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June 3, 2024
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Public Hearing
to be held at the City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.
To view the live broadcast and recordings, visit www.penticton.ca

Monday, June 3, 2024
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **“Zoning Bylaw No. 2024-22”** 1-153

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Bylaw No. 2024-22”

- Purpose: A comprehensive update to the Zoning Bylaw is proposed to implement recent Provincial housing initiatives and the local Official Community Plan (OCP) Housing Task Force recommendations. Given the extent of the proposed updates, staff are proposing a new Zoning Bylaw to repeal and replace Zoning Bylaw No. 2023-08. The vast majority of regulations from the previous Zoning Bylaw No. 2023-08 are carried forward, with the following key changes proposed in the new Zoning Bylaw No. 2024-22:
- Implement Provincial small-scale multi-unit housing regulations (up to 4 units per lot)
 - Following requirements of Provincial Bill 44: Housing Statutes (Residential Development) Amendment Act
 - Implement Provincial transit-oriented area regulations for the areas around Penticton Plaza and Peachtree Square
 - Following requirements of Provincial Bill 47 (Housing Statutes (Transit-Oriented Areas) Amendment Act
 - Including local initiative to designate the area around Cherry Lane Mall as a transit-oriented area
 - Updated parking requirements:
 - Remove on-site residential parking requirements in the downtown
 - Remove on-site parking requirements for secondary suites and carriage houses
 - Reduce the residential visitor parking requirement from 0.25 spaces per unit to 0.20 spaces per unit
 - Increase residential front yard setbacks along Lakeshore Drive West
 - Increase allowable building heights along the 400-700 blocks of Main Street
 - Rezone city-owned properties to allow residential uses:
 - 2509 South Main Street to RM3 (Medium Density Multiple Housing) zone

- 971, 977, 985, 999 Eckhardt Avenue West to RM3 (Medium Density Multiple Housing) zone
- Rezone BC Housing owned property at 393 Winnipeg Street to C5 (Urban Centre Commercial) zone
- Remove RSM (Manufactured Home Park) zoning from 1050 Spiller Road
- Other minor updates, including:
 - Wording changes (i.e. changing “vacation rental” to “short term rental”)
 - Additional information and regulations for localized depressions, carriage house decks and balconies, pedestrian access paths
 - Expand definition of residential amenity space, and add definition for major high-occupancy short term rental
 - Formatting, wording and grammar changes

Notice: Pursuant to the *Local Government Act* the Public Hearing was advertised on Friday, May 24, 2024 and Friday, May 31, 2024 in an online news source and the newspaper.

CO One letter has been received regarding the Zoning Bylaw attached (as of noon Wednesday, May 29, 2024)

Mayor Requests Development Services staff describe the proposed bylaw

Mayor Invitation to electronic and in-person participants to present their views

Mayor Invites Council members to ask questions

PUBLIC HEARING for “Zoning Bylaw No. 2024-22” is terminated and no new information can be received on this matter.

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

Tuesday, May 21, 2024
at 1:00 p.m.

Resolutions

8.2 Zoning Bylaw No. 2024-22

145/2024

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Bylaw No. 2024-22", a bylaw intended to repeal and replace "Zoning Bylaw No. 2023-08";

AND THAT Council forward "Zoning Bylaw No. 2024-22" to the June 3, 2024 Public Hearing.

CARRIED UNANIMOUSLY



Council Report

penticton.ca

Date: May 21, 2024 **File No:** RMS/6440-01
To: Anthony Haddad, City Manager
From: Steven Collyer, Housing and Policy Initiatives Manager
Subject: **Zoning Bylaw No. 2024-22**

Staff Recommendation

THAT Council give first reading to "Zoning Bylaw No. 2024-22", a bylaw intended to repeal and replace "Zoning Bylaw No. 2023-08";

AND THAT Council forward "Zoning Bylaw No. 2024-22" to the June 3, 2024 Public Hearing.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

A comprehensive update to the Zoning Bylaw is proposed to implement recent Provincial housing initiatives and the local Official Community Plan (OCP) Housing Task Force recommendations. Given the extent of the proposed updates, staff are proposing a new Zoning Bylaw to repeal and replace Zoning Bylaw No. 2023-08.

The vast majority of regulations from the previous Zoning Bylaw No. 2023-08 are carried forward, with the following key changes proposed in the new Zoning Bylaw No. 2024-22:

- Implement Provincial small-scale multi-unit housing regulations (up to 4 units per lot)
 - Following requirements of Provincial *Bill 44: Housing Statutes (Residential Development) Amendment Act*
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 - Following requirements of Provincial *Bill 47 (Housing Statutes (Transit-Oriented Areas) Amendment Act*
 - Including local initiative to designate the area around Cherry Lane Mall as a transit-oriented area
- Updated parking requirements:
 - Remove on-site residential parking requirements in the downtown
 - Remove on-site parking requirements for secondary suites and carriage houses

- Reduce the residential visitor parking requirement from 0.25 spaces per unit to 0.20 spaces per unit
- Increase residential front yard setbacks along Lakeshore Drive West
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- Other minor updates, including:
 - Wording changes (i.e. changing “vacation rental” to “short term rental”)
 - Additional information and regulations for localized depressions, carriage house decks and balconies, pedestrian access paths
 - Expand definition of residential amenity space, and add definition for major high-occupancy short term rental
 - Formatting, wording and grammar changes

Attachment ‘A’ contains a more detailed summary of the proposed Zoning Bylaw changes. The document has been updated to reflect changes made after the public engagement period. Attachment ‘B’ contains the full text and maps of the new Zoning Bylaw No. 2024-22.

Related Official Community Plan updates are discussed in the separate associated report.

Background

This new Zoning Bylaw No. 2024-22 is part of the housing initiatives work which began in 2023 with Council’s OCP Housing Task Force and Provincial housing legislation announcements. In addition, staff consistently review the Zoning Bylaw regulations and seek to update the bylaw on a regular basis to improve its clarity and ease of interpretation.

Work Plan

On January 16, 2024, Council endorsed the work plan presented by staff to carry out updates to the Official Community Plan and Zoning Bylaw to implement the OCP Housing Task Force recommendations, Provincial housing legislation, and Penticton’s Housing Accelerator Fund initiatives. As many of these policy changes complement each other, staff worked to bring

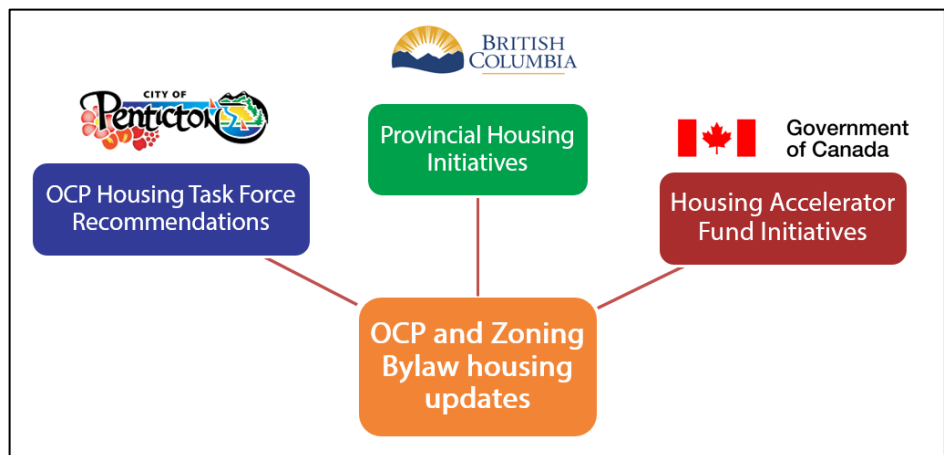


Figure 1 - Chart showing the inputs guiding overall direction of the Official Community Plan and Zoning Bylaw updates.

forward draft amendments to both the OCP and Zoning Bylaw concurrently for Council and the community to understand the full scope of the housing changes being proposed across both regulatory documents. After staff prepared the draft amendments over January and February, public engagement was held over March and April, with the final amendments and public engagement feedback being presented to Council for consideration herein.

Public Engagement Period

Staff carried out public engagement on the proposed Zoning Bylaw changes reflected in Zoning Bylaw No. 2024-22 from March 4 to April 14. The purpose of the engagement period was to raise community awareness and provide education for both the provincial housing changes and proposed local updates to the Official Community Plan and Zoning Bylaw. In addition, engagement provided an opportunity for community feedback on elements of the updates which could be amended and revised. Over the public engagement period, staff held 10 public information opportunities, met with eight interest groups, received 267 feedback forms, and 6 letters.

The full review of the public engagement period and results is included in Attachment 'B' of the related report on the Official Community Plan amendments.

Feedback on parking, the Cherry Lane Mall transit-oriented area, tree planting, landscaping requirements, building heights, and building setbacks relates to zoning regulations. This Zoning Bylaw feedback received is discussed in the "Analysis" section.

Public Hearing

While Section 464(3) of the recently amended *Local Government Act* prohibits public hearings for Zoning Bylaw Amendments for the sole purpose of complying with Provincial legislation, this new Zoning Bylaw No. 2024-22 includes more changes than strictly those necessary to implement the provincial small-scale multi-unit and transit-oriented areas legislation. Staff took this opportunity to include updates related to the OCP Housing Task Force recommendations and staff's ongoing list of minor updates. As such, should Council give the new Zoning Bylaw first reading, a public hearing will be held on Monday, June 3, 2024 prior to consideration of further readings of the new Zoning Bylaw No. 2024-22.

Financial Implication

As part of a provincial \$51M fund, the Province granted Penticton \$314,454 in January 2024 to help implement the new Provincial housing legislation. The City will utilize that money to support the following upcoming projects related to the Provincial housing initiatives:

- Review Master Infrastructure plans (water, sewer servicing and park space in particular)
- Review the Development Cost Charge program
- Investigate the suitability of an Amenity Cost Charge program for Penticton
- Update of the 2023 Housing Needs Assessment to meet the provincial framework
- Preparation of public engagement materials (*completed*)

Some funds were expended on public engagement materials to explain the Provincial legislation changes as part of the broader public engagement period over March and April. The provincial grant funds have not

been directly spent on this Zoning Bylaw update, which has been led in-house by staff without external consultants.

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The new Zoning Bylaw is aligned with the following CCAP “Big Moves”:

- **Shift Beyond the Car:** the proposed parking requirement changes in the new Zoning Bylaw support more homes to be built in the downtown and around the designated transit-oriented areas. This allows a market-driven response to parking needs and encourages the use of alternate modes like transit, biking, and walking for some trips.
- **Electrify Passenger Transportation:** the electric vehicle (EV)-ready parking requirements for new developments are carried forward into the new Zoning Bylaw, helping facilitate the easy installation of EV chargers in the future.

Technical Review

The proposed Zoning Bylaw changes were presented to the Technical Planning Committee, a group of internal staff who are involved in the development approvals process. The group provided feedback on the proposed Zoning Bylaw updates which was incorporated in the new Zoning Bylaw.

Planning staff worked closely with the Parks Department to review the proposed R4-L and R4-S zones to see how they align with the upcoming Urban Forest Management Plan. The proposed development regulations (setbacks, lot coverage, etc.) provide room for landscaping on these infill development properties and allow for sufficient space to plant trees. Existing tree planting and landscape buffer requirements remain as-is. As higher density infill developments occur, there is often smaller landscaped amenity areas on private lots, elevating the need to consider the tree canopy and available green spaces in the City overall recognizing that most new growth is expected in the already built-up area.

The Building Department noted some concerns and additional considerations if the R4-L and R4-S zone side yard setbacks were proposed at 1.2m rather than 1.5m, including Building Code spatial separation requirements and the increased possibility of encroachments into the required width of an access path to any rear-facing units. As such, the new R4-L and R4-S zones continue to incorporate 1.5m side yard setbacks which are common in urban residential zones in the City’s existing zoning bylaw today.

Development Services staff will work to update all information materials (bulletins, guides, application reference documents) with the new Zoning Bylaw regulations as soon as possible after the new Zoning Bylaw No. 2024-22 is adopted by Council. That work will help support the development industry and homeowners with the transition to the new Zoning Bylaw regulations.

Analysis - Small-Scale Multi-Unit Housing

The Province passed *Bill 44, Housing Statutes (Residential Development) Act*, in the fall 2023 legislative session. This legislation implemented significant changes to how cities across BC zone residential lands. This legislation ends restrictive single-detached and duplex zoning in urban areas and requires cities like Penticton to change their zoning rules to allow between 3-6 homes per lot. The goal is to provide landowners the opportunity to provide more units on their property without needing to go through a

rezoning process, assisting with the supply of homes and relative affordability compared to exclusively single-detached neighbourhoods.

Given the provincial legislation criteria, the urban areas of Penticton must be rezoned to allow for 4 units per lot on all properties previously only allowing a single detached home, carriage house, secondary suite, or duplex. Rural areas, lots in zones with minimum 0.4ha lot size, and lots without municipal service connections are exempt from the density requirement. The legislation requires affected local governments to pass a bylaw allowing the mandatory density by June 30, 2024. The province allows each community some discretion in how they implement the bylaw changes locally (i.e. development regulations such as setbacks, lot coverage, building height, etc.).

To implement the provincial small-scale multi-unit housing legislation, the new Zoning Bylaw No. 2024-22 proposes two new zones to replace seven existing single-family and duplex zones (Figure 2).

Zoning Changes



Figure 2 - Existing zones on the left being replaced by new zones on the right.

The R4-L and R4-S zones allow for a maximum density of 4 units per lot, as required by the Provincial legislation. "R4" was chosen as the prefix to align with the new zoning allowing up to 4 units per lot, and to avoid any confusion or misinterpretation if the previous zoning prefixes were adapted (i.e. R1, R2, R3, etc.). Where the two new zones differ is in suffix, "-L" for the 'large lot' category and "-S" for the 'small lot' category.

The R4-L and R4-S zones contain the same list of primary permitted uses. These uses are all defined in Chapter 3 of the Zoning Bylaw:

- Apartment
- Carriage House
- Congregate Housing
- Duplex
- Single Detached Dwelling
- Secondary Suite
- Townhouse

The R4-L and R4-S zones have different subdivision and development regulations. This is to reflect the different lot density in various neighbourhoods across the city.

Regulation	R4-L Zone	R4-S Zone
Minimum Lot Width	16 m (standard lot) 18 m (corner lot)	9.1 m (standard lot) 10.5 m (corner lot)
Minimum Lot Area	560 m ²	280 m ²
Maximum Lot Coverage	40%	50%
Maximum Density	4 dwelling units	4 dwelling units
Maximum Height	11.0 m (principal buildings) 4.5 m (accessory buildings)	11.0 m (principal buildings) 4.5 m (accessory buildings)
Maximum Number of Storeys	3 storeys above grade	3 storeys above grade
Minimum Front Lot Line Setback	4.5 m	4.5 m
Minimum Interior Side Lot Line Setback	1.5 m	1.5 m
Minimum Exterior Side Lot Line Setback	3.0 m	3.0 m
Minimum Rear Lot Line Setback	6.0 m (principal buildings) 1.5 m (accessory buildings)	6.0 m (principal buildings) 1.5 m (accessory buildings)
Maximum Combined Footprint of all Accessory Buildings	75 m ²	75 m ²

The R4-L and R4-S zones contain the following ‘other regulations’ which were previously included in the various zones being replaced (i.e. R1, R2, R3, etc). These regulations have been updated and consolidated into the new R4-L and R4-S:

Regulation	R4-L Zone & R4-S Zone
Vehicle Access	Where a rear lane is provided, all vehicular access must be from the rear lane only.
Pedestrian Access	A clear, unobstructed, hard-surfaced, and maintained pedestrian access, at least 1.2m in width, must be provided from the front of the lot to the main entry of each dwelling unit.
Home Occupations	A major home occupation shall only be permitted within a single detached dwelling or accessory building and on lots containing no more than two dwelling units.
Amenity Space	A minimum 20m ² of amenity space must be provided per unit. At least 25% of the required amenity space must be provided at the ground floor level. Up to 20% of the required amenity space may be provided indoors.

Alignment with Provincial Small-Scale Multi-Unit Housing Legislation

The Province issued the Provincial Policy Manual and Site Standards for small-scale, multi-unit housing which describes the legislation intent, rationale, and contains different ‘site standards guides’ for communities of different sizes. The policy manual states that local governments must consider the manual

and site standards. The following table outlines how the proposed R4-L and R4-S zones align with the applicable provincial legislation and site standards:

Regulation	Applicable Provincial Guideline (Site Standards B)	R4-L Zone	R4-S Zone
Minimum Front Lot Line Setback	2.0 m	4.5 m	4.5 m
Minimum Rear Lot Line Setback	1.5 m	6.0 m	6.0 m
Minimum Side Lot Line Setbacks	1.2 m	1.5 m	1.5 m
Maximum Height	11.0 m	11.0 m	11.0 m
Maximum Number of Storeys	3	3	3
Maximum Lot Coverage	50%	40%	50%
Off-Street Parking Requirements	1 space per unit	1 space per unit 0 spaces per secondary suite or carriage house	1 space per unit 0 spaces per secondary suite or carriage house

The rationale for the proposed R4-L and R4-S regulations in Zoning Bylaw No. 2024-22 and some proposed variations from provincial guidelines are outlined below:

- **Minimum Front Lot Line Setback**
 - The proposed front yard setback in the new zones is 4.5m, which is consistent with existing zones in Penticton allowing 4 units per lot (i.e. RD4 zone). This front yard setback allows more room for landscaping and trees, while keeping a more consistent streetscape with existing buildings compared to the provincial guideline of 2.0m.
 - While the provincial guideline is 2.0m, the guide states that front lot line setbacks of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees and to accommodate future road right-of-way dedications.
 - As there may not be sufficient room for boulevard trees in front of all affected properties, staff recommend the 4.5m front lot line setback be applied.
- **Minimum Rear Lot Line Setback**
 - The proposed rear yard setback in the new R4-L and R4-S zones is 6.0m, which is the same requirement as most residential zones in Penticton currently. This setback allows for sufficient room for nose-in vehicle parking from lanes (parking spaces must be 5.8m in depth). Rear parking will be required through the new zones if the property has rear lane access.
 - A 6.0m setback provides sufficient separation between adjacent properties if there is no lane and a property direct abuts another. This space maintains more room for trees, landscaping and amenity space compared to a 1.5m setback.
 - It should be noted that carriage houses will continue to be permitted to a 1.5m rear yard setback, which is aligned with the provincial guideline.

- **Minimum Side Lot Line Setbacks**
 - The proposed side yard setbacks are 1.5m when abutting another property and 3.0m when abutting a street. These setbacks are the same as what is currently permitted in many urban residential zones.
 - The 1.5m setback allows room for a required 1.2m wide unobstructed access path to the rear of the property if there are units at the back. A 1.2m wide path can be pinched by fencing or utilities when only 1.2m setbacks are required through zoning.
 - The additional setback from a street side yard helps maintain sightlines and a more common streetscape setback as what would be required if the building fronted onto a side street (i.e. 4.5m).
- **Maximum Height**
 - The maximum height of 11.0m is similar to the 10.5m height already permitted in most urban residential zones currently.
 - The change is proposed to align with the provincial guideline and is considered a minor change from what is currently permitted (difference of 0.5m).
- **Maximum Number of Storeys**
 - The maximum height of 3 storeys above grade is clearly outlined in the new zones to align with the provincial guideline. 3 storeys is already commonly achieved through the 10.5m building heights in most urban residential zones today.
- **Maximum Lot Coverage**
 - The proposed R4-L (large lot) zone includes a maximum 40% lot coverage while the proposed R4-S (small lot) zone includes a maximum 50% lot coverage. The reason for this variation takes account for the existing and permitted lot sizes in both zones.
 - The R4-L zone requires a larger lot size (560m²) than the R4-S zone (280m²), therefore it could be challenging to construct to the maximum 4-unit density on a smaller lot in the R4-S zone if a 40% lot coverage limit were applied.
 - The proposed 40% and 50% lot coverage regulations are consistent with the existing urban residential zone regulations (i.e. RD1 and RD2 zones) and generally aligned with the provincial site standards guide.
- **Off-Street Parking Requirements**
 - One parking space per unit is the proposed requirement in the new R4-L and R4-S zones, consistent with the provincial guide.
 - The provincial guide outlines a lower parking requirement if the lot is near frequent transit service, however Penticton's transit service frequency does not meet the criteria at this time.
 - A proposed Zoning Bylaw change is to no longer require on-site parking for secondary suites or carriage houses.
 - Another proposed Zoning Bylaw change is to lower the visitor parking requirement from 1 visitor space for every 4 units, to 1 visitor space for every 5 units. This eliminates the requirement to provide an on-site visitor parking space for 4-unit developments and keeps the City's parking requirements aligned with the provincial site standards guide (1 space per unit).

After considering the Provincial Policy annual and Site Standards Guide for small-scale, multi-unit housing, staff consider the proposed R4-L and R4-S zones to align with the province's intent. Where different, the regulations staff propose have already been demonstrated to allow for the intended density of 4 units per

lot as they are similar to the existing regulations of Penticton’s infill housing zones allowing 4 units (i.e. RD4 zone). Keeping generally consistent development regulations helps maintain consistency for the local development community and supports community goals around enhancing the city’s urban tree canopy.

Analysis - Transit-Oriented Areas

The Province passed *Bill 47, Housing Statutes (Transit-Oriented Areas) Amendment Act* in the fall 2023 legislative session. The intent of this legislation is to require larger cities in BC to allow more homes to be built near transit and bus exchanges in their communities. The legislative framework sets out parking, height, and density regulations cities must allow for with new development proposals within a specified distance of prescribed transit exchanges, scaled in accordance with the size of the city or region. The legislation allows cities to designate additional transit-oriented areas if they choose to, with more flexibility in the applicable affected areas than those which are Provincially-designated. The legislation and corresponding regulations designated the areas around two bus exchanges in Penticton as transit-oriented areas, which must be implemented by city bylaw no later than June 30, 2024.

The province has designated the areas within 400m of the Penticton Plaza bus exchange (Safeway plaza) and the Peachtree Square bus exchange (Walmart plaza) as transit-oriented areas. There was no opportunity for local input or consultation by the province when designating these specific exchanges. Staff have proposed including Cherry Lane Mall bus exchange as a third transit-oriented area, recognizing the number of local and regional routes which pass through that exchange. All three areas will be supported by the City’s future “frequent transit network” which means service every 15 minutes, as outlined in the City’s Network Restructure Plan (adopted in 2023).

New maps of the transit-oriented areas will be included as schedules of Zoning Bylaw No. 2024-22. The affected properties are highlighted in the mapping. The provincially-designated areas include all properties within 200m as one category and properties within 200-400m as another category. In some places at the edges, certain properties have been included to logically complete entire blocks, while other areas have been left at the extent of the distance radius. Around the Cherry Lane Mall transit-oriented area, several properties along Main Street, Atkinson Street, and Skaha Lake Road have been included beyond the 400m radius in order to connect the three transit-oriented areas together, given their close proximity (Figure 3).

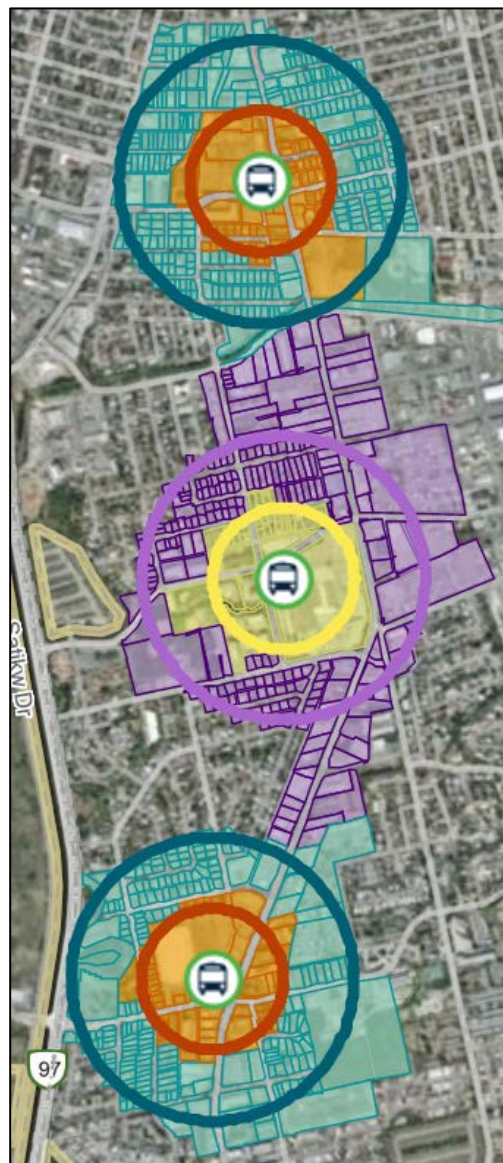


Figure 3 - Map showing the three proposed transit-oriented areas along the Main Street and Skaha Lake Road corridor.

The provincial legislation does not require the city to rezone the affected properties to allow for the mandated parking, height and density regulations. There are many different zones on properties within each area, and pre-zoning would remove the city’s ability to place any requirements on larger projects moving forward in those areas, such as road dedications or extended infrastructure works. Instead of rezoning each affected property, the zoning will remain as-is and instead the property will be indicated on a map to be

DEVELOPMENT REGULATION	TRANSIT ORIENTED AREA: AREA 1 (0-200M)	TRANSIT ORIENTED AREA: AREA 2 (200-400M)
Maximum height	6 storeys above approved grade*	4 storeys above approved grade*
Maximum density	2.5 Floor Area Ratio (FAR)*	1.5 Floor Area Ratio (FAR)*
Minimum vehicle parking spaces	No vehicle parking spaces are required for dwelling units.	
Minimum accessible parking spaces	Accessible parking spaces shall be provided in accordance with the Zoning Bylaw, based on the corresponding number of dwelling units on the lot.	

* If the lot is within a zone which permits greater height and/or density than noted in this table, then the greater height and/or density regulation applies.

Figure 4 - General provisions table outlining transit-oriented area development regulations.

Sample of What We’ve Heard – Feedback Form Responses regarding Including Cherry Lane Mall as a Transit-Oriented Area

“Wait a couple of years, to see how the other 2 transit-oriented areas develop, and learn from them.”

“Extend the transit oriented areas to 600m of the two bus exchanges.”

“Let’s start with 2 and see how it goes.”

“Current plan is sufficient, do this one [at Cherry Lane Mall] in the future if needed.”

within a transit-oriented area and a new section in the ‘general provisions’ chapter of the Zoning Bylaw will allow for the provincial regulations (Figure 4).

Q: Do you support the City creating an additional transit-oriented area at Cherry Lane Mall?

69% Yes / 10% Somewhat / 14% No / 7% No Opinion

Given the level of support, and the fact that Cherry Lane Mall is a major origin and destination of local and regional bus routes, staff continue to recommend that a transit-oriented area be established through the new Zoning Bylaw around this the Cherry Lane Mall bus exchange.

Analysis - Parking Requirement Changes

Zoning Bylaw No. 2024-22 includes several changes to parking requirements. Some of these changes are required to comply with Provincial legislation, such as no residential parking requirements in transit-oriented areas and aligning visitor parking requirements with small-scale multi-unit housing requirements.

Other changes are city-led in response to the Provincial requirements and intended to support development in the downtown core and the development of rental suites like carriage houses and secondary suites.

- Remove on-site residential parking requirements in C5 zone and RM5 zone (Ellis St only).

With the creation of transit-oriented areas in the central part of the city (Figure 3), the Zoning Bylaw parking requirements will no longer apply to new homes built in those areas. The downtown area is the most walkable neighbourhood in the city, with a number of vacant and underutilized properties the community has a desire to see developed. Staff have raised concerns that these new development regulations imposed by the province will incentivize development in the transit-oriented areas around the malls and discourage development downtown unless the downtown residential parking regulations are changed.

The elimination of residential parking requirements in the C5 (Urban Centre Commercial) zone is proposed to not discourage development in the downtown core. The residential parking requirement is also proposed to be eliminated for any RM5 (Residential Infill) zoned properties along Ellis Street, as it is adjacent to Main Street and the downtown core.

While the Zoning Bylaw would no longer require a specific amount of residential parking in those zones, staff expect new developments will continue to provide on-site parking to meet market demand from future residents in those homes. This change follows other cities like Edmonton, Calgary and Toronto which have gone further and eliminated parking minimums city-wide. More and more cities in North America are revisiting their parking requirements and deciding in many cases to allow a more market-driven response to on-site parking.

Additional parking considerations, including the letter received from the Downtown Penticton BIA and a staff recommendation for a downtown parking study, are discussed in the separate report on the proposed OCP updates.

- Remove on-site parking requirements for carriage houses and secondary suites.

Since 2014, there have been 347 secondary suites and 125 carriage houses built in Penticton. Current zoning regulations require 1 on-site parking space for these units. There have been some challenges with providing an additional on-site parking space on some properties when installing a new carriage house or secondary suite or legalizing non-conforming units.

With the small-scale multi-unit housing legislation (Bill 44), there is no guidance on tenure and its expected many of the additional units built will be strata-titled and ownership housing. The parking requirement is proposed to be removed to support the creation of rental units (carriage houses and secondary suites) and support the legalization of existing non-conforming units. On smaller lots, this may support additional rental homes to be built whereas if the unit were separately owned then an additional parking space would be required. It may also allow more of the property to be landscaped than used for parking. Additional parking may still be provided on the site, above and beyond the Zoning Bylaw minimum requirements.

- Reduce visitor parking requirement from 0.25 spaces per unit to 0.20 spaces per unit.

This minor change to the visitor parking requirement ratio means one on-site visitor parking space must be provided for every 5 units in a development, rather than for every 4. The reason for this change is related to the small-scale multi-unit housing legislation from the Province. The City's current visitor parking ratio would mean that 5 total parking spaces would be required for each 4-unit development, which would exceed the recommended parking ratio outlined in the Provincial policy guide.

This change means that developments in the new R4-L and R4-S zones will only need to provide 1 parking space per unit and any larger developments (5 or more units) will need to provide at least 1 visitor parking space on-site. Given the number of smaller lots which now must be zoned to allow up to 4 units, this change to reduce the amount of required parking on-site helps allow more room for landscaping, amenity space, and building area for homes rather than parking cars.

This visitor parking change also applies to larger-scale developments in multifamily zones. Staff reviewed the visitor parking requirements in other communities in the region. Kelowna requires a minimum 0.14 visitor parking spaces per unit and in fact sets a maximum of 0.20 visitor spaces per unit. In Kamloops, the visitor parking requirement ranges from 0.10 to 0.15 visitor spaces per unit. With this proposed change, Penticton will still require more visitor parking than these two communities.

Sample of What We've Heard – Feedback Form Responses regarding Proposed Parking Changes

Parking requirement changes:

- *"I don't think Penticton has enough transit or walkability to reduce parking requirements substantially. If changes could be made to drastically increase transit opportunities then I think parking requirements could be reduced for new builds."*
- *"City needs to focus on making more densely populated neighbourhoods more walkable. E.g.: incentive [for] a grocery store for the downtown core so that it would be viable to live there without a car."*
- *"Ample parking is essential. Considering the distance and location that we have to travel for work and personal reasons, there is not adequate or efficient transit systems in place. Perhaps parkades in key locations should be considered."*
- *"I do not want urban sprawl or development that is centred around accommodating the personal automobile. I want to live in a city that is built around high-quality public transportation and is walkable and bikeable."*

Feedback Form Results:

Q: Do you support the two proposed changes to parking policy? 1) Review and reduce parking standards in the downtown, multi-unit developments and strategic growth areas (i.e.: transit-oriented areas), and 2) Eliminate parking requirements for carriage houses and secondary suites.

40% Yes / 20% Somewhat / 33% No / 7% No Opinion

Acknowledging there is a split in feedback on the parking issue, staff are recommending the proposed parking changes proceed as drafted and that Council give staff direction to pursue a downtown parking study. The study would plan ahead for the future parking needs in that neighbourhood, considering the potential developments in that area which will ultimately support downtown vibrancy.

Analysis - Increased residential front yard setbacks along Lakeshore Drive West

In 2023, staff reported the findings of the Neighbourhood Charm Project to Council. That project involved a discussion with the community about the Cherryland and Lakeshore Drive neighbourhoods and how, through Zoning Bylaw changes, specific regulations could help retain certain distinguishing elements of those neighbourhoods as redevelopment occurs. An example of this was increased front yard setbacks.

Council directed staff in early 2023 to incorporate the findings of the Neighbourhood Charm Project into the larger OCP Housing Update project. Staff are proposing to implement a larger front yard setback on the residential section of Lakeshore Drive West to help ensure new developments respect the predominant building setback of that section of the street.

The proposal would require 9m front yard setbacks (30 feet) where the typical front yard setback ranges from 3m (10 feet) to 4.5m (15 feet). This aligns with recent new developments along this section of Lakeshore Drive West: for an example, an 8.5m front setback at 452 Lakeshore Drive West and an 8.0m front setback at 602 Lakeshore Drive West.

Sample of What We've Heard – Feedback Form Responses regarding Lakeshore Drive Setbacks and Building Heights

"Having a 9m setback may be too rigid. Depending on the nature of the building 6 or 8 meters might be considered."

"The setback is a start but I do not support the height we see on the current building under construction. 4 stories should be max. Higher than that impacts the ambience and sunlight on the beach which is one of Penticton's gems."

"Of COURSE the large setbacks is a good idea, but why didn't you ask about building height here? THAT is the principal issue."

"There is no need to increase setbacks. 3-4.5m is plenty of space. Utilize the lands as effectively as possible."

"How would this affect higher density housing needs? Developers may be deterred from innovative/higher density design if greater set-back limit."

"A number of properties have been developed without setbacks and they are nice looking buildings that enhance the aesthetic of Lakeshore Drive. Allow the developers the flexibility to make best use of the land."

Feedback Form Results

Q: Do you support increasing the front yard setback for new residential developments between 308-736 Lakeshore Drive West from 3.0m and 4.5m to a minimum of 9.0m (29.5 ft.)?

66% Yes / 8% Somewhat / 15% No / 11% No Opinion

Given the provincial Small-Scale Multi-Unit Housing legislation, the City has limited ability to vary greatly from provincial guidelines around setbacks and development regulations, however staff heard from the community through public engagement that Lakeshore Drive is an important and valued street for the entire community and there was significant support for this proposed change. Therefore, this element of the previous Neighbourhood Charm Project is proposed to be implemented into the new Zoning Bylaw No. 2024-22.

Analysis - Increase allowable building heights along the 400-700 blocks of Main Street

The 400, 500, 600 and 700 blocks have had a 3-storey building height limit applied to them through the 2019 OCP and current Zoning Bylaw. The OCP Housing Task Force recommended increasing allowable building heights along the downtown section of Main Street, which are set lower than other areas in the Downtown Mixed Use OCP designation and Zoning Bylaw.

The 3-storey height limit along the 100, 200 and 300 blocks of Main Street would remain to keep the traditional downtown character and align with the 3-storey height limit which will also remain in place on the 00 block of Front Street.

The OCP is proposed to be updated to support increased building heights of up to 10-storeys on the 400, 500, 600 and 700 blocks of Main Street. This is the same building height supported by the Downtown Mixed Use designation elsewhere. More discussion on this proposed OCP change is included in that separate report.

Sample of What We've Heard – Feedback Form Responses regarding Main Street Building Heights

"Further away from the lakes the higher the buildings could go up. This would help people to get better views of the surrounding areas."

"I think our city is too small to have these excessive heights. Why not a balance with 4 to 6 stories, commercial on bottom. Balance is key."

"The enjoyment of summer sunshine on the patios of established businesses along Main Street should not be blocked by high buildings."

Feedback Form Results:

Q: Do you support building heights of generally up to 36.6m in the 400-600 blocks of Main Street?

68% Yes / 13% Somewhat / 16% No / 4% No Opinion

With strong support and to fully implement this change, the allowable building height in the C5 (Urban Centre Commercial) zone is proposed to be increased from 15m to 36.6m on the 400, 500, 600 and 700 blocks of Main Street. This 36.6m height is already allowed in other areas of the C5 zone, and generally allows up to 10 storey buildings.

Analysis - Rezone city-owned properties to allow residential uses

Through this Zoning Bylaw update, staff noted the opportunity to align the zoning of two vacant city-owned land holdings to align with the underlying OCP future land use designations. The two holdings are 2509 South Main Street (former Shielings Motel) and 971, 977, 985, 999 Eckhardt Avenue West (adjacent to the BC Transit park and ride lot).

2509 South Main Street was acquired by the City in 2020 to facilitate the Point Intersection project and roundabout at South Main Street/Pineview Road/Galt Avenue. The remainder lands have been envisioned for affordable housing development, and in 2023

the City completed a feasibility study and applied for capital funding through the provincial Community Housing Fund to build a 56-unit apartment building on the site. The proposal was not selected for funding during that intake round. The property is currently zoned CT1 (Tourist Commercial), which does not align with the proposed OCP future land use designation of "High Density Residential". The current zoning is a holdover from when the property contained a motel. The new Zoning Bylaw 2024-22 would rezone this property to RM3 (Medium Density Multiple Housing) which aligns well with the uses and density envisioned by the feasibility study and the underlying OCP designation. This rezoning would support the city with future capital funding applications for affordable housing development on this site.



Figure 5 - Map of 2509 South Main St.

The Eckhardt Avenue West properties are in the North Gateway neighbourhood, where up to 2,200 homes are envisioned to be developed over the next couple decades. The North Gateway Plan, completed in 2021, identified a need for affordable workforce housing in the area to support the businesses and hospitality industry. The City-owned holdings on Eckhardt Avenue West may help support that need for affordable workforce housing, by providing a development site with land already secured and continued to be held by the city. The underlying OCP designation on those lands will be "High Density Residential", which supports greater density than the current single-detached zoning (which would be rezoned to support 4 units per lot through this update). As such, it is proposed to rezone 971, 977, 985 and 999 Eckhardt Avenue West to RM3 (Medium Density Multiple Housing) to support future feasibility work and capital funding applications to programs, including BC Builds which focus on homes for middle-income households (workforce housing).

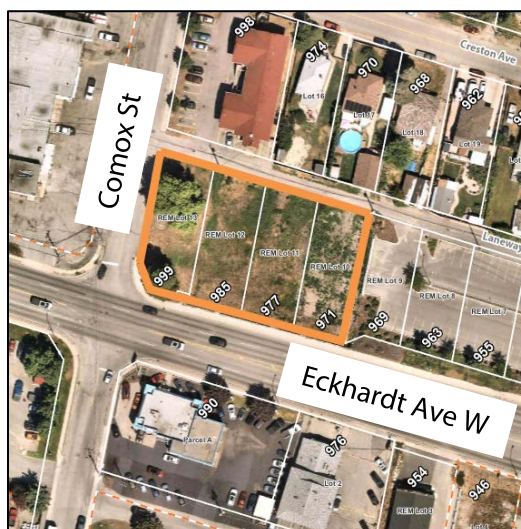


Figure 6 - Map of Eckhardt Ave W properties.

Analysis – Rezone BC Housing owned property at 393 Winnipeg Street to support future affordable housing

Staff met with BC Housing through the public engagement period to discuss the proposed OCP and Zoning Bylaw updates. As part of those discussions, it was noted that BC Housing owns a potential development site at 393 Winnipeg Street. The site is located at the corner of Winnipeg St and Wade Ave and is current vacant and used for parking. The site is small (0.23 acres) and is currently zoned "RM4 (High Density Multiple Housing). That zone envisions tall, high density residential buildings, and as such has setback requirements ranging from 3m-6m.

The recommendation is to change the zoning of that property to C5 (Urban Centre Commercial), which is the same zoning on immediate properties. The C5 zone better reflects the small size of the site while allowing for some redevelopment opportunities with no setback requirements and options for commercial or office space at-grade with dwelling units above.

While there are currently no specific development plans for this property, the zoning change shows a willingness of the City to support BC Housing with redeveloping currently underutilized land it holds to better serve the community and residents of Penticton, and more closely aligns this property's zoning with its neighbours along Winnipeg St.

Analysis - Remove RSM (Manufactured Home Park) zoning from 1050 Spiller Road

Many concerns were raised through the public engagement period regarding the density of any future development on the Naramata Bench. In 1979, the RSM (Manufactured Home Park) zoning was applied to a 5 hectare (12 acre) portion of 1050 Spiller Road as part of the development vision at that time. Over 40 years later, that zoning has not been realized and the lands remain undeveloped.

In response to what we've heard through public engagement, staff are proposing that the RSM zoning be removed and the RC (Country Residential) zoning, which exists on the remainder of the property, be applied to the entire property. This would more closely align the zoning of the property with the OCP policies and designation for that land, matching more with the current community vision for that area. The owners of the property have been made aware of this proposed City-led change to the zoning of their property.

Analysis - Other Zoning Bylaw Updates

Since adoption of Zoning Bylaw 2023-08 in April 2023, staff have kept track of sections and provisions of the bylaw which could be updated to support intent, interpretation, and clarity. The following other updates are proposed in Zoning Bylaw No. 2024-22:

- Allow upper-level decks and balconies on carriage houses in rural areas,
- Update wording from "vacation rental" to "short term rental" and align those sections with provincial legislation,
- Require every dwelling unit to have a pedestrian walkway to the street,
- Update wording from "mobile home" to "manufactured home" to reflect current terminology,
- Allow the required front yard setback to count towards the residential amenity space requirement,
- Add definition and regulations around "localized depressions" and how they do not count towards the determination of building height,
- Add major high-occupancy short term rental definition, and
- Formatting, wording and grammar updates throughout.

These proposed changes were included in a redlined version of the Zoning Bylaw on Shape Your City Penticton throughout the public engagement period, and some minor wording changes were made in response to a few comments received on these items. Staff consider that updating these sections will improve interpretation and clarity of the new Zoning Bylaw No. 2024-22.

Summary

The new Zoning Bylaw No. 2024-22 implements provincial housing legislation and local OCP Housing Task Force recommendations. The new bylaw is considered in conjunction with a housing-related amendment to the OCP, which together result in major changes to Penticton’s housing policy framework.

Following provincial directives, implementing local recommendations, and incorporating community feedback where possible, staff are confident the new Zoning Bylaw No. 2024-22 will support the development of more homes for current and future residents of Penticton.

Staff will monitor implementation of the new Zoning Bylaw No. 2024-22 as new developments are constructed under its provisions to continuously review and improve our zoning framework in the city.

Staff recommend that Council give first reading to “Zoning Bylaw No. 2024-22” and forward the bylaw to the June 3, 2024 Public Hearing.

Alternate Recommendations

- 1. THAT Council deny first reading of “Zoning Bylaw No. 2024-22”.

Attachments

- Attachment A – Proposed Zoning Bylaw Updates Information Bulletin (updated)
- Attachment B – Zoning Bylaw No. 2024-22

Respectfully submitted,

Steven Collyer, RPP, MCIP
Housing and Policy Initiatives Manager

Concurrence

Director of Finance & Administration <i>AMC</i>	Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	City Manager <i>PH</i>
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Zoning Bylaw Changes

Updated based on engagement results



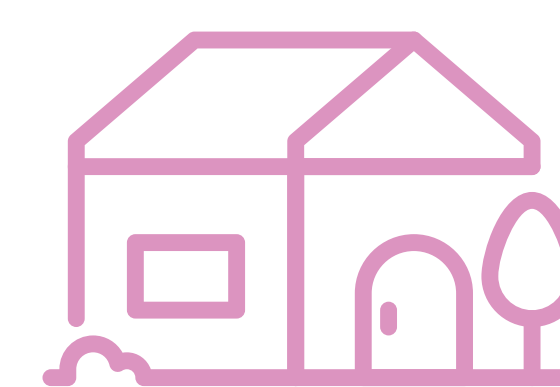
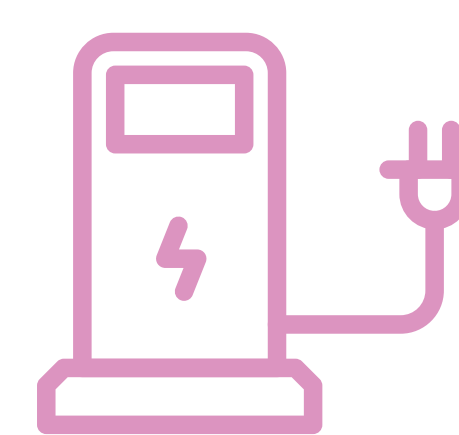
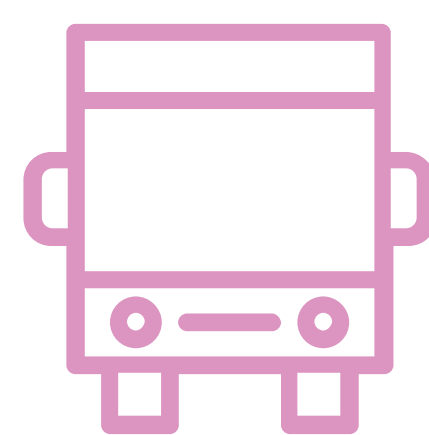
Properties will be rezoned

In fall 2023, the Province passed a number of housing policy changes that affect communities across BC, including Penticton. The City is in the process of amending its Official Community Plan and Zoning Bylaw to include the Provincial requirements and the local OCP Housing Task Force recommendations. Here are some of the key changes being proposed for the Zoning Bylaw:



Key Changes	Proposal	Rationale
<p>More Units in Urban Residential Zones <i>(Chapter 10: Urban Residential zones)</i></p>	<p>Replace existing single-detached and duplex zones with new zones (R4-L and R4-S) which allow for up to 4 units per lot with updated subdivision and development regulations.</p>	<p>The City is proposing to rezone single-detached and duplex-zoned properties to implement Provincial legislation requiring cities to allow 3 to 6 units per single-detached and duplex zoned lot. Given the provincial criteria, up to 4 units must be allowed on these lots in Penticton. A large lot category and small lot category are proposed. (Maps are available at shapeyourcitypenticton.ca)</p>
<p>Remove Residential Parking Requirements in the Downtown and for Accessory Units <i>(Chapter 6: Parking Requirements)</i></p> 	<ul style="list-style-type: none"> Remove on-site residential parking requirements in the downtown area. Remove parking requirements for carriage houses and secondary suites. <p>Staff are recommending a downtown parking study be completed, including options for a future parkade to plan ahead for future demands.</p>	<p>On-site parking requirements can be difficult to achieve on smaller sites which limits the number of potential homes. To support the development of more housing in the downtown, and more rental suites as carriage houses and secondary suites across the City, mandated parking requirements are proposed to be removed.</p> <p>While it is still expected parking will be provided on-site in many cases, this change provides flexibility for the parking ratio that makes the most sense for development.</p>
<p>Increase Allowable Downtown Building Heights on the 400-600 blocks of Main Street <i>(Chapter 11: C5 zone)</i></p>	<p>Increase allowable building heights on the 400-600 blocks of Main Street from 15m to 36.6m.</p> 	<p>The OCP Housing Task Force identified downtown building height restrictions on the 0-600 blocks of Main Street and on Front Street as potentially restricting new housing development. Recognizing the character of the 0-300 blocks of Main Street and 0-200 blocks of Front Street in particular, it's proposed to update the OCP and Zoning Bylaw to allow greater building heights on the 400-600 blocks of Main Street only. The 36.6m height (approx. 10 storeys) is already allowed through zoning in other parts of the downtown.</p>

Zoning Bylaw Changes

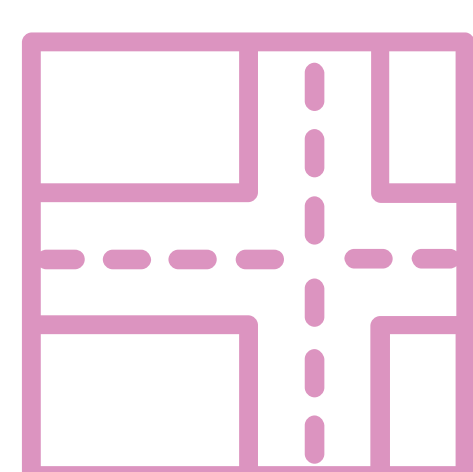


Key Changes	Proposal	Rationale
<p>Creating Transit-Oriented Areas <i>(Chapter 4: General Provisions)</i></p>	<p>Designate new transit-oriented areas through mapping, and new regulations to allow for the new height, density, and parking requirements in transit-oriented areas (within 400m of specific bus exchanges).</p>	<p>To implement the transit-oriented areas designated by the Province (Penticton Plaza and Peachtree Square), and any other areas identified as a potential transit-oriented development (Cherry Lane Mall), the Zoning Bylaw must be updated to allow for 4-6 storey buildings, higher densities (1.5-2.5 Floor Area Ratio), and eliminate residential parking requirements (except for accessible spaces) within those areas. Transit-Oriented Area maps are available at shapeyourcitypenticton.ca</p>
<p>Increase Lakeshore Drive Residential Front Yard Setbacks <i>(Chapter 10: R4-L (new), RM2, RM3 & RM4 zones)</i></p>	<p>For single-detached and multi-family residential lots on Lakeshore Drive West, an increased front yard setback of 9m (29.5 ft) is proposed. This change would apply to 308-736 Lakeshore Drive West.</p>	<p>Through previous community engagement, it has been determined that the historic character of Lakeshore Drive is important to the community. One way of ensuring any new development on this residential section fits the unique character of the waterfront boulevard is to require greater front yard setbacks to help keep new residential development in line with existing developments.</p>



Other Zoning Bylaw Updates

Many more Zoning Bylaw updates are proposed to help implement the OCP Housing Task Force recommendations and other minor technical updates to help with clarity, understanding, and interpretation of the Zoning Bylaw overall.



Please review a full tracked-changes version of the Zoning Bylaw available on shapeyourcitypenticton.ca and feel free to leave your comments on the specific changes being proposed.

The Corporation of the City of Penticton

Bylaw No. 2024-22

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. 2023-08;
AND WHEREAS this bylaw has been considered in conjunction with The City of Penticton Official Community Plan Bylaw No. 2019-08;
NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled hereby ENACTS as follows:

1. Title

This Bylaw may be cited for all purposes as "Zoning Bylaw No. 2024-22".

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 Schedule C (Penticton Plaza Transit-Oriented Area Map)
- .4 Schedule D (Peachtree Square Transit-Oriented Area Map)
- .5 Schedule E (Cherry Lane Mall Transit-Oriented Area Map)

3. Consultation

This bylaw has been referred to the Ministry of Transportation prior to adoption.

4. Repeal

City of Penticton "Zoning Bylaw No. 2023-08" and the amendments thereto are hereby repealed upon the adoption of this Bylaw.

READ A FIRST time this	21	day of	May, 2024
A PUBLIC HEARING was held this	3	day of	June, 2024
READ A SECOND time this		day of	, 2024
READ A THIRD time this		day of	, 2024
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2024
ADOPTED this		day of	, 2024

Notice of intention to proceed with this bylaw was published on the 24th day of May, 2024 and the 31st day of May, 2024 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2024

for Minister of Transportation & Infrastructure

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. 2023-08, 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*, *manufactured 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 (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. *Amenity space, outdoor* does not include parking areas, required access paths or *walkways*, and xeriscaping.

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, considerations for electric bicycle charging, 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*.

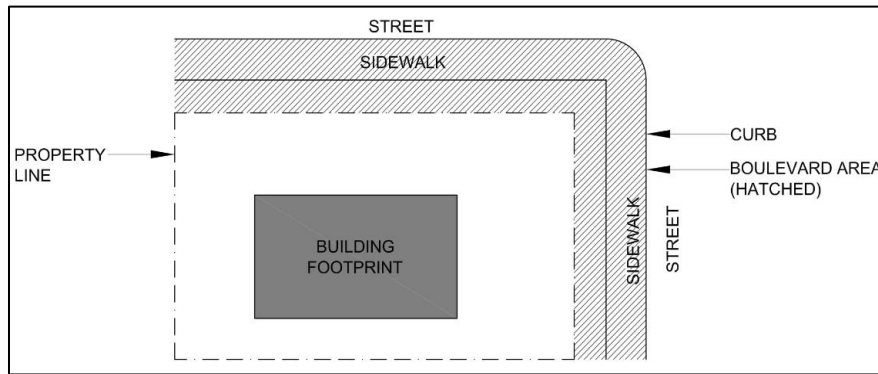


Figure 1 - Boulevard Definition

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).

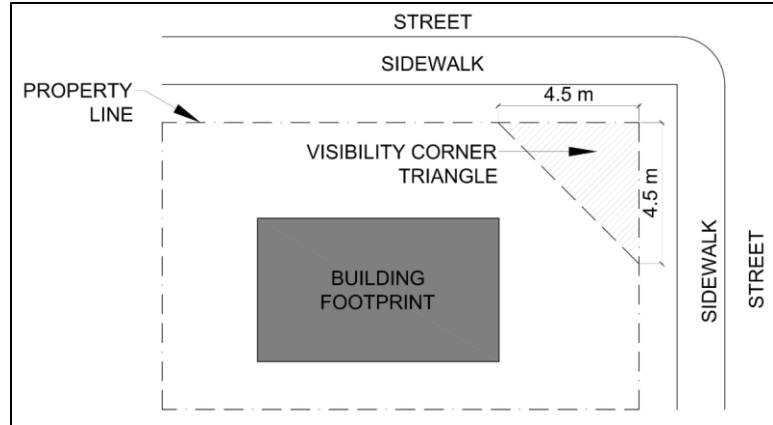


Figure 2 - Corner Visibility Triangle Definition

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.

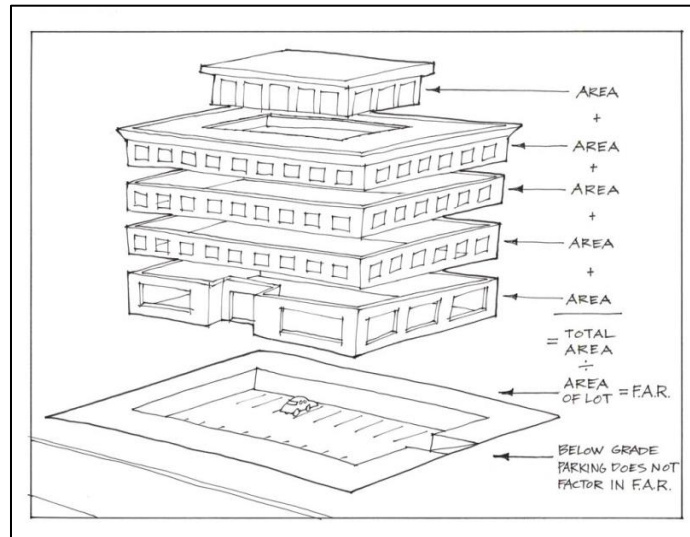


Figure 3 - Floor Area Ratio (FAR) Definition

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** need not be considered in the determination of average levels of grade.

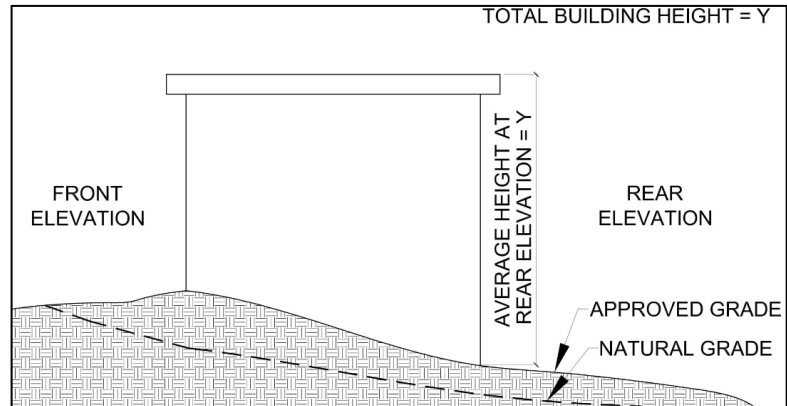


Figure 4 - Grade Definitions

GRADE, BUILDING means the lowest of the average levels of finished ground adjoining each exterior wall of a **building**, excluding **localized depressions** 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.

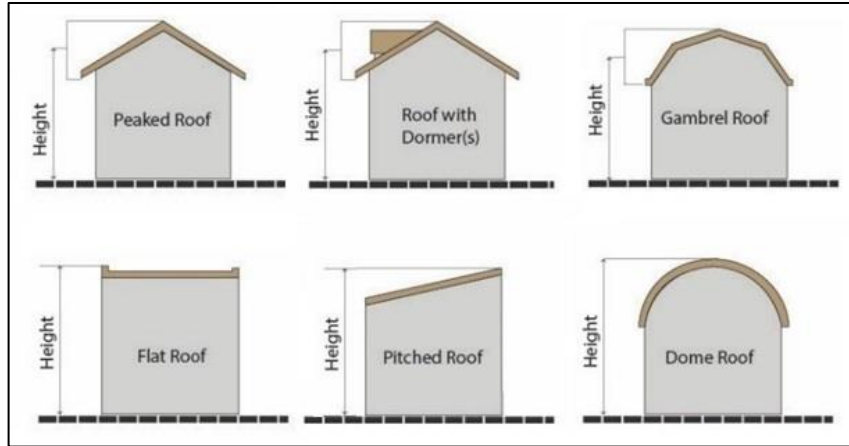


Figure 5 - Height Definition

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.

LOCALIZED DEPRESSION means a depression below the **approved grade**, created for the purpose of providing a vehicle or pedestrian entrance to a **building** or for the provision of a window well.

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*.

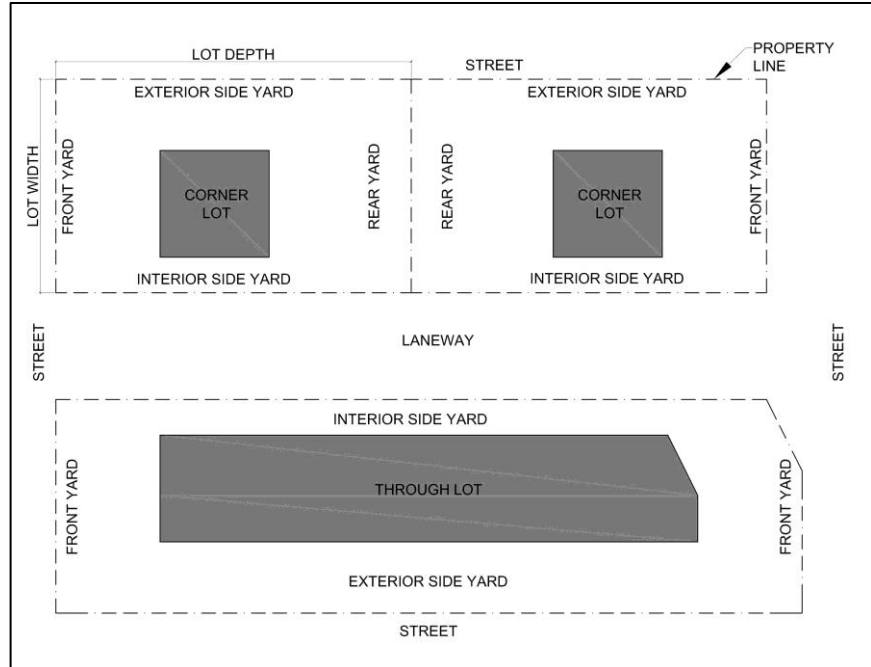


Figure 6 - Lot Definition

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**.

MANUFACTURED HOME means a single or multiple section **single detached dwelling unit** built to CSA Z240 MH Standards for residential occupancy and may be transported on wheels.

MANUFACTURED HOME PARK means a **lot** for the placement of two (2) or more **manufactured 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 **manufactured home**.

MANUFACTURED HOME SPACE means an area of land for the installation of one (1) **manufactured home** situated within a **manufactured 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 **manufactured 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**.

SHORT TERM RENTAL means the rental of a portion or entire **dwelling unit** to the vacationing public for a period of 90 days or less.

SHORT TERM RENTAL, HIGH OCCUPANT means a **short term rental** in which more than six (6) persons are accommodated. **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 **manufactured home** conforming to CSA Z240 MH 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**.

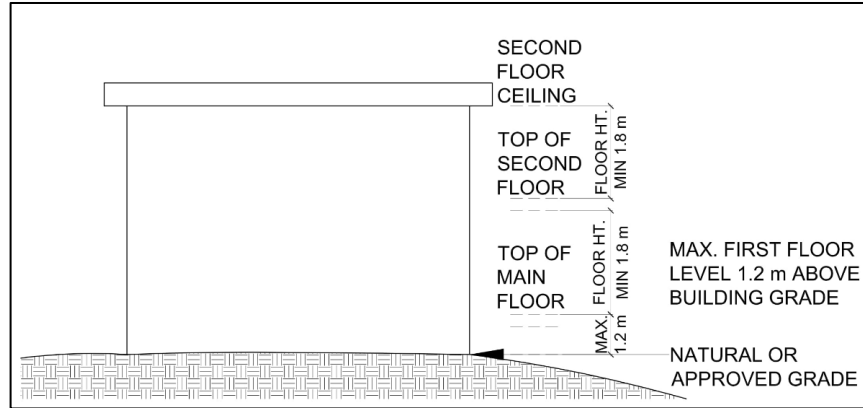


Figure 7 - Storey Definition

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.

TRANSIT-ORIENTED AREA means an area within a 400m radius of a prescribed bus exchange and are intended to be higher-density, mixed-use neighbourhoods. The Province may prescribe specific **transit-oriented areas** and applicable development regulations on **lots** partially or fully within them. **Transit-oriented areas** are delineated on Schedule C, Schedule D, and Schedule E of this bylaw and are split in two categories: "Area 1" includes **lots** less than 200m from a prescribed bus exchange, and "Area 2" includes **lots** between 200m and 400m from a prescribed bus exchange.

TRANSPORT TRUCK AND MOTORHOME SALES AND RENTALS means the sale or rental of new or used transport trucks, motor homes, **manufactured 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 **manufactured 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

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**.

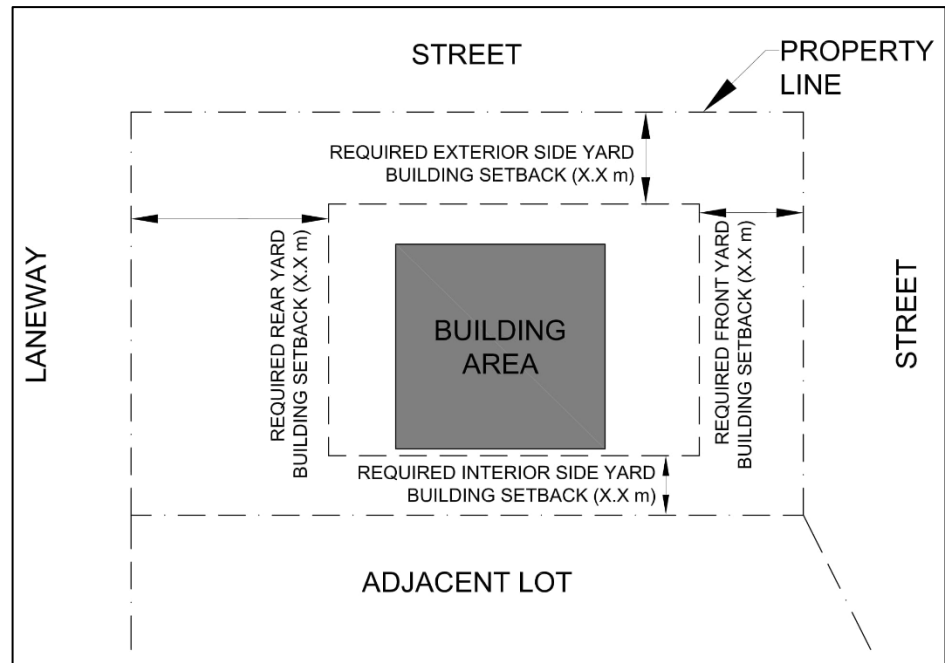


Figure 8 - Yard Definitions

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*.

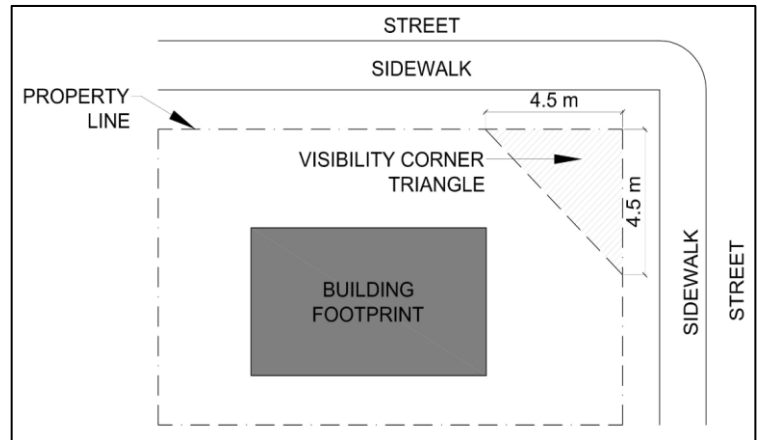


Figure 9 - Corner Visibility Triangle Diagram

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.

4.4.3 *Localized depressions* are not included in the calculation of *height* and are subject to the following requirements:

- .1 A *localized depression* for a pedestrian entrance shall not exceed 40% of the corresponding wall length or 7 m² measured in plan view.
- .2 A *localized depression* for a window well shall not extend more than 0.9 m from the *building* wall face and not exceed 25% of the corresponding *wall face* length in total, for one or more light wells.

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:

- .3 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, **manufactured 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 Notwithstanding section 4.8.2.1 of this bylaw, occupancy of a recreational vehicle in a residential or rural **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 yard
Eaves, eave-troughs and gutters	0.6 m interior side yard 1.5 m front yard 1.5 m exterior yard 3.0 m rear yard *except accessory buildings or structures , including carriage houses , which shall be 0.6m in any yard
Ornamental elements such as sills, belt courses, cornices, parapets and pilasters	0.6 m in any yard
Canopies and awnings	0.6 m interior side yard 1.5 m front yard 1.5 m exterior yard 3.0 m rear yard

	*except <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.

4.16 Transit-Oriented Areas

4.16.1 **Transit-oriented areas** are delineated on Schedule C, Schedule D and Schedule E of this bylaw.

4.16.2 In lieu of the applicable regulations elsewhere in this bylaw, the regulations in Table 4.2 apply to all residential and mixed-use developments with at least 50% residential **gross floor area** within **transit-oriented areas**.

Regulation	Transit-Oriented Area: Area 1	Transit-Oriented Area: Area 2
Minimum vehicle parking spaces	No vehicle parking spaces are required for dwelling units .	
Minimum accessible parking spaces	Accessible parking spaces shall be provided in accordance with Table 6.8 of this bylaw, based on the corresponding number of dwelling units on the lot .	
Maximum height	6 storeys above approved grade *	4 storeys above approved grade *
Maximum density	2.5 Floor Area Ratio (FAR) *	1.5 Floor Area Ratio (FAR) *
* If the lot is within a zone which permits greater height and/or density than noted in Table 4.2, then the greater height and/or density regulation applies.		

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.

Standard	Residential – 5 or more <i>dwelling units</i>	Commercial (excluding C5 zone)	Industrial
Minimum width of <i>landscape buffer abutting</i> a residential zone	3.0 m	3.0 m	3.0 m
Minimum visual screen <i>height abutting</i> a residential zone	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
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- 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 developments in the R4-L or R4-S *zones*, a minimum one (1) tree per *dwelling unit*, not including *secondary suites* or *duplex 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.

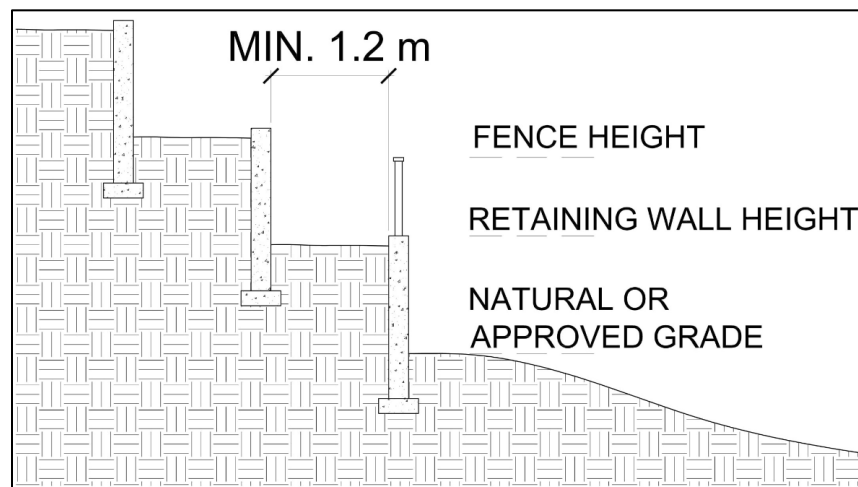


Figure 10 – Multiple Retaining Walls

- .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.

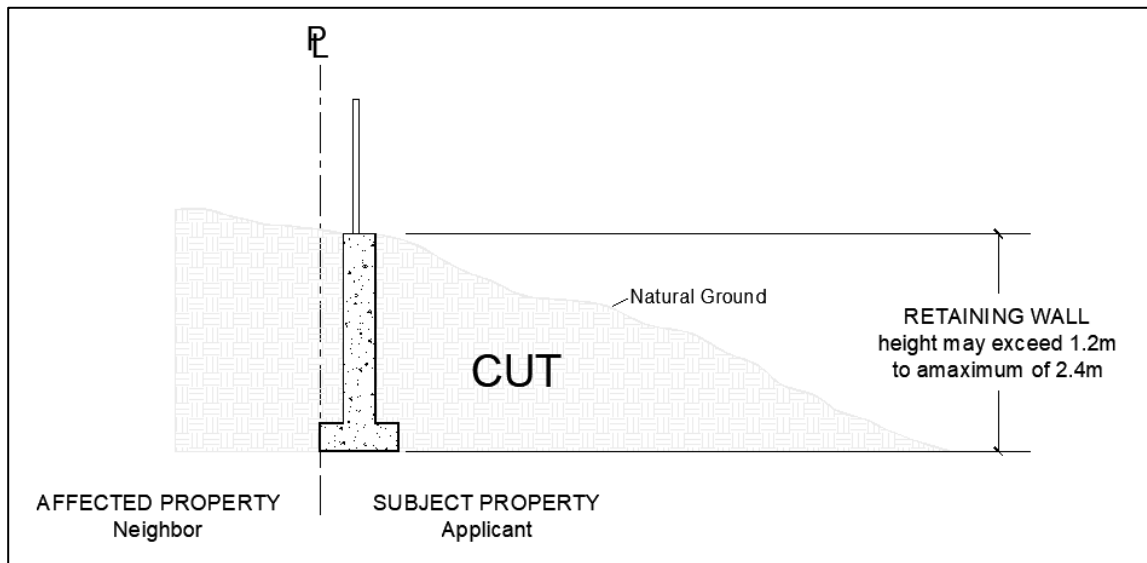


Figure 11 – Height of Retaining Walls

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: RM2, RM3, RM4 and RM5,
 - .ii Commercial: C1, C2, C3, C4, 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 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 for commercial uses
\$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

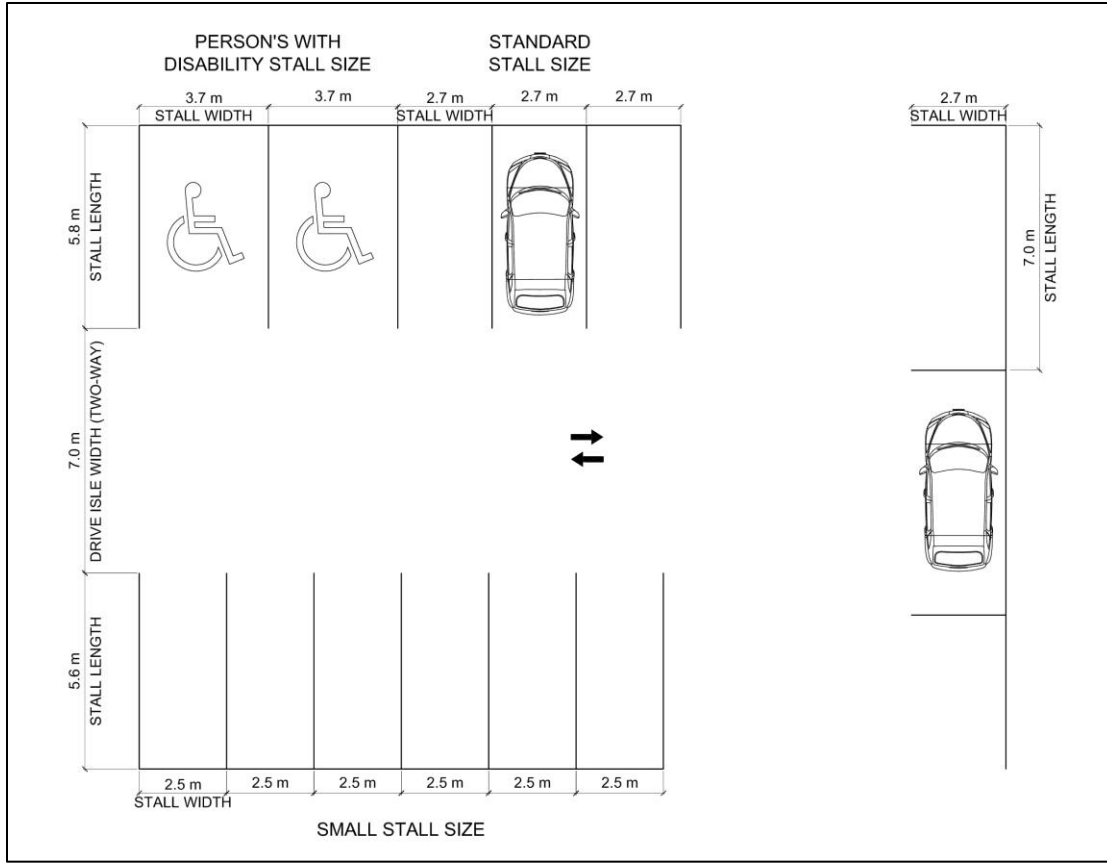


Figure 12 - Stall Size

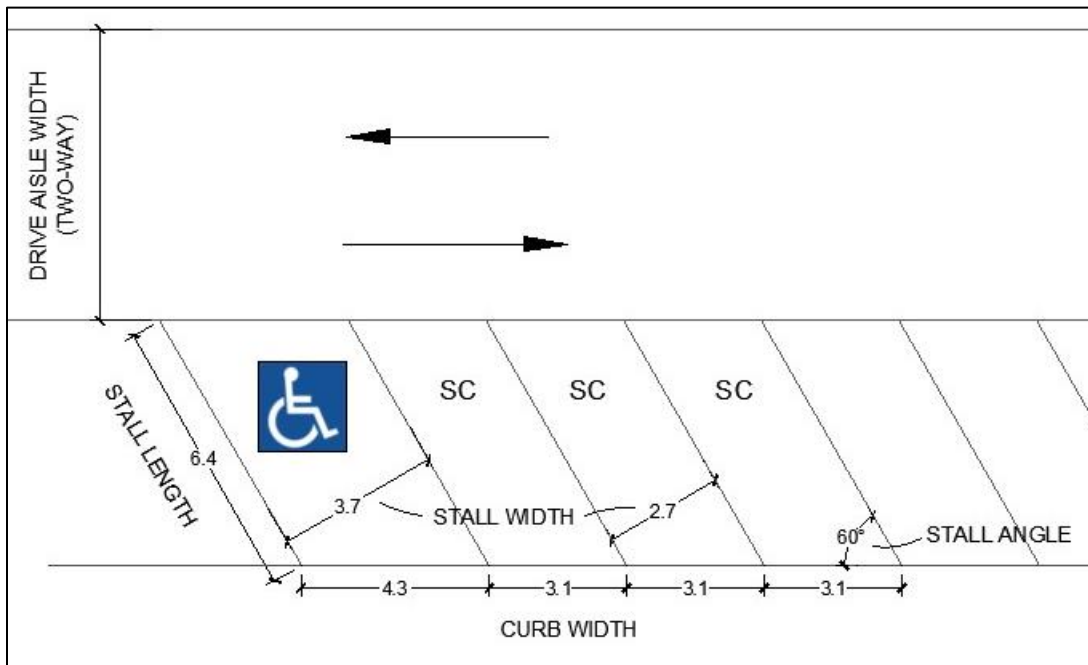


Figure 13 - Stall Size

6.1.6 Tandem Parking

- .1 Required *parking spaces* may only be configured as *tandem parking* for *single detached dwellings*.
- .2 *Secondary suites, carriage houses, and multiple housing* developments, including *duplex housing, cluster housing, townhouses, and apartment 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 C5 or C6 zone		
<i>Dwelling Unit</i> in RM5 zone with frontage on Ellis Street	0 per <i>dwelling unit</i>	0
<i>Dwelling Unit</i> in a commercial building (excluding C5 or C6 zones)	1 per <i>dwelling unit</i>	0
<i>Apartment, Townhouse, Cluster Housing</i>	1 per <i>dwelling unit</i> plus 0.2 spaces/unit for visitors	0
<i>Duplex, Live-Work unit</i>	1 per <i>dwelling unit</i>	0
<i>Bed and Breakfast Home</i>	1 per bedroom to a maximum of 3 plus 1 for the required corresponding <i>dwelling unit</i>	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>Manufactured Home Park</i>	1 per <i>manufactured home</i> space	0
<i>Secondary Suite or Carriage House</i>	0 per <i>accessory suite</i>	0
<i>Security / Operator Dwelling</i>	1 per <i>dwelling unit</i>	0
<i>Single Detached Dwelling</i>	1	0
<i>Residential Sales Centre</i>	2 per centre	0
<i>Short Term Rental, High Occupant</i>	1 per licensed bedroom, up to a maximum requirement 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
Single Detached Dwelling, Carriage House, Duplex, Cluster Housing, Multiple Housing and Dwelling Units in Commercial Zones	1 per dwelling unit
Commercial, Industrial, Public and Institutional zones	Minimum 2, plus 1 for every 5 parking spaces over 10 parking spaces

- 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 *CitySign* 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 Short Term Rentals

7.6.1 Ownership

- .1 A *short term 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 principal resident of the property in question.

7.6.2 Development Regulations

- .1 No structural alteration or addition to a **dwelling unit** to facilitate a **short term rental** shall be undertaken that alters the existing residential character and form of the dwelling.
- .2 No exterior signage advertising the **short term 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 **short term rental**.

7.6.3 Operation of Short Term 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 **short term rental dwelling unit**.

7.6.4 Parking Requirements

- .1 **Vehicle** parking for high occupancy **short term 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 Amenity Space

- .1 A minimum of 15 m² of *amenity space, outdoor* shall be provided individually for each the principal residence and the *secondary suite*.

8.2 Carriage Houses

8.2.1 Limitation of Carriage Houses

- .1 In the A, FG, and RC *zones* only one (1) *carriage house* shall be permitted per property and shall not be allowed in conjunction with a *secondary suite* in a principal dwelling.
- .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; or 1 ha for <i>lots</i> without connection to a municipal sewer system.
.2	Maximum <i>building footprint</i> for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	150 m ² , or 15% of the <i>lot area</i> , whichever is less.
.3	Maximum <i>building footprint</i> for urban residential zones:	90 m ² , or 15% of the <i>lot area</i> , whichever is less.

	<ul style="list-style-type: none"> .a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot) 	
.4	<p>Maximum height for rural zones:</p> <ul style="list-style-type: none"> .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential) 	7.0 m and two storeys .
.5	<p>Maximum height for urban residential zones:</p> <ul style="list-style-type: none"> .a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot) 	<ul style="list-style-type: none"> .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	<p>Siting in rural zones:</p> <ul style="list-style-type: none"> .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	<p>Siting in urban residential zones:</p> <ul style="list-style-type: none"> .a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot) 	A carriage house shall be located no closer to the front lot line than the principal dwelling .
.9	Minimum amenity space, outdoor	15 m ² shall be provided individually for both the principal dwelling and the carriage house .
.10	<p>Overlook in urban residential zones:</p> <ul style="list-style-type: none"> .a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot) 	A carriage house shall not include any decks, balconies, or roof top patios .
.11	<p>Maximum Carriage House Floor Area for rural zones:</p> <ul style="list-style-type: none"> .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential) 	150 m ²
.12	Maximum Carriage House Floor Area for urban residential zones:	135 m ²

	.a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot)	
.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 *short term 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 **short term 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 *short term 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.

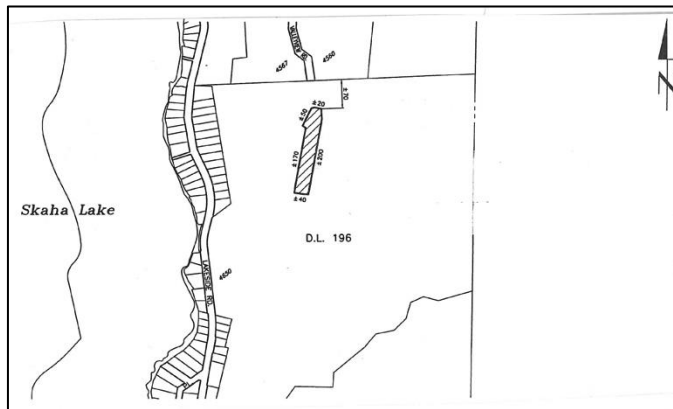


Figure 14 - Location of Public Parking Lot at 4650 Lakeside Road

- .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 **short term 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.

(Please also refer to site specific provision 9.2.6.13)
- .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.
- .13 In the case of Lot 6, District Lot 155 Similkameen Division Yale District Plan 306 Except Plan 21731, located at 398 Upper Bench Road South, a **carriage house** and a **bed and breakfast home** shall be permitted. (Please also refer to site specific provision 9.2.6.8)
- .14 In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 and 20826, located at 3810 Valleyview Road, **agri-tourism accommodation** is a permitted use with a maximum of three (3) **sleeping units**.

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 *short term 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 *lot area*: 0.4 ha

- .iii Maximum *lot* coverage: 15%
- .iv Maximum *height*:
 - i. *principal building* 10.5 m
 - ii. *accessory building* or *structure* 5.0 m
- .v *Parent parcel* requirements:
 - i. *minimum front yard* 10.0 m
 - ii. *minimum side yard*
 - a. *interior side yard* 4.0 m
 - b. *exterior side yard* 6.0 m
 - iii. *minimum rear yard* 7.5 m

.2 In the case of Sub Lot 10 District Lot 2711 Similkameen Division Yale District Plan 1190, located at 1530 Reservoir Road, notwithstanding section 9.3.2.5, the minimum front yard shall be 4.5m.

Chapter 10 – Urban Residential Zones

10.1 R4-L – Small-Scale Multi-Unit Residential: Large Lot

PURPOSE

The purpose is to provide a *zone* for small-scale, multi-unit residential developments including *single detached dwellings, secondary suites, carriage houses, duplexes, townhouses* and small *apartments* allowing up to 4 units on larger-sized urban serviced *lots*.

10.1.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *apartment*
- .3 *carriage house* (subject to accessory suites regulation 8.2)
- .4 *congregate housing*
- .5 *one or more back-to-back duplexes, side-by-side duplexes, or stacked duplexes*
- .6 *duplex suite* (subject to accessory suites regulation 8.3)
- .7 *major home occupation* (subject to specific use regulation 7.4)
- .8 *minor home occupation* (subject to specific use regulation 7.3)
- .9 *one or more single detached dwellings*
- .10 *secondary suite* (subject to accessory suites regulation 8.1)
- .11 *short term rental* (subject to specific use regulation 7.6)
- .12 *townhouse*

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 *density*: 4 *dwelling units*
- .5 Maximum *height*:
 - .a *principal building* 11.0 m and 3 *storeys* above *approved grade*
 - .b *accessory building or structure* 4.5 m
- .6 Minimum *front yard* (subject to general development regulation 4.2.6): 4.5 m
 - .a except *lots* fronting Lakeshore Drive West: 9.0 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

10.1.3 OTHER REGULATIONS

- .1 Where a rear **lane** is provided, vehicular access must be from the rear **lane**.
- .2 A clear, unobstructed, hard-surfaced, and maintained pedestrian access at least 1.2 m in width, must be provided from the front of the **lot** to the main entry of each **dwelling unit**.
- .3 A **major home occupation** shall only be permitted within a **single detached dwelling** or **accessory building** and on **lots** containing no more than two **dwelling units**.

10.1.4 AMENITY SPACE

- .1 **Amenity space** shall be provided at the rate of 20 m² for each **dwelling unit**.
- .2 25% of 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**.

10.1.5 SITE SPECIFIC PROVISIONS

In addition to the **permitted uses** above:

- .1 A **bed and breakfast home** shall be permitted on the following **lots**:
 - .a Lot 2, Plan 26294, located at 185 Middle Bench Road South;
 - .b Lot 1, Plan 31303, located at 2510 Dartmouth Drive;
 - .c Lot 1, District Lot 116 SDYD Plan 19512 Except Plan 29643, located at 168 Kirkpatrick Avenue;
 - .d Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue.
- .2 In the case of Lot 10 DP 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 A, District Lot 3, SDYD, Plan KAP74500, located at 1050 Churchill Avenue, an **Emergency Shelter**, shall be permitted.
- .4 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.
- .5 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**.
- .6 In the case of Lot 2 District Lot 202 Similkameen Division Yale District Plan 6240 and That Portion of Closed Road in District Lot 202 Similkameen Division Yale District Adjoining Lot 2 District Lot 202 Similkameen Division Yale District Plan 6420 As Shown on Plan B7815, located at 174 and 176 Jermyn Avenue, a **major day care centre** shall be permitted.

10.2 R4-S – Small-Scale Multi-Unit Residential: Small Lot

PURPOSE

The purpose is to provide a **zone** for small-scale, multi-unit residential developments including **single detached dwellings, secondary suites, carriage houses, duplexes, townhouses** and small **apartments** allowing up to 4 units on smaller-sized urban serviced **lots**.

10.2.1 PERMITTED USES

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

- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **carriage house** (subject to accessory suites regulation 8.2)
- .4 **congregate housing**
- .5 **one or more back-to back duplexes, side-by-side duplexes, or stacked duplexes**
- .6 **duplex suite** (subject to accessory suites regulation 8.3)
- .7 **major home occupation** (subject to specific use regulation 7.4)
- .8 **minor home occupation** (subject to specific use regulation 7.3)
- .9 **one or more single detached dwellings**
- .10 **secondary suite** (subject to accessory suites regulation 8.1)
- .11 **short term rental** (subject to specific use regulation 7.6)
- .12 **townhouse**

10.2.2 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**: 280 m²

Development Regulations:

- .3 Maximum **lot coverage**: 50%
- .4 Maximum **density**: 4 **dwelling units**
- .5 Maximum **height**:
 - .a **principal building** 11.0 m and 3 **storeys** above **approved grade**
 - .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

10.2.3 OTHER REGULATIONS

- .1 Where a rear *lane* is provided, vehicular access must be from the rear *lane*.
- .2 A clear, unobstructed, hard-surfaced, and maintained pedestrian access, at least 1.2m in width, must be provided from the front of the *lot* to the main entry of each *dwelling unit*.
- .3 A *major home occupation* shall only be permitted within a *single detached dwelling* or *accessory building* and on *lots* containing no more than two *dwelling units*.

10.2.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 20 m² for each *dwelling unit*.
- .2 25% of 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*.

10.2.5 SITE SPECIFIC PROVISIONS

In addition to the *permitted uses* above:

- .1 A *bed and breakfast home* shall be permitted on the following *lots*:
 - .e Lot 1, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 26701, located at 396 Lakeshore Drive West;
 - .f Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 35081, located at 434 Lakeshore Drive West.
- .2 In the case of Lot B, District Lot 115, Similkameen Division Yale District, Plan KAP49954, located at 187 Wyles Crescent, a *day car 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 10, Block 32, District Lot 202, SDYD, Plan 269 located at 125 Eckhardt Avenue East, *assembly* and *office* uses, shall be permitted.
- .4 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.
- .5 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.
- .6 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.

10.3 RM1 – Bareland Strata Housing

PURPOSE

The purpose is to provide a *zone* for residential single-family bareland strata developments on urban services.

10.3.1 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 *short term rental* (subject to specific use regulation 7.6)
- .8 *townhouse*

10.3.2 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

10.3.3 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.

10.4 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.

10.4.1 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 *short term rental* (subject to specific use regulation 7.6)
- .8 *townhouse*

10.4.2 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):
 - .a except *lots* fronting Lakeshore Drive West: 9.0 m
 - .b *principal building* 3.0 m
- .7 Minimum *interior side yard*:
 - .a *principal building*
 - .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

10.4.3 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.

10.4.4 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**.

10.4.5 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.

10.5 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.

10.5.1 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 *short term rental* (subject to specific use regulation 7.6)
- .8 *townhouse*

10.5.2 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
 - .a except *lots* fronting Lakeshore Drive West: 9.0 m
- .7 Minimum *interior side yard*: 4.5m
- .8 Minimum *exterior side yard*: 4.5 m
- .9 Minimum *rear yard*: 6.0 m

10.5.3 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*.

10.5.4 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.

10.5.5 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.
- .4 In the case of Lot B District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 951 Dynes Avenue, and Lot A District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 963 Dynes Avenue, apartments shall not be a permitted use.

10.6 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.

10.6.1 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 *short term rental* (subject to specific use regulation 7.6)

10.6.2 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
 - .a except *lots* fronting Lakeshore Drive West: 9.0 m
- .7 Minimum *interior side yard*: 4.5m
- .8 Minimum *exterior side yard*: 6.0 m
- .9 Minimum *rear yard*: 6.0 m

10.6.3 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*.

10.6.4 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.

10.6.5 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.

10.7 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 around the periphery of the downtown.

10.7.1 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 **short term rental** (subject to specific use regulation 7.6)
- .8 **townhouse**

Only the following commercial **uses** are permitted in a **flex-unit**:

- .9 **artisan craft**
- .10 **office**
- .11 **personal service establishment**

10.7.2 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

10.7.3 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**.

10.8 RSM – Manufactured Home Park Housing

PURPOSE

The purpose is to provide a *zone* for *manufactured homes* on individual *manufactured home spaces* within a *manufactured home park*.

10.8.1 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 *manufactured home park*
- .4 *manufactured home* for the *owner* or caretaker
- .5 *one single detached dwelling*
- .6 *short term rental* (subject to specific use regulation 7.6)

10.8.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:

- .1 Minimum *manufactured home park lot width*: 50.0 m
- .2 Minimum *manufactured home park lot depth*: 50.0 m
- .3 Minimum *manufactured home park lot area*: 2.0 ha
- .4 Minimum *manufactured home space area*: 280 m²
- .5 Minimum *manufactured home space width*: 11.0 m

Development Regulations:

- .6 Maximum *density*: 25 *dwelling*s / ha
- .7 Maximum *manufactured 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 *manufactured 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 *manufactured home space interior side yard*: 1.5 m and 3.0 m
- .11 Minimum *manufactured home space exterior side yard*: 3.5 m
- .12 Maximum *lot coverage* for *manufactured home space*: 45%

10.8.3 OTHER REGULATIONS

- .1 Each *manufactured 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 *manufactured home* on the *manufactured home space*,
 - .d Be located no closer than 1.5 m of the boundary of the *manufactured home space*, and

.e Be located no closer than 1.2 m from the **manufactured home**.

10.8.4 LANDSCAPING BUFFER

- .1 A **landscape buffer** shall be provided around the boundary of a **manufactured 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.

10.8.5 AMENITY SPACE REQUIREMENTS

- .1 **Amenity space** shall be provided in the amount of 900.0 m² for every 25 **manufactured 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 *short term 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 *short term 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 **short term 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 *short term 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 **interior side yard**: 0 m and 4.5 m
 - .a except when a lot **abuts**, or is **adjacent** to, a residential or institutional **zone** 6.0 m
- .8 Minimum **exterior side yard**: 4.5 m
- .9 Minimum **rear yard**: 3.0 m
 - .a except when **lot abuts**, or is **adjacent** to, a residential or institutional **zone** or **abuts** a **lane** that is **adjacent** to a residential or institutional **zone** 6.0 m

11.4.3 OTHER REGULATIONS

- .1 **Dwelling units** shall be restricted to second or higher **storeys**.
- .2 When outdoor seating is provided as part of a **restaurant**, the seating area is exempt from the **front** and **side yard** requirements, provided that the area contains no permanent roofs and is surrounded by a perimeter fence, wall or hedge a minimum of 1.0 m and a maximum of 1.3 m in **height**.
- .3 Temporary **uses** including but not limited to **vehicle** and light equipment sales, **carnivals**, retail sales within a tent, and similar **uses** are permitted for not more than ten (10) consecutive days in any in any six month period.
- .4 **Outdoor markets** and similar **uses** are permitted not more than 4 days per month.
- .5 A minimum of 5.0 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 *short term rental* (subject to specific use regulation 7.6)
- .37 *tourist accommodation*

11.5.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:

- .1 Minimum *lot width*: 9.0 m

.2	Minimum lot area:	275 m ²
Development Regulations:		
.3	Maximum lot coverage:	100%
.4	Maximum density:	6.0 FAR
.5	Maximum height:	36.6 m
	.a except Main Street – 100 Block up to and including 300 Block; and	15 m
	.b Front Street	15 m
.6	Minimum front yard:	0 m
.7	Minimum interior side yard:	0 m
.8	Minimum exterior side yard:	0 m
.9	Minimum rear yard:	0 m

11.5.3 OTHER REGULATIONS

- .1 **Dwelling units** are restricted to second or higher **storeys**.
- .2 Notwithstanding Section 4.9 of this Bylaw, decorative **building** features such as cornices, **balconies**, secured planters and wall and window trim may project up to 0.4 m from the **building**, provided that the projection has a **clearance** above grade of at least 2.8 m from a public **street** and 4.5 m from a public **lane**.
- .3 Notwithstanding Section 4.9 of this Bylaw, canopies and **awnings** may project up to 1.5 m from a **building**, provided that the projection has a **clearance** of 2.8 m from the established **building grade** of a sidewalk and 4.5 m above a public **lane**.
- .4 Notwithstanding Chapter 6 – Parking Regulations of this Bylaw, any commercial **use** identified in this **zone** shall not be required to provide any required **vehicle parking** or **loading spaces**.

11.5.4 SITE SPECIFIC PROVISIONS

In addition to the **uses** permitted above:

- .1 In the case of **Lots** 1-11, Block A, District **Lot** 4, Group 7, and on **Lot** A, Plan KAP49367, SDYD, Plan 373, located at 333 Martin Street, above the ground floor and on the ground floor in the areas designated on Schedules A and B to Bylaw 2003-67, **congregate housing**, shall be permitted.
- .2 In the case of **Lot** B, Plan 36574, located at 56 Forbes Street (Veterans Way), any portion of a **building** located 3.0m above grade and **abutting** the north **property line** shall have a **setback** of 6.0 m.
- .3 In the case of **Lot** 1, Plan KAP 56198, located at 123 Nanaimo 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 In the case of **Lot B** District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a maximum of two **dwelling units** on the **first storey** shall be permitted.

11.6 C6 – Urban Peripheral Commercial

PURPOSE

This **zone** provides for mix of residential, commercial, **office** and retail or personal service commercial **uses** within a **building** located in the periphery of the downtown core.

11.6.1 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *animal clinic*
- .3 *artisan crafts*
- .4 *assembly*
- .5 *bakery*
- .6 *business support service*
- .7 *call centre*
- .8 *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 *short term 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 m²

Development Regulations:

- .3 Maximum *lot coverage*: 100%
- .4 Maximum *height*: 21 m
- .5 Minimum *front yard*: 0.0 m

.6	Minimum <i>interior side yard</i> :	0.0 m
	.a except when <i>abutting</i> a residential, public or institutional <i>zone</i>	3.0m
.7	Minimum <i>exterior side yard</i> :	0.0 m
.8	Minimum <i>rear yard</i> :	
	.a except when <i>abutting</i> a <i>residential, public</i> or <i>institutional zone</i>	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 *short term rental* (subject to specific use regulation 7.6)
- .5 *townhouse*

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 *interior side yard:* 2.0 m

.b *exterior side yard:* 2.0 m

.9 Minimum *rear yard:* 0 m

11.9.3 OTHER REGULATIONS

.1 A minimum area of 5.0 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	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 *lot width*: 30.0 m
- .2 Minimum *lot area*: 0.4 ha

Development Regulations:

- .3 Maximum *height*: 10.5 m
- .4 Minimum *front yard*: 6.0 m
- .5 Minimum *interior side yard*: 4.5 m
 - .a except when *abutting a residential or institutional zone* 6.0 m
- .6 Minimum *exterior side yard*: 4.5 m
- .7 Minimum *rear yard*: 4.5 m
 - .a except when *abutting a residential or institutional zone* 6.0 m

11.11.3 OTHER REGULATIONS

- .1 *Campgrounds* are subject to the regulations of the *City's* Campsite and Tourist Accommodation Bylaw.
- .2 *Indoor amusement entertainment and recreation* is limited to an *accessory use* for *campground* guests.
- .3 *Recreation equipment sales, service and rentals* are limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty-(50) cc engine.
- .4 *Convenience store* shall be limited to 100 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 *short term rental* (subject to specific use regulation 7.6)
- .10 *tourist accommodation*

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 **height:** 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 office*
- .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 **short term rental** (subject to specific use regulation 7.6)
- .11 **townhouse**

14.2.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:

- .1 Minimum **lot width:** 60.0 m
- .2 Minimum **lot area:** 9000 m²

Development Regulations:

- .3 Maximum **lot coverage:** 65%
- .4 Maximum **density:** 2.0 FAR
- .5 Maximum **height:** 44 m and 15 stories
- .6 Minimum **front yard** (Riverside Drive): 4.5 m
- .7 Minimum **interior side yard:** 2.5 m
- .8 Minimum **exterior side yard:** 2.5 m
- .9 Minimum **rear yard** (Wylie Street): 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**.

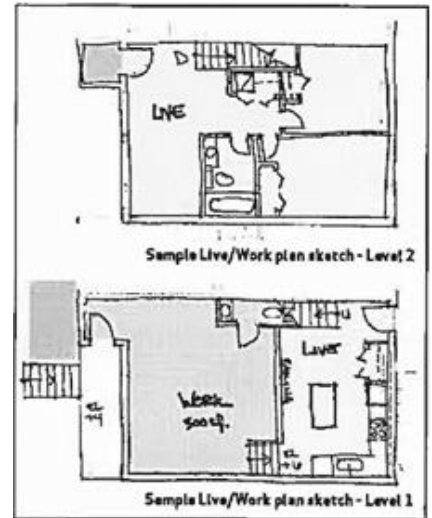


Figure 15 - Live Work CD2

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 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 m ²	2.0	2.5
Land Area 2 @ 4236 m ²	2.0	2.5
Land Area 3 @ 4236 m ²	2.0	2.5

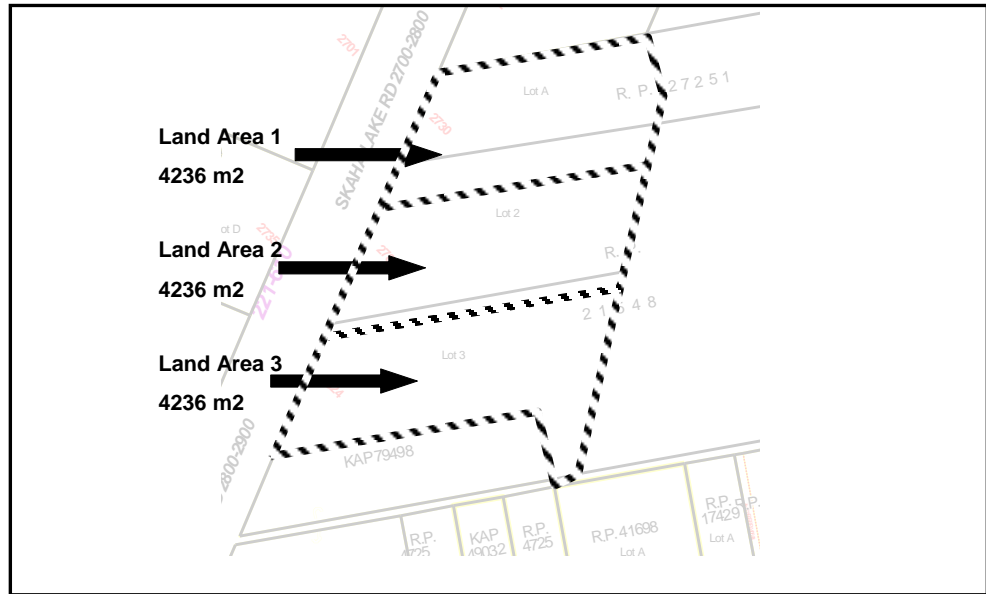


Figure 16 - Phasing and Density Bonus - 2784 Skaha Lake Road

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 *short term 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 *short term 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 *short term 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 Westminster Ave W, *Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 737 Westminster Ave W, and *Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979*, located at 795 Westminster 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 *short term rental* (subject to specific use regulation 7.6)
- .25 *townhouse*

14.8.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum <i>lot width</i> :	90.0 m
.2	Minimum <i>lot area</i> :	3,200 m ²
.3	Maximum <i>lot coverage</i> :	56%
.4	Maximum <i>density</i> :	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

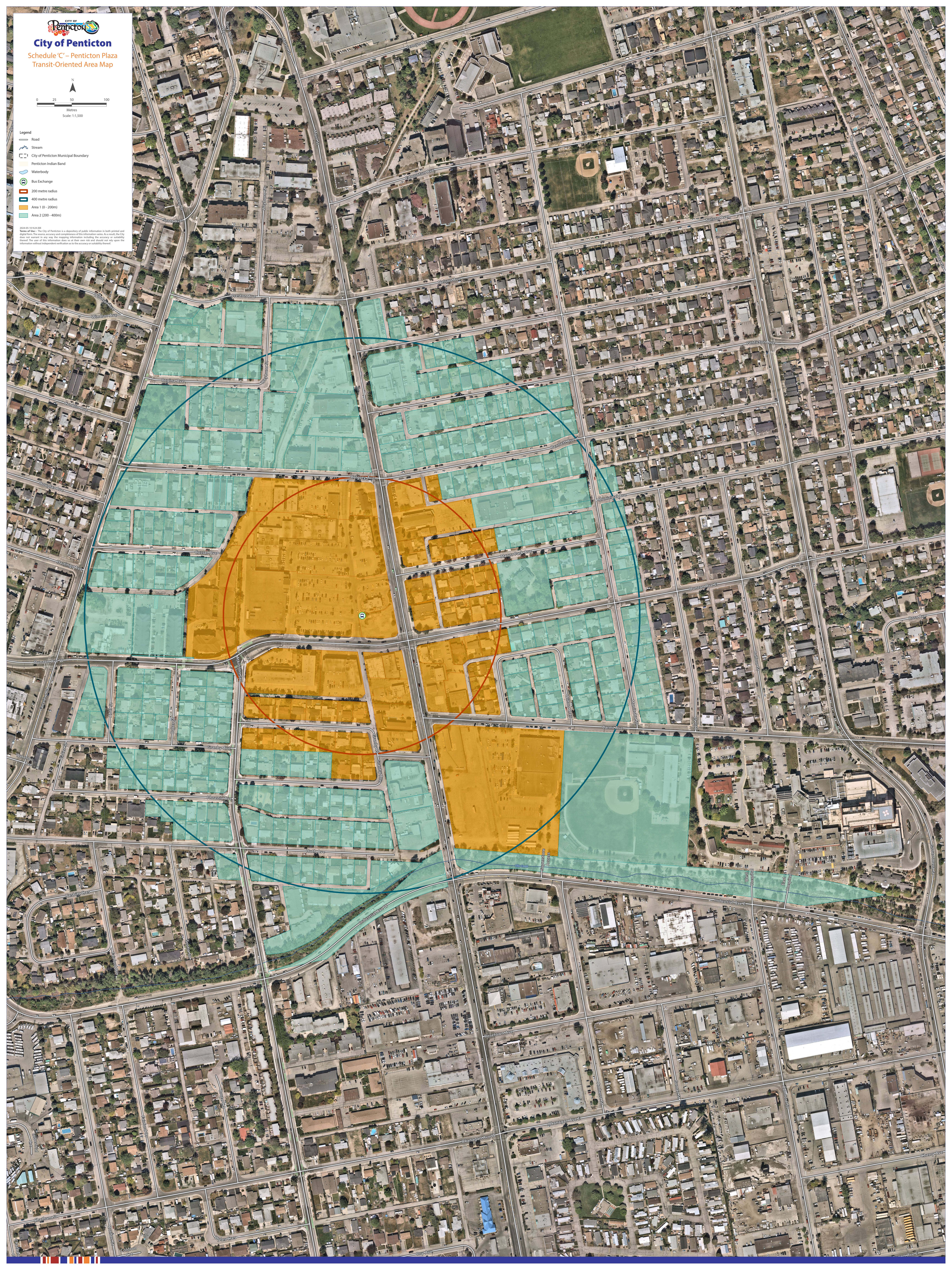
- .1 Notwithstanding Table 6.6, the minimum number of *parking spaces* for *uses* shall be as follows:
 - a. Minimum 44 *parking spaces* for *dwelling units* and *live-work units*;
 - b. Minimum 4 *parking spaces* for visitor parking; and
 - c. Minimum 3 *parking spaces* for commercial *uses*.

City of Penticton
 Schedule 'C' - Penticton Plaza
 Transit-Oriented Area Map

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Penticton Indian Band
- Waterbody
- Bus Exchange
- 200 metre radius
- 400 metre radius
- Area 1 (0 - 200m)
- Area 2 (200 - 400m)

2016/05/10/24 AM
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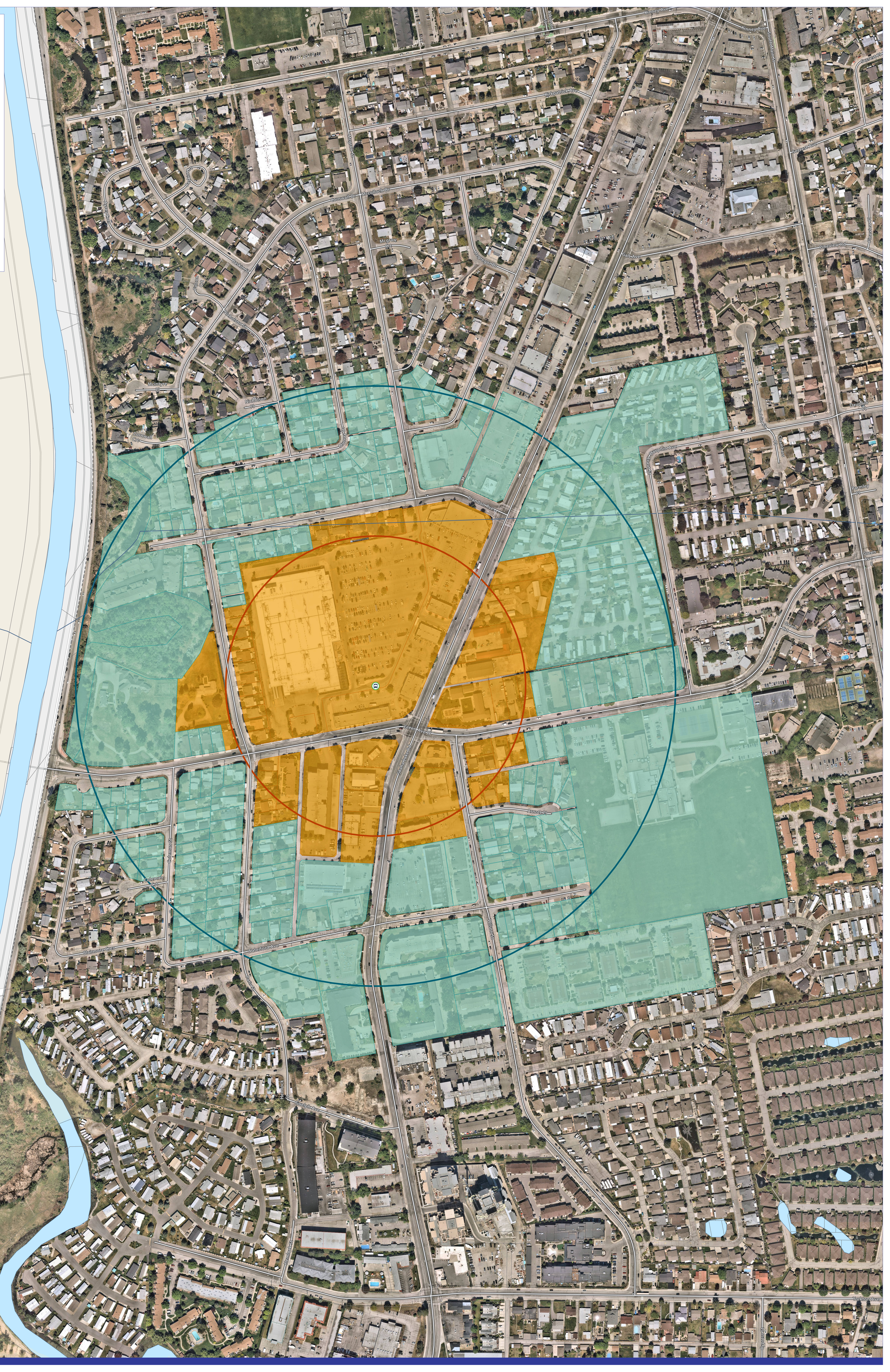
City of Penticton
Schedule 'D' - Peachtree
Square Transit-Oriented Area
Map

0 25 50 100
 Metres
 Scale 1:1,500

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Penticton Indian Band
- Waterbody
- Bus Exchange
- 200 metre radius
- 400 metre radius
- Area 1 (0 - 200m)
- Area 2 (200 - 400m)

2016-05-10 10:57 AM
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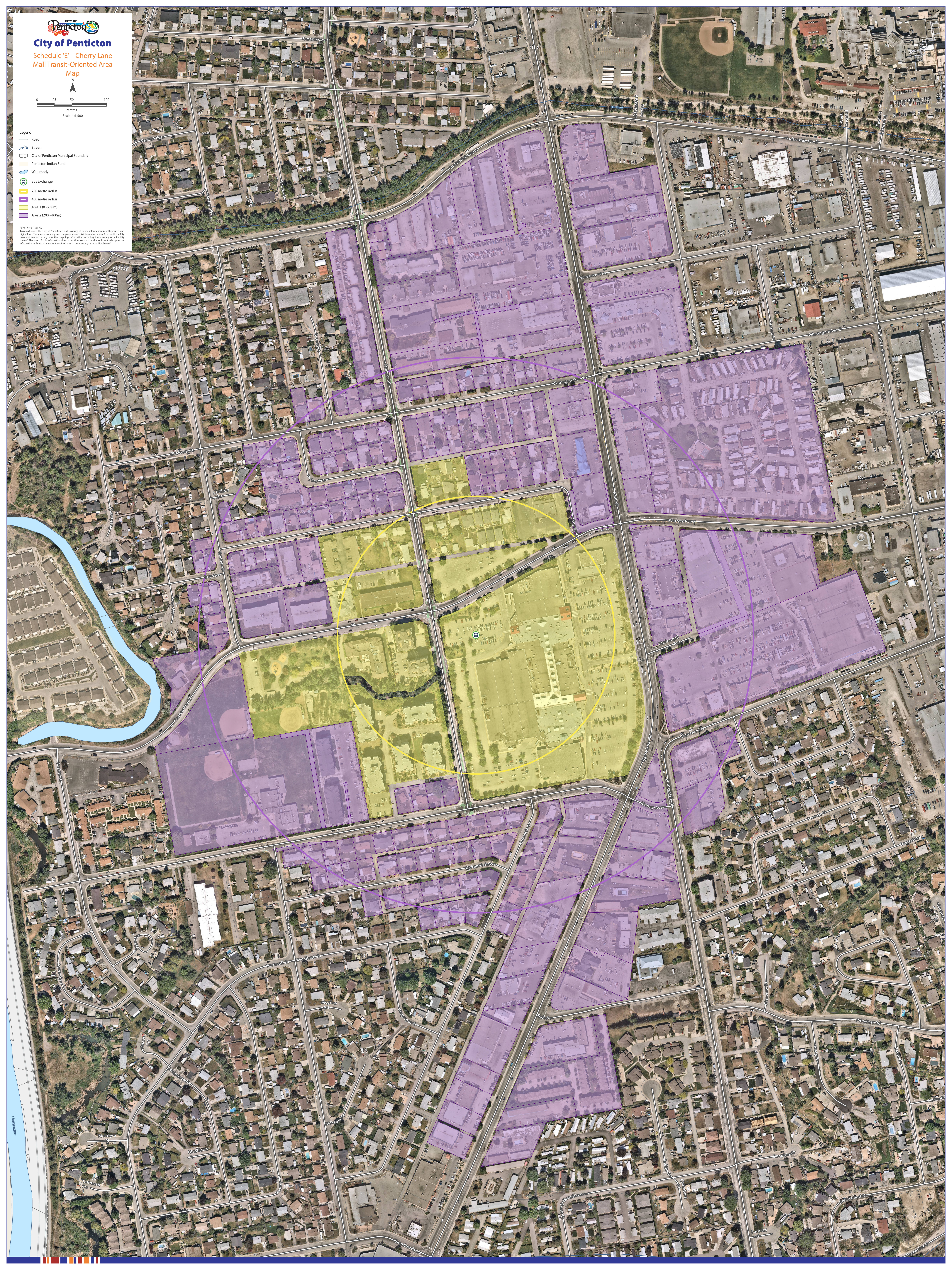


City of Penticton
 Schedule 'E' - Cherry Lane
 Mall Transit-Oriented Area
 Map

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Penticton Indian Band
- Waterbody
- Bus Exchange
- 200 metre radius
- 400 metre radius
- Area 1 (0 - 200m)
- Area 2 (200 - 400m)

2016/01/10 10:01 AM
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RECEIVED



joannem grimaldi

MAY 29 2024

by-law amendments:

EXTERNAL
DROP

2 messages

joannem grimaldi

Wed, May 29, 2024 at 9:29 AM

To: publichearing@penticon.ca

By-law amendment no. 2024-21:

If you have read the report on the Future Housing Requirements for Penticton which indicates that our population may be 78,000, you will realize that a related problem will arise which is the need for expanded lands for solid waste management. To allow residential instead of agriculture will be a problem for future residents in that there will be odors, windblown debris, a huge crowd of crows, noise and continuous traffic, resulting in plenty of complaints from the residents. Keep it in agriculture and plan properly for the future, not piecemeal. Everything is connected. (I am a member of the committee presently engaged in updating our Solid Waste management Plan.)

By the way - it was always called the East Bench NOT Naramata Bench, which actually starts on the Naramata side at 4 Mile. West Bench, Middle Bench, Upper Bench, and EAST Bench.

By-law amendment No. 2024-22:

transit-oriented area: We, the taxpayers, pay to promote the Downtown of Penticton. There used to be a transit hub in Downtown which brought many people to linger in the downtown. Now you are centering the transit hubs and their riders at privately owned shopping centers which is grossly unfair to us taxpayers. Why not build a Bus Depot in Downtown, which would help the Downtown businesses?? You are being very shortsighted. What suits B.C. Transit does not necessarily suit our City. Perhaps you should do a study on the times buses run and their routes in the event they might be adjusted to accommodate more people.

parking requirements for multi dwellings:

Please always ensure there is parking for visitors etc. on multi homes properties. As a mother and now single older person, I am well aware of the shortcomings in dealing with small children, loads of groceries, infirmities etc. and the need for a vehicle for shopping and appointments. The bus routes are not always convenient to our residents. Vehicles will have to park on the streets adding to congestion and traffic hazards. You are selling future residents short and presuming what their needs will be. It is better to be prepared for vehicles rather than try to deal with the situation at a later date.

Respectfully submitted,
Joanne Grimaldi
1050 Redlands Rd.,
Penticton, B.C. V2A 1W9

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Wed, May 29, 2024 at 9:29 AM

To:



Address not found

Your message wasn't delivered to **publichearing@penticon.ca** because the domain penticon.ca couldn't be found. Check for typos or unnecessary spaces and try again.

LEARN MORE

LATE SUBMISSION
Public Hearing Package No. 2
Zoning Bylaw No. 2024-22

Home Office
1701 - 4555 Kingsway
Burnaby, BC V5H 4V8



Tel 604-433-1711
Fax 604- 439-4726
www.bchousing.org

May 30, 2024

Steven Collyer
Housing and Policy Initiatives Manager
City of Penticton
171 Main Street, Penticton, BC, V2A 5A9

Dear Steven Collyer, Housing and Policy Initiatives Manager, City of Penticton

Re: Penticton's Official Community Plan and Zoning Bylaw to support housing development

Thank you for offering our team the opportunity to review and provide comment on the proposed update to Penticton's Official Community Plan and Zoning Bylaw to support housing development. BC housing is committed to working with the City of Penticton to address the need for adequate housing across the housing continuum for your community. The desire to facilitate increased construction of housing in Penticton is evident in the proposed changes and we trust that they are in line with the needs and wants of the community.

We also look forward to participating in the upcoming Housing Action Table in support of the City's work to create a Social Housing Plan and appreciate the site-specific discussions that are ongoing.

At the request of City Staff, we have completed a preliminary review of the information available via the [Focus on Housing](#) website and have the following comments for your consideration:

- It appears the proposed updated Zoning Bylaws do not explicitly support shelter housing development in any zone. Permissive zoning identifying shelters as an allowable use can be beneficial in identifying sites and providing suitable solutions for this housing type.
- It would be beneficial to outline how the Shelter and Supportive Housing Location Selection Guidelines will work with the proposed updates.
- In a number of the proposed zones, the FAR does not appear to support the proposed allowable heights and site coverage. This could limit the residential development potential of sites, despite being within the allowable building envelope.
- The proposed P1-Public Assembly zone does not appear to support residential development. Allowing residential development in conjunction with the listed permitted uses, would help to increase housing supply in the community.

If you require further information or would like to discuss further, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephanie McLeish".

Stephanie McLeish
Senior Manager, Regional Development
BC Housing

LATE SUBMISSION
Public Hearing Package No. 2
Zoning Bylaw No. 2024-22

From: [Debbie Wagar](#)
To: [Public Hearings](#)
Subject: June 03 Public Hearing Submission
Date: Monday, June 3, 2024 8:52:48 AM

Caution! This message was sent from outside your organization.

Attention: Corporate Officer, City of Penticton

OCP Amendment Bylaw No. 2024-21:

We live downtown and walk on Main Street daily. We understand that the downtown density needs to increase, but disagree with increasing the building height from 3 stories to 10 stories on the 400-600 blocks of Main Street. Construct 10 story buildings on neighbouring streets, but keep the building height to only 5 or 6 stories on the 400 - 600 blocks. This would allow development to occur and would not encroach on the 100 to 300 blocks. The shadows and wind from 10 story buildings would negatively impact the aesthetics of our downtown core. We would no longer see the surrounding hillsides or sky. We don't want to live in a concrete jungle. Please don't let our downtown lose its quaint appeal.

Zoning Amendment Bylaw No. 2024-22

We rent downtown, have a vehicle and a residential parking space. To attract more residents to the downtown, some vehicle parking will be needed. Please do not remove on-site residential parking requirements in the downtown until a parking study has been completed and changes approved.

Sincerely,

Debbie and Ken Wagar

304-575 Main Street

Penticton, BC V2A5C6

LATE SUBMISSION
Public Hearing Package No. 2
Zoning Bylaw No. 2024-22

Mayor: Julius Bloomfield

May 31,2024

Council Members:

Campbell Watt, James Millar, Amelia Boulton, Isaac Gilbert, Ryan Graham,
Helena Konanz

Dear Mayor and City Councillors,

We are supporting Vivian Lieskovsky's letter addressed to Steven Collyer dated May 29,2024 regarding Lakeshore Drive West.

As Penticton residents, and as Vivian has aptly stated, our aim has been to protect the "heritage of our neighborhood while being mindful of height, form and character". Unfortunately we are seeing four stories becoming five stories and five stories becoming six stories. This is not a heritage neighborhood.

Setbacks have been eliminated yet are essential to preserving the aesthetic appeal , charm and spaciousness of our neighborhood .

We continue to raise the issues of fire department, and other emergency services accessibility to the lane where traffic continues to grow and parking is diminished.

These items continue to be raised and we hope this council and city staff can work toward and uphold the heritage and character of our neighborhood.

Respectfully submitted,

Shirley and John McPherson

736 Lakeshore Drive

LATE SUBMISSION
Public Hearing Package No. 2
Zoning Bylaw No. 2024-22

From: Grant Lake
Sent: Monday, June 3, 2024 8:52 AM
To: afedrigo@rdos.bc.ca; committes@penticton.ca; Council <Council@penticton.ca>
Subject: Development on the Naramata Bench

Caution! This message was sent from outside your organization.

Dear Mayor and Council Members,

There should be no zoning allowances made, or changes to the OCP that would permit any further large scale residential developments along the Naramata Bench. Specifically I'm referring to the Canadian Horizons proposals but also to any other development proposals that will likely arise. The reasons are numerous:

- *environmental concerns for a sensitive area that supports an elk herd as well as other sensitive species
- * clear cutting of trees
- *concern for long term erosion
- *more pressure on a region already facing water shortages
- *damage to area by adding more infrastructure to support a development
- *putting through additional roadways
- *unnecessarily adding more traffic to the Naramata Rd. and the resulting increase of congestion as this traffic feeds its way into Penticton
- *negative impact on tourism

This is really just a short list of the problems that would be connected to any additional residential developments along the Naramata Bench. Please leave the existing

regulations as they be. We do need housing but I believe we would be better served to develop low rise and mid rise apartments / condos within the City of Penticton itself. We do not any need nor should we want more developments like Vistas Naramata, known locally as the 'Scar'.

Penticton and the RDOS have an opportunity to set a positive example for preserving the unique bench areas that are part of our beautiful Penticton- Naramata corridor. I applaud the decision to remove any further changes to the OCP for the Spiller Rd. area. This is a great beginning but it should not stop there. Be stewards of the Naramata Bench.

Thank you for your concern,
Grant Lake
712 Johnson Rd.
Penticton, BC

LATE SUBMISSION
Public Hearing Package No. 2
Zoning Bylaw No. 2024-22

From: Norberto Rodriguez
Sent: Sunday, June 2, 2024 7:45 AM
To: Council <Council@penticton.ca>
Subject: No Development at Spiller Road

Caution! This message was sent from outside your organization.

How many times has the Penticton/Naramata community told you **NO DEVELOPMENT** at Naramata Bench, specifically, at the Spiller Road property ?

And yet, here we are again, trying to do the same.

I understand the need of **AFFORDABLE** housing in Penticton, but we all know that developing this area will not be AFFORDABLE in any way !

Please, one more time, I beg you, remove this area from any development.

Respectfully,

norberto rodriguez de la vega
penticton bc

LATE SUBMISSION
Public Hearing Package No. 2
Zoning Bylaw No. 2024-22

From: [Cheryl Hardisty](#)
To: [William Laven](#); [Council](#)
Cc: [Public Hearings](#)
Subject: RE: Developing the Naramata Bench.
Date: Monday, June 3, 2024 9:50:05 AM

Good morning, thank you for your email to Mayor and Council which I confirm has been received.

Council will hold a [Public Hearing](#) regarding the OCP and Zoning Bylaws this evening at 6pm in Council Chambers at City Hall. The link includes the public hearing participation details as well as the reports to Council with all details under consideration.

Your email has been forwarded to publichearings@penticton.ca to be included as a late submission for Council's consideration and will be available for the public to view on the City of Penticton website.

Thank you,

Cheryl Hardisty, Manager, Council and Executive Operations

City of Penticton | 171 Main Street | Penticton, BC | V2A 5A9
p: 250.490.2406 | c: 250-809-2902 | e: cheryl.hardisty@penticton.ca



I acknowledge that Penticton, where I live and work, is on the traditional lands of the Syilx People in the Okanagan Nation.

From: William Laven
Sent: Friday, May 31, 2024 1:56 PM
To: Council <Council@penticton.ca>
Subject: Developing the Naramata Bench.

Caution! This message was sent from outside your organization.

DEAR MAYOR AND COUNCILLORS

Sent from Croatia,

We're travelling in Croatia, and Italy. The finest regions have had the greatest influence on limiting unfettered development: no urban sprawl; great regard for climate

change issues - and avoidance of interface (fire risk) development; a huge appreciation for the preservation of both habitat and concurrently, the varied species within the habitat.

What do these regions get in return? Beautiful vistas (think Penticton today - and why photographs of the Naramata Bench are used to promote our city for tourism). A great reputation for preservation. Absolutely rave reviews by visitors. Consistent tourism revenue. Think Napa Valley North. Think Tuscany. Think Burgundy or Bordeaux.

By being a forward thinking council YOU can preserve the Natural Beauty of our part of the Okanagan Valley. Limit development on the Naramata Bench. Keep as much forestry/grazing zoning as possible. Limit lot sizes (regardless of services) to ONE HECTARE.

YOUR actions will determine the survival of local song birds, reptiles, amphibians, and elk, many of which are BLUE and RED listed and resident in one of the most at risk habitats in all of Canada.

Remember that the businesses and people living in the inner city often subsidize the services provided to those living in the exurbs! Development of the hillsides is

development for profit at the expense of both wildlife and the natural beauty of our mixed forest/grassland biome. Let's do what we can to ensure that we retain the natural beauty of the Naramata Bench.

Sincerely Yours,

R & B Laven.