



Agenda

penticton.ca

Special Council Meeting

to be held at the City Hall, Council Chambers

171 Main Street, Penticton, B.C.

To view the live broadcast or recording, visit www.penticton.ca

Thursday, December 14, 2023

at 8:00 a.m.

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

2. **Adoption of Agenda**

3. **Bylaws and Permits:**

Collison	3.1	Fees and Charges Amendment Bylaw No. 2023-40	1-3	Adopt
Collison	3.2	2024-2028 Five Year Financial Plan Bylaw No. 2023-41	4-7	Adopt
Collison	3.3	Development Procedures and Delegation Bylaw No. 2023-42	8-16	Adopt
Collison	3.4	Fees and Charges Amendment Bylaw No. 2023-43	17	Adopt
Collison	3.5	Municipal Ticketing Information Amendment Bylaw No. 2023-44	18-19	Adopt
Collison	3.6	Bylaw Notice Enforcement Amendment Bylaw No. 2023-45	20-21	Adopt
Collison	3.7	Traffic Amendment Bylaw No. 2023-46	22-23	Adopt

4. **Public Question Period**

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

5. **Adjournment**

The Corporation of the City of Penticton

Bylaw No. 2023-40

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

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

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

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

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2023-40".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by deleting and replacing the following appendices in their entirety:

Appendix 1 Administrative Rates
Appendix 23 RCMP

2.2 Appendices 1 & 23 attached hereto forms part of this bylaw.

READ A FIRST time this 12 day of December, 2023

READ A SECOND time this 12 day of December, 2023

READ A THIRD time this 12 day of December, 2023

ADOPTED this day of , 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Appendix 1		
ADMINISTRATIVE RATES	2023	2024
Historical Information Search (per hour, 1 hour minimum)	\$40.00	\$41.20
Mortgage Roll Register (hard or electronic copy) - price per folio*	\$10.00	\$10.00
N.S.F. Cheques	\$30.00	\$30.00
Manual Tax Search – written*	\$40.00	\$40.00
Online Tax Search – per tax roll*	\$20.00	\$20.00
Online Tax Search – per utility account*	\$20.00	\$20.00
Tax Certificate for Non-Owners (per property)	Rate per Land Title Office + \$20	
Monthly Billing/Postage Fee for Electric and Water Bills*	\$1.00	\$1.00
City Surcharge (on credit card payments excluding Recreation, minimum transaction \$4.00)		2.4%
Interest rate on Accounts Receivable in arrears	2% per Month	2% per Month

Freedom of Information Protection of Privacy - Requests for Information

Non Commercial and Media Applicants	Per Regulation B.C. Reg. 155/2012	
Commercial Applicants	Actual Cost	Actual Cost

Transferring payments

Account Transfer (first time - fee waived)	\$25.00	\$25.00
Refund overpayment (excludes final overpaid utility accounts)	\$25.00	\$25.00

Requests for photocopies

Photocopying (black and white) - per page (letter and legal)*	\$0.35	\$0.37
Photocopying (black and white) - per page (ledger)*	\$0.55	\$0.59
Photocopying (colour) - per page (letter and legal)*	\$1.05	\$1.12
Photocopying (colour) - per page (ledger)*	\$1.30	\$1.39

* GST applicable

Appendix 23

RCMP	2023	2024
Criminal Record Checks (includes VISA and Liquor Control Board Applications)	\$50.00	\$50.00
Volunteers – require stamped self addressed envelope	n/c	n/c
Private Investigators Applications	\$50.00	\$50.00
Canadian Police Certificate (any agency including Visa applications Foreign Travel/Work Permits) Admin Fee	\$35.00	\$35.00
Fingerprinting Fee*	\$35.00	\$35.00
RV Overnight Parking Permit (a window permit is issued to those user groups requiring an RV on site for special event security - pending approval by the PRC Director of designate. Permit is issued through the RCMP.	\$40.00	\$40.00
Disclosure of Information - Ministry of Children & Families (per hour, min 1/2 hour charge)	\$60.00	\$60.00

* Waived for reclaiming an Indigenous name for citizenship and permanent residence as per the Federal Government of Canada's Truth and Reconciliation Commission report Action Item #17.

Police Reports

Accident reports	\$50.00	\$50.00
Court Ordered File copy – up to and including 60 pages	\$70.00	\$70.00
File copy in excess of 60 pages - per page	\$0.65	\$0.65
Traffic Analyst/Collision Reports	\$70.00	\$70.00
CD & Video tape/cd reproductions	\$40.00	\$40.00

False Alarms

1 st occurrence	n/c	n/c
2 nd occurrence	\$65.00	\$65.00
3 rd occurrence	\$90.00	\$90.00
4 th occurrence and subsequent	\$115.00	\$115.00

False Alarms - Hold Up Alarms (Robbery in Progress)

1 st occurrence	n/c	n/c
2 nd and subsequent	\$170.00	\$170.00

Note: False alarms and hold up alarms will be counted on a calendar year basis.

Each January 1st all businesses and residences will start with a clean slate for the purposes of the charges noted above.

Enhanced Digital Field Technical (EDFT) Service

Advanced Unlocking/Decryption of Portable Electronic Device (per device)		\$1,000.00
Process Digital Storage Device (per device)		\$200.00
EDFT Labour Rate (per hour)		\$115.00

Note: Service only provided to Policing Agencies

The Corporation of the City of Penticton

Bylaw No. 2023-41

A bylaw to adopt the five year financial plan

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

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

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

1. Title

This bylaw may be cited as "2024-2028 Five Year Financial Plan Bylaw No. 2023-41".

2. Purpose

Schedule "A" and Schedule "B" attached hereto and forming part of this bylaw shall be the Five Year Financial Plan of the City of Penticton for the period of January 1, 2024 to December 31, 2028.

READ A FIRST time this	12	day of	December, 2023
READ A SECOND time this	12	day of	December, 2023
READ A THIRD time this	12	day of	December, 2023
ADOPTED this		day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

City of Penticton - Schedule A

	2024 Budget	2025 Projection	2026 Projection	2027 Projection	2028 Projection
Revenue					
Municipal Taxation	\$ (46,003,010)	\$ (48,690,034)	\$ (50,775,967)	\$ (52,242,567)	\$ (53,522,178)
Sale of Services	(13,743,687)	(13,810,090)	(13,908,525)	(13,999,263)	(14,102,360)
Electric Utility Revenue	(48,840,029)	(52,721,121)	(56,912,233)	(61,438,153)	(66,325,661)
Sewer Utility Revenue	(9,823,397)	(10,849,129)	(11,989,056)	(13,256,181)	(14,559,257)
Water Utility Revenue	(11,059,284)	(11,856,177)	(12,709,431)	(13,625,198)	(14,494,469)
Storm Water Utility Revenue	(1,576,000)	(2,073,000)	(2,727,000)	(3,588,000)	(4,664,400)
Fiscal Services	(4,146,000)	(4,146,000)	(4,146,000)	(4,146,000)	(4,146,000)
Grants	(3,185,975)	(2,744,823)	(2,398,174)	(2,164,374)	(2,164,374)
Other Contributions	(5,317,254)	(5,350,884)	(5,385,187)	(5,420,175)	(5,455,865)
Development Cost Charges	(1,470,000)	(1,470,000)	(1,470,000)	(1,470,000)	(1,470,000)
Donations	(19,500)	(18,500)	(18,500)	(18,500)	(18,500)
Total Revenues	(145,184,136)	(153,729,758)	(162,440,073)	(171,368,411)	(180,923,064)
Operating Expenses					
General Operating	76,410,902	77,188,634	79,057,613	80,033,335	81,686,665
Storm Water	668,870	721,861	774,312	778,136	987,336
Electric Utility	43,460,185	45,438,453	46,512,487	48,225,728	49,845,215
Sewer System	6,764,024	6,714,332	6,878,854	6,894,125	6,806,410
Water Utility	6,926,364	6,604,148	6,950,790	6,990,736	6,994,713
Total Operating Expenses	134,230,345	136,667,428	140,174,056	142,922,060	146,320,339
Net Operating Surplus	(10,953,791)	(17,062,330)	(22,266,017)	(28,446,351)	(34,602,725)
Capital Expenses					
General Capital	15,271,465	15,002,111	12,796,268	11,197,167	12,455,570
Electric Capital	8,361,409	8,730,012	7,139,765	7,311,666	7,875,435
Sewer Capital	3,209,900	3,645,200	11,220,500	5,728,800	6,316,303
Water Capital	14,462,725	8,451,725	2,569,400	3,418,150	5,845,425
Total Capital Expenses	41,305,499	35,829,048	33,725,933	27,655,783	32,492,733
Debt Proceeds	-	(4,000,000)	-	(1,485,000)	-
Debt Servicing - Principal Repayments	2,187,651	2,299,769	2,314,928	2,089,026	2,036,454
Capital Grant Funding	(7,980,000)	-	-	-	-
Transfer To (From) Surplus/Reserve	(10,197,359)	(2,704,487)	587,156	14,548,542	14,435,538
Amortization Offset	(14,362,000)	(14,362,000)	(14,362,000)	(14,362,000)	(14,362,000)
Financial Plan Balance	\$ -	\$ -	\$ -	\$ -	\$ -

Schedule B

Current Revenue Portions by Funding Source for Operating (excluding borrowing and transfers from reserve/surplus):

Taxation	45,422,780	31.29%
Grant in Lieu	493,000	0.34%
Local Improvement Levy	87,230	0.06%
Sale of Services	13,743,687	9.47%
Electric Utility	48,840,029	33.64%
Sewer Utility	9,823,397	6.77%
Water Utility	11,059,284	7.62%
Storm Water Utility	1,576,000	1.09%
Fiscal Services	4,146,000	2.86%
Grants	3,185,975	2.19%
Other Revenues	5,317,254	3.66%
Development Cost Charges	1,470,000	1.01%
Donations	19,500	0.01%
Total Revenues	145,184,136	100.00%

Current Property Class Multiples:

Ratio	2024 Est.	2023	2022	2021	2020	2019
Residential	1.00	1.00	1.00	1.00	1.00	1.00
Utilities	10.06	10.06	10.09	7.22	7.24	7.66
Supportive Housing	1.00	1.00	1.00	1.00	1.00	1.00
Major Industry	1.86	1.86	1.88	1.72	1.65	1.79
Light Industry	1.86	1.86	1.88	1.72	1.65	1.79
Business & Other	2.22	2.22	2.14	1.91	1.75	1.82
Managed Forest	2.22	2.22	2.14	1.91	1.75	1.82
Rec/Non-Profit	1.37	1.37	1.31	1.28	1.29	1.4
Farm	5.18	5.18	4.59	3.57	3.55	3.59

The 2024 multiples are estimated using the revenue neutral tax approach and are based on the 2023 revised assessment rolls. During budget deliberations, Council postponed consideration of the 2024 BTM to a meeting in Spring 2024.

Use of Permissive Tax Exemptions

In 2023, Council passed Bylaw 2023-29 to exempt certain properties from taxation in 2024. The Bylaw contains the list of properties and the estimated amount of tax revenue forgone (\$702,258). The list of properties includes religious institutions, historical societies, recreational facilities, and service organizations that form a valuable part of our community. These organizations have demonstrated to Council that their services support our residents and community.

Use of Revitalization Tax Exemptions

Revitalization tax exemption bylaws were introduced in Penticton in 2010 to provide economic incentives for specified key areas within the City, including the downtown area, industrial areas, and other strategic areas. Bylaws 2014-04, 2014-44, and 2015-52 provide for tax exemptions for specific uses within those areas. Each of the bylaws included 'sunset clauses' whereby construction is required to begin and end. While there are still some properties receiving benefits, all sunset clauses have now passed and thus no future projects are eligible to receive benefits under any of these bylaws.

**The Corporation of the City of Penticton
Bylaw No. 2023-42**

A Bylaw to establish procedures to amend the Official Community Plan Bylaw or the Zoning Bylaw or to issue a permit under the *Local Government Act* and to delegate the authority to issue permit in accordance with section 154 of the *Community Charter*.

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan and Zoning Bylaw;

AND WHEREAS the Council of the City of Penticton must, by bylaw, establish procedures to amend an Official Community Plan or a Zoning Bylaw or issue a permit;

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

1. Title

This Bylaw may be cited for all purposes as "Development Procedures and Delegation Bylaw No. 2023-42."

2. Scope

This Bylaw shall apply to applications:

- a) to amend the Official Community Plan;
- b) to amend the Zoning Bylaw;
- c) for a Land Use Permit;
- d) for approval pursuant to s. 242(3) of the *Strata Property Act* of a strata plan of a previously occupied building with four (4) Dwelling Units or less; and
- e) for issuance or amendment of a licence pursuant to s. 38 of the *Liquor Control and Licensing Act*.

3. Definitions

In this Bylaw:

"Applicant" means the owner(s) of the land whose name appears on the registered title certificate, or a person authorized in writing by the owner(s) to make an application on behalf of all owners of the land.

"Application" means an application within the scope of this Bylaw.

"Building Footprint" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"City" means The Corporation of the City of Penticton.

"Council" means the municipal Council of the City.

"Director of Development Services" means the person assigned to that position by the City or their designate responsible for acting in their place.

"Dwelling Unit" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Fees and Charges Bylaw" means the City of Penticton Fees and Charges Bylaw 2014-07 as amended or superseded.

"Fence" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"File Manager" means a staff member assigned by the Director of Development Services to process an application in accordance with this Bylaw.

"Height" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Land Use Permit" means a development permit, a temporary use permit, a development variance permit, a Minor Variance Development Variance Permit, or a permit under Division 10 of Part 14 of the *Local Government Act*.

"Landscape Buffer" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Lot Area" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Lot Coverage" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Lot Width" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Minor Variance Development Variance Permit" or "Minor Variance DVP" means a development variance permit that varies the following:

- a) a setback regulation by no more than 25%;
- b) a building footprint, carriage house floor area, lot area, lot coverage, lot width, or height regulation by no more than 10%;
- c) a landscape buffer regulation;
- d) a provision of the Sign Regulation Bylaw No. 2013 -17, as amended or superseded;
- e) a fence or retaining wall height regulation; or
- f) a lot coverage or setback regulation in a phased strata subdivision.

"Official Community Plan" means the City of Penticton Official Community Plan Bylaw No. 2019-08 as amended or superseded.

"Retaining Wall" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Setback" has the same meaning as in the Zoning Bylaw No. 2023-08, as amended or superseded.

"Technical Planning Committee" means a committee of staff representatives assembled to discuss technical, infrastructure and other matters related to development applications.

"Zoning Bylaw" means the City of Penticton Zoning Bylaw No.2023-08 as amended or superseded.

4. Submission of Applications

- 4.1 Applications shall be submitted to the Planning Department.
- 4.2 Applications shall be signed by all owners of land whose names appear on the registered title certificate or by a person authorized in writing by all such owners to make an Application on behalf of all owners of the land.
- 4.3 Every Application shall include the supporting documentation and attachments specified in writing from time to time by the Director of Development Services in respect of the type of Application in question, which specifications the Director of Development Services must make available to Applicants on request and without charge.
- 4.4 Upon receipt of an Application that does not conform to this Bylaw, the File Manager may:
 - a. refuse to accept the Application; or
 - b. process the Application in accordance with this Bylaw if, in the opinion of the File Manager, the content of the Application is sufficient to proceed for further consideration notwithstanding its deficiencies.
- 4.5 When refusing to accept an Application, the File Manager will endeavour to inform the Applicant of the requirements that must be met for the Application to comply with this Bylaw.

5. Fees

- 5.1 All Applications shall include payment in full of the applicable fees prescribed in the Fees and Charges Bylaw.
- 5.2 Applications that do not comply with Section 5.1 shall be deemed incomplete and will not proceed until the required payment is made.

6. Referrals

- 6.1 Prior to consideration by Council or the Director of Development Services, Applications shall be referred, for a minimum of ten (10) business days, to City departments and external agencies as required by legislation or as deemed appropriate by the File Manager.
- 6.2 Prior to consideration by Council or the Director of Development Services, after the referrals under Section 6.1 have occurred, the File Manager may forward any application to the Technical Planning Committee for review.

7. Reports

- 7.1 Where Council will consider an application within the scope of this Bylaw, Council shall be provided with the following items for consideration:
- a. a report prepared by the File Manager;
 - b. a copy of the proposed permit, plan or amending bylaw, as applicable; and
 - c. any additional materials deemed necessary by the File Manager for Council's consideration.
- 7.2 Where the Director of Development Services will consider an application pursuant to this Bylaw, they shall be provided with the following items for consideration:
- a. a briefing note prepared by the File Manager;
 - b. a copy of the proposed Development Permit, Minor Variance DVP, or strata plan of a previously occupied building, as applicable, and
 - c. any additional materials deemed necessary for the Director of Development Services' consideration by the File Manager.

8. Delegation of Development Permit Issuing Authority

- 8.1 Council delegates its powers to the Director of Development Services to issue development permits authorizing:
- a. additions to existing buildings where the floor area of the addition is less than 930m²;
 - b. amendments to existing development permits dealing with the form and character of development that do not substantially alter the form and character approved in the original permit;
 - c. façade alterations on existing buildings;
 - d. construction of multi-family residential buildings to a maximum of six stories in height and with a maximum floor area of 2,800 m²;
 - e. construction of commercial buildings containing one or more residential units to a maximum of six stories in height and with a maximum floor area of 2,800 m²;
 - f. commercial construction with a floor area of up to 2,800 m²;
 - g. surface parking lots or alterations to existing surface parking lots;
 - h. development within the Environmental Development Permit Area; and
 - i. development within the Riparian Development Permit Area.

9. Exceptions and Limitations to Director of Development Services Powers

- 9.1 Notwithstanding Section 8, the Director of Development Services may not issue a development permit when the Application is submitted concurrently with an application:
- a. to amend the Official Community Plan;
 - b. to amend the Zoning Bylaw;
 - c. for a development variance permit, other than a Minor Variance DVP; and
 - d. for a temporary use permit.

10. Requirements for Security

- 10.1 When a permit is issued by the Director of Development Services under Section 8, the Applicant shall provide security.
- 10.2 Securities required under Section 10.1 must be provided:
- a. when an Application for a Building Permit is made, if the development permit authorizes the construction of a structure requiring a building permit, or
 - b. prior to issuance of the development permit, if the development permit authorizes development that does not require a building permit.
- 10.3 The amount of security required shall be the greater of:
- a. an estimate or quote provided by the Applicant or obtained by the City, prepared by a professional qualified to undertake or supervise the works for which the securities are required; or
 - b. \$5000 per Dwelling Unit
- and the Applicant may be required to add a contingency amount of up to 10% to an amount of security determined under this Bylaw.

11. Delegation of Minor Variance DVP Issuing Authority

- 11.1 Council delegates its powers to the Director of Development Services to issue Minor Variance DVPs.
- 11.2 The Director of Development Services must consider the following guidelines in deciding whether to issue a Minor Variance DVP:
- a. comments received from the public, if any;
 - b. applicable City bylaws, policies and guidelines;
 - c. neighbourhood context;

- d. impact to neighbouring properties or uses; and
- e. any other considerations the Director of Development Services considers relevant or appropriate in the circumstances.

11.3 If the Director of Development Services has determined that the application is for a Minor Variance DVP and has considered the guidelines in this Bylaw they may issue the Minor Variance DVP and include any conditions they consider appropriate.

12. Delegation of Liquor Licence Applications

12.1 Council delegates its powers under s. 38 of the *Liquor Control and Licensing Act* to the City's Director of Development Services, or in their absence, to the Planning and Licensing Manager, to be exercised in accordance with Council Policy #2021-03 as amended or superseded.

13. Delegation of Strata Conversion Approval/Refusal Authority

13.1 In accordance with Section 242 (10) of the *Strata Property Act*, Council delegates its powers under section 242(3) of the *Strata Property Act* to approve or refuse a strata plan of a previously occupied building with four (4) Dwelling Units or less, to the Director of Development Services.

14. Reconsideration of Director of Development Services Decision

- 14.1 An Applicant is entitled to have Council reconsider a decision of the Director of Development Services or the Planning and Licensing Manager in accordance with the following procedures:
- a. within 30 days of receiving the Director of Development Services' or Planning and Licensing Manager's decision, the Applicant must submit a written request for reconsideration and pay the prescribed fee;
 - b. the File Manager shall prepare a report to Council in accordance with Section 7 of this Bylaw, including the reasons for the original decision;
 - c. at a date and time set by the Corporate Officer, the Applicant shall be provided an opportunity to appear before Council and be heard regarding the decision; and
 - d. following the Applicant's opportunity to be heard, Council may either confirm the original decision or render a different decision.

15. Permit Applications Considered by Council

15.1 Upon receipt of an Application for a Land Use Permit, Council may, by resolution, authorize the issuance of the Land Use Permit, authorize the issuance of the Land Use Permit subject to conditions, including conditions respecting security or refuse to authorize the issuance of the Land Use Permit.

16. Notification and Consultation Requirements

- 16.1 Where Council or the Director of Development Services proposes to approve an Application for a development permit or a Minor Variance DVP no notification is required.
- 16.2 Prior to final consideration of an Application for a development variance permit, by Council staff shall deliver notification in accordance with Section 499 of the *Local Government Act* to:
- a. all owners and tenants of the land that is subject to the proposed permit; and
 - b. all owners and tenants of lands any portion of which is within 100 metres of the land that is subject to the proposed permit.
- 16.3 Prior to final consideration of an Application for a temporary use permit by Council, staff shall deliver notification in accordance with Section 494 of the *Local Government Act* to:
- a. all owners and tenants of the land that is subject to the proposed permit; and
 - b. all owners and tenants of lands any portion of which is within 100 metres of the land that is subject to the proposed permit.
- 16.4 Prior to final consideration of an Application for a development variance permit or temporary use permit and only after notification has been carried out in accordance with this Bylaw, all persons who believe their interests are affected by the proposed permit shall be afforded reasonable opportunity to present written submissions respecting matters relating to the permit.
- 16.5 Council may receive and consider representations and give final consideration and approval, approval with conditions, or reject a development variance permit or temporary use permit at the same meeting.
- 16.6 Where Council proceeds with a public hearing, notice of the public hearing shall be mailed or otherwise delivered by the Planning Department at least ten days before the date of the hearing to:
- a. all owners and tenants of the land that is subject to the proposed amendment, and
 - b. to owners and tenants of lands any portion of which is within 100 metres of the land that is subject to the proposed amendment.
- 16.7 Notification distances shall be measured from the legal boundary of the parcel or parcels in respect of which the permit or amendment Application is made.

17. Requirements to Post a Sign on the Subject Property

- 17.1 All applicants applying for an Official Community Plan amendment or a Zoning Bylaw amendment shall post a sign on the subject property that is the subject of the amendment, in accordance with this Bylaw.
- 17.2 Notwithstanding Section 17.1, posting a sign on the subject property is not required for

amendments to the Official Community Plan or Zoning Bylaw initiated by the City affecting ten or more parcels, or for amendments to the Zoning Bylaw if no public hearing will be held.

- 17.3 The sign shall contain the information prescribed by the Director of Development Services and be erected on the subject property at least ten days before the date of the public hearing and maintained in place until the day following the public hearing.
- 17.4 Where a sign under Section 17.1 must be erected, the Applicant shall, at their cost, have the sign erected by the contractor designated by the City to fabricate and erect signs required by this bylaw.
- 17.5 The cost of posting the sign shall be specified in the Fees and Charges Bylaw.

18. Requirements to Maintain Signage and Failure to Post a Sign

- 18.1 The Applicant shall promptly have the sign repaired by the City sign contractor, at the Applicant's cost, if the sign is destroyed or damaged such that it no longer conveys the information prescribed by the Director of Development Services or if the sign is removed.
- 18.2 If an Applicant fails to post or maintain the sign in accordance with this Bylaw, Council may:
 - a. postpone consideration of the Application until the sign is posted in accordance with this Bylaw; or
 - b. reject the Application.
- 18.3 If a sign is deliberately or accidentally removed, damaged or destroyed, the Applicant is deemed to have complied with the requirement to post and maintain notice under this bylaw if:
 - a. the Applicant made a reasonable effort to comply with this Bylaw; and
 - b. the removal, damage or destruction of the sign was not the result of a deliberate or negligent action by the Applicant.

19. Reapplication

- 19.1 An Application within the scope of this Bylaw that has been refused by Council shall not be re-submitted within a six-month period immediately following the date of refusal.

20. Offences, Penalties and Enforcement

- 20.1 Every person who:
 - a. commences construction of, an addition to, or alteration of a building or other structure within a development permit area designated by the City under Section 488(1) of the *Local Government Act*;
 - b. alters land within a development permit area designated by the City under Section 488 (1) (a) or (b) of the *Local Government Act*; or

- c. alters land or a building or other structure on land within a development permit area designated by the City under Section 488 (1) (d), (h), (i) or (j) of the *Local Government Act*;

shall first obtain a development permit, unless an exemption applies.

20.2 Every person who obtains a Land Use Permit or any other approval under this bylaw shall strictly comply with the terms and conditions of the approval and shall develop land strictly in accordance with the Land Use Permit.

20.3 Every person who:

- a. violates a provision of this bylaw;
- b. permits, suffers or allows any act to be done in violation of any provision of this bylaw;
- c. neglects to do anything required to be done under any provision of this bylaw; or
- d. allows a violation of this bylaw to continue;

commits an offence and each day a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

21. Repeal

21.1 The City of Penticton Development Procedures and Delegation Bylaw 2010-92 and amendments thereto are repealed upon the adoption of this bylaw.

READ A FIRST time this	12	day of	December, 2023
READ A SECOND time this	12	day of	December, 2023
READ A THIRD time this	12	day of	December, 2023
ADOPTED this		day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2023-43

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

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

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

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

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2023-43".

2. **Amendment:**

- 2.1 Amend "Fees and Charges Bylaw No. 2014-07" by removing the four major and minor variance fees and replacing with the following part of Appendix 20 – Planning and Development:

Appendix 20		
PLANNING AND DEVELOPMENT	2023	2024
Development Variance Permit Application or Board of Variance Application		
Major Variance (Council Decision)		\$1,510.00
Minor Variance (staff issuable)		\$825.00

READ A FIRST time this 12 day of December, 2023

READ A SECOND time this 12 day of December, 2023

READ A THIRD time this 12 day of December, 2023

ADOPTED this day of , 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2023-44

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

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

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

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

1. **Title:**

This Bylaw may be cited as "Municipal Ticketing Information Amendment Bylaw No. 2023-44".

2. **Amendment:**

2.1 Amend "City of Penticton Ticket Information Bylaw No. 2012-5021" by updating Schedule A:

- i. In column 1 under Designated Bylaws, add 24. Development Procedures and Delegation Bylaw No. 2023-42
- ii. In column 2 under Designated Bylaw Enforcement Officer, add Bylaw Enforcement Officers

2.2 Add the following Schedule:

- Schedule B24 – Development Procedures and Delegation Bylaw No. 2023-42

2.3 Schedule B24 attached hereto forms part of this bylaw.

READ A FIRST time this	12	day of	December, 2023
READ A SECOND time this	12	day of	December, 2023
READ A THIRD time this	12	day of	December, 2023
ADOPTED this		day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Schedule B24 to "City of Penticton Ticket Information Bylaw No. 2012-5021"

Development Procedures and Delegation Bylaw No. 2023-42

Description of Offence	Bylaw Section	Fine
Failure to obtain permit for alteration of land, building or other structure within development permit area	20.1	\$1000
Failure to comply with Land Use Permit	20.2	\$1000

The Corporation of the City of Penticton

Bylaw No. 2023-45

An amendment to regulate enforcement of bylaw notices

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

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

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

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

1. Title:

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2023-45".

2. Amendment:

2.1 Amend Schedule 'A' by updating the Appendices Index and adding:

Appendix 25 – Development Procedures and Delegation Bylaw No. 2023-42

2.2 Appendix 25 attached hereto forms part of this bylaw.

READ A FIRST time this 12 day of December, 2023

READ A SECOND time this 12 day of December, 2023

READ A THIRD time this 12 day of December, 2023

ADOPTED this day of , 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Schedule 'A'

APPENDIX 25

Development Procedures and Delegation Bylaw No. 2023-42

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Failure to obtain permit for alteration of land, building or other structure within development permit area	20.1	\$450	\$400	\$500	Yes
Failure to comply with Land Use Permit	20.2	\$450	\$400	\$500	Yes

The Corporation of the City of Penticton

Bylaw No. 2023-46

A Bylaw to Amend Traffic Bylaw No. 94-39

WHEREAS the Council of the City of Penticton has adopted a Traffic Bylaw pursuant to the *Community Charter* and *Motor Vehicle Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Traffic Bylaw No. 94-39;

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

1. **Title:**

This bylaw may be cited for all purposes as "Traffic Amendment Bylaw No. 2023-46".

2. **Amendment:**

Traffic Bylaw No. 94-39 is hereby amended as follows:

2.1 Add the following to SECTION 9 – USES REQUIRING THE DIRECTOR'S PERMISSION

DRIVEWAY

10. Construct a new, or modify an existing, driveway

11. Any new, or changes to, an existing driveway shall:

- Comply with the driveway standards within the Subdivision and Development Bylaw and Zoning Bylaw;
- Not cross an existing or proposed bicycle lane where alternative access (side street or lane) exists;
- Typically be limited to a single driveway per property, with a maximum number of two unless required to manage the traffic volumes.

12. Requests for new, or changes to, driveways will take into account the following:

- Current access to the site and the need for any additional access;
- Proposed driveway widths and grades;
- Impact on existing, or proposed, bicycle lanes;
- Impact on the street scape;
- Impact on street parking;
- Impact on pedestrians;
- Impact of traffic movement;
- Impact on the boulevard landscaping, including trees;
- Traffic volumes.

READ A FIRST time this	12	day of	December, 2023
READ A SECOND time this	12	day of	December, 2023
READ A THIRD time this	12	day of	December, 2023
ADOPTED this		day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer