While in public places or in view of private property a person must not:
 - o participate in disorderly conduct;
 - o urinate or defecate other than in a facility for this purpose;
 - o undress except in places specifically designed for such purposes;
 - o be nude or clad in an indecent manner;
 - o engage in an indecent act, including masturbation;
 - o carry on or permit an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or structure;
 - o display or use drug paraphernalia, except in areas designated for that use;
 - o display or use a controlled substance, except in areas designated for such that use;
 - o endanger life, health, safety, property or public place.
 - While in a or on a public place a person must not:
 - o spit or spit on a person;
 - o consume or possess open alcoholic beverages, except in accordance with the responsible consumption program or in other permitted designated and licensed areas;
 - o be intoxicated by alcohol or other substances so as to be unresponsive to verbal communication or unable to care for themselves;
 - o loiter and thereby obstruct any other person, including occupying of a portion or feature of a public place so as to interfere with its use by others;
 - o remain in or refuse to leave a public place after it is closed or when ordered to leave by a Bylaw Enforcement Officer, City employee or property owner;
 - o loiter in any place washroom or change room or behave in a manner as to be objectionable to another person using or in the vicinity of the washroom or change room;
 - o either enter or occupy a place which the admission of the public is prohibited, unless permission has been granted by an authorized person;
 - o climb a building, structure or equipment unless it is designed and intended or provided for climbing.

- Unless expressly authorized, a person must not deface, cut, remove, destroy or damage a tree, shrub, structure, building, traffic control device or other thing or any real or personal property in a public place.
- No person shall vandalize property by: removing, destroying, damaging, rendering inoperable; causing damage to or altering the appearance, characteristics, or feature; tampering with, mutilating, defacing; or climbing on any building, structure, fixture, chattel, monument, art, fountain, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage or ornament
- No person shall occupy or sleep horizontally across a bench located at a bus stop so as to interfere with the ability of another person to use the bench.

3. *Seizure of Things Unlawfully Occupying Public Space:* This section gives clear authority to Bylaw staff to seize items left in public places.

Exemptions

The Bylaw includes prohibitions on the display and use of controlled substances. The intent of these sections is to ensure that the drug using public is consuming in appropriate areas and not in areas that are visible to the public. The use of controlled substances, while a personal choice and not criminal due to the recent decriminalization pilot, creates feelings of unease, disorder, and lawlessness with much of the community – much like smoking cigarettes and drinking alcohol in undesignated places does. Many of the calls for service received by bylaw services, are related to the use of controlled substances in areas that the public is not comfortable with.

The Bylaw though does include exemptions to health workers engaging in harm reduction work as well as exemptions for areas designated for safe consumption. The hope is that including general prohibitions that bylaw enforcement officers can enforce, the drug using public can be encouraged to use in safe, designated areas. These sections are intended to work in support of the recent decriminalization pilot.

Enforcement and penalties

The bylaw itself has a section on penalties and enforcement which reference maximum penalties that the City can pursue for violations of the bylaw. While this type of section is common in many municipal bylaws, the usage of this section as an enforcement tool is very rare. When the bylaw is ultimately adopted, amendments will be made to the City's ticketing bylaw to establish fine amounts corresponding to violations of specific sections of the bylaw, which will give the bylaw enforcement officers additional options for enforcement.

Mainly though, as with most municipal bylaws, voluntary compliance is always the first objective. That is why this bylaw should be considered in conjunction with the Bylaw Enforcement Officer Procedures Policy, which outlines rules of procedure in calls for service response. The City's bylaw enforcement officer training program emphasizes conflict resolution, trauma informed practices, fairness in practice and judicious use of force as a last resort among other progressive training offerings.

Consultation

Significant community consultation was conducted in the development of the Community Safety Resource Review. The initiatives in this bylaw have not been specifically shared with the public for feedback, but aspects have been shared with Interior Health and 100 More Homes Penticton (a group with a membership

including a broad range of housing and service providers, focused on ending homelessness in Penticton), to better understand potential impacts of the initiatives on vulnerable individuals that these organizations serve. Interior Health has shared their concerns that aspects of the bylaw may disproportionately target vulnerable individuals, particularly those experiencing homelessness, individuals with untreated mental health conditions or persons suffering from addictions. There is a concern that prohibiting the public use of drugs will negatively impact the health of drug users who may use alone or in unsafe situations.

In response to these concerns, staff put forward that requiring drug users to use in safe places will improve health outcomes and overall community safety. There are many areas in the community where safe consumption is permitted, such as within Interior Health and BC Housing managed facilities, within the emergency shelter, within all supportive housing facilities and within an Interior Health supported mobile facility operated by a not-for-profit society. Staff do not consider the bylaw a health related bylaw and do not consider the bylaw to be at cross purposes with the provincial decriminalization pilot, which according to the province's own website, envisioned municipalities limiting areas in the community where safe consumption may occur.

Staff are considering additional opportunities for consultation directly with the Medical Health Officer, but also with the general public. Staff are recommending that after first reading of the bylaw that the bylaw be referred to the Medical Health Officer for comment. Staff will also be setting up a page on the Shape Your City Penticton website (www.shapeyourcitypenticton.ca), the City's engagement portal, which will include information on the bylaw and opportunities for public feedback. Results of the engagement and any comments from the Medical Health Officer will be shared with Council prior to any further readings of the Bylaw.

Financial implication

Development of the bylaw was funded as part of the 2022/2023 Bylaw Services Department budget. Costs for this project included legal advice and review (\$15,000) as well as staff time. Should Council approve the initiatives, there will be some re-branding of vehicles and uniforms reflecting some of the changes including Peace Officer status (within existing budgets) as well as training (within existing budgets) and some minor other costs.

Analysis and recommendations

Adoption of the Safe Public Places Bylaw is one piece of multi-faceted approach to creating a safer community and improving community well-being. These initiatives were created out of a dire need to address the unsustainable calls for service in the community pertaining to calls of a social nuisance/disturbance/disorder nature and a need to provide municipal officers responding to these calls the authority they require to successfully resolve them without RCMP involvement. This frees up RCMP to focus on reducing more serious crimes, working towards the desired tiered policing response model envisioned in the Community Safety Resource Review.

The bylaw establishes community standards and consequences for violations of those standards, with the intent of creating a safe, inclusive community where *a//*members of the community feel welcome and safe.

Given the above, staff are recommending that Council give first reading to "Safe Public Places Bylaw No. 2023-06" and that the bylaw be forwarded to the Medical Health Officer for comment prior to any further readings.

Alternatives

Based on the new decriminalization pilot, which decriminalizes the possession and consumption of small amounts of certain controlled substances, Council should be aware of the potential for a legal challenge to the bylaw. Given this, Council may want to see the sections regulating the use of controlled substances removed from the Bylaw. If that is the case, staff recommend Council pass Alternative 1.

Staff, however, do not recommend this alternative, as many of the calls for service that are received by the City have a drug use element to them – clearly showing that the public does not favour permitting the visible use of drugs in public places. Furthermore, Interior Health and other community partners have established many locations in the community where the safe consumption of drugs is allowed. These are typical prohibitions seen in many other communities, are envisioned by the province for municipalities to regulate, and are intended to work in concert with the decriminalization pilot, encouraging drug users to use in appropriate and safe areas. As such, staff are not recommending that Council remove these sections from the bylaw.

Alternatively, Council may not wish to move forward with this Bylaw at this time or may want more information prior to moving forward. If that is the case, Council should select Alternative 2.

- Alternative 1: THAT Council, in light of the provincial decriminalization pilot, give staff direction to remove sections of the Safe Public Places Bylaw dealing with substance use prior to first reading.
- Alternative 2: THAT Council not move forward with first reading at this time.

Attachments

- Attachment A – Focus on Safety Framework
- Attachment B – Safe Public Places Bylaw No. 2023-06

Respectfully submitted,

Tina Mercier,
Bylaw Services Manager

Blake Laven,
Director of Development Services

General Manager of Community Services 	Director of Finance and Administration 	Chief Administrative Officer 
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Attachment A Public Safety Framework



The Corporation of the City of Penticton

Safe Public Places Bylaw No. 2023 - 06

A bylaw to support a safe, secure and healthy community.

WHEREAS the purposes of a municipality include providing for good government of its community; providing for services, laws and other matters for community benefit; providing for stewardship of the public assets of its community, and fostering the economic, social and environmental well-being of its community;

AND WHEREAS the Council of the City of Penticton wishes to promote well being, quality of life, and community safety for its residents and visitors;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to: persons, property, things and activities that are in, on or near public places; nuisances, disturbances and other objectionable situations;

AND WHEREAS except as permitted by bylaw or another enactment, a person must not excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place;

AND WHEREAS the *Community Charter* authorizes Council to, by bylaw, authorize the seizure of things unlawfully occupying a portion of a highway or public place;

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

Citation

1. This bylaw may be cited for all purposes as the "Safe Public Places Bylaw No. 2023-06."

Severability

2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Definitions

3. In this bylaw:

AUTOMATED BANK TELLER MACHINE means a device linked to a financial institution's account records which is able to carry out transactions, including, but not limited to, account transfers, withdrawals, deposits, balance inquiries, and mortgage and loan payments, but does not include a personal electronic device;

BUS STOP means a section of a street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

BYLAW ENFORCEMENT OFFICER means every person employed by the City of Penticton for the purpose of enforcement of the City's bylaws and includes members of the RCMP;

CITY means the Corporation of the City of Penticton;

COUNCIL means the Council of the City of Penticton;

CONTROLLED SUBSTANCE means any controlled substance as defined or described in Schedules I, II or III of the *Controlled Drugs and Substances Act*, 1996 chapter 19, as amended from time to time;

DISORDERLY CONDUCT means causing a public disturbance and, without limiting the generality of the foregoing, includes: engaging in riotous, violent, threatening or illegal conduct; yelling, screaming, shouting; indecency and profane or grossly insulting language; the carrying on of a noxious or offensive business activity; and any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

DRUG PARAPHERNALIA means equipment, product or accessories intended or modified for using a **controlled substance**;

FINANCIAL INSTITUTION includes a bank, credit union, cheque cashing business and trust company;

HARASS means to engage in verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, in person or by any other means of communication;

LOITER means to use or occupy a space other than for its intended purpose or to occupy a space such that it is not usable by others;

PUBLIC PLACE means any place within the City of Penticton to which the public has either express or implied access;

SOLICIT means to ask for money, donations, goods or other things of value whether by spoken, written or printed word, or bodily gesture;

SPIT means to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth.

Applicability

4.1 Subject to section 4.2, this bylaw applies to all **public places** in the City of Penticton.

4.2 Section 6.2(d) and s. 6.2(e) do not apply to supervised consumption or overdose prevention facilities operated by or on behalf of Interior Health or BC Housing or personnel operating for or on behalf of Interior Health or BC Housing.

Solicitation

5.1 No person may **solicit** in a manner that causes an obstruction.

5.2 For the purposes of section 5.1 “cause an obstruction” includes:

- (a) to sit or lie on a street or sidewalk in a manner which obstructs or impedes the convenient passage of any pedestrian or vehicular traffic;
- (b) to continue to **solicit** from or impede or otherwise **harass** a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal;

- (c) to physically approach and **solicit** from a pedestrian as a member of a group of three or more persons.

5.3 No person shall **solicit** within 10 metres of:

- (a) an entrance to a **financial institution**;
- (b) an **automated teller machine**;
- (c) a **bus stop**;
- (d) a daycare centre, schools, or seniors residences;
- (e) the entrance to a retail store, without express permission from the retailer;
- (f) 200 or 300 block Main Street Breezeways; or
- (g) an entrance to City Hall, South Okanagan Event Centre, Penticton Trade and Convention Centre, Community Centre, Cleland Theatre, Memorial Arena, McLaren Arena, Library/Museum, Seniors Drop in Centre, Art Gallery, Japanese Gardens, Gyro Park Bandshell, Kiwanis Walking Pier, Skaha Pavilion.

5.4 No person shall **solicit** from a driver or passenger of a motor vehicle:

- (a) while the motor vehicle is parked;
- (b) while the motor vehicle is stopped at a traffic control device;
- (c) while the driver or passenger is at a gas station and in the act of filling the motor vehicle with fuel; or
- (d) in a manner which obstructs or impedes the convenient passage of any vehicular traffic on a street.

5.5 No person shall **solicit** prior to sunrise or after sunset on any given day.

Safe Use of Public Places and Public Nuisances

6.1 While in or on a **public place** or in public view on any private property, a person must not:

- (a) participate or engage in **disorderly conduct**;
- (b) urinate or defecate other than in a facility designated for this purpose;
- (c) undress except in places specifically provided for such purposes;
- (d) be nude or clad in an indecent manner;
- (e) engage in an indecent act, including masturbation;
- (f) carry on or permit an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or structure;
- (g) endanger life, safety, health, property or public peace.

6.2 While in or on a **public place**, a person must not:

- (a) **spit**;
- (b) **spit** on a person;
- (c) consume or possess an open alcoholic beverage; unless that person complies with the *Liquor Control and Licensing Act*, R.S.B.C., c. 267, has been issued a permit, or is in a designated area that permits the consumption of alcohol;
- (d) display or use **drug paraphernalia**, except in areas designated as per section 4.2;
- (e) display or use a **controlled substance**, except in areas designated as per section 4.2;
- (f) be intoxicated by alcohol or other substance so as to be unresponsive to verbal communication or unable to care for them self;
- (g) **loiter** and thereby obstruct any other person, including occupying of a portion or feature of a **public place** so as to interfere with its use by others;
- (h) remain in or refuse to leave a **public place** after it is closed or when ordered to leave by a Bylaw Enforcement Officer, City employee or property owner;
- (i) **loiter** in any **public place** washroom or change-room or behave in such a manner as to be objectionable to another person using, or in the vicinity of, the washroom or change-room;
- (j) enter or occupy a place to which the admission of the public is prohibited, unless permission has been granted by an authorized person;
- (k) climb a building, structure or equipment unless it is designed and intended or provided for climbing;
- (l) abandon or discard items, including but not limited to litter, other than in a receptacle designated for this purpose;
- (m) abandon or discard items or property which may inhibit other's ability to safely use or enjoy the **public place**.

6.3 Unless expressly authorized, a person must not deface, cut, remove, destroy or damage a tree, shrub, structure, building, traffic control device or other thing or any real or personal property in a **public place**.

6.4 No person shall vandalize property by: removing, destroying, damaging, rendering inoperable; causing damage to or altering the appearance, characteristics, or feature; tampering with, mutilating, defacing; or climbing on any building, structure, fixture, chattel, monument, art, fountain, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage or ornament.

- 6.5 Section 6.4 shall not apply to any person climbing on a structure, wall or piece of equipment expressly designed for that purpose, including playground equipment or similar recreational equipment.
- 6.6 No person shall occupy or lie horizontally across a bench located at a **bus stop** so as to interfere with the ability of another person to use the bench.

Seizure of Thing Unlawfully Occupying Public Place

- 7.1 A **bylaw enforcement officer** may seize a thing unlawfully occupying a portion of a highway or **public place**, and without limiting the generality of the foregoing, may seize a thing unlawfully in a **public place** contrary to this bylaw.

Obstruction of Bylaw Enforcement Officer

- 8.1 Every person who interferes with, hinders or obstructs a municipal officer or employee in the exercise or performance of their powers, duties or functions, including by:
- (a) refusing to provide identification (name, address if applicable and date of birth) to a Bylaw Enforcement Officer investigating a violation of this bylaw;
 - (b) interfering with, or attempting to obstruct a Bylaw Enforcement Officer who is conducting enforcement action in relation to this bylaw;
 - (c) providing false or misleading information to a Bylaw Enforcement Officer; or
 - (d) failing to cease any activity or conduct that is in contravention of this Bylaw when directed to do so by a Bylaw Enforcement Officer;
- is guilty of an offence.

Offence, Penalties and Enforcement

- 9.1 Every person who:
- (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
 - (b) fails to comply with any of the provisions of this bylaw;
 - (c) neglects or refrains from doing anything required under this bylaw; or
 - (d) who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw; is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction to the maximum penalties as specified in section 263(1)(b) of the *Community Charter*.
- 9.2 For continuing offences, each day that such violation is caused, or allowed to continue, constitutes a separate offence.

READ A FIRST time this	day of	, 2023
READ A SECOND time this	day of	, 2023
READ A THIRD time this	day of	, 2023
ADOPTED this	day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: March 21, 2023 **File No:** RMS 3900-02
To: Donny van Dyk, Chief Administrative Officer
From: Tina Mercier, Bylaw Services Manager and Blake Laven, Director of Development Services
Subject: **Bylaw Enforcement Officer Bylaw No. 2023-07 and CP#2023-03 Bylaw Enforcement Officer Procedures Policy**

Staff Recommendation

THAT Council give first, second and third reading to "Bylaw Enforcement Officer Bylaw No. 2023-07, a bylaw that designates Bylaw Enforcement Officers and assigns authority;

AND THAT Council approve "CP#2023-03 Bylaw Enforcement Officer Procedures Policy".

Strategic Priorities

- The bylaw and policy proposed in this report are in alignment with Council's **Safe & Resilient** strategic priority: The City of Penticton will enhance and protect the safety of all residents and visitors to Penticton.

Background

This report is recommending Council consideration on two separate pieces of policy: a new bylaw dealing with assigning Peace Officer status to several City job classifications (*Bylaw Enforcement Officer Bylaw*); and, a policy outlining the rules of procedure for bylaw enforcement officers in the administration of their duties (*Bylaw Enforcement Officer Procedures Policy*). These two policy pieces are intended to be considered with the companion *Safe Public Places Bylaw*.

Bylaw Enforcement Officer (Peace Officer) Bylaw

Over the past year, the City has been working with the License Inspectors and Bylaw Officers Association of BC (LIBOA) to develop a model peace officer bylaw for member municipalities to tailor to their own communities and adopt. LIBOA as the professional organization representing Inspectors and Bylaw Officers in the province, has an interest in ensuring that their members are protected in the administration of their work. Part of this protection is having peace officer status. Having status as a peace officer gives additional authority and responsibilities under the Criminal Code and ensures that interference or assaulting a bylaw enforcement officer, or other job classification that is designated as a peace officer, carries a similar penalty to that of assaulting or interfering with a police officer. The bylaw also includes other municipal workers including building inspectors and animal control officers.

Designation of our officers as peace officers does not create a higher requirement for training or remuneration. Under case law, the jobs categories covered by this bylaw would likely be considered as peace officers regardless of this bylaw's passage. The Bylaw though makes this designation explicit.

Peace officer status is different than Special Municipal Constable status, which carries additional training similar to that of a police officer. The Community Safety Resource Review, received by Council in December 2022, makes a recommendation for the City to consider Special Constable Status as an option in the development of a true *tiered* policing model for Penticton. This is not what the current bylaw envisions at this time, but something that will be investigated over the longer term.

Bylaw Enforcement Officer Procedures Policy

Our current bylaw enforcement officers (both Bylaw Officers and Community Safety Officers) currently operate under an administrative use of force policy that outlines when and how officers engage with the public and persons suspected of a bylaw offence. The Council policy proposed by this report, is intended to supplement that administrative policy with a Council approved policy outlining the City expectations for their bylaw enforcement officers to go about the administration of their duties – particularly when dealing with members of the public. The policy outlines an approach escalating from identification and education to the use of defensive force that the officer is trained to use when required, including batons, pepper spray and similar products, handcuffs and other defensive tools. It is best practice to have Council approve such a policy. Having Council endorse the policy provides transparency and a stronger legal position should the activities of an officer be challenged. The policy also protects individuals suspected of bylaw violations of over use of force.

Proposal

Bylaw Enforcement Officer (Peace Officer) Bylaw

The substantive provisions of this bylaw include the designating of the following individuals as Peace Officers:

- Animal Control Officers
- Building Inspectors
- Enforcement Officers
- Licensing Inspectors
- Community Safety Officers
- Any other persons acting in another capacity on behalf of the City, for the purpose of enforcement of one or more of its bylaws.

In addition to the designation of these individuals' job classifications as peace officers, the Bylaw also speaks to requirement of swearing an oath prior to exercising contemplated duties and the bylaw designates RCMP members as bylaw officers clarifying their ability to enforce municipal bylaws. The bylaw also has penalties for interfering with the duties of a bylaw enforcement officer.

Bylaw Enforcement Officer Procedure Policy

The substantive provisions of this policy outline how bylaw and community safety officers approach interactions with individuals that are suspected of being in breach of a municipal bylaw. The policy has progressive response steps for officers to follow, starting with identification of themselves as a peace officer,

providing education and moving towards a more engaged response if appropriate and reporting any use of force. The escalating steps include:

1. Identify yourself as a peace officer and your bylaw authority;
2. Outline/educate the bylaw contravention, provide alternative options (make a referral to a service or community resource where applicable);
3. Request voluntary compliance;
4. If the person become aggressive, diffuse or attempt to disengage from the situation;
5. If the person persists or continues to destabilize the situation, back away and call the RCMP;
6. If you are attacked or physically threatened, protect yourself and others with the skills or defensive equipment of which you have been trained; and
7. Complete the Use of Force Incident Report

Financial implication

Development of the bylaw and poicy were funded as part of the 2022/2023 Bylaw Services Department budget and had minimal costs. Should Council approve the initiatives, there will be some re-branding of vehicles and uniforms reflecting some of the changes including Peace Officer status (within existing budgets) as well as training (within existing budgets) and some minor other costs.

Analysis

Adoption of the bylaw and policy in addition to the adoption of the Safe Public Places Bylaw are three pieces of multi-faceted approach to creating a safer community and improving community well-being. These initiatives were created out of a need to protect municipal staff as the carry out the administration of their duties.

The designation of our Bylaw, CSO and inspection staff as Peace Officers will acknowledge their professionalism, education and training and provide legal protections to them in the administration of their duties. The adoption of the use of force policy will ensure that officers are using the appropriate level of training for the situation and that the City and staff are legally protected when the actions of an officer are challenged.

Given the above, staff are recommending that Council give first, second and third reading to "Bylaw Enforcement Officer Bylaw No. 2023-07" and approve "Bylaw Enforcement Officer Procedures Policy".

Attachments

- Attachment A – Bylaw Enforcement Officer Bylaw No. 2023-07
- Attachment B – CP#2023-03 Bylaw Enforcement Officer Procedures Policy

Respectfully submitted,

Tina Mercier,
Bylaw Services Manager

Blake Laven,
Director of Development Services

Concurrence

General Manager of Community Services	Director of Finance and Administration	Chief Administrative Officer
		

The Corporation of the City of Penticton

Bylaw No. 2023-07

A Bylaw to designate bylaw enforcement officers and assign authority

WHEREAS Section 146 of the *Community Charter* permits a municipal Council to establish officer positions by Bylaw, and assign them powers, duties and functions;

AND WHEREAS Section 264 of the *Community Charter* permits a municipal Council to designate as a bylaw enforcement officer a person who comes within a class of persons prescribed by regulation;

AND WHEREAS Section 16 of the *Community Charter* permits a municipal Council to authorize persons to exercise the municipal authority to enter on or into any property for the purposes specified in Section 16(6);

AND WHEREAS the Council of the City of Penticton deems it necessary to designate certain municipal employee positions as bylaw enforcement officers and assign them powers, duties and functions;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Penticton in open meeting assembled hereby enacts as follows:

CITATION

1. This Bylaw may be cited as "Bylaw Enforcement Officer Bylaw No. 2023-07".

DEFINITIONS

2. The following definitions apply to this bylaw:

"Bylaw Enforcement Officer" means a person designated under this bylaw;

"City" means the City of Penticton.

DESIGNATION OF BYLAW ENFORCEMENT OFFICERS

3. Any person who is employed by the City and comes within the following classes of persons are hereby designated as a Bylaw Enforcement Officer as per section 264 of the *Community Charter* and BC Reg 425/2003:
 - a. Animal Control Officers
 - b. Building Inspectors
 - c. Enforcement Officers
 - d. Licensing Inspectors
 - e. Community Safety Officers
 - f. Any other persons acting in another capacity on behalf of the City, for the purpose of enforcement of one or more of its bylaws.

4. Any person designated as a Bylaw Enforcement Officer under Section 3, must complete the prescribed Oath/Solemn Affirmation (See Appendix A) before they may exercise the authority prescribed by this bylaw.
5. Any person designated as a Bylaw Enforcement Officer is deemed to be a peace officer.
6. Any person who is a member of the Royal Canadian Mounted Police is designated as a Bylaw Enforcement Officer.

AUTHORITY OF BYLAW ENFORCEMENT OFFICERS

7. Bylaw Enforcement Officers have the authority to:
 - a. Lay and serve a Municipal Ticket Information as per Division 3 of Part 8 of the *Community Charter* and the City of Penticton Ticket Information Bylaw No. 2012-5021, as amended or replaced;
 - b. Complete and issue a Bylaw Notice as per Section 4(3) of the *Local Government Bylaw Enforcement Act*, SBC 2003, c 60 and the City Of Penticton Bylaw Notice Enforcement Bylaw No. 2012-5037, as amended or replaced;
 - c. Serve subpoenas in respect of an alleged offence under any City bylaw as prescribed by Section 28(3) of the *Offence Act*, RSBC 1996, c 338;
 - d. Execute a search warrant in respect of an alleged offence under a City bylaw as prescribed by Section 21 of the *Offence Act* and Section 275 of the *Community Charter*;
 - e. Use force when necessary, during the course of their duties as prescribed by Section 25 of the *Criminal Code of Canada*, RSC 1985, c C-46;
 - f. Exercise the municipal authority to enter on or into any property for the purposes specified in Section 16(6) of the *Community Charter*; and
 - g. Exercise any other powers, duties, functions, or authorities granted to a Bylaw Enforcement Officer by any City bylaw.

OFFENCE, PENALTIES, AND ENFORCEMENT

8. No person shall interfere with, hinder or obstruct a Bylaw Enforcement Officer or City employee in the exercise or performance of his or her powers, duties or functions as prescribed in Section 153 of the *Community Charter*.
9. Council designates this bylaw as a bylaw that may be enforced by means of a Municipal Ticket Information or a Bylaw Offence Notice as per Section 264(1)(a) of the *Community Charter* and Section 2(2) of the *Local Government Bylaw Notice Enforcement Act*.

10. Any person who fails to comply with Section 8 of this Bylaw commits an offence and shall be liable:
- a. upon summary conviction following a prosecution under the *Offence Act*, to the maximum penalties as specified in section 263(1)(b) of the *Community Charter*, together with the cost of the prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act*, as amended from time to time;
 - b. if an information is laid by means of a Municipal Ticket Information, to a fine of \$1000; or,
 - c. if a Bylaw Notice is issued, to a fine of \$500.

AVAILABILITY OF OTHER ACTION OR REMEDY

11. Nothing in this Bylaw precludes the City from pursuing any other enforcement or remedy provided at common law or in any law, Act or City bylaw.

SEVERABILITY

12. If any provision of this bylaw is held to be illegal or invalid by a court of competent jurisdiction, such provision may be severed, and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

READ A FIRST time this	day of	, 2023
READ A SECOND time this	day of	, 2023
READ A THIRD time this	day of	, 2023
ADOPTED this	day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Appendix 'A'

**OATH OR SOLEMN AFFIRMATION
BYLAW ENFORCEMENT OFFICER**

I, _____ having been designated as a Bylaw Enforcement Officer for the Corporation of the City of Penticton do hereby promise and swear and/or affirm:

- a. I will faithfully, honestly and impartially, to the best of my knowledge and ability, execute the powers, duties and functions of my Office;
- b. I will treat all matters and information that comes to my attention as a result of my Office, in confidence;
- c. I have not received, nor will I receive or accept any payment or reward, or promise of either, in return for the exercise of my powers, duties and functions, other than as permitted by the Municipality;
- d. I will not allow my personal interests to conflict with the duties of my Office; and
- e. I will comply with all policies and directives of the Municipality and comply with all laws.

Signature

Sworn by the above-named at
Penticton, British Columbia, this
_____ day of _____, 20____.

*Commissioner for taking
Affidavits for British Columbia*



Category: COMMUNITY SAFETY

Subject: Bylaw Enforcement Officer Procedures Policy

Purpose

While the City always seeks voluntary compliance as a first objective, bylaw enforcement officers may be placed in situations where they risk their personal safety or the safety of others and are required to engage in an escalating manner. This policy provides direction to protect bylaw enforcement officers, minimize the use of force and immunize the City from liability exposure.

Scope

This policy applies to those designated as City of Penticton Bylaw Enforcement Officers (excluding members of the Royal Canadian Mounted Police).

Policy Statement

When bylaw enforcement officers encounter a suspect of regulatory obstruction (SRO), persuasion and conflict resolution skills should be applied as a first resort and escalation to use force should be a last resort in the case where personal safety or safety of others is at risk.

Bylaw enforcement officers dealing with SROs should take the following steps:

1. Identify yourself as a peace officer and your bylaw authority;
2. Outline/educate the bylaw contravention, provide alternative options (make referral to a service or community resource where applicable);
3. Request voluntary compliance;
4. If the SRO becomes aggressive, diffuse or attempt to disengage from the situation;
5. If the SRO persists or continues to destabilize the situation, back away and call the RCMP;
6. If you are attacked or physically threatened, protect yourself and others with the skills or defensive equipment of which you have been trained; and
7. Complete the Use of Force Incident Report.

Approval History			
Previous revisions/replaces: n/a			
Approved by Council on:		Resolution No.:	

Certified Correct:

Angie Collison, Corporate Officer

Date: March 21, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Kristen Dixon, GM of Infrastructure

Subject: **Contract Award for Point Intersection and associated Capital Projects**

Staff Recommendation

THAT Council direct staff to include \$3,116,169 of capital funding in the 2023-2027 Financial Plan in years 2023 and 2024 for the Point Intersection and associated Capital Projects, funded through a combination of Development Cost Charges, Sewer, Water and Electrical capital funds as noted in the Attachment A of this report.

Strategic priority objective

Safe & Resilient: The City of Penticton will enhance and protect the safety of all residents and visitors to Penticton.

Background

The 2022-2026 Financial Plan included funding for a number of capital projects which have overlapping scope and design. These include the Point Intersection (construction of a roundabout at Galt Avenue/Pineview Road and South Main Street, as well as construction of Galt Ave and a new intersection with Skaha Lake Road), Lake to Lake Bike Route (Kinney to Galt), asphalt rehabilitation (Warren and Main), and Greenwood Drive Sidewalk and Traffic Calming. The detail design for these projects were completed in 2022, including public engagement, and a request for proposal for construction was issued towards the end of the year. The drawings for the point intersection are included as an attachment to this report for reference.

The request for proposals closed on February 28, and the City received 3 proposals. This report summarizes the financial results from the lead proponent, and recommends budget amendments to support a contract award.

Analysis

Similar to other projects that have been tendered recently, the pricing the City received on this contract was higher than budgeted. A breakdown of the projected expenses, relative to the approved budgets, is shown below in Table 1.

Table 1: Budget vs. Projected Expenses

Project		Total Project Expenses	Budget	Funding Gap
Point Intersection:				
	Sewer	\$638,741	383,571	\$255,170
	Water	\$743,504	355,880	\$387,624
	Surface Works (non DCC)	\$2,823,093	\$2,011,668	\$811,425
	Surface Works (DCC)	\$1,421,198	\$1,024,860	\$396,338
	Electrical	\$1,333,170	\$1,118,750	\$214,420
Subtotal:		\$6,959,706	\$4,894,729	\$2,064,977
Lake to Lake (Kinney to Galt)		\$1,108,582	\$989,400	\$119,182
Greenwood Drive Sidewalk and Traffic Calming		\$754,213	\$200,000	\$554,213
Warren and Main Asphalt Rehabilitation		\$484,739	\$300,000	\$184,739
Electrical System Resiliency (South Main, Kinney to Galt)		\$1,193,058	\$1,000,000	\$193,058
Total Contract		\$10,500,298	\$7,384,129	\$3,116,169

As can be seen above, the overall costs for the point intersection are estimated to be roughly \$7M, relative to the approved budget of \$4.9M. A large component of the increase is associated with the water and sewer costs, which are not necessarily a component of the point intersection design, but relate to the rehabilitation of those utilities which are due for replacement regardless, and are proposed to be done in conjunction with the road works for efficiency. The point intersection transportation project is included in the City's DCC bylaw, and the DCC funded components will be adjusted accordingly.

The estimated cost of the section of the Lake to Lake Bike route, from Kinney to Galt, is slightly higher than budgeted. However, this project was added to the recently updated DCC bylaw, and therefore DCC funds are now available and will largely bridge the gap. Also of note, the City received \$500,000 from the BC Active Transportation fund for this section of the project.

The original budget for Greenwood Drive sidewalk (at \$200k) was for a reduced scope of work (only a portion of the sidewalk), however, given the impacts of constructing the point intersection (essentially a closure of Pineview, which will divert further traffic down Greenwood Drive until the project is complete) and the overall needs for this connection, the decision was made to tender the full stretch of sidewalk from Green Avenue to Pineview Road. Completion of this full scope of work is not necessarily required, but is recommended. Should the scope of this project be reduced, the remaining section would be prioritized for future years.

The pavement rehabilitation program for this year included funding for Warren Avenue (from the Hwy to Quebec Street), and for Main Street (from Warren to Kinney). The estimated cost of this program is slightly higher than budgeted, again reflecting inflationary construction costs.

Finally, the last project which was included in this request for proposal is the electrical resiliency project, which will underground the electrical lines on South Main from Kinney to Galt. This work was originally estimated to cost \$1M, and is closer to \$1.2M, again due to inflationary construction costs.

Through the request for proposal process, concerns were raised by contractors about their ability to complete this challenging contract in one construction season. The project involves sequencing to reduce the impact to the community and to deliver the project as cost effective as possible. For example, the lead proponent proposes to construct the new Galt Avenue connection and Greenwood Drive Sidewalk, before closing Kinney and impacting access from Pineview Road. There are also long lead times associated with things like traffic signals and electrical transformers/vaults. As a result, the required completion date was extended to fall 2024, which means the project costs will now be split across two budget years.

As a result, rather than increasing the associated project budgets for 2023, staff are proposing to re-direct funds from each of the respective programs in 2024 towards these projects. For example, funding is included in the draft 2023-2027 financial plan for both water and sewer main rehabilitation. It is proposed a portion of these funds are utilized to bridge the gap for these components. Similarly, the City has budgeted funds for asphalt rehabilitation and sidewalk installation in 2024, and it is proposed that the 2024 funds be utilized to fund the gaps for these elements. The combined funding gap relating to electrical is approximately \$400k, and it is proposed that additional funding be authorized from the electrical capital reserve to bridge this gap.

Funding the contract in this way will reduce the financial impact to the community, and recognizes the contractor and staff resources necessary to deliver these large contracts. Alternatively, the project could be deferred or amended in scope, however, it is not anticipated that costs will decrease, so deferral may result in further cost increases in the future.

Financial implication

Although the funding gap as identified is \$3.1M, as noted in the analysis, the proposed funding strategy would only require an additional \$400k in new electrical funding from the electrical reserve, and \$530k from Roads DCCs. All of the other funding gaps will be addressed by utilizing available 2024 funding already included in the Financial Plan. These adjustments will be incorporated into the 2023-2027 Financial Plan according to Attachment A.

Alternate recommendations

That Council direct staff to amend the scope of the projects accordingly.

Attachments

Attachment A – Funding Gap Budget Allocations

Respectfully submitted,

Kristen Dixon, P.Eng, MBA
GM of Infrastructure

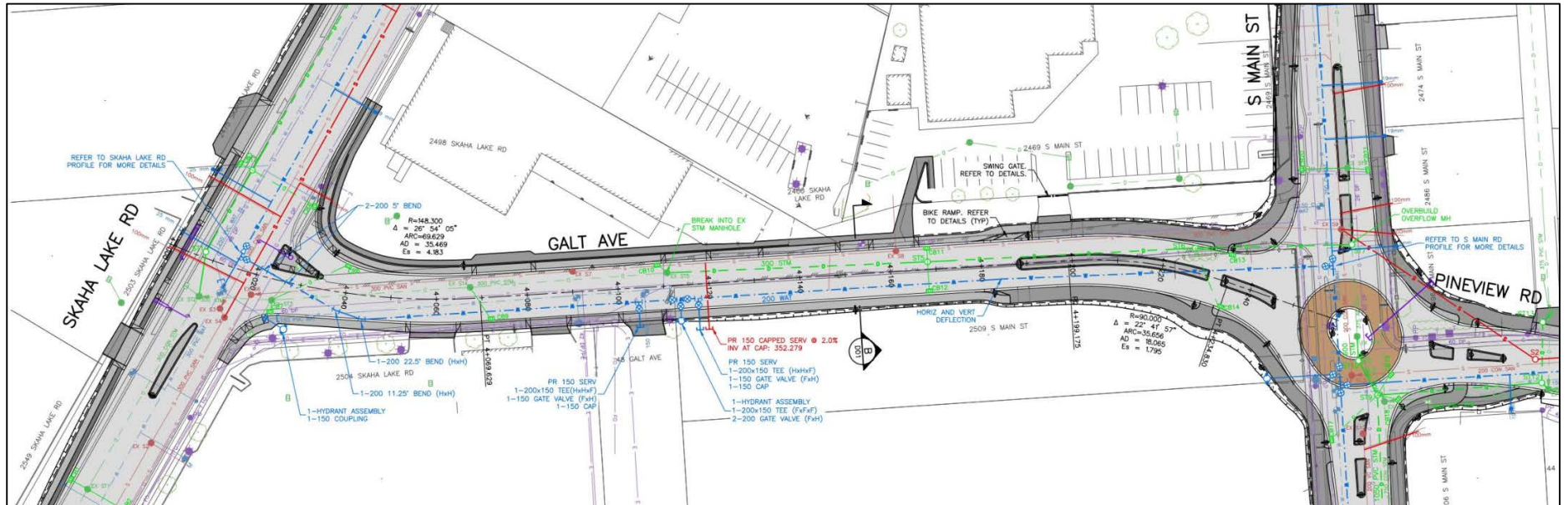
Concurrence

Director of Finance and Administration <i>AMC</i>	Chief Administrative Officer DyD
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Attachment A: Funding Gap Budget Allocations

Funding	Funding Gap	2023	2024
Sewer	\$255,170	\$-	\$255,170
Water	\$387,624	\$-	\$387,624
Surface Works (non DCC)	\$1,539,559	\$39,182	\$1,500,377
Surface Works (DCC)	\$526,338	\$526,338	\$-
Electrical	\$407,478	\$-	\$407,478
Subtotal:	\$3,116,169	\$565,520	\$2,550,649

Figure 1: Point Intersection / Galt Ave Design



Council Report

penticton.ca

Date: March 21, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 1151 Kensington Street
Subject: Development Variance Permit PL2023-9515

File No: RMS/1151 Kensington St

Staff Recommendation

THAT Council approve "Development Variance Permit PL2023-9515" for Lot 95 District Lots 249 and 250 Similkameen Division Yale District Plan 4168, located at 1151 Kensington Street, a permit to vary the following sections of Zoning Bylaw 2021-01:

- Section 7.4.2: to increase the size of an accessory building for a major home occupation from 50 m² to 53.5 m².
- Section 6.5: to reduce the number of required parking spaces on the property from 3 to 2.

AND THAT Council direct staff to issue "Development Variance Permit PL2023-9515".

Proposal

The applicant recently moved their business from downtown to their residential address. The applicant is using an accessory building (detached garage) on their property as a home occupation (barber shop). The applicants have built a detached garage having a floor area of 53.5 m² which exceeds the 50 m² maximum permitted home occupation floor area in the Zoning Bylaw, and have only provided two parking spaces on the property when three are required. As such, the applicants have requested variances to allow the increased home occupation floor area within the existing detached building, and to reduce the required parking spaces on the property from three to two (Attachment 'D').

Background

The subject property is located on the west side of Kensington Street, in a primarily residential neighbourhood (Figure 1). The property currently contains a single detached dwelling which was built in

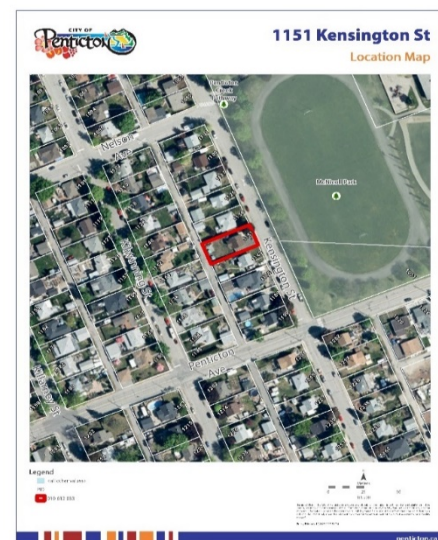


Figure 1 – Property location

1948. The existing detached garage was built in February 2023. The property does not contain a front driveway, and all of the parking is accessed off of the lane for this property. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R2 (Small Lot Residential)' in the Zoning Bylaw.

Enforcement

The applicant had a business located in a commercial location on Main St, but relocated to their home for a major home occupation. As part of the business license inspection, a City of Penticton Building Official discovered that the property lacked the parking space for a major home occupation, and that the accessory building the applicant was operating out of was bigger than permitted. The Zoning Bylaw requires 1 parking space per business for a major home occupation, and 2 per single detached dwelling for a total of 3 on the property. The maximum size for an accessory building for a major home occupation is 50.0 m² and the applicants have an accessory building size of 53.5 m².

City staff have been working with the applicant to ensure compliance with the business license and to finish and close the building permit for the detached garage. City staff also had a pre-application meeting to discuss the variance requests and what is required moving forward as part of their application.

Climate Impact

Not applicable for this application.

Technical Review

This application was not reviewed by the Technical Planning Committee because the building was constructed and completed prior to this Development Variance application being received by the City of Penticton, and the committee does not normally review building permits for detached garages. Staff have attended the property after enforcement to work with the owner on what is required to legalize this home occupation.

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage 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 requested variances to increase the size of an accessory building for a major home occupation from 50 m² to 53.5 m², and reduce the number of required parking spaces on the property from three to two required spaces for the following reasons:

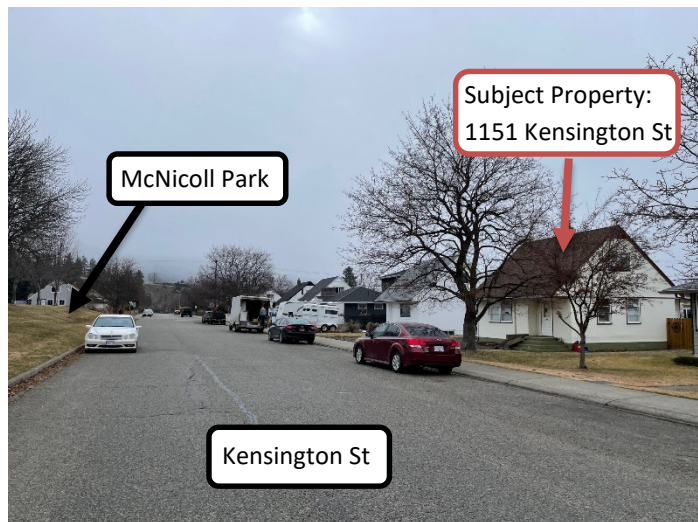


Figure 2 – 1100 Block of Kensington St

1. The home occupation remains in compliance with all other applicable home occupation regulations.

Home occupations are limited in size and scale through the Zoning Bylaw. The intent of these regulations is to allow for home occupations while ensuring that the scale and uses are compatible with surrounding residential neighbourhoods. While this proposal is for additional floor area, and for one reduced parking space for an existing home occupation, the other home occupation regulations (i.e. limit of customer visits, limit to staff, maintain a residential character, etc.) are met through this proposal. The 3.5 m² (37.8 ft²) of additional space of the major home occupation is minor in nature. If the variance requests were denied by Council, the applicant could structurally convert the major home occupation back into an accessory building (detached garage), which would meet the Zoning Bylaw requirement for size, and no variance applications would be required. However, in staff's opinion, this is not the recommended approach as the increased size is minor in nature.

2. Ample parking space on Kensington St.

The subject property and the entire 1100 block of Kensington St is across from the street from McNicoll Park. There are no houses, businesses, or driveways located on this block of McNicoll Park, as it is used for recreation purposes (Figure 2). This provides ample street parking space for both the residents of the subject property and neighbouring properties, and those that are accessing the subject property for the home occupation. The R2 zone does not permit driveways where a rear lane is provided. Currently, there is no path from Kensington St to the rear of the property to access the accessory building, however, staff are recommending that the applicants install a pathway for customers.

3. Immediate neighbours have submitted letters of support.

Staff encourage applicants to discuss their variance proposal with immediate neighbours and potentially revise the proposal to meet mutual needs. The applicants have discussed their variance request with neighbours (Attachment 'E'), six of whom submitted letters of support which the applicant included with this development variance permit application (Figure 3). The letters of support are included as Attachment 'E'. The letters suggest that negative impacts to neighbours from the proposed variance request are reasonable for reducing the required parking spaces from three to two.



Figure 3 – Letters of support received from properties in yellow. Subject property outlined in red.

Given the reasons above, staff consider the variance requests are rational in this instance. No negative impacts on neighbours are anticipated as there is ample parking space provided on Kensington St, and the neighbours have submitted letters of support, indicating they are not concerned with reducing the parking requirement from three to two required parking spaces. Staff are requiring the applicant to install a path from Kensington St to access the business in the lane. The increased size of the accessory building is minor in nature and does not pose any negative effects to the

surrounding neighbourhood. As such, staff are recommending that Council approve the variances and direct staff to issue the permit.

Alternate Recommendations

Council may consider that the proposed variances will negatively affect the neighborhood. If this is the case, Council should deny the variance. Denying the variances would require the applicant to reduce the size of the building to meet the Zoning Bylaw requirement, and finding space to allow a third vehicle on the property. Or the applicant may choose to close their business, and convert their barbershop back into a detached garage. It is recommended that Council allow the applicant to speak on behalf of the proposed variance if Council is considering denying the application. Staff are not recommending this option.

1. THAT Council hear from the applicant prior to making a decision on "Development Variance Permit PL2023-9515".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – Letters of Support
Attachment F – Draft Development Variance Permit PL2023-9515

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

Director of Development Services <i>BL</i>	Chief Administrative Officer DvD
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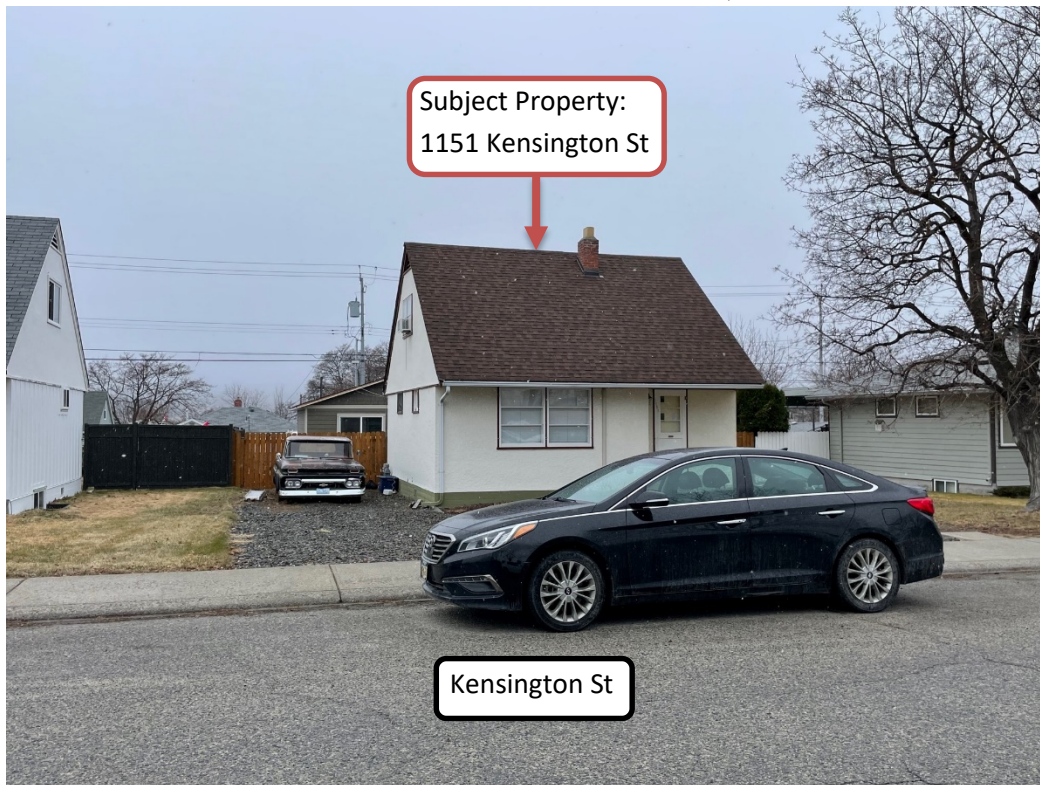
Attachment A – Zoning Map

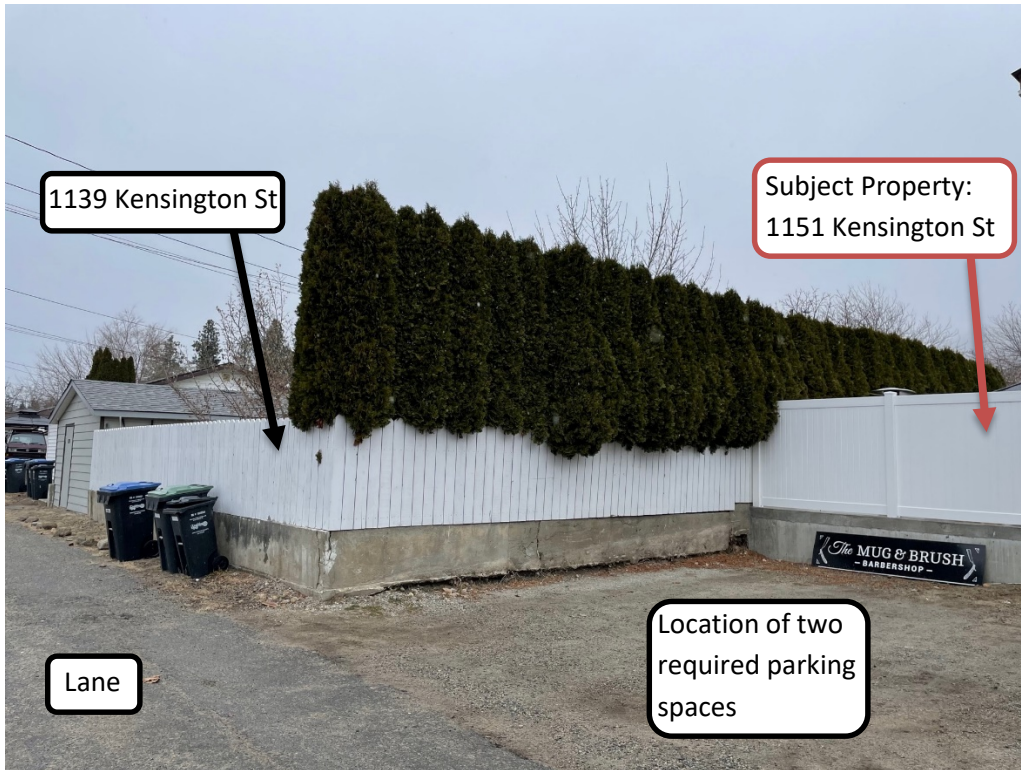
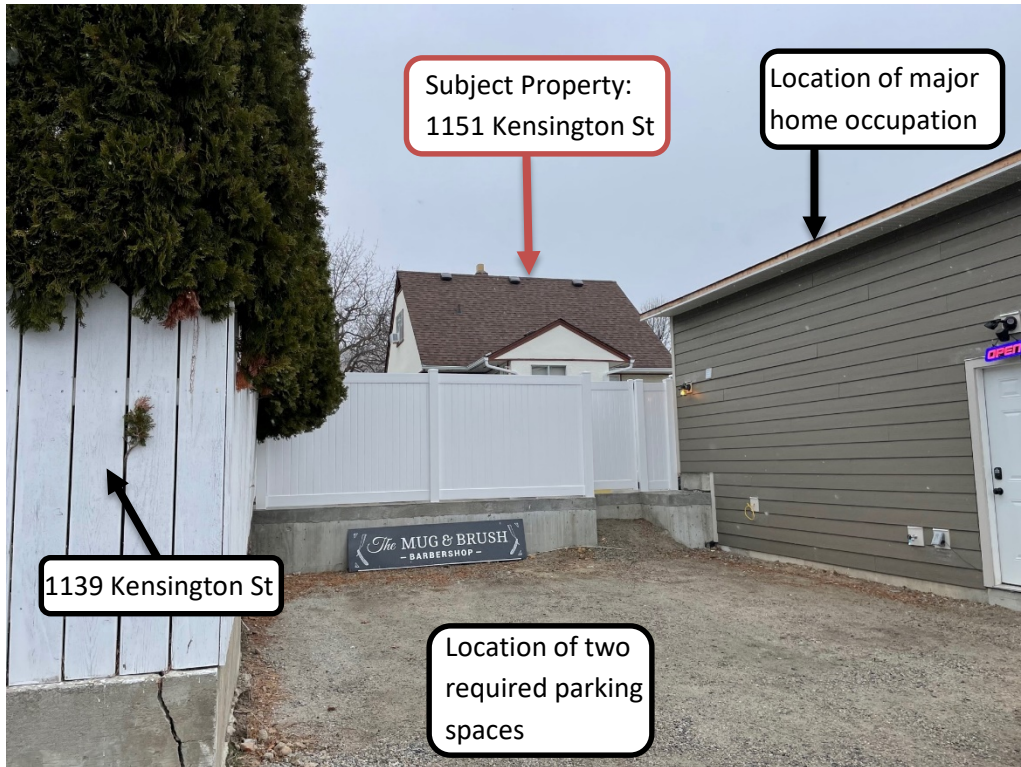


Attachment B – Official Community Plan Map



Attachment C – Photos of Property





Letter of Intent

Filing for Variance for Bylaw Contraventions re: Building Size and Parking

From: The Mug and Brush Barbershop
1151 Kensington Street, Penticton, V2A 4N2
February 10th, 2023



REQUEST: The Mug & Brush Barbershop (*"the business"*) is requesting a variance permit. Specifically, the business is seeking variance to use the full square footage (53m²) of the business' building for business operations as it was intended – in opposition to building a dividing wall for a space change as required by current bylaws given the property is 3m² above bylaw standards (50m²). Additionally, variance is being sought to allow personal parking for owners (*Kellen Morrison & Melissa Van Troyen*) of 1151 Kensington Street (*"the street"*) on the street, so that two designated parking spots at the rear of the property adjacent to the business are always available to clients of the business.

Prior Approvals: The property has already received approval from Interior Health for business procedures approval, as well a City of Penticton Certificate of Occupancy #BP011597. Given front and rear access from the building, an ambulance can easily access the property in case of a medical emergency.

Historically, residents of this neighborhood rely on street parking, so there is no impact to the community with the added flow from clients of the business – parking availability has been "status quo" since the relocation of the business in September 2022. To confirm, on February 1st and 2nd, I, Melissa Van Troyen, owner of The Mug & Brush Barbershop obtained signatures from the neighbouring properties of the business, who agreed that:

- (i) The business is sensitive to the needs of the community regarding parking as it does not infringe on their ability to park and has not created any issues since September 15th;
- (ii) That two off-street parking spots are always available to clients of the business; &
- (iii) That on-street parking for personal vehicles is readily available in the neighborhood, and how residents traditionally park. With the business having two off-street parking spots available, clients of the business do not interfere with on-street parking.

Given their signatures and agreement, the impacts on neighboring properties due to the proposed development application are negligible. Further, beyond the signed letter, I can confirm that consultations with the community have been ongoing since the beginning of the relocation of the business in September. This letter with signatures was provided to the City of Penticton on February 7th, 2023. Going forward, I will continue to consult with neighbors of the business to ensure their continued support. Although unforeseen, should any issues arise, I will work with neighbors to mitigate immediately.

I have been working and living in Penticton my entire life. I have deep-rooted connections to this community, and it has always been my goal to be a part of, and leader within, the small business community here. I started the business in 2019, and was a reliable professional lease holder at 564 Main Street. Like many other small businesses, the Mug & Brush Barbershop was not immune to the impacts of the COVID-19 pandemic. Rezoning the business from its former Main Street location to Kensington Street allowed for a significant reduction in overhead costs, and allowed me to continue providing services for the community. Even with these challenges, the business was voted by the South Okanagan community as the "Best of the South Okanagan" favorite barber shop in 2022, speaking to the relations the business has built with clients and the community overall for the past 4 years.

The Mug & Brush is not just a barbershop, but a place for community connection. To contribute to the community, the business donates to dry grad, hockey teams, and local charity events. I also take great pride in being able to provide first hair cuts to children in Penticton, and providing a space for positive memories for families. Approval of this variance request will ensure that the business can continue to operate and contribute to the strong and growing small business community here in Penticton.

Sincerely,

Melissa Van Troyen



For Submission to:
The City of Penticton
Board of Variance Committee
Penticton, BC
V2A 5A9



Neighbor Consultation



Re: Community Signatures for Submission to the City of Penticton

From: The Mug and Brush Barbershop
1151 Kensington Street, Penticton, V2A 4N2

February 1st, 2023

A summary of neighborhood consultation efforts on parking for the 1151 Kensington Street location of the Mug & Brush Barbershop ('the business') is as follows.

I, Melissa Van Troyen, the owner of The Mug & Brush Barbershop, confirm that I have consulted the neighbors of Kensington Street and Kilwinning Street. These neighbors, as signed, agree that:

- (i) The business is sensitive to the needs of the community regarding parking as it does not infringe on their ability to park, and has not created any issues since **September 15th**.
- (ii) That **two off-street parking spots** are always available to clients of the business.
- (iii) That on-street parking for personal vehicles is readily available in the neighborhood, and how residents traditionally park. With the business having two off-street parking spots available, clients of the business do not interfere with on-street parking.

I am confirming that all neighbors adjacent to the business have signed the attached consultation form. Consultations with the community have been ongoing since September, and formal signatures were obtained on **January 31st, 2023**.

Items Attached:

Annex A: Neighbor Signatures

For Submission to:

The City of
Penticton
Penticton, BC
V2A 5A9



ANNEX A: NEIGHBOR SIGNATURES

By signing, I agree to the items stated in the February 1st Neighbor Consultation letter from the Mug & Brush Barbershop submitted to the City of Penticton.

Address	Name	Signature	Date
1163 Kensington St. Penticton, BC V2A 2N9	Shannon Carr		Jan 31/23
1125 Kensington St Penticton, BC V2A 4N2	Susannah Drick		JAN 31 2023
1139 Kensington St V2A 4N2	Barb McDougall Barb McDougall	Barb McDougall	Jan 31 2023
1175 Kensington St Penticton B.C. V2A- 4N2.	Damon Moh		Jan 31 2023
1164 KILWINNING ST Penticton, B.C. V2A 4P1	Julio KELLY		FEB 01 2023
1152 Kilwinning st Penticton, B.C. V2A 4P1	Don Kolysler		Feb 7, 2023

Development Variance Permit

Permit Number: DVP PL2023-9515

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 95 District Lots 249 And 250 Similkameen Division Yale District Plan 4168
 - Civic: 1151 Kensington Street
 - PID: 010-612-033
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the legalization of a major home occupation, as shown in the plans attached in Schedule 'A':
 - a. Section 7.4.2: to increase the size of an accessory building for a major home occupation from 50 m² to 53.5 m².
 - b. Section 6.5: to reduce the number of required parking spaces on the property from 3 to 2.

General Conditions

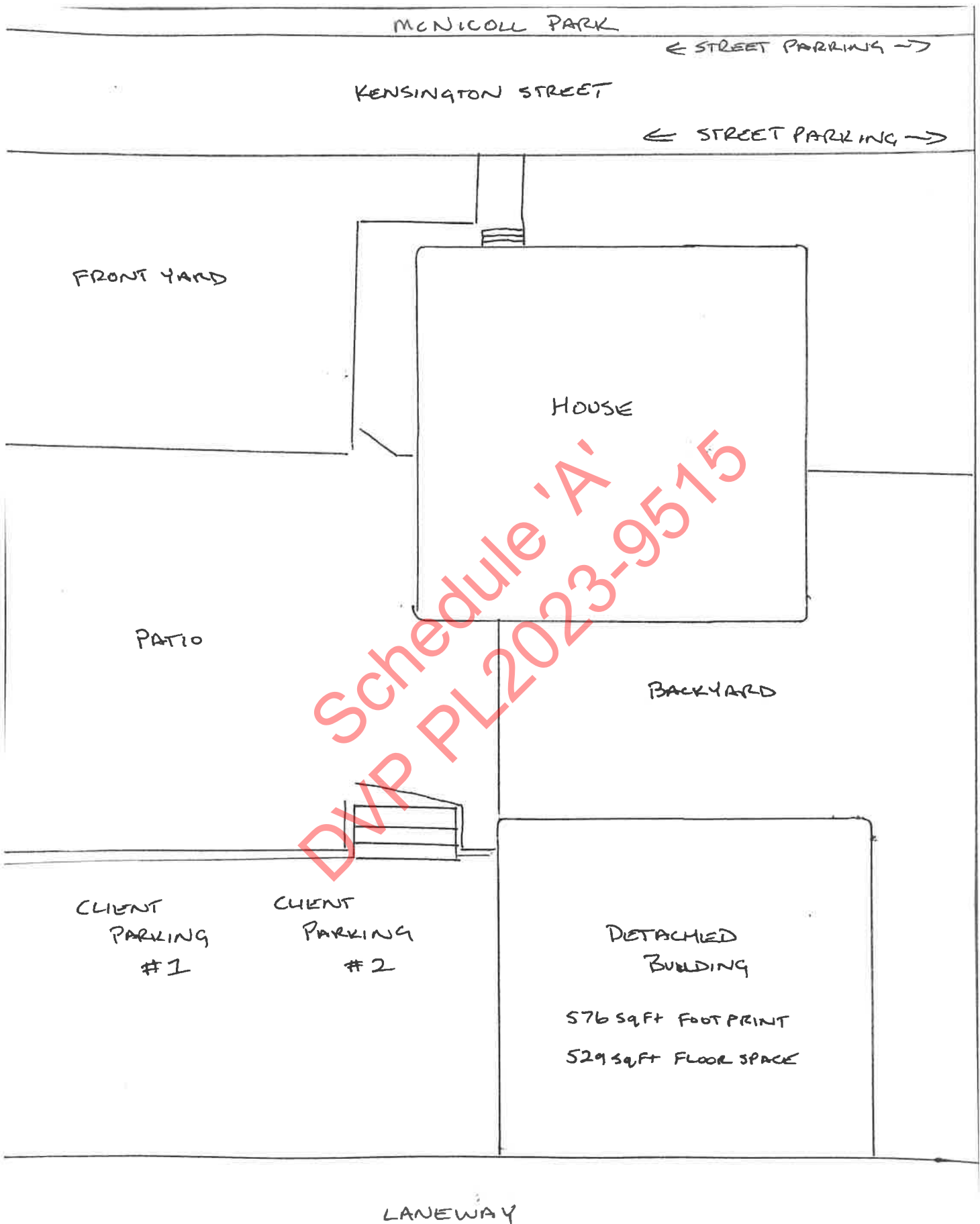
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs,

please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 21st day of March, 2023.

Issued this ____ day of March, 2023.

Angela Collison
Corporate Officer



*DRAWING NOT TO SCALE

From: [Barb](#)
To: [corpadmin](#)
Subject: 1151 Kensington Street
Date: Tuesday, March 14, 2023 12:40:17 PM

Attn. Corporate Officer
City of Penticton

Dear Sirs:

Our property is adjacent to the above property.
We have absolutely no issues with this business regarding parking, noise, or size of the
Garage. We full support this business.

Sincerely,
Barbara & Barry McDougall
1139 Kensington Street,
Penticton, B.C.
V2A 4N2

Sent from my iPad

From: [John Hardisty](#)
To: [corpadmin](#)
Subject: 1151 Kensington street
Date: Tuesday, March 14, 2023 9:01:05 PM

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

I have lived at 1101 Kensington St, Penticton, BC V2A 4N2 JohnHardisty .
this area is a great spot for a small home business, lots of parking
laneway is always clear and looked after well. I support this type of business, it a wonderful
family growth, for family's today . I've loved this area for many years my support is 109
percent. Yours truly John Percival Hardisty .

From:
To: [corpadmin](#)
Subject: 1151 Kensington St.
Date: Thursday, March 16, 2023 2:14:41 PM

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

With regards to the proposed Development Variance Permit PL2023-9515 related to 1151 Kensington Street, I would like to express my support for the variance permit. My family and I live at the end of the lane way, and we all support this business being located in our neighbourhood.

Sincerely,

Steven Bamford
1102 Kilwinning Street
Penticton, BC
V2A 4P1

The Corporation of the City of Penticton

Bylaw No. 2023-08

A Bylaw to establish zones and regulate within the zones

WHEREAS Section 479 of the *Local Government Act* provides that a local government may adopt a Zoning Bylaw;
AND WHEREAS the Municipal Council is desirous of replacing the City of Penticton Zoning Bylaw No. 2021-01;
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. 2023-08”.
2. **Application:**
The following schedules attached hereto are hereby made part of this bylaw and adopted as the Zoning Bylaw for the City of Penticton:
 - .1 Schedule A (Zoning Bylaw Text)
 - .2 Schedule B (Zoning Bylaw Map)
3. **Consultation**
This bylaw has been referred to the Ministry of Transportation prior to adoption.
4. **Repeal**
“City of Penticton Zoning Bylaw No. 2021-01” and the amendments thereto are hereby repealed upon the adoption of this Bylaw.

READ A FIRST time this	7 day of	March, 2023
A PUBLIC HEARING was held this	21 day of	March, 2023
READ A SECOND time this	day of	2023
READ A THIRD time this	day of	2023
RECEIVED the approval of the Ministry of Transportation on the	day of	2023
ADOPTED this	day of	2023

Notice of intention to proceed with this bylaw was published on the 10th day of March, 2023 and the 15th day of March, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

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

1.1 Short Title

This Bylaw may be cited as the Zoning Bylaw.

1.2 Purpose

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

1.3 Severability

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

1.4 Compliance with Other Legislation

1.4.1 Other Municipal Bylaws, Provincial and Federal Statutes and Regulations

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

1.4.2 Official Community Plan and Development Permits

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

1.5 Applying Zoning Regulations

1.5.1 Administrators of Zoning Bylaw

The *Director of Development Services*, Building 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. 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*.

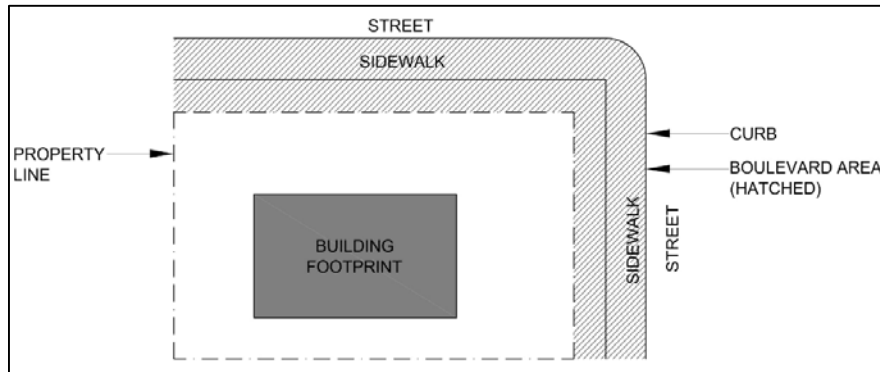


Figure 1 - Boulevard Definition

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.

CONSERVATION means a use providing for the preservation of natural resources.

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 m² 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, 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).

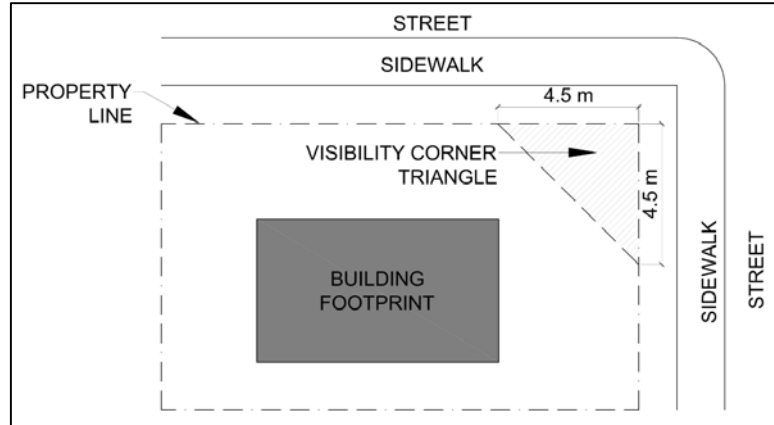


Figure 2 - Corner Visibility Triangle Definition

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 m². 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*.

ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM means a system used to control electric vehicle supply equipment loads through the process of connecting, disconnecting, increasing, or reducing electric power to the loads and consisting of any of the following: a monitor(s), communications equipment, a controller(s), a timer(s), and other applicable device(s).

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.

ENERGIZED OUTLET means a point connected to a source of voltage in an electrical wiring installation at which current is taken and can be connected to supply utilization equipment. An outlet includes a covered termination box, NEMA 14-50R receptacle, or NEMA 6-50R receptacle. Additional termination means may be approved by the *Director of Development Services*.

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
- .8 **Amenity space, indoor**, up to the maximum 20% permitted as required amenity space.

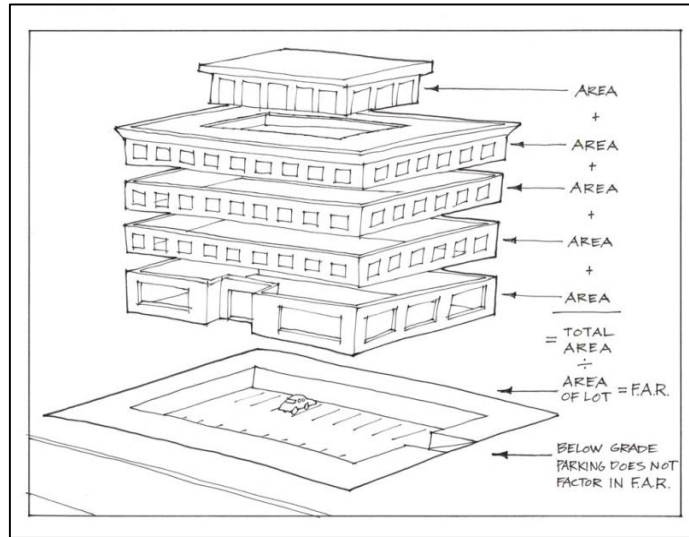


Figure 3 - Floor Area Ratio (FAR) Definition

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.

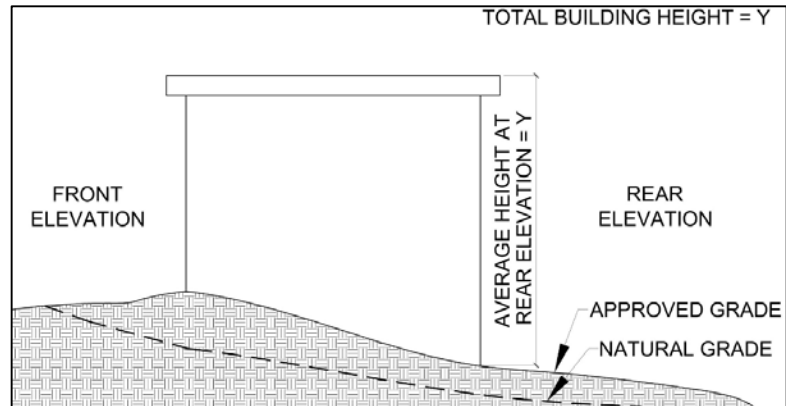


Figure 4 - Grade Definitions

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 m² (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.

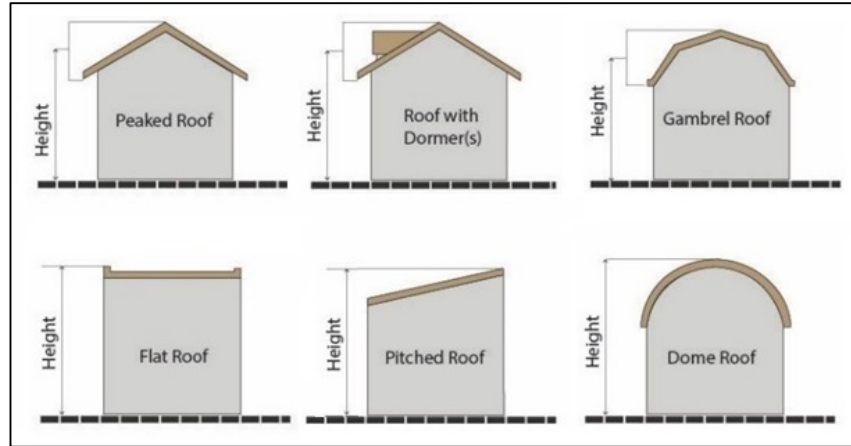


Figure 5 - Height Definition

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 transshipping 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, 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.

LEVEL 2 CHARGING means electric vehicle charging at 208 V or 240 V through supply utilization equipment that meets the definition of Level 2 by the standard "SAE Electric Vehicle and Plug in Hybrid Electric Vehicle Conductive Charge Coupler", J1772, as amended from time to time.

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 lines* of a *lot*.

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

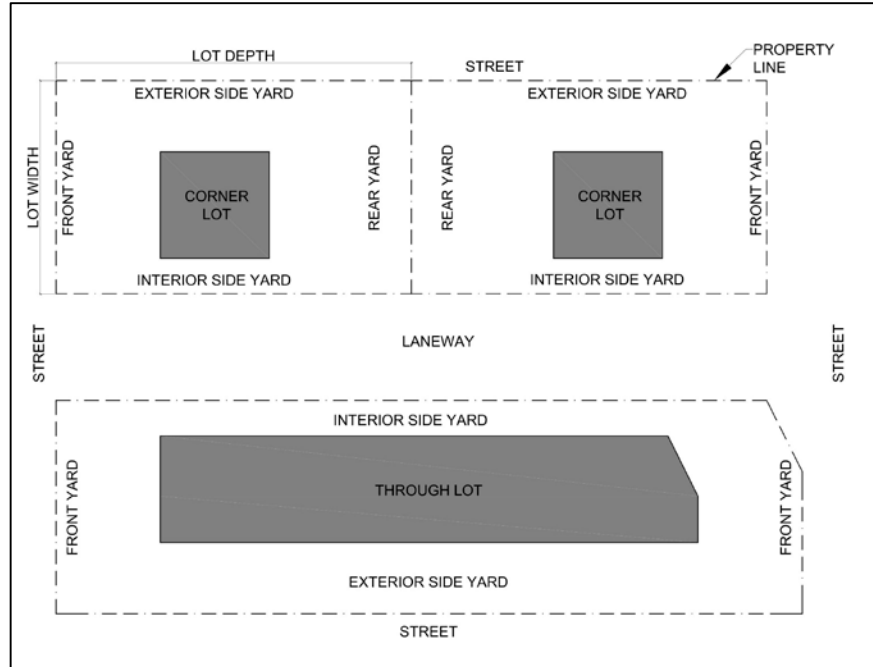


Figure 6 - Lot Definition

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 m²; 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 m² 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.

PASSIVE RECREATION means a *use* providing for non-motorized recreational activity including trails, environmentally sensitive areas, forest reserve, green belts, conservation areas and natural areas. It may include *accessory uses* and *buildings* that are consistent with passive recreational activities. Typical uses include walking, canoeing, biking and wildlife observation.

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 m² and containing a group of **retail stores** and other **businesses**, which share common services, parking, and other facilities on one (1) or more **lots**.

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

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

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

SLEEPING UNIT means a habitable room not equipped with 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**.

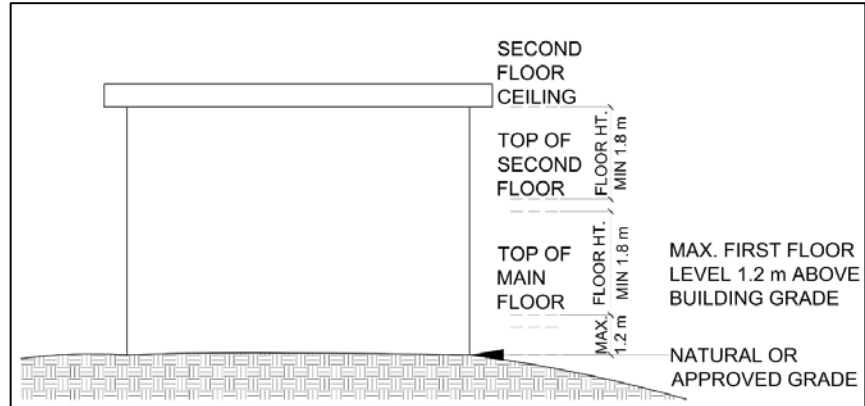


Figure 7 - Storey Definition

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**.

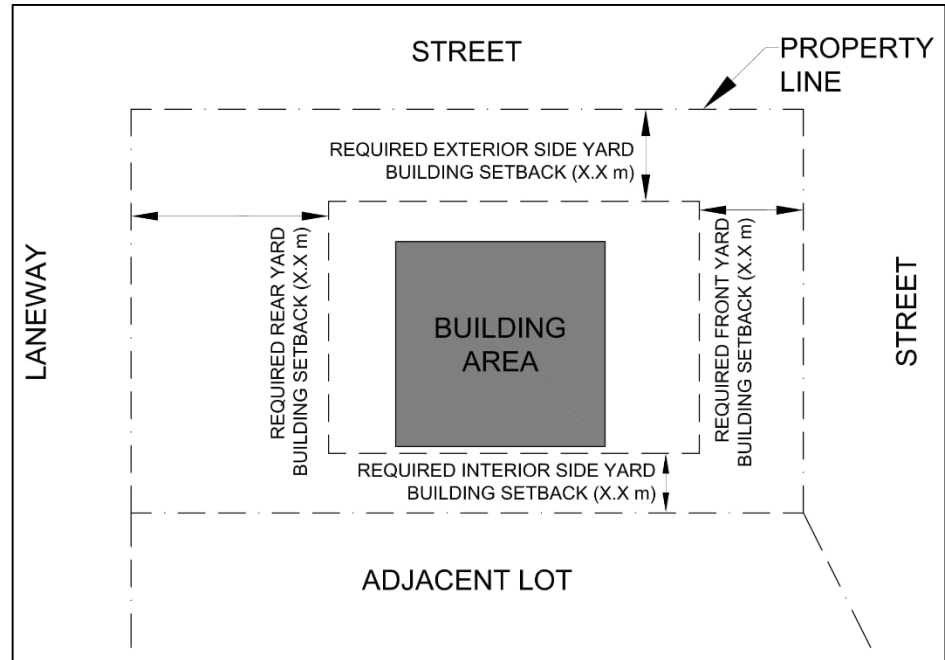


Figure 8 - Yard Definitions

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** An **accessory building** or structure shall not be situated on a **lot** unless the principal building, to which it is accessory, has already been constructed or will be constructed simultaneously.
- 4.2.3** Notwithstanding any **yard** requirements of this bylaw, any **accessory building** or **structure** with a **building footprint** of 10.0 m² or less, may be erected anywhere on a **lot**, provided that it is situated behind the front face of the **principal building**.
- 4.2.4** 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.
- 4.2.5** 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**.
- 4.2.6** 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.
- 4.2.7** 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 visibility triangle** may be reduced to the area created by the actual **setback** of the **building** or **structure**.

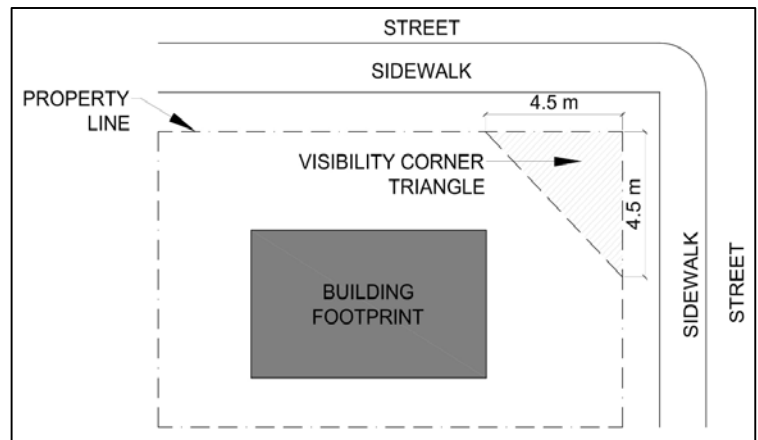


Figure 9 - Corner Visibility Triangle Diagram

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 m², is limited to *industrial*, *agricultural*, and *institutional uses*.

4.8.2 Tents, Recreational Vehicles and Similar Structures

- .1 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*.
- .2 Occupancy of a recreational vehicle in a residential *zone* is permitted for no more than 10 days in one period of 30 consecutive days.

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 <i>yard</i>
Eaves, eave-troughs and gutters	0.6 m <i>interior side yard</i> 1.5 m <i>front yard</i> 1.5 m <i>exterior yard</i> 3.0 m <i>rear yard</i> *except <i>accessory buildings</i> or <i>structures</i> , including <i>carriage houses</i> , which shall be 0.6m in any <i>yard</i>
Ornamental elements such as sills, belt courses, cornices, <i>parapets</i> and pilasters	0.6 m in any <i>yard</i>
<i>Canopies</i> and <i>awnings</i>	0.6 m <i>interior side yard</i> 1.5 m <i>front yard</i> 1.5 m <i>exterior yard</i> 3.0 m <i>rear yard</i> *except <i>accessory buildings</i> or <i>structures</i> , including <i>carriage houses</i> , which shall be 0 m in any <i>yard</i>
Fire escapes, open stairways, landings, steps, ramps and patios	1.5 m <i>front yard</i> 1.5 m <i>exterior yard</i> 3.0 m <i>rear yard</i>

	If features is less than 0.6 m from grade then not subject to regulations *except <i>accessory buildings</i> or <i>structures</i>, including <i>carriage houses</i>, which shall be 0 m in any <i>yard</i> Wheelchair ramps have no limit
Covered or uncovered <i>balcony</i> , porch, <i>deck</i> , platform and veranda	1.5 m <i>front yard</i> 1.5 m <i>exterior yard</i> 3.0 m <i>rear yard</i> *except <i>accessory buildings</i> or <i>structures</i>, including <i>carriage houses</i>, which shall be 0 m in any <i>yard</i>
Any cantilevered, architectural projection that constitutes less than 25% of the wall face to which the projection is attached	0.6 m in any <i>yard</i>
Window wells below <i>approved grade</i> and not more than 3.0m in length	0.9 m in any <i>yard</i>

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 less, 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.

4.15 Energy Efficient Buildings

- 4.15.1 Achieving a low-energy, high-efficiency *building* through high quality thermal envelope design and better insulation will result in thicker wall and roof insulation than a typical building, which may affect floor area, *lot coverage, setbacks* and *height*. For the purposes of creating a more efficient *building* the following may be applied, at the discretion of the *Director of Development Services* or delegate:
 - .1 Floor area calculation: calculation of *gross floor area* and *net floor area* may exclude exterior wall thickness in excess of 0.165m up to a maximum exclusion of 0.305m

provided that the wall thickness is utilized for the provision of insulating material and/or protection against wind, water and vapour.

- .2 ***Lot coverage*** calculation: calculation of ***lot coverage*** may exclude exterior wall thickness in excess of 0.165m up to a maximum exclusion of 0.305m provided that the wall thickness is utilized for the provision of insulating material and/or protection against wind, water and vapour.
- .3 ***Setbacks***: where the exterior wall thickness is in excess of 0.165m, provided that the wall thickness is utilized for the provision of insulating materials and/or protection against wind, water and vapour, the minimum distance to an abutting lot line as permitted elsewhere in this Bylaw may be reduced by 0.25m.
- .4 ***Height***: the ***height*** of ***buildings*** and ***structures*** permitted elsewhere in this Bylaw may be exceeded for roof thickness in excess of 0.3m provided that the excluded roof thickness is required to achieve compliance with the BC Energy Step Code Passive House energy standard or other enhanced energy performance standard.

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 *walkways* 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 *walkways* 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 <i>landscape buffer abutting</i> a residential <i>zone</i>	3.0 m	3.0 m	3.0 m

Minimum visual screen <i>height abutting</i> a residential <i>zone</i>	1.2 m	1.2 m	1.8 m
Minimum width of <i>landscape buffer</i> 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.

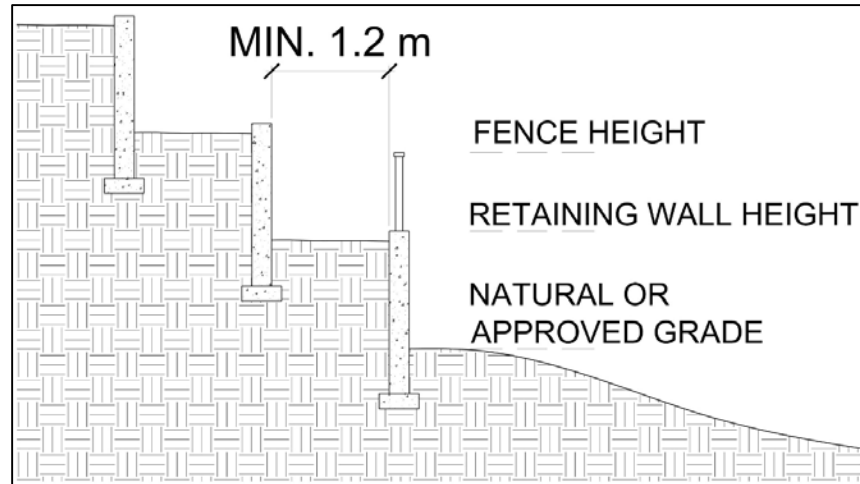


Figure 10 – Multiple Retaining Walls

- .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.

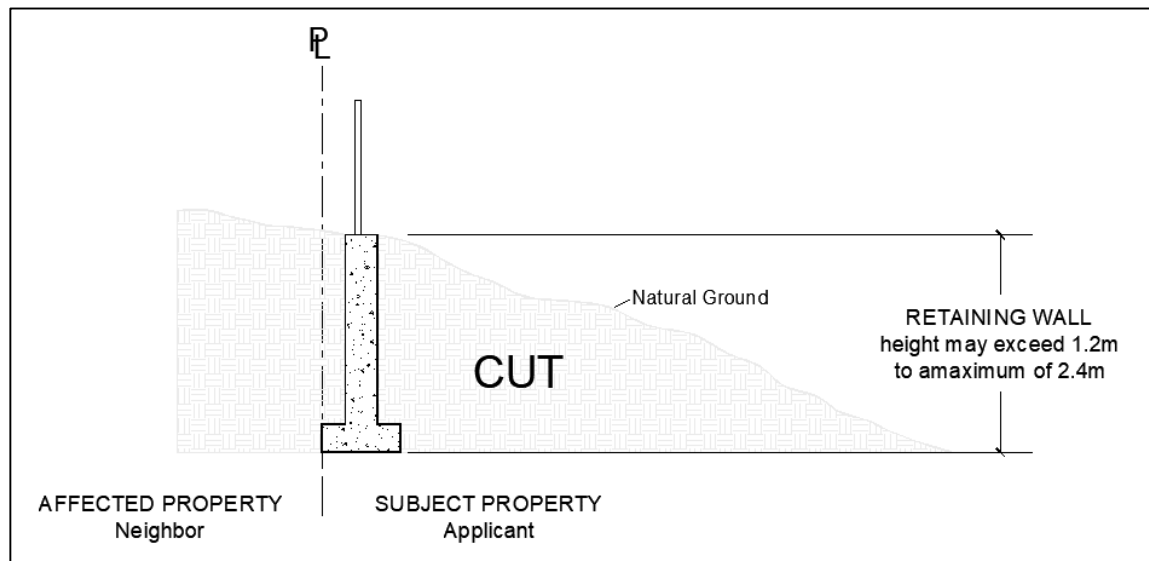


Figure 11 – Height of Retaining Walls

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 and RM5,
 - ii Commercial: C1, C2, C3, C4, C5, C6, C7, C8 and C9,

- .iii Industrial: M1, M2 and M3, or
- .iv Bicycle parking: C5 and C6.
- .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 bicycle parking space
\$13,000	\$13,000	\$1,000

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)
90°	2.5	5.6	6.0	7.0
60°	2.5	5.1	5.5	6.6
45°	2.5	4.8	4.0	6.6
30°	2.5	4.2	3.6	6.6

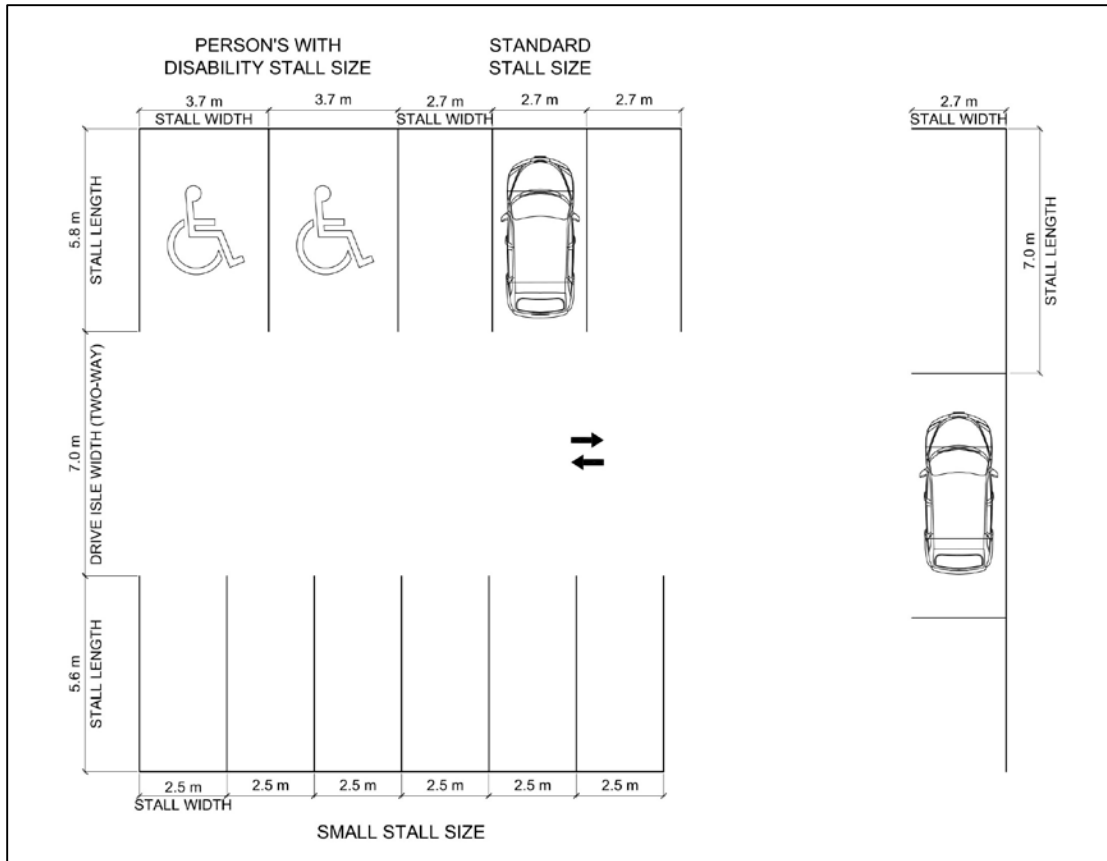


Figure 12 - Stall Size

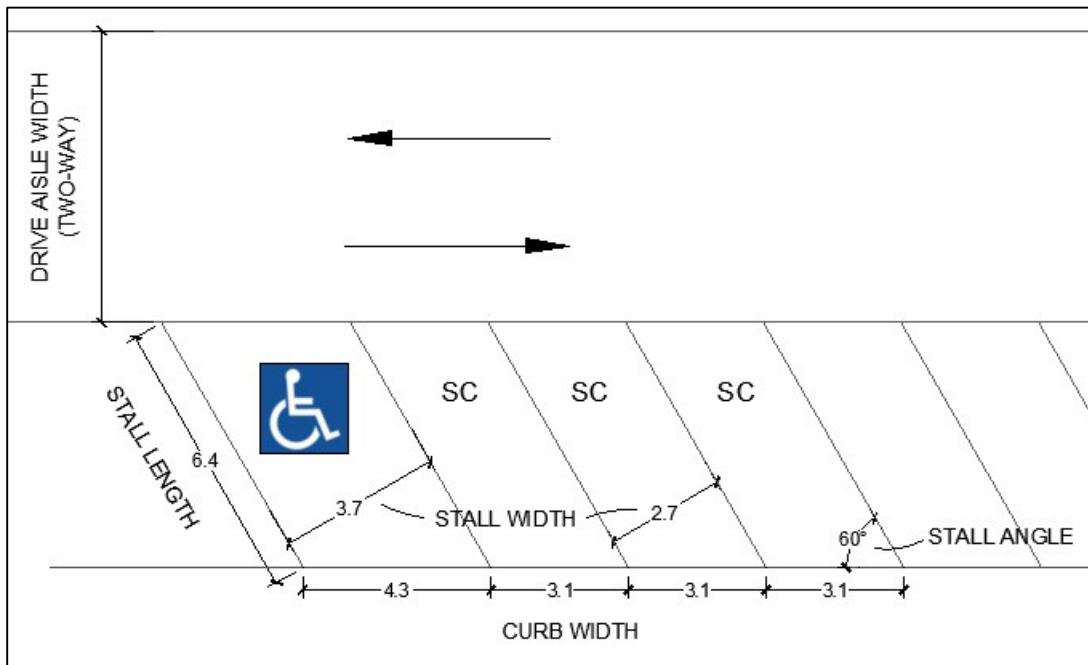


Figure 13 - Stall Size

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 m² in area, less than 3.0 m in width, or have less than 4.0 m in overhead *clearance*.
- .2 Access to any *loading spaces* shall be provided on the *lot* or from a *lane abutting* the *lot*, and arranged such that no backing or turning movement of *vehicles* going to or from the *lot* causes interference with traffic on the *abutting streets* or *lanes*.

6.3 Development Standards for Parking and Loading Areas

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

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

- .1 Shall clearly delineate individual *parking spaces*, *loading spaces*, 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 m² of landscaped island area per *parking* and *loading space*. This shall be landscaped in accordance with Chapter 5.

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

6.4 Off-Street Bicycle Parking

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.

Table 6.4 – Bicycle Parking Requirements		
Use	Class 1	Class 2
<i>Office</i>	1 per 150 m ² <i>NFA</i>	1 per 400 m ² <i>NFA</i>
<i>Restaurant and Liquor Primary Licensed Premise</i>	1 per 400 m ² <i>NFA</i>	1 per 100 m ² <i>NFA</i>
<i>Grocery Store</i>	1 per 200 m ² <i>NFA</i>	1 per 200 m ² <i>NFA</i>
<i>Retail</i>	Minimum of 5, plus 1 per 200 m ² <i>NFA</i> , to a maximum requirement of 25	Minimum of 5, plus 1 per 200 m ² <i>NFA</i> , to a maximum requirement of 30
Any commercial <i>uses</i> not otherwise listed	1 per 300 m ² <i>NFA</i> , to a maximum requirement of 25	1 per 300 m ² <i>NFA</i> , to a maximum requirement of 30
Public <i>Assembly</i> and Organizations	Minimum 4	Minimum 4
Residential <i>Uses (Multiple Housing)</i>	0.5 per <i>dwelling unit</i>	0.1 per <i>dwelling unit</i>

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 <i>business</i>	0
Alcohol Production Facility	1 per 30 m ² <i>NFA</i> of retail sales/tasting area	0
Commercial		
Any <i>use</i> in the C5 and C6 zone	No parking or loading required	
Any commercial <i>uses</i> not otherwise listed	1 per 50 m ² <i>NFA</i>	0
<i>Major and Rural Home Residential Occupation</i>	1 per business	0
<i>Health Service</i>	1 per 30 m ² <i>NFA</i>	0
<i>Marina</i>	1 per 2 boat slips	0
<i>Office</i>	1 per 30 m ² <i>NFA</i>	0
<i>Personal Service Establishment</i>	1 per 30 m ² <i>NFA</i>	0
<i>Restaurant</i>	1 per 50 m ² <i>NFA</i>	1
<i>Grocery Store</i>	1 per 30 m ² <i>NFA</i>	1
<i>Tourist Accommodation</i>	1 per sleeping room	1
<i>Convention Facility</i>	1 per 50 m ² <i>NFA</i>	1
Industrial		
General Industrial Uses or Uses on Industrial Zoned Property	1 per 200 m ² <i>NFA</i>	0
Self Storage and Storage and Warehouse	Minimum 5	0
Public Assembly and Organizations		

<i>Assembly</i>	1 per 50 m ² <i>NFA</i>	0
<i>Day Care Centre, Minor or Major</i>	1 per 50 m ² <i>NFA</i>	0
<i>Extended Care Residence</i>	1 per 4 beds	0
<i>Hospital and Patient Care Service</i>	1 per 4 beds	1
Residential Uses		
<i>Dwelling unit</i> in a commercial <i>building</i> or <i>Dwelling Unit</i> in C5 or C6 <i>Zone</i>	1 per <i>dwelling unit</i>	0
<i>Apartment, Townhouse, Cluster Housing</i>	1 per dwelling unit plus 0.25 spaces/unit for visitors	0
<i>Duplex, Live-Work unit</i>	1 per unit	0
<i>Bed and Breakfast Home</i>	1 per bedroom to a maximum of 3 plus 1 for the required corresponding dwelling unit	0
<i>Boarding House</i>	1 per 2 sleeping rooms plus 2 for the required corresponding principal <i>dwelling unit</i>	0
<i>Congregate Housing</i>	1 per staff dwelling plus 1 per 5 bed spaces	0
<i>Mobile Home Park</i>	2 per <i>mobile home</i> space	0
<i>Secondary Suite or Carriage House</i>	1 per <i>accessory suite</i> Plus 2 spaces for the single-detached dwelling	0
<i>Security / Operator Dwelling</i>	1 per <i>dwelling</i>	0
<i>Single Detached Dwelling</i>	2	0
<i>Residential Sales Centre</i>	2 per centre	0
<i>Vacation Rentals – Major High Occupant</i>	1 per licensed bedroom, up to a maximum of 4 parking spaces	0

6.6 Electric Vehicle (EV) Ready Charging Requirements

6.6.1 *Energized Outlets* provided pursuant to this section shall be clearly labelled for their intended future use as electric vehicle charging locations.

6.6.2 The minimum number of required *Energized Outlets* for *Level 2 Charging* parking spaces is set out in Table 6.7:

Table 6.7 Level 2 Charging Parking Requirements	
Use/Zone	Number of Level 2 Charging Spaces to be Included
<i>Single Detached Dwelling, Carriage House, Duplex, Cluster Housing, Multiple Housing and Dwelling Units</i> in Commercial Zones	1 per <i>dwelling unit</i>
Commercial, Industrial, Public and Institutional <i>zones</i>	Minimum 2, plus 1 for every 5 <i>parking spaces</i> over 10 <i>parking spaces</i>

- 6.6.3** Despite Section 6.6.2, no *Energized Outlet* for *Level 2 Charging* is required when constructing a new *dwelling unit* within an existing *building*.
- 6.6.4** Where one or more accessible *parking spaces* are required by this bylaw, a minimum 50% of the accessible *parking spaces* shall feature *Energized Outlets* for *Level 2 Charging* or higher.
- 6.6.5** The *Director of Development Services* may specify requirements for technical matters, including but not limited to metering and performance standards for *Electric Vehicle Energy Management Systems*.

6.7 Accessible Parking Requirements

- 6.7.1** The number of accessible *parking spaces* required for *uses* shall be calculated in accordance with Table 6.8, and are considered as part of the required number of *parking spaces*.
- 6.7.2** Every subsequent owner or occupier of the property shall maintain the required accessible parking spaces.
- 6.7.3** 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.
- 6.7.4** Every accessible parking space shall be clearly identified with signage.
- 6.7.5** Accessible parking requirements shall not be eligible for any parking reductions.

Table 6.8 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 dwellings* shall be preserved and the amenities of the neighbourhood shall not be adversely affected.
- 7.3.6** A *minor home occupation* shall not generate more than one (1) client visit to the site from which the *business* is being operated on any given day. Additionally, no more than one (1) commercial *vehicle* visit per day is permitted. The permitted commercial *vehicle* visit must be between the hours of 8:00 a.m. and 6:00 p.m.
- 7.3.7** This *use* does not include the repair or painting of *vehicles*, trailers or boats, tow-truck operations, manufacturing and industrial *uses*, social escort services, cabinet making, welding or machine shops, *major care centre*, meat cutting, commercial animal breeding, parking or storage of industrial or construction equipment or materials.

- 7.3.8** No person other than residents of the property on which the *minor home occupation* is being carried out shall be engaged in the *minor home occupation*.
- 7.3.9** The total area of a *minor home occupation* shall not exceed 25% of the floor area of the *dwelling* up to a maximum area of 20 m².
- 7.3.10** General retail sales or display of products not produced on the premises shall not be permitted in a *minor home occupation*, except for products incidental to the service, agricultural products, mail order sales, telephone or internet sales, goods which the customer does not enter the premises to inspect or pick up.
- 7.3.11** A *minor home occupation* sign is permitted according to the provisions of the *City Sign Bylaw*, as amended from time to time.

7.4 Major Home Occupation

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

- 7.4.1** The doors to the *accessory building* or *structure* in which the *business* is located must be closed when the *business* is being conducted.
- 7.4.2** A *major home occupation* shall not exceed 25% of the floor area of the *dwelling unit*, and in no case shall the combined area of the residence used for the *business* and an *accessory building* used for the *business* exceed 50 m².
- 7.4.3** One employee who is not a resident of the primary *dwelling unit* where the *major home occupation* is located may work at that location
- 7.4.4** A *major home occupation* shall not generate more than two (2) client visits at any given time
- 7.4.5** No more than one major home occupation is permitted per property.

7.5 Rural Home Occupation

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

- 7.5.1** Two (2) employees who are not residents of the principal residence may work at that location.
- 7.5.2** A *rural home occupation* shall not occupy more than 25% of the floor area of the *dwelling unit*, and in no case shall the combined area of the *principal residence* used for the *business* and the *accessory building* or *structure* used for the *business* exceed 100 m² of floor area.
- 7.5.3** If there is more than one (1) *dwelling* on a *lot*, there may be a *rural home occupation use* in each *dwelling unit* provided the total number of clients, employees or floor area permitted for the combined *home occupations* does not exceed the limits outlined in 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 m² 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 <i>gross floor area</i>	40% of the habitable floor area of the building, unless the <i>secondary suite</i> is located in a <i>basement</i> , in which case it may occupy the full <i>basement</i> area.
.2	Minimum <i>amenity space</i> :	15m ² of <i>amenity space, outdoor</i> shall be provided individually for both the principal <i>dwelling</i> and the <i>secondary suite</i> .

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*.
- .2 A *carriage house* shall not be situated on a *lot* unless the principal dwelling, to which it is accessory, has already been constructed or will be constructed simultaneously.

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 <i>lot area</i> :	370 m ² , regardless of zoning.
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.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 storeys . .ii Where no lane exists, the maximum height is 5.0 m and one storey .
.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 <i>amenity space, outdoor</i>	15 m ² shall be provided individually for both the principal <i>dwelling</i> and the <i>carriage house</i> .
.10	Overlook	A <i>carriage house</i> shall not include any <i>decks, balconies</i> , or roof top patios.
.11	Maximum <i>Carriage House Floor Area</i> for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	150 m ²
.12	Maximum <i>Carriage House Floor Area</i> 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
.13	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 15m² 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 150m².

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 m².

Chapter 9 – Rural Zones

9.1 FG - Forestry and Grazing

PURPOSE

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

9.1.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *agricultural farm help dwelling*
- .3 *agricultural use*
- .4 *animal clinic*
- .5 *animal kennels and stable*
- .6 *carriage house* (subject to accessory suites regulation 8.2)
- .7 *forestry*
- .8 *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

Subdivision Regulations:

- .1 Minimum *lot width*: N/A
- .2 Minimum *lot area*: 16 ha

Development Regulations:

- .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 Lots 190 and 2710, Similkameen Division Yale District Plan KAP74449, Except Plans EPP88237, EPP106349 and EPP106355, located at 3228 Evergreen Drive, two single family residences and a 20 room ***tourist accommodation*** resort with a maximum floor area of 1850m² 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

Subdivision Regulations:

- .1 Minimum **lot width**: 20% of **lot** depth
- .2 Minimum **lot area**: 2.0 ha

Development Regulations:

- .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 m²

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	<i>Urban Area Boundary</i>	Natural Watercourse	<i>Property Line</i>
.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 m²
 - .b ***farm retail sales area:*** 300 m²
 - .c ***winery and cidery*** 125 m² indoors, and
the area devoted to food and beverage service shall not exceed: 125 m² 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 m² that is intended for short-term **vacation rental** by the travelling public, shall be permitted.
- .3 In the case of Lot 104A, DL 199, 205, 672, Plan 307, except Plan B487, Pcl B on Plan A 203, located at 1175 Chapman Road, **tourist accommodation**, being the **use** of a **single detached dwelling** for the accommodation of the travelling public in a maximum of 4 suites, without cooking equipment, where the room rate includes breakfast served on the premises, shall be permitted.
- .4 In the case of a portion of the remainder of DL 196 except plans B6706, M9351, 3980, 6394, 8025, 8529, 9167, 11805, 14079, 14454 and 20784, located at 4650 Lakeside Road as shown as the hatched area in the drawing below, a **public parking lot** shall be permitted and where the parking area is not required to be hard surfaced, lighted nor drained.

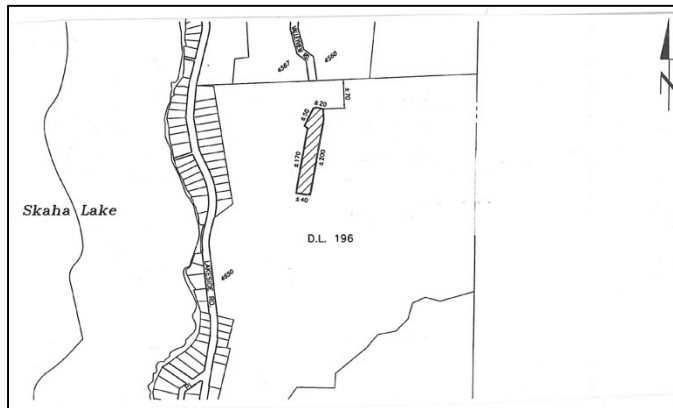


Figure 14 - Location of Public Parking Lot at 4650 Lakeside Road

- .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

Subdivision Regulations:

- .1 Minimum *lot width*: 45 m
- .2 Minimum *lot area*: 0.4 ha

Development Regulations:

- .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 m²

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 <i>lot area</i> :	0.4 ha
.iii	Maximum <i>lot</i> coverage:	15%
.iv	Maximum <i>height</i> :	
	i. <i>principal building</i>	10.5 m
	ii. <i>accessory building or structure</i>	5.0 m
.v	<i>Parent parcel</i> requirements:	
	i. <i>minimum front yard</i>	10.0 m
	ii. <i>minimum side yard</i>	
	a. <i>interior side yard</i>	4.0 m
	b. <i>exterior side yard</i>	6.0 m
	iii. <i>minimum rear yard</i>	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

Subdivision Regulations:

- .1 Minimum *lot width*:
 - .a *standard lot* 16 m
 - .b *corner lot* 18 m
- .2 Minimum *lot area*: 560 m²

Development Regulations:

- .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 m²

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

Subdivision Regulations:

- .1 Minimum **lot width**:
 - .a standard **lot** 13 m
 - .b **corner lot** 15 m
- .2 Minimum **lot area**: 390 m²

Development Regulations:

- .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 4.2.6): 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 m²

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 35081, 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

Subdivision Regulations:

- .1 Minimum **lot width**:
 - .a standard **lot** 9.1 m
 - .b **corner lot** 10.5 m
- .2 Minimum **lot area**: 275 m²

Development Regulations:

- .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 m²

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 *secondary suite* (subject to specific use regulation 8.1)
- .8 *vacation rental* (subject to specific use regulation 7.6)

10.4.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

	No <i>Lane</i>	<i>Lane</i>
Subdivision Regulations:		
.1 Minimum <i>lot width</i> :		
.a standard <i>lot</i>	20 m	15 m
.b <i>corner lot</i>	22 m	16.5 m
.2 Minimum <i>lot area</i> :	750 m ²	540 m ²
Development Regulations:		
.3 Maximum <i>lot coverage</i> :	50%	50%
.4 Maximum <i>height</i> :		
.a <i>principal building</i>	10.5 m	10.5 m
.b <i>accessory building or structure</i>	4.5 m	4.5 m
.5 Minimum <i>front yard</i> (subject to general development regulation 4.2.6):	6.0 m	4.5 m
.6 Minimum interior <i>side yard</i> :		
.a <i>principal building</i>	1.5 m	1.5 m
.b <i>accessory building or structure</i>	1.2 m	1.2 m
.7 Minimum exterior <i>side yard</i> :		
.a <i>principal building</i>	3.0 m	3.0 m
.b <i>accessory building or structure</i>	1.2 m	1.2 m
.8 Minimum <i>rear yard</i> :		
.a <i>principal building</i>	6.0 m	6.0 m
.b <i>accessory building or structure</i>	1.5 m	1.5 m
.9 Maximum combined <i>building footprint</i> of all <i>accessory buildings</i> :	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*.

10.4.4 SITE SPECIFIC PROVISIONS

- .1 In the case of Lot 9 District Lot 116 Similkameen Division Yale District Plan 25549, located at 170 Arnott Place, a maximum of two dwelling units shall be permitted.

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 *secondary suite* (subject to specific use regulation 8.1)
- .8 *vacation rental* (subject to specific use regulation 7.6)

10.5.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:

- .1 Minimum *lot width*:
 - .a standard *lot* 9.1 m
 - .b *corner lot* 10.5 m
- .2 Minimum *lot area*: 275 m²

Development Regulations:

- .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 4.2.6): 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 m²

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 width, 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 Strata Plans EPS5000, EPS4999, EPS5614 and EPS5613, located at 765 Ontario Street, 769 Ontario Street, 777 Ontario Street, and 781 Ontario Street, two **dwelling units**, with vehicular access from the street shall be permitted.
- .6 In the case of Strata Plan EPS4845, located at 605 Papineau Street and 617 Papineau Street, two **duplexes** with a combined **Floor Area Ratio** of 1.15, shall be permitted.
- .7 In the case of Lot 20 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, located at 358 Douglas Avenue, a maximum of two **dwelling units** shall be permitted on each **lot**.
- .8 In the case of That Part of Lot 2 Shown on Plan B5522, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1913 Except Plan EPP121118, located at 719 Alexander Avenue, a maximum of two single detached **dwelling units** shall be permitted.
- .9 In the case of Lot 4 District Lots 202 and 249 Similkameen Division Yale District Plan 3375, located at 565 Forestbrook Drive, two single detached dwellings shall be permitted.

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

Subdivision Regulations:

- .1 Minimum **lot width**:
 - .a standard **lot** 9.1 m
 - .b **corner lot** 10.5 m
- .2 Minimum **lot area**: 275 m²

Development Regulations:

- .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 4.2.6): 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 m²

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 width, must be provided.

10.6.4 SITE SPECIFIC PROVISIONS

- .1 In the case of Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, a maximum of two ***dwelling units*** shall be permitted on each ***lot***.

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

Subdivision Regulations:

- .1 Minimum **lot width**:
 - .a standard **lot** 18 m
 - .b **corner lot** 19.5 m
- .2 Minimum **lot area**: 540 m²

Development Regulations:

- .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 4.2.6): 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 m²

10.7.3 OTHER REGULATIONS

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

10.7.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 20 m² for each *dwelling unit*.
- .2 25% of the required *amenity space* must be provided at the ground floor level.
- .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

Subdivision Regulations:

- .1 Minimum *parent parcel* width: 40 m
- .2 Minimum *parent parcel* area: 6000 m²

Development Regulations:

- .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.
- .3 In the case of Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place, townhouses and duplexes 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

Subdivision Regulations:

- .1 Minimum *lot width*:
 - .a standard *lot* 18 m
 - .b *corner lot* 19.5 m
- .2 Minimum *lot area*: 540 m²

Development Regulations:

- .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 4.2.6): 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 OTHER REGULATIONS

- .1 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 width, must be provided.

10.9.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 20 m² for each *dwelling unit*.

- .2 25% of the required **amenity space** must be provided at the ground floor level.
- .3 A maximum of 20% of the total required **amenity space** may be provided as **amenity space, indoor**.

10.9.5 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.
- .6 In the case of Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place (adjacent to Hawthorn Drive cul-de-sac), apartments shall not be permitted, and principal building height is limited to three (3) storeys.

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

Subdivision Regulations:

- .1 Minimum *lot width*: 25 m
- .2 Minimum *lot area*: 1400 m²

Development Regulations:

- .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 4.2.6): 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 m² 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.
- .3 In the case of consolidated Lot C District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3072, located at 914 Churchill Avenue, Lot 5 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 920 Churchill Avenue, and Lot 6 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 926 Churchill Avenue, the maximum density shall be 1.98 FAR.

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

Subdivision Regulations:

- .1 Minimum *lot width*: 30 m
- .2 Minimum *lot area*: 2000 m²

Development Regulations:

- .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 m² 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 Strata Plan KAS2716, located at 100 Lakeshore Drive West, 160 Lakeshore Drive West, and 75 Martin Street, the following regulations apply:

SUBDIVISION AND DEVELOPMENT REGULATIONS

- .a Maximum **height**:
 - .i **principal building** 46.0m
- .b Minimum **front yard**: 6.0 m
- .c Minimum **rear yard**: 9.0 m
- .2 In the case of Strata Plan KAS3830, located at 2113 Atkinson Street and 2125 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.b and 10.11.5.2.c 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

Subdivision Regulations:

- .1 Minimum *lot width*: 10 m
- .2 Minimum *lot area*: 275 m²

Development Regulations:

- .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 m² 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

Subdivision 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 Minimum *mobile home space area*: 280 m²
- .5 Minimum *mobile home space width*: 11.0 m

Development Regulations:

- .6 Maximum *density*: 25 *dwelling*s / ha
- .7 Maximum *mobile home park lot coverage*: 45%
- .8 Maximum *height*:
 - .a *principal building*: lesser of 6.0 m or 1 *storey*
 - .b *accessory building or structure*: 4.5 m
- .9 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
- .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 m²,
 - .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 m² 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

Subdivision Regulations:

- .1 Minimum *lot width*: 13.0 m
- .2 Minimum *lot area*: 550 m²

Development Regulations:

- .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 m².
- .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

Subdivision Regulations:

- .1 Minimum *lot width*: 15.0 m
- .2 Minimum *lot area*: 550 m²

Development Regulations:

- .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 m².
- .2 A maximum of one (1) *dwelling unit* within a commercial *building* with a separate entrance to the outside shall be permitted.

11.3 C3 – Mixed Use Commercial

PURPOSE

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

11.3.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *artisan crafts*
- .3 *assembly*
- .4 *business support service*
- .5 *commercial school*
- .6 *congregate housing*
- .7 *day care centre, major*
- .8 *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

Subdivision Regulations:

- .1 Minimum *lot width*: 18.0 m
- .2 Minimum *lot area*: 1000 m²

Development Regulations:

- .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 m² 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 Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP82665, located at 697 Wade Avenue West, "public parking" and "***storage and warehousing***" shall be permitted uses.

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

Subdivision Regulations:

- .1 Minimum *lot width*: 18.0 m
- .2 Minimum *lot area*: 1000 m²

Development Regulations:

- .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 <i>interior side yard</i> : | 0 m and 4.5 m |
| .a | except when a lot <i>abuts</i> , or is <i>adjacent</i> to, a residential or institutional <i>zone</i> | 6.0 m |
| .8 | Minimum <i>exterior side yard</i> : | 4.5 m |
| .9 | Minimum <i>rear yard</i> : | 3.0 m |
| .a | except when <i>lot abuts</i> , or is <i>adjacent</i> to, a residential or institutional <i>zone</i> or <i>abuts</i> a <i>lane</i> that is <i>adjacent</i> to a residential or institutional <i>zone</i> | 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 m² 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 53757, 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

Subdivision Regulations:

.1	Minimum <i>lot width</i> :	9.0 m
.2	Minimum <i>lot area</i> :	275 m ²
Development Regulations:		
.3	Maximum <i>lot coverage</i> :	100%
.4	Maximum <i>density</i> :	6.0 <i>FAR</i>
.5	Maximum <i>height</i> :	36.6 m
	.a except Main <i>Street</i> – 100 Block up to and including 600 Block; and	15 m
	.b Front <i>Street</i>	15 m
.6	Minimum <i>front yard</i> :	0 m
.7	Minimum <i>interior side yard</i> :	0 m
.8	Minimum <i>exterior side yard</i> :	0 m
.9	Minimum <i>rear yard</i> :	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 Avenue East, an *emergency shelter*, shall be permitted.
- .4 In the case *Lots* A and B, District Lots 202 and 4, Group 7, Similkameen Division Yale District, Plan EPP106220, located at 260 Martin Street and 270 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 EPP63826, located at 361 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 **Lots** 1 and 2, DL 4, Group 7, SDYD (Formerly Yale Lytton), Plan EPP99696, located at 249 Westminster Avenue West and 285 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 m².

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

Subdivision Regulations:

- | | | |
|----|----------------------------|--------------------|
| .1 | Minimum lot width : | 20.0 m |
| .2 | Minimum lot area : | 650 m ² |

Development Regulations:

- | | | |
|----|-------------------------------|------|
| .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 1**, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP44206, located at 380 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

Subdivision Regulations:

- .1 Minimum *lot width*: 20.0 m
- .2 Minimum *lot area*: 650 m²

Development Regulations:

- .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;
 - .h *Lot* 1, Plan 5472, District Lot 250, Similkameen Division Yale District, Except Plans 39932 and KAS59641, located at 1473 Main Street.
- .3 In the case of *Lot* A, District Lots 1997S and 3237S, Similkameen Division Yale District, Plan EPP75769, located at 1706 Main Street, the following uses shall be permitted: *dwelling units, congregate housing*, transitional housing and *emergency shelter*.

- .4 In the case of **Lot 2**, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP82665, located at 645 Wade Avenue West, **public parking lot** and **storage and warehousing** shall be permitted uses.
- .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

Subdivision Regulations:

- .1 Minimum *lot width*: 30 m
- .2 Minimum *lot area*: 1000 m²

Development Regulations:

- .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

Subdivision Regulations:

- .1 Minimum **lot width**: 30 m
- .2 Minimum **lot area**: 550 m²

Development Regulations:

- .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 <i>interior side yard:</i>	2.0 m
	.b <i>exterior side yard:</i>	2.0 m
.9	Minimum <i>rear yard:</i>	0 m

11.9.3 OTHER REGULATIONS

- .1 A minimum area of 5.0 m² of *amenity space* shall be provided per *dwelling unit*.
- .2 A 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 Bylaw No. 2018-49.

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

Subdivision Regulations:

- .1 Minimum *lot width*: 20.0 m
- .2 Minimum *lot area*: 930 m²

Development Regulations:

- .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 m².
- .2 *Recreation and equipment sales, service and rentals* shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty-(50) cc engine.
- .3 No more than one (1) *security/operator dwelling unit* is permitted on a site with a maximum *gross floor area* of 100 m².

11.10.4 SITE SPECIFIC PROVISIONS

In addition to the *uses* and regulations above:

- .1 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 100m² 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 900m² (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 Ratio 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

Subdivision Regulations:

- | | | |
|----|----------------------------|--------|
| .1 | Minimum <i>lot width</i> : | 30.0 m |
| .2 | Minimum <i>lot area</i> : | 0.4 ha |

Development Regulations:

- | | | |
|----|---|--------|
| .3 | Maximum <i>height</i> : | 10.5 m |
| .4 | Minimum <i>front yard</i> : | 6.0 m |
| .5 | Minimum <i>interior side yard</i> : | 4.5 m |
| .a | except when <i>abutting</i> a <i>residential</i> or <i>institutional zone</i> | 6.0 m |
| .6 | Minimum <i>exterior side yard</i> : | 4.5 m |
| .7 | Minimum <i>rear yard</i> : | 4.5 m |
| .a | except when <i>abutting</i> a <i>residential</i> or <i>institutional zone</i> | 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 m² *gross floor area*.

11.12 CT3 – Hotel Resort

PURPOSE

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

11.12.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *indoor amusement, entertainment and recreation*
- .3 *liquor primary licensed premise*
- .4 *personal service establishment*
- .5 *recreation equipment sales, service and rentals*
- .6 *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

Subdivision Regulations:

- .1 Minimum *lot width*: 50 m
- .2 Minimum *lot area*: 0.4 ha

Development Regulations:

- .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 m² of resort *amenity* facilities, including outdoor pools, indoor games, recreation, fitness and health rooms, pools and spas, guest lounges, meeting rooms and similar amenities.

- .2 In addition to the General Regulations Chapter 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 m² of **gross floor area**.

Chapter 12 – Industrial Zones

12.1 M1 –General Industrial

PURPOSE

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

12.1.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .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

Subdivision Regulations:

- .1 Minimum *lot width*: 20.0 m
- .2 Minimum *lot area*: 1000 m²

Development Regulations:

- .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 m².
- .4 A **restaurant** shall be limited to 100 m² **gross floor area**.
- .5 In the case of a business servicing or repairing **recreational vehicles**, overnight parking of RVs shall be considered an **accessory use**.
- .6 A **funeral service** shall be limited to 250m² **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 m².
- .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.
- .4 In the case of Lot 1 District Lots 250, 2710, 3429S and 3821S Similkameen Division Yale District Plan 37288, located at 1641 Dartmouth Road, indoor recreation with a maximum building footprint of 1,300m² (14,000 square feet) 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 **zone** are:

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

12.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:

- .1 Minimum **lot width**: 30.0 m
- .2 Minimum **lot area**: 2000 m²

Development Regulations:

- .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 m²

.3	Maximum <i>height</i> :	50.0 m
.4	Minimum <i>front yard</i> :	6.0 m
.5	Minimum <i>interior side yard</i> :	4.5m
.6	Minimum <i>exterior side yard</i> :	6.0 m
.7	Minimum <i>rear yard</i> :	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

Subdivision Regulations:

- .1 Minimum *lot width*: 30.0 m
- .2 Minimum *lot area*: 2000 m²

Development Regulations:

- .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

Subdivision Regulations:

- .1 Minimum *lot width*: 15.0 m
- .2 Minimum *lot area*: 560 m²

Development Regulations:

- .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

Subdivision Regulations:

- .1 Minimum *lot width*: 15.0 m
- .2 Minimum *lot area*: 560 m²

Development Regulations:

- .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 m².
- .2 A *restaurant* shall be limited to 100 m² *gross floor area*.

13.2.4 SITE SPECIFIC PROVISIONS

- .1 In the case of *Lot A* District Lots 202, 249 and 250 Similkameen Division Yale District, Plan EPP111114, located at 470 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 DEVELOPMENT REGULATIONS

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

13.3.3 OTHER REGULATIONS

- .1 In the case where *utility service, major* is *abutting* or *adjacent* to a residential *zone*, *landscaping* shall be required in accordance with the *landscape buffer* specification outlined in Section 5.2 of this Bylaw.

13.4 P4– Environmental Reserve

PURPOSE

This **zone** provides for the protection and conservation of natural areas.

13.4.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *conservation*
- .3 *passive recreation*

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 *mobile vending unit*
- .8 *motel* with a maximum of 19 units and one dwelling unit for a caretaker
- .9 seniors' boarding home
- .10 *townhouse*
- .11 *vacation rental*

14.2.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

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

14.2.4 LIMITATIONS FOR LIVE WORK STUDIOS

- .1 A **live work unit** shall contain a minimum of 23 square meters (250 square feet) of permitted commercial space to a maximum of 28 square meters (300 square feet).
- .2 Permitted commercial space must occupy the entire front portion of the bottom floor of the strata unit with an entrance facing riverside drive.
- .3 A permitted commercial use in a **live-work unit** shall not generate any commercial vehicle trips.
- .4 A permitted commercial use in a **live-work unit** shall have a valid business license.
- .5 A permitted commercial use in a **live-work unit** shall not involve the use of power tools, amplified sound equipment, or manufacturing equipment, including industrial photography, photo processing, or painting equipment.
- .6 A permitted commercial **use** in a **live-work unit** shall not produce any nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance.
- .7 Notwithstanding the permitted commercial uses under 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**.

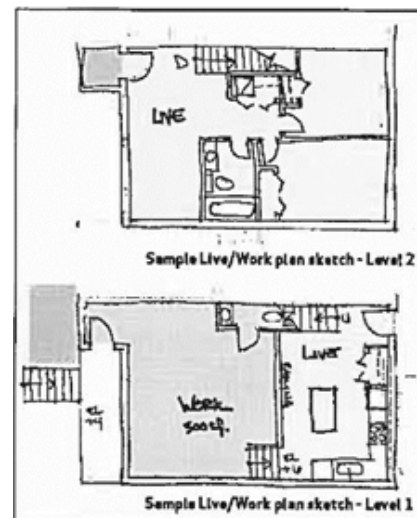


Figure 15 - Live Work CD2

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

Subdivision Regulations:

- .1 Minimum lot width: 30.0 m
- .2 Minimum **lot area**: 1500 m²

Development Regulations:

- .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 m²
 - .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 m² (1 square foot) of bonus density to the City of Penticton to be placed in a reserve fund for affordable and special needs housing or public amenities off the site. This payment is due at the time of issuance of any building permit authorizing the construction of a building whose construction results in the FAR exceeding 2.0 by any amount, and to the extent that the building permit authorizes construction exceeding that density.

14.3.6 OTHER REGULATIONS

- .1 A minimum area of 6.0 m² of *amenity space* shall be provided per bachelor dwelling or group home bedroom, 10.0 m² of *amenity space* shall be provided per 1 bedroom dwelling, and 15.0 m² of *amenity space* shall be provided per dwelling with more than 1 bedroom.
- .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

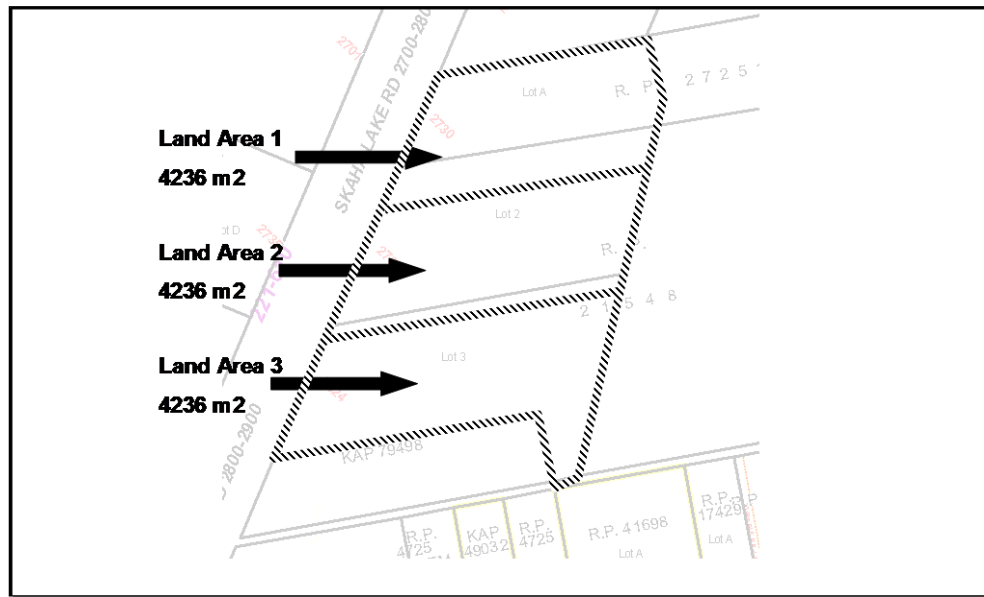


Figure 16 - Phasing and Density Bonus - 2784 Skaha Lake Road

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 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:

- .1 Minimum *lot area*: 4000 m²

Development Regulations:

- .2 Maximum *lot coverage*: 60%
- .3 Maximum *density*: 2.0 **FAR**
(without density bonus)
- .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 OTHER 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

Subdivision Regulations:

- .1 Minimum **lot width**: 21.0 m
- .2 Minimum **lot area**: 700 m²

Development Regulations:

- .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 m² for each **dwelling unit**.

14.6.5 OTHER 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

Subdivision Regulations:

- .1 Minimum **lot width**: 31.0 m
- .2 Minimum **lot area**: 1,700 m²

Development Regulations:

- .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 m² 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 m².

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 <i>interior side yard</i> 0.5 m <i>front yard</i>
Open stairways, landings, steps	1.2 m <i>interior side yard</i> , provided that 1.5 m is still maintained between the feature and the property line 1.5 m <i>front yard</i>
Covered or uncovered <i>balcony</i> , porch, and <i>deck</i>	1.6 m <i>interior side yard (northern)</i> 0.8 m <i>interior side yard (southern)</i>

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.

14.8 CD8 – Comprehensive Development (795 Westminster Ave W)

14.8.1 PURPOSE

This **zone** provides for the comprehensive development of a medium-density, 3 storey, mixed-use development site for *Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 713 Westminister Ave W, *Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 737 Westminister Ave W, and *Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979*, located at 795 Westminister Ave W.

14.8.2 PERMITTED USES

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

- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **artisan crafts**
- .4 **bakery**
- .5 **business support service**
- .6 **cannabis retail store**
- .7 **craft brewery/distillery**
- .8 **day care centre, major**
- .9 **dwelling unit**
- .10 **financial service**
- .11 **flex unit**
- .12 **health service**
- .13 **indoor animal daycare and grooming**
- .14 **indoor amusement, entertainment and recreation**
- .15 **liquor primary licensed premise**
- .16 **live work unit** (subject to specific use regulation 7.8)
- .17 **minor home occupation** (subject to specific use regulation 7.3)
- .18 **office**
- .19 **on-site beer/wine making**
- .20 **personal service establishment**
- .21 **recreation equipment sale, service and rentals**
- .22 **restaurant**
- .23 **retail store**
- .24 **townhouse**
- .25 **vacation rental** (subject to specific use regulation 7.6)

14.8.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- | | | |
|----|-------------------------------|----------------------|
| .1 | Minimum lot width : | 90.0 m |
| .2 | Minimum lot area : | 3,200 m ² |
| .3 | Maximum lot coverage : | 56% |
| .4 | Maximum density : | 1.1 FAR |

.5	Maximum <i>height</i> :	13.0 m
.6	Minimum <i>front yard</i> :	1.5 m
.7	Minimum <i>interior side yard</i> :	3.0 m
.8	Minimum <i>exterior side yard</i> :	1.5 m
.9	Minimum <i>rear yard</i> :	2.5 m

14.8.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 10.0 m² for each *dwelling unit*.
- .2 All *amenity space* may be provided above *approved grade*.

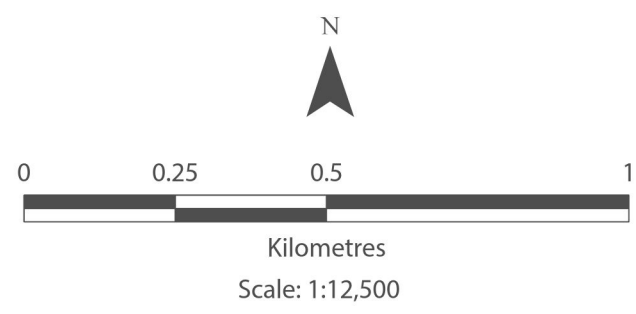
14.8.5 OTHER REGULATIONS

- .1 Commercial *uses* shall be limited to the *first storey* of the *buildings*.
- .2 In addition to the regulations in Section 7.8, *live work units* shall be limited to the first two *storeys* of the *buildings*.

14.8.6 PARKING REGULATIONS

- .1 Notwithstanding Table 6.6, the minimum number of *parking spaces* for *uses* shall be as follows:
 - a. Minimum 44 *parking spaces* for *dwelling units* and *live-work units*;
 - b. Minimum 4 *parking spaces* for visitor parking; and
 - c. Minimum 3 *parking spaces* for commercial *uses*.

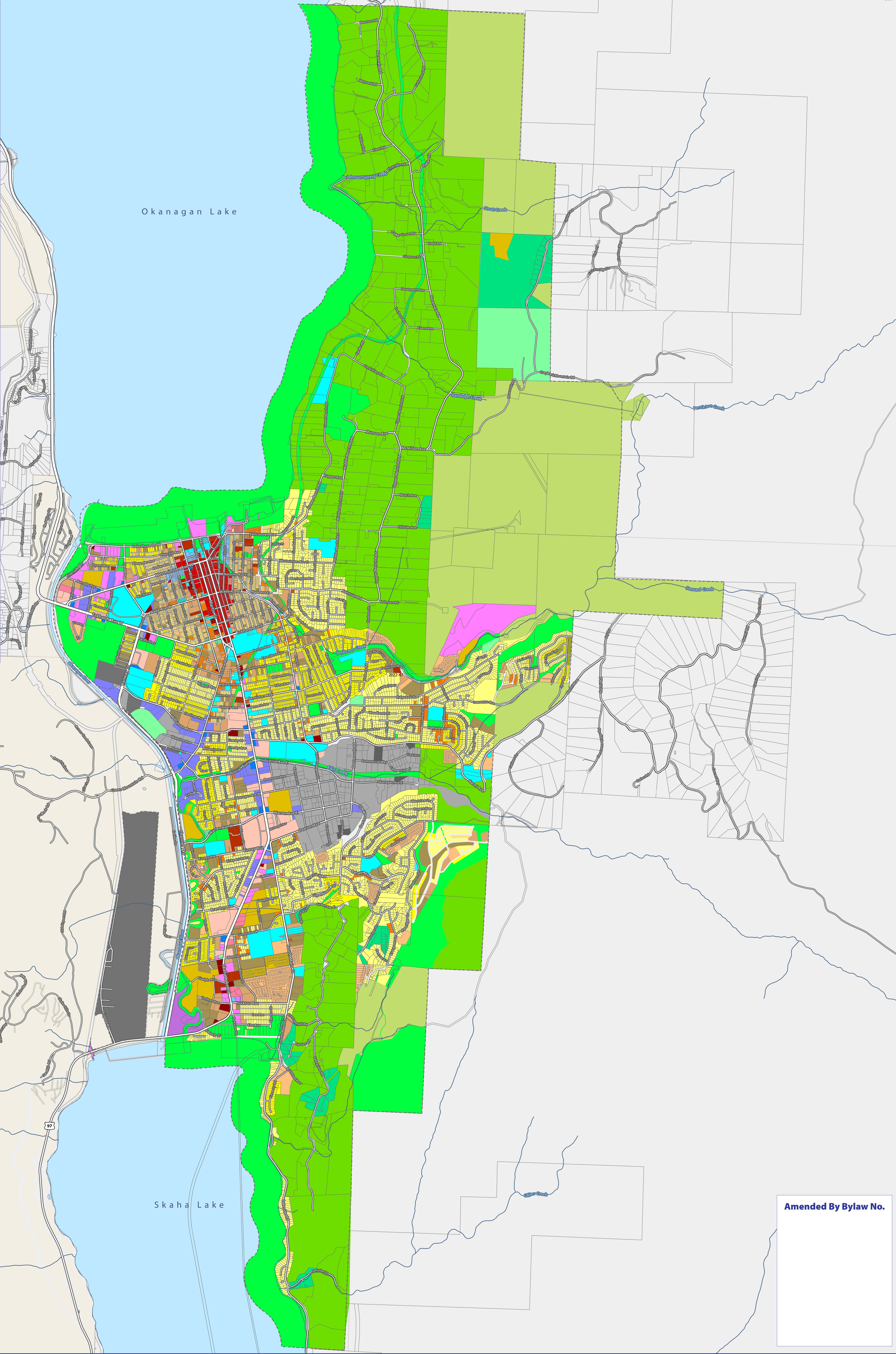
CITY OF
Penticton
City of Penticton
Schedule 'B'
Zoning Bylaw No. 2023-08



- 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 - Bare land 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)

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Amended By Bylaw No.