Agenda

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Regular Council Meeting

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

Tuesday, June 4, 2024
at 1:00 p.m.

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

2. **Introduction of Late Items**

3. **Adoption of Agenda**

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

5. **Reconvene the Regular Council Meeting**

6. **Adoption of Minutes:**

6.1	Minutes of the May 21, 2024 Regular Council Meeting	1-7	Adopt

7. **Consent Agenda**

Recommendation: THAT Council approve the Consent Agenda: 8-9

1. *Minutes of the May 21, 2024 Committee of the Whole Meeting; and*
2. *Release of Item from Closed Meeting:*
   THAT Council supports hosting the 2028 BC Summer Games in July 2028;
   AND THAT Council approves financial support of $55,000 in cash to the Host Society and $55,000 in additional in-kind to cover costs of City facilities and services to be included and funded in the 2028-2032 Financial Plan.

8. **Staff Reports:**

Collison	8.1	Postponed from May 21, 2024: RDOS Bylaw No. 2065.03, 2024 Re: Noxious Weed Control Service Establishment Amendment *Staff Recommendation: THAT Council consent to the adoption of Regional District of Okanagan-Similkameen Bylaw No. 2065.03, 2024 (Noxious Weed Control Service Establishment Amendment) on behalf of the electors of the City of Penticton.*	10-18

Campbell	8.2	2023 Statement of Financial Information *Staff Recommendation: THAT Council approves the Statement of Financial Information for the fiscal year ending December 31, 2023.*	19-35
Laven	8.3	Cellular Tower Application – Request for Letter of Concurrence Re: 3395 Valleyview Road Delegation: Cypress Land Services *Staff Recommendation: THAT Council, after hearing from the delegation from Cypress Land Services, and considering the contents of this report, direct staff to provide a letter of concurrence with no objections for the application for an 18m tall TELUS cellular communication tower at 3395 Valleyview Road, with the preference that the tower be treated as such to appear as a tree.*	36-86
Collyer	8.4	Development Variance Permit PL2023-9706 Development Permit PL2023-9705 Re: 951 & 963 Dynes Avenue *Staff Recommendation: THAT Council approve "Development Variance Permit PL2023-9706" for 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, a permit to vary the following sections of Zoning Bylaw No. 2023-08:* *1. Section 10.10.2.3: to increase maximum lot coverage from 50% to 53%;* *2. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5m to 2.1m; and* *3. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m;* *AND THAT Council, subject to approval of "Development Variance Permit PL2023-9706", approve "Development Permit PL2023-9705", a permit to approve the form and character of a 12-unit townhouse development.*	87-131

9. **Bylaws and Permits:**

Collyer	9.1	Official Community Plan Amendment Bylaw No. 2024-21	132-144	2nd/3rd/Adopt
Collyer	9.2	Zoning Bylaw No. 2024-22	145-276	2nd/3rd

10. **Notice of Motion**

10.1 Notice of Motion introduced by Councillor Boultbee for consideration on June 4, 2024:

THAT Council impose a moratorium on rezoning or converting any existing industrial land until the end of this Council's term.

10.2 Notice of Motion introduced by Councillor Boultbee for consideration on June 4, 2024:

THAT Council direct staff to report back with options to advance and grow industrial lands.

11. **Business Arising**

12. **Public Question Period**

If you would like to ask Council a question with respect to items that are on the current agenda, please visit our website at www.penticton.ca to find the telephone number or Zoom link to ask your question before the conclusion of the meeting. Use the raise hand feature and you will be given the opportunity to turn on your camera and unmute your microphone and ask Council your questions. Please note that the meeting is streaming live and recorded, access to recordings can be found on the City's website.

13. **Council Round Table**

14. **Adjourn to Closed Meeting:**

<u>Resolution:</u> THAT Council adjourn to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

Minutes

penticton.ca

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

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

Present: Mayor Bloomfield
Deputy Mayor Watt
Councillor Boultbee
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller

Staff: Anthony Haddad, City Manager
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Blake Laven, Director of Development Services
Kelsey Johnson, Director of Community Services
Paula McKinnon, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

138/2024 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council Meeting held on May 21, 2024 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

139/2024 **It was MOVED and SECONDED**
THAT Council recess to a Committee of the Whole meeting at 1:01p.m.

CARRIED UNANIMOUSLY

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:48 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 7, 2024 Regular Council Meeting

140/2024 **It was MOVED and SECONDED**
THAT Council adopt the Regular Council Meeting minutes of May 7, 2024 as presented.
CARRIED UNANIMOUSLY

7. Consent Agenda:

141/2024 **It was MOVED and SECONDED**
THAT Council approve the Consent Agenda:
1. Minutes of the May 7, 2024 Committee of the Whole Meeting; and
2. Minutes of the May 7, 2024 Public Hearing.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 Official Community Plan Amendment Bylaw No. 2024-21 (Housing Update Amendment)

It was MOVED and SECONDED
THAT items related to Lakeshore Drive and Spiller Road be voted on separately.

The above motion was withdrawn.

142/2024 **It was MOVED and SECONDED**
1. THAT Council, prior to consideration of "Official Community Plan Amendment Bylaw No. 2024-21" and in accordance with Section 475 of the *Local Government Act*, consider whether early and on-going consultation in addition to the required Public Hearing is necessary with:
   a. One or more persons, organizations or authorities;
   b. Regional District of Okanagan Similkameen;
   c. Local First Nations;
   d. School District #67;
   e. The provincial or federal government and their agencies;
2. AND THAT it is determined that the public engagement period carried out from March 4, 2024 to April 14, 2024 is sufficient;
3. AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2024-21", a bylaw that:
   a. Replaces the map titled "2019 OCP Growth Areas and Infill Areas", as referenced on page 3-44 of the Official Community Plan, with the version included as Schedule 'A' of this bylaw;
   b. Replaces the map titled "Strategic Investment Areas" of the Official Community Plan, as referenced on page 3-45 of the Official Community Plan, with the version included as Schedule 'B' of this bylaw;
   c. Removes the words "and the Spiller Road" from Section 3, paragraph titled "New Hillside Neighbourhoods", as referenced on page 3-46 of the Official Community Plan;
   d. Repeals and replaces the Land Use Designations table, as included on pages 3-48 to 3-52 of the Official Community Plan, with the version included as Schedule 'C' of this bylaw;

e. Repeals and replaces the policies in Sections 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 and 4.1.6 of the Official Community Plan with the version included as Schedule 'D' of this bylaw;
f. Repeals and replaces "Map 1: Future Land Use" with the updated map included as Schedule 'E' of this bylaw;

4. AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2024-21" to the Monday, June 3, 2024, Public Hearing.

CARRIED UNANIMOUSLY

143/2024 **It was MOVED and SECONDED**

5. AND THAT Council direct staff to allocate unused funds budgeted for the OCP Housing Update to the upcoming Social Housing Plan ($10,000) and OCP Indigenization projects ($30,000), and adjust the 2024-2028 Financial Plan accordingly;
7. AND THAT Council direct staff to review the form and function of the streets within the designated Transit-Oriented Areas, and along the Skaha Lake Road corridor, to support residents and businesses in existing and new developments in those areas;
8. AND THAT Council direct staff to send a letter to the Minister of Transportation and Infrastructure requesting additional transit expansions funding for BC Transit to support Penticton's Network Restructure Plan, which will directly support the designation of Transit-Oriented Areas in Penticton.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

6. AND THAT Council direct staff to complete a Downtown Parking Utilization and Needs Study to assess the current and future public parking needs, including opportunities for a downtown parkade.

The above motion was withdrawn.

144/2024 **It was MOVED and SECONDED**

6. AND THAT Council direct staff to transfer up to $50,000 from the Off-Street Parking Reserve to complete a Downtown Parking Utilization and Needs Study to assess the current and future public parking needs, including opportunities for a downtown parkade, and adjust the 2024-2028 Financial Plan accordingly.

CARRIED
Councillors Konanz and Miller, Opposed

The Mayor recessed the meeting at 2:48 p.m. and reconvened at 3:02 p.m.

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

8.3 Civic Places & Spaces: Priority #1 – Community Safety Building Update

146/2024 **It was MOVED and SECONDED**

THAT Council receive into the record the report dated May 21, 2024, titled "Civic Places & Spaces: Priority #1 - Community Safety Building Update";

AND THAT Council direct staff to proceed with the next phase of the project, which includes detailed design and the development of a business case for each of the following protective service facilities and site locations:

- Fire Hall Headquarters located at Fire Hall #2 (Dawson Avenue)
- Satellite Fire Hall located at Fire Hall #1 (Nanaimo Avenue)
- Community Safety Building located at 450 Martin Street

CARRIED UNANIMOUSLY

8.4 Signing Officers and Banker for 2024 and Subsequent Years

147/2024 **It was MOVED and SECONDED**

THAT Council approve signing authorities for the City's bank accounts at Valley First Credit Union as follows:

A Signers

- Anthony Haddad, City Manager
- Angela Campbell, Director of Finance and Administration
- Karri Stoppler, Manager of Finance
- Courtney Jones, Financial Planning & Budget Specialist

B Signers

- Julius Bloomfield, Mayor
- Amelia Boultbee, Councillor
- Isaac Gilbert, Councillor
- Ryan Graham, Councillor
- Helena Konanz, Councillor
- James Miller, Councillor
- Campbell Watt, Councillor

Signing officers for memberships 2491165 and 2357879 (City of Penticton) will be for the calendar year ending December 31, 2024 and subsequent years until changed.

AND THAT Council approve:

- Cliff Last, Director of Finance, South Okanagan Events Centre
- Susan Coombes, Senior Finance Manager, South Okanagan Events Centre
- Dean Clarke, General Manager, South Okanagan Events Centre
- Kevin Webb, Assistant General Manager, South Okanagan Events Centre
- Mary Richards, PTCC Director of Sales, Penticton Trade and Convention Centre
- Anthony Haddad, City Manager, City of Penticton
- Angela Campbell, Director of Finance and Administration, City of Penticton
- Karri Stoppler, Manager of Finance, City of Penticton

Signing officers for membership 2491223 (South Okanagan Events Centre) for the calendar year ended December 31, 2024 and subsequent years until changed.

CARRIED UNANIMOUSLY

8.5 2024 In-year Grant Requests

148/2024 **It was MOVED and SECONDED**
THAT Council approve the following in-year grant requests for 2024 as listed below:

- $500 cash and $102 in-kind to the Community Recreational Initiatives Society;
- $1,000 cash to the Conseil Jeunesse Francophone de la C.-B.: BC Francophone Games;
- $5,000 cash and $1,100 in-kind to the Penticton Paddle Sports Association Canadian Outrigger Racing Association (CORA) Distance Championships;
- $2,500 cash and $1,658.25 in-kind to The Penticton Peach Festival Society Royalty/Ambassador Program;
- $1,230 in-kind to the Ukraine Nightingale Project;
- $2,000 cash to the Wine Country Writers' Festival Society; and
- $5,000 cash to the Throwdown Series.

CARRIED UNANIMOUSLY

8.6 RDOS Bylaw No. 2065.03, 2024 – Noxious Weed Control Service Establishment Amendment

It was MOVED and SECONDED
THAT Council consent to the adoption of Regional District of Okanagan-Similkameen Bylaw No. 2065.03, 2024 (Noxious Weed Control Service Establishment Amendment) on behalf of the electors of the City of Penticton.

149/2024 **It was MOVED and SECONDED**
THAT Council postpone the motion related to consenting to the adoption of RDOS Bylaw No. 2065.03, 2024 to the June 4, 2024 Regular Meeting of Council.

CARRIED
Councillors Gilbert and Watt, Opposed

8.7 Safe Routes to School Update

150/2024 **It was MOVED and SECONDED**
THAT Council receive into the record the report dated May 21, 2024, titled "Safe Routes to School Update".

CARRIED UNANIMOUSLY

8.8 Park, Playground, and Residential Speed Zones

151/2024 **It was MOVED and SECONDED**
THAT Council receive into the record the report dated May 21, 2024, titled "Park, Playground, and Residential Speed Zones";
AND THAT Council direct staff to send a letter to the Province outlining the City of Penticton's approach to reducing speed, and express support for municipal autonomy in setting default speed limits.

CARRIED
Councillor Graham, Opposed

8.9 Development Permit PL2023-9703
Development Variance Permit PL2023-9704
Re: 123 Front Street

152/2024 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2023-9704" for Lot A District Lot 202 Similkameen Division Yale District Plan EPP76240, located at 123 Front Street, a permit to vary the following sections of Zoning Bylaw 2023-08:

1. Section 11.5.2.5.a: to increase the maximum allowable height on Front Street from 15 m to 17 m.
2. Section 6.1.5.4: to increase the maximum number of small car spaces permitted from 25% to 35%.

AND THAT Council approve "Development Permit PL2023-9703" for Lot A District Lot 202 Similkameen Division Yale District Plan EPP76240, located at 123 Front Street, a permit to approve the form and character of a five (5) storey, 48 residential unit, mixed-use apartment building.

CARRIED
Councillor Miller, Opposed

9. Notice of Motion

9.1 Notice of Motion introduced by Councillor Boultbee and Councillor Graham for consideration on May 21, 2024:

153/2024 **It was MOVED and SECONDED**
THAT Council direct staff to quantify the public safety costs including but not limited to ambulance, police, fire and bylaw as a result of provincial downloading and that staff come back with the report within eight weeks.

CARRIED UNANIMOUSLY

9.2 Notice of Motion introduced by Councillor Konanz for consideration on May 21, 2024:

154/2024 **It was MOVED and SECONDED**
WHEREAS in January 2023 the province of British Columbia enacted a three-year drug decriminalization pilot project;
WHEREAS all measurements of the decriminalization pilot project are revealing it has a failed experiment, including 2023 being British Columbia's worst year ever for overdose deaths;
WHEREAS adequate level of services such as drug treatment, supportive housing, rehabilitation, medical doctors, and mental health services are not readily available for those with addictions, particularly in smaller communities;
AND WHEREAS there has been increased pressure on vital services with the increase in drug use, costing British Columbia communities millions of dollars in RCMP, bylaw, firefighters, and health care providers;
THEREFORE BE IT RESOLVED that Mayor and Council write a letter to both British Columbia's Premier and the Minister of Mental Health and Addictions, with the MLA and MP cc'd, requesting that they immediately halt the experimental decriminalization pilot project in British Columbia, and instead focus on building programs and services for recovery and treatment in both small and large communities, for those suffering from addictions.

CARRIED
Councillor Gilbert, Opposed

9.3 Notice of Motion introduced by Councillor Graham for consideration on May 21, 2024:

155/2024 **It was MOVED and SECONDED**
THAT Council direct staff to bring back options to facilitate potential sites in the community for senior and youth housing.

CARRIED
Councillors Miller and Watt, Opposed

9.4 Notice of Motion introduced by Councillor Boultbee for consideration on June 4, 2024:

THAT Council impose a moratorium on rezoning or converting any existing industrial land until the end of this Council's term.

9.5 Notice of Motion introduced by Councillor Boultbee for consideration on June 4, 2024:

THAT Council direct staff to report back with options to advance and grow industrial lands.

10. Business Arising

11. Public Question Period

12. Council Round Table

13. Adjourn to Closed Meeting:

156/2024 **It was MOVED and SECONDED**
THAT Council adjourn at 5:05 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* as follows: Section 90(1)

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
Julius Bloomfield
Mayor

Minutes

penticton.ca

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

Tuesday, May 21, 2024
Recessed from the Regular Council Meeting at 1:00 p.m.

Present: Mayor Bloomfield
Deputy Mayor Watt
Councillor Boultbee
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller

Staff: Anthony Haddad, City Manager
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Blake Laven, Director of Development Services
Kelsey Johnson, Director of Community Services
Paula McKinnon, Deputy Corporate Officer

1. **Call to order**

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

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the agenda for the Committee of the Whole meeting held on May 21, 2024 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 Proclamation: Brain Injury Awareness Month June 2024

Linda Sankey, Executive Director, South Okanagan Similkameen Brain Injury Society, informed Council about the services provided by the South Okanagan Similkameen Brain Injury Society and requested that Council proclaim June 2024 as "Brain Injury Awareness Month".

Mayor Bloomfield read the proclamation proclaiming June 2024 as "Brain Injury Awareness Month" in the City of Penticton.

3.2 Proclamation: Seniors Week June 2-8

Myrna Tischer, OneSky Resources, and Elmie Saaltink on behalf of Aging Well Penticton, informed Council about the schedule of events planned for Seniors Week 2024 and requested that Council proclaim June 2-8, 2024 as "Seniors Week".

Mayor Bloomfield read the proclamation proclaiming June 2-8, 2024 as "Seniors Week" in the City of Penticton.

3.3 Proclamation: Melanoma and Skin Cancer Awareness Month May 2024

Kathleen Barnard, Founder, Save Your Skin Foundation, provided Council with a presentation about Save Your Skin foundation and importance of early detection and prevention of Melanoma and requested that Council proclaim May 2024 "Melanoma and Skin Cancer Awareness Month".

Mayor Bloomfield read the proclamation proclaiming May 2024 as "Melanoma and Skin Cancer Awareness Month May 2024" in the City of Penticton.

3.4 Industrial Sector of Penticton

Frank Conci, on behalf of Penticton Industrial Development Association, provided Council with an update on the activity of Penticton's industrial sector and shared recommendations for Council's consideration.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED
THAT Council adjourn the Committee of the Whole meeting held May 21, 2024 at 1:47 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
Julius Bloomfield
Mayor

Council Report

penticton.ca

Date: June 4, 2024 File No: 0550-02
To: Anthony Haddad, City Manager
From: Angie Collison, Corporate Officer

Subject: **RDOS Bylaw No. 2065.03, 2024 (Noxious Weed Control Service Establishment Amendment)**

Staff Recommendation

THAT Council consent to the adoption of Regional District of Okanagan-Similkameen Bylaw No. 2065.03, 2024 (Noxious Weed Control Service Establishment Amendment) on behalf of the electors of the City of Penticton.

Strategic priority objective

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

Background

On May 9, 2024, the Board of the Regional District of Okanagan-Similkameen gave three readings to Bylaw No. 2065.03, 2024 (Noxious Weed Control Service Establishment Amendment). As outlined in the attachments provided by the RDOS, the purpose of the bylaw is to amend "Noxious Weed Control Service Establishment Bylaw No. 2075, 2001" to include the nuisance control service and the control of caterpillars and noxious and destructive insects function into a single service.

As the City of Penticton is in the proposed service area, the Board requests that Council give its approval of the bylaw by passing a resolution consenting to the adoption of Bylaw No. 2065.03, 2024.

Financial implication

The RDOS has indicated that there are no additional financial implications as a result of combining the services and functions into a single service. The services and functions are currently accounted for in the Regional District of Okanagan-Similkameen's Five-Year Financial Plan.

Attachments

Attachment A – Correspondence Re: Bylaw No. 2065.03, 2024

Attachment B – Regional District of Okanagan-Similkameen Bylaw No. 2065.03, 2024 at third reading

Attachment C – RDOS Administrative Report – Invasive Species Management Service

Respectfully submitted,

Angie Collison
Corporate Officer

Concurrence

Director of Finance and Administration	City Manager
AMC	AH

May 10, 2024

Bylaw No. 2065.03, 2024

Angie Collison
Corporate Officer
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Ms. Collison:

Re: Bylaw No. 2065.03, 2024 Noxious Weed Control Service Establishment Amendment

Please find enclosed a copy of Bylaw No. 2065.03, 2024 (Noxious Weed Control Service Establishment Amendment), which has been given three readings by the Board of the Regional District. The purpose of the bylaw is to amend Noxious Weed Control Service Establishment Bylaw No. 2075, 2001 to include the nuisance control service and the control of caterpillars and noxious and destructive insects function into a single service.

The proposed service area includes your entire municipality. Accordingly, the Board requests that your Council give its approval of the bylaw, by adoption of a resolution under Section 346 of the *Local Government Act*, consenting on behalf of the electors of the City of Penticton to the adoption of Bylaw No. 2065.03, 2024 Noxious Weed Control Service Establishment Amendment.

Upon adoption of the resolution, please notify the undersigned in writing so that the Council's consent may be communicated to the Board.

Should you have any questions, please do not hesitate to contact me at (250) 490-4146.

Sincerely,

Christy Malden
Corporate Officer

Enc. Bylaw No. 2065.03, 2024 (certified at third reading)
RDOS staff report

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 2065.03, 2024

A bylaw to amend "Noxious Weed Control Service Establishment Bylaw No. 2065, 2001" to include the nuisance control service and the control of caterpillars and noxious and destructive insects function into a single service.

WHEREAS the Regional District of Okanagan-Similkameen has adopted "Noxious Weed Control Service Establishment Bylaw No. 2065, 2001" and "Nuisance Control Service Establishment Bylaw No. 2198, 2003 (and amendments thereto);

AND WHEREAS Supplementary Letters Patent (SLP) No. 1454, dated May 1, 1967, authorized the function of controlling infestation by caterpillars and other noxious or destructive insects;

AND WHEREAS SLP No. 610 dated February 14, 1975 authorized the function of codling moth and/or other noxious insects control program within Electoral Areas "B" and "G";

AND WHEREAS the Board of Directors wishes to convert the authority to control infestation by caterpillars and other noxious or destructive insects from SLP No. 1454 to a service established by bylaw;

AND WHEREAS the Board of Directors wishes to convert the authority to control codling moth and other noxious insects from SLP No. 610 to a service established by bylaw;

AND WHEREAS the Board wishes to combine the Noxious Weed Control and Nuisance Control services and control of codling moth, caterpillars, noxious or destructive insects function into a single service;

AND WHEREAS at least 2/3 of the participants have consented in writing to the adoption of this bylaw as required by the *Local Government Act*;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. CITATION

1.1. This bylaw may be cited as the "Noxious Weed Control Service Establishment Amendment Bylaw No. 2065.03, 2024."

2. AMENDMENT

2.1. Noxious Weed Control Service Establishment Bylaw No. 2065, 2002 is amended by:

2.1.1. Deleting the Long Title in its entirety and replacing with:
"A bylaw to establish an invasive species management service by combining the noxious weed control service, the nuisance control service, and the noxious and destructive insects functions established by SLP 1454 and 610 into a single service."

2.1.2. Deleting Section 1 in its entirety and replacing with
"This bylaw may be cited for all purposes as the Invasive Species Management Service Establishment Bylaw No. 2065, 2001."

2.1.3. Deleting Section 2 in its entirety and replacing with
"The invasive species management service is established by combining the noxious weed and nuisance control services, and the control of codling moths, caterpillars, noxious and destructive insects functions into a single service.

2.1.4. Deleting Section 3 in its entirety and replacing with:
"3.1 The purpose of the service established by this bylaw is to provide a regional invasive species education, management and control service ("the service").
3.2 The Board may enter into contracts with external parties to provide the Service within the service area."

2.1.5. Amend Section 5 by replacing "Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H'" with "Electoral Areas "A", "B", "C", "D", "E", "F", "G", "H" and "I"".

2.1.6. Deleting Section 6 in its entirety and replacing with the following:
"6. As provided in the *Local Government Act*, the annual costs of the Service shall be recovered by one or more of the following:
a. property value taxes imposed in accordance with Division 3 [requisition and Tax Collection] of the Local Government Act;
b. parcel tax imposed in accordance with Division 3 of the Local Government Act;
c. fees and charges imposed under section 397 [imposition of fees and charges] of the Local Government Act;
d. revenues raised by other means authorized under a provincial enactment;
e. revenues received by way of agreement, enterprise, gift, grant or otherwise."

2.1.7. Deleting sections 7 and 8 in their entirety and replacing it with the following:
"**REQUISITION LIMIT**

7. The maximum amount that may be requisitioned annually for the service established under this bylaw may not exceed the greater of One Hundred and Fifty Thousand, Sixty Nine Dollars ($150,069) or $0.00466/$1,000 of net taxable value of land and improvements within the service area.

3. REPEAL

3.1. Nuisance Control Service Establishment Bylaw No. 2198, 2003 and all amendments thereto are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this 9th day of May, 2024.

ELECTORAL AREA "A" DIRECTOR CONSENT OBTAINED this 9th day of May, 2024.

ELECTORAL AREA "B" DIRECTOR CONSENT OBTAINED this 9th day of May, 2024.

ELECTORAL AREA "C" DIRECTOR CONSENT OBTAINED this ___ day of ____, 20__.

ELECTORAL AREA "D" DIRECTOR CONSENT OBTAINED this 9th day of May, 2024.

ELECTORAL AREA "E" DIRECTOR CONSENT OBTAINED this 9th day of May, 2024.

ELECTORAL AREA "F" DIRECTOR CONSENT OBTAINED this ___ day of ____, 20__.

ELECTORAL AREA "G" DIRECTOR CONSENT OBTAINED this 9th day of May, 2024.

ELECTORAL AREA "H" DIRECTOR CONSENT OBTAINED this ___ day of ____, 20__.

ELECTORAL AREA "I" DIRECTOR CONSENT OBTAINED this 9th day of May, 2024.

CITY OF PENTICTON CONSENT OBTAINED this ___ day of ____, 20__.

DISTRICT OF SUMMERLAND CONSENT OBTAINED this ___ day of ____, 20__.

TOWN OF OLIVER CONSENT OBTAINED this ___ day of ____, 20__.

TOWN OF OSOYOOS CONSENT OBTAINED this ___ day of ____, 20__.

TOWN OF PRINCETON CONSENT OBTAINED this ___ day of ____, 20__.

VILLAGE OF KEREMEOS CONSENT OBTAINED this ___ day of ____, 20__.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this ___ day of ____, 20__.

ADOPTED this ___ day of ____, 20__.

_____ _____

Board Chair Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, 202_.

I hereby certify this document to be
a true copy of Bylaw 2065.03, 2024
as read a third time May 9, 2024
Dated this 14th day of May, 2024

Manager of Legislative Services
Regional District of Okanagan-Similkameen

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: May 9, 2024

RE: **Invasive Species Management Service**

Administrative Recommendation:

THAT Bylaw No. 2065.03, being a bylaw to amend the Noxious Weed Control Service to include nuisance control and the control of caterpillars and noxious and destructive insects, and to be renamed as Invasive Species be read a first, second and third time and be forwarded to the Ministry of Municipal Affairs for approval.

Purpose:
To combine the Noxious Weed Control and Nuisance Control services, and the control of caterpillars, and noxious and destructive insects functions into a single Invasive Species service.

Reference:
Bylaw No. 2065 Noxious Weed Control Service Establishment
Bylaw No. 2198 Nuisance Control Service Establishment
SLP 1454, 1967
SLP 610, 1975

Business Plan Objective:
Goal 2.2 To meet public needs through the continuous improvement of key services

Background:
Supplementary Letters Patent (SLP) No. 1454, dated May 1, 1967, authorized the function of controlling infestation of caterpillars and other noxious or destructive insects. SLP No. 610 dated February 14, 1975, authorized the function of codling moth and/or other noxious insects control. Bylaw No. 2065 was adopted July 5, 2001 to establish a service for the eradication and management of weeds. Nuisance Control Service Establishment Bylaw No. 2198, adopted June 19, 2003, is the authority under which the Regional District supports the starling control activity of the BC Grape Growers Association.

The Noxious Weed Control service, Nuisance Control service, and functions of control of caterpillars, noxious and destructive pests are all fully regional services.

Analysis:
Invasive species are plants or animals that are not native to the province, or are outside of their natural distribution. They negatively impact British Columbia's natural environment or adversely affect people's health. Invasive species, free from their natural enemies and other constraints that keep them in check in their native ranges, are recognized globally as the second greatest threat to biodiversity after direct habitat loss due to humans.

The Regional District, and any contractor working on the Regional District's behalf, must work within the limitations of various provincial acts and regulations, including *Controlled Alien Species Regulation, Weed Control Regulation, Invasive Plants Regulation*, and *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*. Should the Regional District wish to control or regulate a species not currently contained within an applicable regulation, the Regional District may request an Order in Council permitting control of the particular species.

Financial Implications:
There are no additional financial implications as a result of combining the services and functions into a single service. The services and functions are currently accounted for in the Five Year Financial Plan.

Alternatives:
THAT the Noxious Weed Control Service not be amended to include the nuisance control service and the control of caterpillars and noxious and destructive insects functions.

Communication Strategy:
The bylaw, if adopted, will be available on the Regional District's Regional Bylaws webpage.
In addition, information is available on the website regarding the Invasive Species program.

Respectfully submitted:

"G. Cramm"
G. Cramm, Deputy Corporate Officer

Endorsed by:

"Christy Malden"
C. Malden, Corporate Officer

Council Report

penticton.ca

Date: June 4, 2024 File No:
To: Anthony Haddad, City Manager
From: Angela Campbell, Director of Finance & Administration
Subject: **2023 Statement of Financial Information**

Staff Recommendation

THAT Council approves the Statement of Financial Information for the fiscal year ending December 31, 2023.

Strategic priority objective

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

Background

Pursuant to requirements set out in the *Financial Information Act*, the City must prepare a statement of financial information in accordance with generally accepted accounting principles for each fiscal year that includes the following:

(a) a schedule showing

(i) in respect of each employee earning more than the prescribed amount of $75,000, the total remuneration paid to the employee and total amount paid to or for the employee's expenses or for the employees benefit, and;

(ii) a consolidated total of all remuneration paid to all other employees;

(b) a schedule showing

(i) the total amount paid to each vendor or supplier of goods or services during the fiscal year that is greater than the prescribed amount of $25,000, and;

(ii) a consolidated total of all other payments made to suppliers of goods or services during that fiscal year.

The Statement of Financial Information (SOFI) requirements ensure that there are consistent and minimum levels of disclosure of financial information and provides information augmenting that which is provided in the audited financial statements alone. Within 6 months after the end of each fiscal year of the City, it must prepare and file with the Ministry of Municipal Affairs and Housing a Statement of Financial Information. The filing deadline for the Dec 31, 2023 Statement of Financial Information is June 30, 2024.

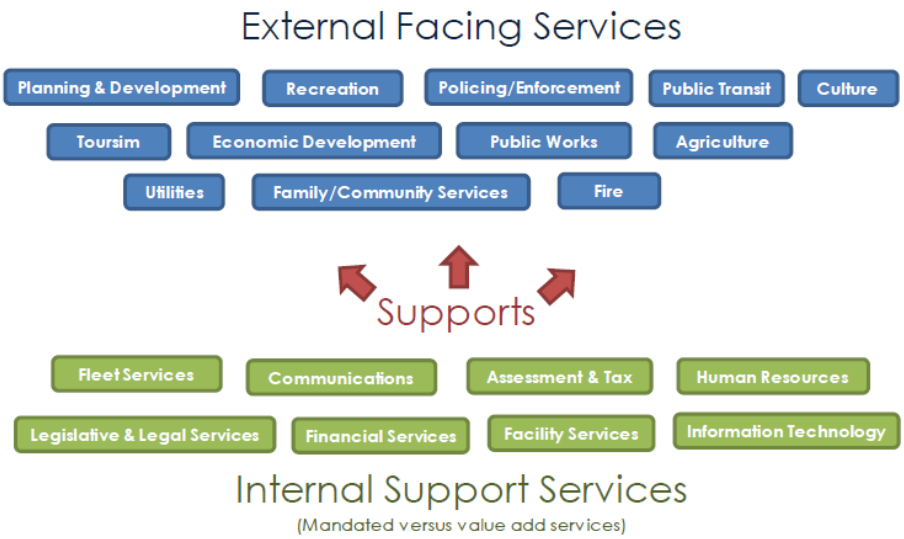
Analysis

Municipal Services

The underlying purpose of the SOFI is transparency and accountability, however it focuses on the quantitative characteristics of the operations with no emphasis on the qualitative characteristics of municipal services. Quality of life services provided by the city is proportional to municipal costs which include labour, and provide such services as policing, fire & emergency, water, sewer, electrical, roads, development, recreation facilities, community events, paths and trails, parks, library, museum, bylaw, transit, and snow removal.

Figure 1 shows how the mandated Internal Support Services support the value added External Facing Services:

Figure 1 External and Internal Services



Staffing

The following figures include comparisons for the years 2021-2023. Through the 2022 and 2023 Financial Plan processes, an additional 16 full-time equivalent staff were added to address public safety and other safety related service level requirements; inclusion of these FTE into the SOFI is dependent upon start date and salary range. Staffing levels are always in flux and comparing year to year changes at a particular point in time with a $75,000 threshold break may not yield accurate comparative results. Note that the total number of employees shown in the table does **not** represent current number of positions, it only represents payroll activity.

Figure 2 Number of Employees over/under $75,000 Reporting Threshold 2021 – 2023*

Remuneration Reporting Threshold	2023	Annual Change	2022	Annual Change'	2021
Over $75,000	187	27	160	15	145
Under $75,000	439	-10	449	56	393
Total *	**626**	**17**	**609**	**71**	**538**

*Total reflects total # of personnel paid including seasonal workers, part time workers and employee turnover, this does not represent number of FTE staffing positions

*Figure 3 Remuneration** Comparisons 2021 - 2023*

Remuneration Reporting Threshold	2023	Annual $ Change	Annual % Change	2022	Annual $ Change'	Annual % Change'	2021
Over $75,000	$ 19,427,720	$ 2,547,061	15.1%	$ 16,880,659	$ 1,484,204	16.5%	$ 15,396,455
Under $75,000	$ 11,816,056	-$ 248,868	-2.1%	$ 12,064,924	$ 844,250	-2.2%	$ 11,220,674
Total **	**$ 31,243,776**	$ 2,298,193	**7.9%**	**$ 28,945,583**	$ 2,328,454	**8.6%**	**$ 26,617,129**

**Total remuneration includes base pay, acting pay, overtime, standby pay and taxable benefits. Taxable benefits include, but are not limited to, parking and employer share of benefits and life insurance. The percentage increase will reflect annual union or CPI increases, increases due for length of service and fluctuations in benefit costs mandated by contracts and the Collective Agreements.

Figure 4 Analysis of over $75,000 change from 2022 to 2023

Remuneration Reporting Threshold	2023	Net Change	2022	Activity
MGMT	66	10	56	Inflation, timing of staff turnover, position changes
CUPE	67	14	53	New positions from 2022 (Bylaw), inflation, timing of staff turnover and retirements
IAFF	43	4	39	4 additional firefighters added in 2023
IBEW	11	-1	12	Timing of staff turnover
Total	**187**	**27**	**160**	

As shown in Figure 4, globally for remuneration over the $75,000 threshold, there was a net change of 27 additional employees: within management (10), CUPE (14), IAFF (4) and IBEW (-1) caused by several different factors. In addition, cost of living increases and the remaining prescribed reporting level of $75,000 has impacted the number of employees reported. This can fluctuate year to year due to retirements, overtime, and timing of replacement staff.

During the course of 2023 there were emergency events that resulted in overtime and other events that resulted in remuneration to staff which was subsequently recovered from the Province in the amount of $23k.

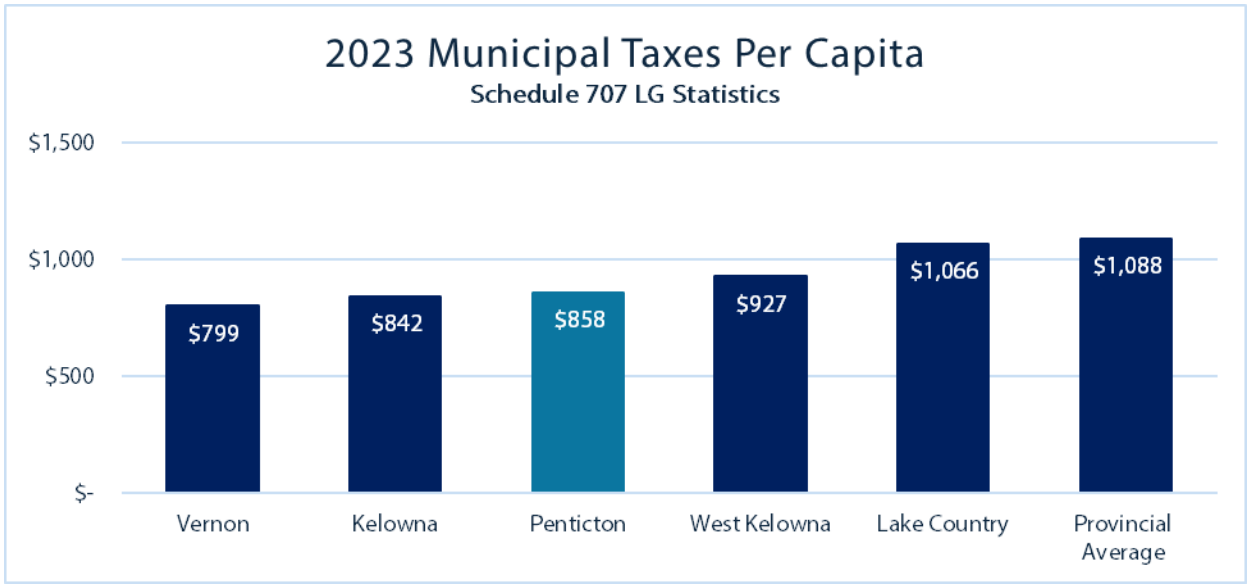
Per Capita

While services and assessment class mix can vary from municipality to municipality, it can be helpful to review comparative tax dollars per capita to understand how Penticton compares provincially and in the Okanagan region. Labour represents a significant portion of organizational costs, so if labour costs are significantly higher than average, this would be evident in the per capita dollar amount. Note that labor

represents 31% of municipal costs (excluding amortization and accretion) in 2023 based on the audited Financial Statements.

Using Provincial data, Penticton's municipal tax per capita based on the last available census data was $858 which places Penticton below the provincial average of $1,088. Extracting only municipalities in the Okanagan with population over 15,000, who pay 90% of police costs, places Penticton on the third lowest end of the scale as shown in Figure 5 which would indicate that comparatively Penticton's taxpayers are paying lower taxes for municipal services per person and receiving good value for tax dollars:

Figure 5 Municipal Taxes per Capita Okanagan Region with population > 15,000



Attachment A – Statement of Financial Information (SOFI)
Attachment B – Summary of Mayor and Council Expenses

Respectfully submitted,

Angela Campbell
Director of Finance & Administration

Approvals

City Manager

penticton.ca

City of Penticton
Statement of Financial Information Approval
For the year ended December 31, 2023

Statement of Financial Information Approval

The undersigned, as authorized by the Financial Information Regulation, Schedule 1, subsection 9(2), approves all the statements and schedules included in this Statement of Financial Information, produced under the *Financial Information Act*.



_____

Angela Campbell, ACIA, CPA, CMA, H.BComm
Chief Financial Officer/Director of Finance and Administration
City of Penticton

May 27, 2024

_____

Date

penticton.ca

City of Penticton
Schedule of Guarantee and Indemnity Agreements
For the year ended December 31, 2023

Schedule of Guarantee and Indemnity Agreements

There were no guarantees or indemnities under the Guarantees and Indemnity Regulation for the year ending December 31, 2023.



_____

Angela Campbell, ACIA, CPA, CMA, H.BComm
Chief Financial Officer/Director of Finance and Administration
City of Penticton

May 27, 2024

_____

Date

City of Penticton
2023 Council Remuneration
for the year ended December 31, 2023

Name	Position	Remuneration	Expenses	Total
Bloomfield, Julius	Mayor	83,036	9,899	92,936
Boultbee, Amelia	Councillor	27,493	10,406	37,900
Gilbert, Isaac	Councillor	27,493	11,174	38,668
Graham, Ryan	Councillor	27,493	8,388	35,882
Konanz, Helena	Councillor	28,022	8,827	36,849
Miller, James	Councillor	27,493	-	27,493
Watt, Campbell	Councillor	27,493	7,798	35,291
		$ 248,526	$ 56,493	$ 305,019

City of Penticton
Schedule of Employee Remuneration and Expense Over $75,000
for the year ended December 31, 2023

Name	Position*	Renumeration**	Expenses	Total
Achsen, Jarrett	Fire Fighter	114,745.91	200.00	114,945.91
Alexander, Christopher	Engineering Technologist II	78,144.68	2,321.16	80,465.84
Almrud, Ken	Utilities Serviceperson I	79,202.04	3,677.69	82,879.73
Atwal, Jaspreet Singh	Electrical Utility Technologist	91,424.23	2,127.64	93,551.87
Barbour, Kenneth	Fire Prevention Officer	141,044.47	4,653.02	145,697.49
Bazley, Ryan	Captain	145,321.32	280.50	145,601.82
Best, David	Utilities Supervisor	124,062.53	3,252.54	127,315.07
Best, Shelie	Bylaw Enforcement Officer II	76,002.40	200.00	76,202.40
Bird, Andrew	Training Officer	150,257.85	8,240.69	158,498.54
Bosscher, Blair	Fire Fighter	91,652.10	924.62	92,576.72
Boyd, Graham	Fire Fighter	104,040.92	-	104,040.92
Boyko, Scott	Public Works Manager	119,135.19	2,568.55	121,703.74
Butcher, Martin	System Integrator	93,477.18	2,607.86	96,085.04
Buzzell, Heather	Chief Librarian	95,762.68	5,305.19	101,067.87
Byers, Bradley	Utility Technician	83,264.48	5,389.03	88,653.51
Campbell, Angela	Director of Finance & Administration	181,141.04	4,620.72	185,761.76
Cansdale, Trevor	Senior Cement Finisher	84,101.56	3,023.42	87,124.98
Card, Timothy	Fire Fighter	76,223.04	1,179.33	77,402.37
Carter, Jo-Anne	Building Official II	91,081.55	1,018.30	92,099.85
Castley, Colin	Manager, Human Resources and Occupational Health & Safety	80,219.25	11,718.67	91,937.92
Chu, Jonathan	City Engineer	165,645.91	996.72	166,642.63
Coates, Amber	Financial Analyst	109,724.55	2,667.61	112,392.16
Collison, Angela	Corporate Officer	119,001.17	4,818.20	123,819.37
Collyer, Steven	Senior Planner	96,191.84	15,596.71	111,788.55
Conquergood, Austin	Fire Fighter	107,751.92	963.03	108,714.95
Contreras, Mari Ysabel	Planning & Capital Project Coordinator	91,271.77	1,223.40	92,495.17
Crickett, Greg	Water Treatment Plant Operator II	79,285.37	859.46	80,144.83
Davies, Kevin	Meter Technician	99,400.54	1,778.23	101,178.77
Deleeuw, Cameron	Wastewater Treatment Plant Operator II	84,379.20	2,526.35	86,905.55
Denslow, Meghan	HR Advisor	91,036.23	1,663.85	92,700.08
Dermody, Trevor	Fire Fighter	116,211.90	5,799.69	122,011.59
Dixon, Kristen	General Manager of Infrastructure	220,613.23	1,657.57	222,270.80
Doll, Christopher	Licencing and Property Use Inspector I	82,044.68	433.48	82,478.16
Dorner, Jason	Fire Fighter	78,810.73	1,021.20	79,831.93
Dorrell, Krystie	Facilities Supervisor	102,209.93	6,365.06	108,574.99
Downie, Shawna	Human Resources Coordinator	76,034.31	2,513.86	78,548.17
Duffield, Glenn	Bylaw Enforcement Officer II	75,823.29	1,450.47	77,273.76
Duncan, Jeffrey	Garage Lead	89,241.64	4,894.59	94,136.23
Dyck, Andrew	Engineering Technologist I - Public Works	86,462.97	1,046.99	87,509.96
Ehlers, Brian	Building Official II	88,285.90	3,874.86	92,160.76
Erdmann, Cody	Fire Fighter	106,069.62	800.00	106,869.62
Fenrich, Kirkland	Network Systems Analyst	86,901.67	30.05	86,931.72
Fenske, Shane	Development Technologist	80,626.99	465.20	81,092.19
Figgitt, Tyler	Infrastructure Services Manager	129,341.66	3,468.34	132,810.00
Finlayson, Matthew	Water Treatment Plant Operator III	88,457.14	2,791.52	91,248.66
Fordyce, Glen	Fire Inspector I	106,948.16	1,431.06	108,379.22
Fotovaty, Navid	Business Analyst 2	77,225.66	2,640.91	79,866.57
Frempong, Kevin	Fire Fighter	77,871.88	1,117.97	78,989.85
Gaidica, Douglas	Building Official III	101,678.90	3,740.47	105,419.37
Galos, Ronald	GIS Analyst II	82,265.95	5,533.72	87,799.67
Gammon, Tony	IT Lead/Business Analyst	89,899.89	5,973.27	95,873.16
Garcia, Robert	Utilities Serviceperson	76,026.01	99.00	76,125.01
Garrett, Steve	Captain	139,991.05	1,618.17	141,609.22
Gerk, Alex	Fire Fighter	112,586.19	1,358.72	113,944.91
Gerk, Dustin	Sewer Equipment Operator	77,996.82	1,176.79	79,173.61
Gibbons, Curtis	Fire Fighter	125,093.45	2,222.78	127,316.23
Gillies, Colton	Fire Fighter	91,597.66	724.62	92,322.28
Glousher, Hogan	Fire Fighter	103,884.70	-	103,884.70
Godfrey, Darcey	Recreation Business Supervisor	85,202.33	2,519.00	87,721.33
Grady, Randi	Municipal Operations Manager-RCMP	102,338.31	4,730.25	107,068.56
Grantham, Ben	Fire Fighter	111,526.49	111.43	111,637.92
Greer, Deanna	Building Official II	82,666.72	1,770.77	84,437.49
Guthrie, Evan	Fire Fighter	93,927.05	413.33	94,340.38
Guy, Tyler	Fire Fighter	81,389.49	139.16	81,528.65
Haddad, Anthony	City Manager	237,020.82	9,751.50	246,772.32
Hallam, Jordan	Planning Technologist II	75,273.50	1,999.85	77,273.35
Hamming, Elma	Manager of Finance	133,747.02	5,021.81	138,768.83

City of Penticton
Schedule of Employee Remuneration and Expense Over $75,000
for the year ended December 31, 2023

Name	Position*	Renumeration**	Expenses	Total
Hardisty, Cheryl	Manager of Council and Executive Operations	102,992.72	5,928.94	108,921.66
Harris, Edmund	Electric Utility Supervisor	122,631.81	2,813.73	125,445.54
Hawkes, Justin	Journeyman Lineman	119,651.68	978.66	120,630.34
Henderson, Chad	Foreman – Parks	90,775.35	587.16	91,362.51
Henderson, Stuart	Wastewater Treatment Plant Operator III	87,179.90	5,053.40	92,233.30
Hindley, Wayne	Fleet Supervisor	118,015.76	12,242.28	130,258.04
Hoban, Dale	Project Engineer	89,466.54	2,830.89	92,297.43
Hodder, Nicole	Records Lead	79,228.67	2,566.11	81,794.78
Hodge, Chantelle	Fire Fighter	103,243.01	1,531.02	104,774.03
Hodges, Michael	Development Infrastructure Manager	134,205.00	2,364.78	136,569.78
Holmes, Jared	Captain	139,633.62	400.00	140,033.62
Hudson, Jerod	Instrumentation/Electrical Technician	76,116.79	2,227.01	78,343.80
Hvidston, Ryan	Fire Fighter	121,591.07	-	121,591.07
Ingram, Cathy	Procurement & Inventory Services Manager	110,120.30	2,985.40	113,105.70
Irwin, Katya	Communications Advisor	88,749.54	2,156.09	90,905.63
James, Stephanie	Public Services Librarian	80,735.40	3,795.22	84,530.62
Johnson, Jayson	Fire Fighter	125,752.97	833.38	126,586.35
Johnson, Kelsey	Manager of Recreation, Arts and Culture	128,367.91	4,282.04	132,649.95
Jones, Courtney	Manager of Financial Planning	108,423.02	2,596.32	111,019.34
Jorgensen, Erik	Captain	139,335.92	962.50	140,298.42
Kassian, David	Sustainability Supervisor	91,852.99	1,053.94	92,906.93
Kenney, Rod	Fire Fighter	126,265.06	691.45	126,956.51
Keylock, David	Trades Technician	77,600.52	676.99	78,277.51
Kilby, Devon	Senior Pipelayer - Utilities	79,456.86	1,362.69	80,819.55
Kishineff-Cooper, Story	Wastewater Treatment Plant Operator II	81,644.32	3,752.84	85,397.16
Kleb, JoAnne	Manager of Communications and Engagement	120,714.10	1,183.62	121,897.72
Kunka, Kenneth	Building Manager	133,810.83	7,432.58	141,243.41
Lantz, Patrick	Mechanic	84,580.81	825.96	85,406.77
Laven, Blake	Director of Development Services	169,184.20	5,942.44	175,126.64
Leigh, Robert	Fire Fighter	89,073.89	413.33	89,487.22
Lerch, Daniel	Systems Librarian	85,682.82	2,696.86	88,379.68
Lewis, Jesse	Plumbing Official/Cross Connection Coordinator II	92,139.60	2,841.27	94,980.87
Li, Zhao	GIS Analyst II	82,748.18	735.52	83,483.70
Lindquist, Slade	Foreman - Utilities	89,161.57	2,822.00	91,983.57
Linklater, Rachel	Senior Crime Analyst	85,310.52	1,409.35	86,719.87
Lloyd-Smith, Jamie	Social Development Specialist	88,887.34	4,107.13	92,994.47
Looy, Jules	Engineering Technologist II	90,385.82	2,123.74	92,509.56
Lowe, Terry	Captain	136,381.26	-	136,381.26
MacIntyre, Gordon	Trades Technician	87,755.23	830.49	88,585.72
Mander, Geoff	Journeyman Lineman	114,068.09	3,717.18	117,785.27
Marsden, Gary	Foreman – WWTP	88,201.43	1,700.88	89,902.31
Martineau, Jamie	Bylaw Enforcement Officer II	76,978.93	3,059.54	80,038.47
McCaughey, Derek	Treatment Plant Millwright	91,805.55	1,676.36	93,481.91
McGregor, Darrell	Foreman – Maintenance	87,347.66	1,443.94	88,791.60
McKeown, Miyoko	Fire Fighter	83,151.33	2,124.75	85,276.08
McKinnon, Paula	Deputy Corporate Officer	83,110.04	1,397.59	84,507.63
Mercier, Christina	Bylaw Services Supervisor	116,530.78	2,239.96	118,770.74
Mertz, Joel	Waste Water Treatment Plant Supervisor	118,231.66	3,394.38	121,626.04
Mills, Shane	Senior Communications Advisor	112,817.86	2,955.47	115,773.33
Mills, Travis	Bylaw Enforcement Officer I	75,821.95	3,102.71	78,924.66
Moncrieff, Chandra	Design Supervisor	108,184.79	7,553.16	115,737.95
Mongeau, Jennifer	Payroll & Benefits Coordinator	76,755.79	1,577.00	78,332.79
Mortimer, Donald	Foreman – WTP	99,850.69	995.34	100,846.03
Nelson, Ellisha	LAN Administrator/DFT	81,681.51	200.00	81,881.51
Oomen, Dennis	Museum Manager	79,762.62	82.19	79,844.81
Padda, Rumneek	GIS Analyst I	78,691.52	4,615.75	83,307.27
Painchaud, Lyle	Wastewater Treatment Plant Operator II	82,210.37	1,357.67	83,568.04
Philip, Russell	IT Supervisor, Security & Operations	83,419.09	1,316.66	84,735.75
Phillips, Robert	Water Treatment Plant Operator III	91,383.29	1,412.14	92,795.43
Plant, Jeffrey	Sport & Event Supervisor	86,970.25	1,481.71	88,451.96
Policicchio, Anthony	Facilities Manager	155,802.06	8,212.23	164,014.29
Polvere, David	Manager of IT and Digital Transformation	107,472.14	3,524.19	110,996.33
Portwood, Jade	Fire Fighter	107,436.88	-	107,436.88
Poultney, Madison	Sustainability Coordinator	76,101.23	4,117.07	80,218.30
Power, Draydan	Manager of Energy & Environment	154,036.15	13,126.04	167,162.19
Raposo, Sheri	Land Administrator	110,090.66	2,259.99	112,350.65
Raymond, Neal	Treatment Plant Millwright	76,789.52	3,489.68	80,279.20

City of Penticton
Schedule of Employee Remuneration and Expense Over $75,000
for the year ended December 31, 2023

Name	Position*	Renumeration**	Expenses	Total
Reimer, Natasha	Engineer in Training	80,149.24	3,377.35	83,526.59
Rendall, Andrea	Communication and Engagement Specialist	81,107.94	1,397.81	82,505.75
Repchuk, Jesse	Water Treatment Plant Operator II	87,179.46	1,792.34	88,971.80
Rheaume, Matthew	Works Maintenance III	75,504.22	1,306.35	76,810.57
Robson, Lennie	Public Works Manager	161,480.01	1,505.61	162,985.62
Rodger, Bradley	Meter Technician	101,644.56	1,756.56	103,401.12
Rodger, Kenneth	RCMP Municipal Administration Manager	113,441.80	1,964.19	115,405.99
Rothenburger, Nicholas	Fire Fighter	110,226.05	552.08	110,778.13
Ryan, Eric	Journeyman Lineman	128,757.92	1,925.99	130,683.91
Ryll, Brent	Captain	130,711.71	-	130,711.71
Sandham, Geoff	Foreman – Horticulture	84,651.19	5,841.31	90,492.50
Sawri, Jenna Leigh	Wastewater Treatment Plant Operator III	81,683.18	1,967.71	83,650.89
Scandrett, Duncan	Licencing and Property Use Inspector I	89,644.97	2,554.38	92,199.35
Scott, David	Fire Fighter	115,180.80	511.29	115,692.09
Seibert, Brittany	Emergency Program Coordinator	104,030.34	10,715.18	114,745.52
Simpson, Derek	Journeyman Lineman	117,770.24	3,681.73	121,451.97
Smid, Ryan	Building Official II	77,533.11	4,427.36	81,960.47
Sopow, Trent	Construction Inspector	91,161.54	1,019.39	92,180.93
Spencer, Alicia	LAN Administrator/DFT	80,712.76	-	80,712.76
Stadnyk, Michael	Equipment Operator V	81,898.23	1,603.69	83,501.92
Stel, William	Meter Technician	99,191.15	775.46	99,966.61
Stevens, Jason	Foreman PLT	123,073.25	6,284.05	129,357.30
Stickland, Craig	Project Engineer	93,814.25	1,488.98	95,303.23
Stull, Darren	Trades Heavy Duty Mechanic	86,980.59	2,719.79	89,700.38
Sutcliffe, Ryan	Fire Fighter	93,054.99	213.33	93,268.32
Sutherland, Michael	Fire Fighter	128,916.72	711.29	129,628.01
Swaren, Wesley	Captain	139,335.91	410.00	139,745.91
Tanguay, Audrey	Planning & Licencing Manager	112,260.46	923.43	113,183.89
Taylor, Chad	Captain	135,762.59	1,740.11	137,502.70
Tenveen, Jonathan	Foreman - Utilities	91,432.33	4,101.93	95,534.26
Tougas, Trevor	Fire Fighter	109,600.36	1,607.60	111,207.96
Trim, Grant	Trades Technician	80,881.51	451.86	81,333.37
Trousdell, Robert	Deputy Fire Chief	183,318.77	4,262.49	187,581.26
Trupp, Robert	Assistant Chief - Training	158,401.71	7,933.47	166,335.18
Van Dyk, Donald	City Manager	215,393.49	7,273.78	222,667.27
Venables, Isabeau	Fire Fighter	109,529.21	1,045.58	110,574.79
Vikner, Elias	Fire Fighter	114,247.51	1,190.04	115,437.55
Wade, Michael	Captain	140,854.59	-	140,854.59
Wagner, Kerry	Recreation Operations Supervisor	95,734.53	728.18	96,462.71
Wardlaw, Alistair	Water Quality Supervisor	123,167.46	2,620.47	125,787.93
Warren, Jaret	Journeyman Lineman	91,944.00	2,551.61	94,495.61
Watkinson, Larry	Fire Chief	100,290.62	5,426.95	105,717.57
Weir, Frederick	Sub-Foreman PLT	132,638.47	5,107.94	137,746.41
Weisser, Colin	Sub-Foreman PLT	128,965.28	6,596.66	135,561.94
Whyte, Todd	Parks Supervisor	119,151.44	3,560.31	122,711.75
Wiens, Kelsey	Mechanic	82,583.19	243.75	82,826.94
Wikene, Adrian	Bylaw Enforcement Officer II	76,616.92	1,167.60	77,784.52
Wilkins, Peter	Fire Fighter	115,927.50	8,006.21	123,933.71
Williams, Angie	Community Safety Officer Program Supervisor	87,339.16	4,061.14	91,400.30
Williamson, Sonny	Compost Operator	88,026.93	335.79	88,362.72
Wood, Sean	Business Services Supervisor	107,309.62	2,709.21	110,018.83
York, Daniel	Senior Occupational Health and Safety Advisor	102,305.89	1,844.82	104,150.71
Young, Tory	Parks Technician	84,357.20	1,370.85	85,728.05
	**Position as at December 31, 2023 or Final Position*			
Total for employee remuneration & expense, over $75,000		**19,427,720**	**504,646**	**19,932,366**
Total for employee remuneration & expense, $75,000 and under		**11,816,056**	**193,934**	**12,009,990**
Total		**31,243,776**	**698,580**	**31,942,356**

*** Remuneration includes base pay, acting pay, overtime, standby pay and taxable benefits*

penticton.ca

City of Penticton
Statement of Severance Agreements
For the year ended December 31, 2023

Statement of Severance Agreements

There were 2 severance agreements under which payment commenced between the City of Penticton and its non-unionized employees during fiscal year 2023.

These agreements represent 7 months of compensation. *

*Compensation is based on salary.



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Angela Campbell, ACIA, CPA, CMA, H.BComm
Chief Financial Officer/Director of Finance and Administration
City of Penticton

May 27, 2024

_____

Date

City of Penticton
Schedule of Suppliers of Goods and Services
for the year ended December 31, 2023

Suppliers who received aggregate payments exceeding $25,000	Total
1006202 BC LTD.	284,906.75
A & G SUPPLY LTD.	44,429.28
AARDVARK PAVEMENT MARKING SERVICES	366,161.23
ACKLANDS-GRAINGER INC.	131,610.02
ADVANCED UTILITY SYSTEMS	105,915.60
ADVANTAGE ASSET TRACKING INC.	47,814.29
AECOM CANADA LTD.	576,927.03
AGILYX SOLUTIONS LIMITED	25,795.90
ALUMICHEM CANADA INC.	184,240.95
ANDREW SHERET LTD	533,157.77
ASSOCIATED FIRE SAFETY	81,866.60
ATLAS PILING & DRILLING INC.	134,242.50
B & L MACHINE SHOP	157,389.75
B.A. ROBINSON CO. LTD.	39,542.73
BAKER & TAYLOR	26,285.82
BARRY BEECROFT FUEL DISTRIBUTORS	540,107.11
BARTLETT TREE EXPERTS	54,685.58
BC ASSESSMENT AUTHORITY	536,945.72
BC FASTENERS & TOOLS LTD.	38,465.97
BC LIBRARIES COOPERATIVE	32,497.41
BC MUNICIPAL SAFETY ASSOCIATION	58,971.15
BC TRANSIT	1,778,518.87
BDO CANADA LLP	88,426.74
BELL CANADA	32,974.39
BETTS ELECTRIC LTD	785,304.90
BIOREM TECHNOLOGIES INC.	244,903.68
BLACK PRESS GROUP LTD	37,559.03
BOB´S DOOR SERVICE INC	32,237.10
BRENNTAG CANADA INC	57,066.45
BRIGHTLY SOFTWARE CANADA INC.	205,329.88
BTN EXCAVATING	44,332.05
BUNZL CLEANING & HYGIENE	47,325.99
BUNZL INDUSTRIAL	57,790.79
BUSINESS IMPROVEMENT SOLUTIONS INC	53,047.07
CADENCE SOLUTIONS	77,175.00
CAM TRAN CO. LTD.	346,448.07
CANADA POST CORPORATION-OTTAWA	189,000.00
CANADIAN AEROTHERMAL	36,421.35
CARO ANALYTICAL SERVICES	79,433.79
CARTER GM NORTHSHORE	46,085.76
CASCADE RAIDER HOLDINGS LTD	57,323.50
CASCADIA SPORT SYSTEMS INC.	78,853.60
CB PROCESS INSTRUMENTATION & CONTROLS	49,209.44
CDW CANADA INC.	145,587.77
CENTRAL INTERIOR TRAFFIC CONTROL LTD.	94,424.01
CENTRALSQUARE CANADA SOFTWARE INC.	97,830.70
CENTRIX CONTROL SOLUTIONS LP	76,724.48
CHANCES BULK UNLOADING LTD.	142,927.30
CHARGEFWD LTD.	54,600.00
CHARLES MANOR RETIREMENT RESIDENCE	84,715.42
CHARTER TELECOM INC	77,209.42
CIMA CANADA INC.	410,687.73
CITY ELECTRIC SUPPLY	41,792.07
CLEAR FIBRE TECHNOLOGIES INC.	33,922.45
CLEAR TECH INDUSTRIES INC	236,649.42
CLOUDPERMIT INC.	51,520.00

City of Penticton
Schedule of Suppliers of Goods and Services
for the year ended December 31, 2023

Suppliers who received aggregate payments exceeding $25,000	Total
COMBINED MECHANICAL CONTRACTORS (2019) LTD	206,978.08
COMMERCIAL EMERGENCY EQUIPMENT CO.	2,190,527.65
COMMERCIAL TRUCK EQUIPMENT CORP-SURREY	430,453.56
COMMUNITY ENERGY ASSOCIATION	78,709.85
CONTINENTAL EQUIPMENT LIMITED	104,218.78
CORPORATE EXPRESS	39,481.95
CRAFT SCIENTIFIC LTD.	27,771.31
CUPE LOCAL 608	327,804.05
CUSTOM CLIMATES REFRIGERATION INC	43,833.68
CVS MIDWEST TAPE	33,353.78
DARKTRACE HOLDINGS LTD.	77,803.95
DAWSON INTERNATIONAL TRUCK CENTRES LTD.	25,374.52
DB PERKS AND ASSOCIATES LTD	40,761.49
DELTA T CONSULTANTS	25,858.35
DIAMOND HEAD CONSULTING	40,724.25
DIGGER CIVIL CONTRACTORS LTD	33,195.74
DIGITAL BOUNDARY GROUP	28,297.50
DOMINO HIGHVOLTAGE SUPPLY INC	75,344.61
DOWNTOWN PENTICTON ASSOCIATION	537,264.00
DRAKE EXCAVATING (2016) LTD.	116,373.13
DRIVE PRODUCTS	25,766.70
E B HORSMAN AND SON	172,365.74
EAGLE RIDGE CHEVROLET BUICK GMC LTD.	49,214.56
EASTON PLANNING & DEVELOPMENT INC.	134,964.41
ECONOLITE CANADA INC.	70,852.17
ECOPLAN INTERNATIONAL INC.	58,977.70
ECORA ENGINEERING & RESOURCE GROUP LTD	32,840.20
EECOL ELECTRIC CORP.	200,864.94
ELECTRIC MOTOR & PUMP SERVICE LTD.	53,515.06
ELIZABETH BIGG	158,762.60
ENGINEERED PUMP SYSTEMS LTD.	36,794.24
ENVIROSAFE JANITORIAL INC	174,339.06
ESRI CANADA	203,492.45
EVERGREEN BUILDING MAINTENANCE INC.	53,630.84
EXTROPIC ENERGY INC.	64,068.90
FARRIS LLP	45,268.78
FINNING (CANADA)	30,981.50
FLOWSYSTEMS DISTRIBUTION INC.	116,649.73
FORTISBC- ELECTRICITY	32,841,451.01
FORTISBC- NATURAL GAS	340,332.29
FOUNTAIN TIRE (PENTICTON) CO. LTD.	46,803.13
FRED SURRIDGE LTD	283,434.57
FREEDOM THE BIKE SHOP	25,281.06
G.P.H MECHANICAL LTD.	37,545.82
GEANEL RESTAURANT SUPPLIES LTD	50,625.12
GFL ENVIRONMENTAL INC.	75,199.23
GLACIER HEIGHTS REFRIGERATION INC.	136,603.90
GLOBAL SPECTRUM CANADA	100,000.00
GLOBAL SPECTRUM FACILITY MANAGEMENT	2,090,585.87
GREENSCAPE LANDSCAPING LTD	88,530.75
GRIZZLY EXCAVATING LTD.	6,229,355.81
GUILLEVIN INTERNATIONAL COMPANY	75,636.04
H & J FLOOR COVERINGS LTD DBA UNITED FLOORS	34,246.92
H & M EXCAVATING LTD	1,853,018.15
HANDFORD SMIRLE LLP	32,628.02
HANTEKT INDUSTRIAL INC.	36,437.00

City of Penticton
Schedule of Suppliers of Goods and Services
for the year ended December 31, 2023

Suppliers who received aggregate payments exceeding $25,000	Total
HD CONSTRUCTION	153,351.10
HEIDELBERG MATERIALS CANADA LIMITED	63,420.01
HIGHSTREET SKAHA SHORES (2019) LP	29,283.49
HOFF SECURITIES LTD	149,584.31
HUBER TECHNOLOGY, INC.	32,926.50
HYUNDAI CANADA INC.	241,180.80
IAFF LOCAL 1399	142,241.14
IDRS	58,649.63
IMAGE SIGN & LIGHTING LTD.	32,462.29
INDUSTRIAL SOFTWARE SOLUTIONS ULC	36,265.96
INFO TECH RESEARCH GROUP INC	26,040.00
INNOV8 DIGITAL SOLUTIONS INC.	54,024.74
INSURANCE CORPORATION OF BC	87,169.00
INTERGROUP CONSULTANTS	99,058.48
INTERRA SOLUTIONS INC.	29,444.80
IRONMAN DIRECTIONAL DRILLING	39,809.70
ITRON CANADA INC.	304,214.06
JAFA SIGNS LTD.	74,541.19
JDG CONSTRUCTION MANAGEMENT LTD.	329,028.25
JDP CONTROLS INC	59,955.00
KEE SAFETY, LTD.	27,614.49
KELOWNA CHEVROLET	80,341.28
KEMIRA WATER SOLUTIONS CANADA, INC.	112,904.96
KENDRICK EQUIPMENT (2003) LTD	199,594.16
KN FALL PROTECTION SERVICES LTD	49,108.76
KON KAST CONCRETE PRODUCTS INC.	35,870.24
KSB PUMPS INC.	34,244.30
L & J DIAMOND MAINTENANCE	75,742.50
LESTER LEZARD	46,562.50
LIDSTONE & COMPANY	45,595.04
LINEMAN´S TESTING LABORATORIES OF CANADA LIMITED	33,183.59
LINESTAR UTILITY SUPPLY INC	29,005.76
LORDCO PARTS LTD.	56,132.09
LUCAS DESIGN	78,447.60
MACKINLEY-CLARK PAVING LTD	192,289.26
MAD ARCHITECTURAL DESIGN STUDIO INC	180,882.42
MANDEVILLE LAND SURVEYING INC	56,395.50
MANULIFE FINANCIAL, GROUP BENEFITS	30,033.40
MARCELLUS MECHANICAL INC	40,561.27
MEARLS MACHINE WORKS LTD	31,806.68
MERIDIAN ONECAP CREDIT CORPORATION	34,003.20
METERCOR INC	63,416.72
MICROSOFT CANADA INC.	112,244.40
MILLER CAPILANO MAINTENACE CORPORATION	155,662.92
MINUTEMAN PRESS	45,326.96
MONERIS	63,446.40
MORMAK EQUIPMENT INC.	329,075.85
MORNEAU SHEPELL LTD	1,672,562.68
MOULD ENGINEERING	31,593.38
MUNICIPAL FINANCE AUTHORITY	305,534.76
MUNICIPAL INSURANCE ASSN OF BC	1,067,309.91
MUNICIPAL PENSION PLAN	2,389,078.33
MVH URBAN PLANNING & DESIGN INC.	79,891.06
NAPA AUTO PARTS	49,315.02
NEDCO - DIV OF REXEL CANADA ELECTRICAL INC.	68,648.33
NORSTEEL BUILDINGS LIMITED	187,040.00

City of Penticton
Schedule of Suppliers of Goods and Services
for the year ended December 31, 2023

Suppliers who received aggregate payments exceeding $25,000	Total
NORTHWEST SAFEWORK SOLUTIONS INC	31,384.07
NOR-VAL RENTALS LTD	28,480.40
NOVA POLE INTERNATIONAL INC	257,845.28
OG EVENTS LTD	105,000.00
OKANAGAN SIMILKAMEEN REGIONAL HOSPITAL DISTRICT	2,595,399.33
ONESKY COMMUNITY RESOURCES	357,078.04
OPEN STORAGE SOLUTIONS, INC.	83,785.24
ORGANIZED CRIME AGENCY OF BC	32,128.98
OUR GLASS AND ALUMINUM LTD.	33,341.55
PACIFIC RIM EQUIPMENT INC	29,476.24
PARAMOUNT TRUCK SALES	139,961.80
PARKWORKS SOLUTIONS CORP	332,169.40
PAVCANADA INC.	203,406.00
PENTICTON & DISTRICT SOCIETY FOR	54,876.70
PENTICTON ART GALLERY SOCIETY	137,500.00
PENTICTON INDIAN BAND	524,563.27
PENTICTON PUMP SERVICE	37,368.44
PENTICTON STAGE TECH INC	28,093.25
PETER A TRUCH	104,924.46
PETERS BROS CONSTRUCTION LTD	667,369.67
PINCHIN LTD.	36,957.38
POWERTREND ELECTRIC LTD.	143,432.36
PREMIER FENCING INSTALLATIONS INC.	54,367.72
PRO BUILDERS SUPPLY LTD.	50,753.56
PRYSMIAN POWER CABLES AND SYSTEMS CANADA LIMITED	67,046.31
QUENCH BUGGY	70,140.00
RAMTECH ENVIRONMENTAL PRODUCTS	41,329.93
RECEIVER GENERAL FOR CANADA-RCMP	11,550,153.00
RECEIVER GENERAL OF CANADA	99,730.68
REGIONAL DISTRICT OKANAGAN SIMILKAMEEN	6,656,127.08
REHRIG PACIFIC COMPANY	90,822.81
REN-CON SUPPLY LTD.	27,929.88
REXEL UTILITY	188,603.60
ROAD DUST SOLUTIONS	83,253.21
ROCK GLEN CONSULTING LTD	40,000.00
ROCKY MOUNTAIN PHOENIX	93,619.62
ROGERS	129,070.44
ROLLINS MACHINERY LIMITED	29,971.80
S S SICAMOUS MARINE HERITAGE SOCIETY	92,097.91
SEALTEC INDUSTRIES LTD.	50,738.06
SERVICES FLO INC.	249,916.08
SHAW BUSINESS SOLUTIONS	31,960.32
SHERMCO INDUSTRIES, INC.	68,575.50
SHERWOOD TROPHIES & SIGNS LTD.	46,346.02
SKAHA FORD INC	164,083.47
SLIP TUBE ENTERPRISES LTD.	141,948.80
SOFTCHOICE LP	83,409.31
SOLID CADDGROUP INC.	44,643.17
SOURCE OFFICE FURNITURE & SYSTEMS LTD.	147,723.86
SOUTH OKANAGAN POWER SWEEPING	25,200.00
SOUTHERN MECHANCIAL SERVICES INC.	41,926.50
SPX FLOW US, LLC	62,480.60
SRM CONCRETE LTD	99,962.02
STANTEC CONSULTING LTD.	391,983.03
STAR ILLUMINATIONS	37,589.28
STEWART MCDANNOLD STUART	94,145.16

City of Penticton
Schedule of Suppliers of Goods and Services
for the year ended December 31, 2023

Suppliers who received aggregate payments exceeding $25,000	Total
STINSON ITS INC.	114,603.66
SUMMERLAND GREENHOUSES LTD	26,221.93
SUMMIT VALVE AND CONTROLS INC.(BC)	162,190.93
SUPERIOR PEAT INC	46,100.86
SUPERIOR SEPTIC SERVICES	68,697.28
SYMMETRY LANDSCAPING LTD.	60,730.07
T2 SEWER CLEANING LTD.	84,128.66
TARKETT SPORTS CANADA INC.	403,655.54
TELUS COMMUNICATIONS COMPANY	88,585.72
TELUS HEALTH (CANADA) LTD.	307,291.33
TERRACOM SYSTEMS LTD.	270,463.99
THE DRIVING FORCE INC.	348,843.04
THE ROC DOC VENTURES LTD.	388,530.52
TOTAL RESTORATION SERVICES INC	82,668.24
TRAVEL PENTICTON SOCIETY	1,456,399.65
TWINCON ENTERPRISES LTD.	4,876,668.74
ULINE CANADA CORPORATION	27,055.88
ULS CORPORATE INC	76,030.08
UNIFIRST CANADA LTD.	36,271.10
UNIT 4 BUSINESS SOFTWARE CORPORATION	197,990.61
UNITED LIBRARY SERVICES	88,573.17
UNITED WAY BRITISH COLUMBIA	48,412.44
URBAN MATTERS CCC LTD.	115,500.00
URBAN SYSTEMS LTD - KELOWNA	81,798.05
VALLEY PERMA SEALING	25,887.75
VALLEY TRAFFIC SYSTEMS	158,860.21
VEOLIA WATER TECHNOLOGIES CANADA INC	46,044.88
VIMAR EQUIPMENT LTD	66,385.77
WASTE CONNECTIONS OF CANADA INC.	1,536,316.26
WATSON ENGINEERING LTD	68,722.50
WE CONSULTING AND BENEFITS	347,893.42
WESCO DISTRIBUTION CANADA LP	130,254.90
WFR WHOLESALE FIRE AND RESCUE LTD	38,392.29
WORKER´S COMPENSATION BOARD OF BC	811,595.26
WORTHINGTON PRODUCTS INC	48,862.32
WSP CANADA INC.	45,907.22
YOUNG , ANDERSON BARRISTERS & SOLICITORS	33,894.86
ZONE WEST ENTERPRISES LTD.	29,186.10
Total aggregate amount paid to suppliers of goods and services over $25,000	$ 110,611,433.87
Total paid to suppliers who received aggregate payments of $25,000 or less	$ 5,433,951.42
Total grants exceeding $25,000	$ 238,266.64
Total contributions exceeding $25,000	$ 274,781.65
Total of grants and contributions exceeding $25,000	$ 513,048.29
Total	$ 116,558,433.58

City of Penticton
Summary of Mayor and Council
January to December 2023

Description	Amount

Bloomfield, Julius

Description	Amount	
UBCM	$	4,917
SILGA	$	1,036
LGLA	$	2,478
Legislature Meetings	$	1,056
Local	$	411
Total	**$**	**9,899**

Boultbee, Amelia

Description	Amount	
UBCM	$	5,254
SILGA	$	1,070
LGLA	$	1,141
Legislature Meetings	$	1,832
Local	$	1,108
Total		**10,406**

Gilbert, Isaac

Description	Amount	
UBCM	$	4,683
SILGA	$	912
LGLA	$	1,141
PNWER	$	4,117
Local	$	322
Total		**11,174**

Graham, Ryan

Description	Amount	
UBCM	$	5,121
SILGA	$	1,030
LGLA	$	1,281
Local	$	956
Total		**8,388**

Konanz, Helena

Description	Amount	
UBCM	$	4,892
SILGA	$	914
PNWER	$	2,432
Local	$	590
Total		**8,827**

Miller, James

Description	Amount	
Local	$	-
Total		**-**

Watt, Campbell

Description	Amount	
UBCM	$	5,222
SILGA	$	1,030
LGLA	$	1,281
Local	$	265
Total		**7,798**

Council Report

penticton.ca

Date: June 4, 2024 **File No:** RMS/Address
To: Anthony Haddad, City Manager
From: Blake Laven, Director of Development Services
Address: 3395 Valleyview Road

Subject: **Cellular tower application – request for letter of concurrence**

Staff Recommendation

THAT Council, after hearing from the delegation from Cypress Land Services, and considering the contents of this report, direct staff to provide a letter of concurrence with no objections for the application for an 18m tall TELUS cellular communication tower at 3395 Valleyview Road, with the preference that the tower be treated as such to appear as a tree.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Background

In August 2023, the City received notice from Cypress Land Services that TELUS was proposing the installation of a new 25m tall cellular communications tower on private property at 3395 Valleyview Road.

While local governments are not the approval authority for cellular towers, Innovation, Science and Economic Development (ISED) Canada (formerly Industry Canada), the federal agency that approves the towers, requires local government and public consultation on tower proposals over 15m in height. That consultation is led by the applicants - in this case Cypress Land Services (Cypress) on behalf of TELUS. In the case of towers over 15m and less than 30m in height the process only requires notification of neighbouring properties. Towers over 30m in height require a higher level of public consultation including advertising in local newspapers.

Consultation with the City occurred in August and September of 2023, many of the local regulations do not apply to cell towers as they are outside of municipal jurisdiction, but technical issues were shared back with Cypress. Staff also noted that the area along Vallyeview Road has important aesthetic characteristics, being one of the City's main agricultural and grape growing areas and being highly on a hillside is highly visible from the valley bottom.

Consultation with the neighbouring property owners and residents occurred over September and October 2023. Details and results of the engagement is attached as part of Attachment A.

During the consultation process, City staff were approached by local residents concerned about the visual appearance of the tower and the desire to see the tower camouflaged as much as possible, by making the tower appear as a tree as in other jurisdictions. This feedback was shared with Cypress as well.

Based on the feedback from the City and the neighbours, TELUS revised their proposal reducing the height of the tower from 25m to 18m but keeping the design similar. The cost of the tree design was presumedly too high and the decision was made to keep the current tower design, but lower the height.

The City (Council) is now being asked to provide concurrence with the application. The concurrence that ISED Canada is looking for is that the local government is satisfied with the level of consultation done and that the local government doesn't oppose the installation.



Figure 1: TELUS Monopine pole – Canmore, AB

Financial implication

No anticipated financial impacts on the City

Climate Impact

N/A

Analysis

Cellular communication towers are needed infrastructure to ensure reliable cellular coverage throughout the community. Because of their necessity, the federal government maintains jurisdiction over the approval of the towers. ISED jurisdiction in the approval of towers also supersedes the provincial jurisdiction over the protection of agricultural land. While the subject property is in the Agricultural Land Reserve (ALR), staff at the Agricultural Land Commission (ALC) have shared that the installation of cell towers and the associated ground works are not within the ALC's jurisdiction.

ISED Canada though, is interested in ensuring that local governments and the public have a say in cell tower location and appearance. In this case, consultation was done with the City as well as with neighbouring properties, following the ISED default consultation process. In the absence of a local tower siting policy, City staff largely kept feedback to technical items. Feedback forms received from two neighbouring properties showed opposition to the proposed tower's location and look. There was a suggestion made that the tower could be constructed to look like a tree as is done in other jurisdictions.

Staff note that the tower proposed is located in a highly visible location and an important agricultural / grape growing area, and are recommending that Council do provide the requested letter of support, but with the preference that the pole be designed so as to resemble a tree as much as possible. Having the pole camouflaged as such will reduce the negative aesthetic impact of the tower on an area that is highly visible

to much of the south end of the city and help alleviate some of the concerns raised by the immediate neighbours.

Alternate recommendations

Council may support the tower as presented by Cyress Land Services and be content with the lower tower height at 18m, without it being redesigned to resemble a tree. If that is the case, staff recommend Alternative 1:

1. THAT Council direct staff to provide a letter of concurrence with no objections for the application for an 18m tall TELUS cellular communication tower at 3395 Valleyview Road.

Alternatively, Council may not support a tower in this location. If that is the case, staff recommend Alternative 2. If Council were to select Alternative 2, TELUS may be able to still build a 15m tall tower as that height is under the consultation requirement limit.

2. THAT Council send a letter of concurrence without support for the TELUS 18m tall cellular communication tower.

Attachments

Attachment A – Property Location
Attachment B – Proposed cellular communication tower design
Attachment C – Photo renderings of proposed cellular communication tower at 3395 Valleyview Road
Attachment D – Request for Letter of Concurrence from Cypress Land Services, dated April 9, 2024

Respectfully submitted,

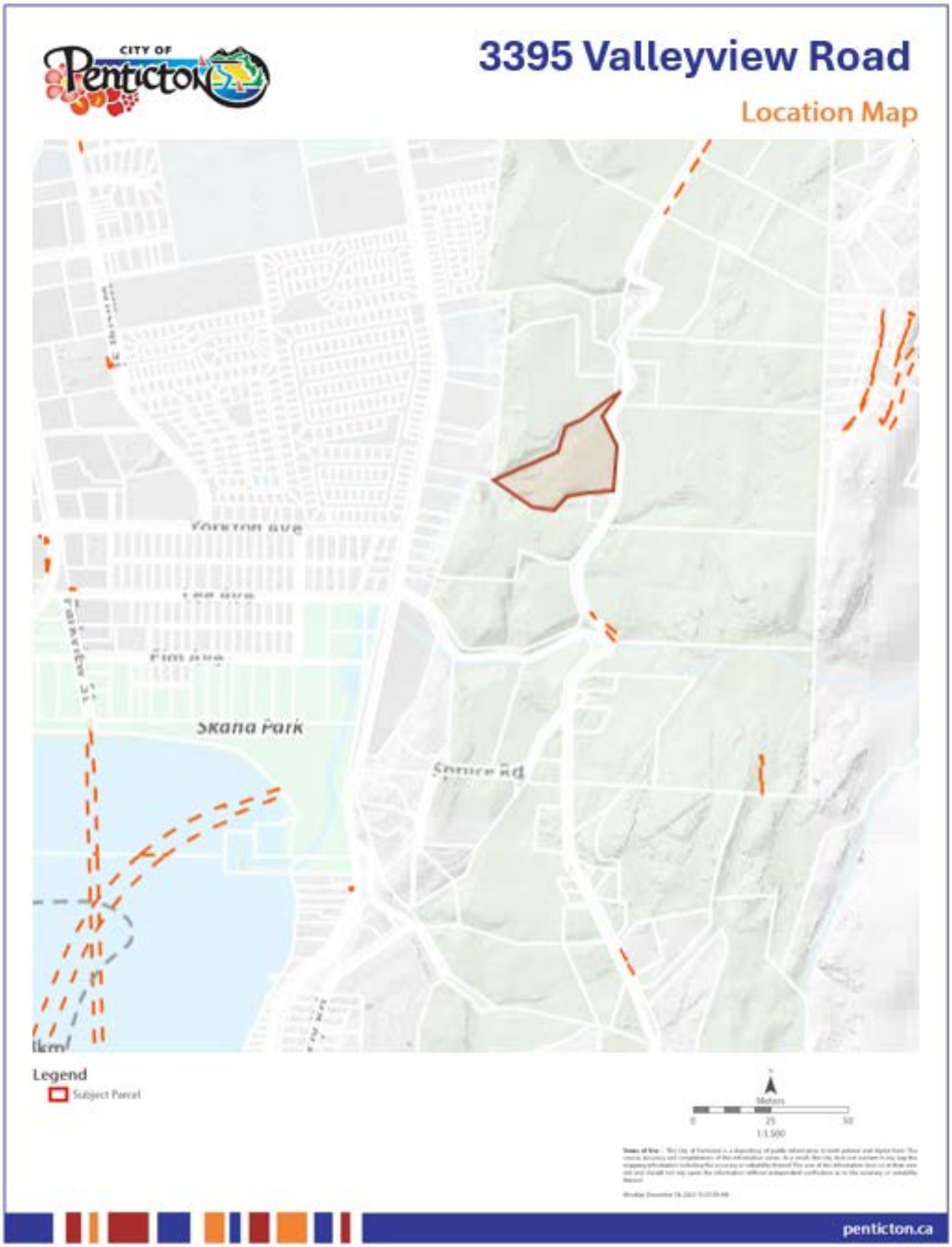
Blake Laven,
Director of Development Services

Concurrence

City Manager

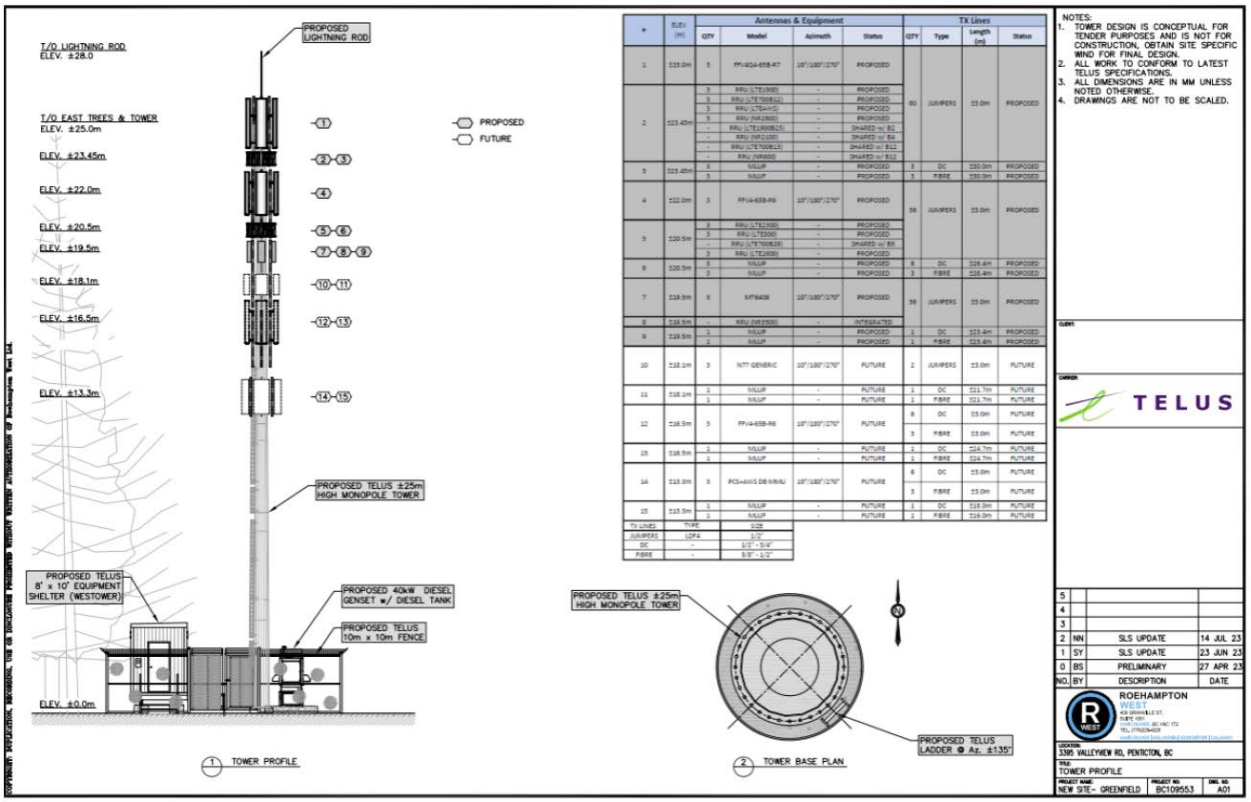
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Attachment A
Property Location Map



Attachment B
Proposed cellular communication tower design





Attachment C
Photo renderings of proposed cellular communication tower at 3395 Valleyview Road



Figure 2: View of proposed tower, looking north along Valleyview Road



Figure 3: View of proposed tower, looking south along Valleyview Road

Attachment D
Request for Letter of Concurrence from Cypress Land Services, dated April 9, 2024

CYPRESS
LAND SERVICES

Cypress Land Services Inc.
Suite 1051 – 409 Granville Street
Vancouver, BC V6C 1T2

Telephone: 604.259.8809
Facsimile: 604.620.0876
Website : www.cypresslandservices.com

April 9th, 2024

VIA: blake.laven@penticton.ca

Blake Laven
Director of Development Services
The City of Penticton

Dear Blake Laven,

Subject:	**Request for Concurrence for a TELUS Telecommunications Tower**
Address:	**3395 Valleyview RD, Penticton, BC**
PID:	**012-322-407**
Coordinates:	**49.45763, -119.57382**
TELUS Site:	**BC109553**

Please be advised that following Innovation, Science and Economic Development Canada (ISEDs) consultation process commonly referred to as the CPC, TELUS Communications Inc ("TELUS") has completed the public consultation process and is respectfully requesting concurrence for the proposal to build an 18m green monopole tower with flush-mounted antennas and an equipment compound. Enclosed please find evidence of the following efforts regarding this public notification process:

- On September 11th, 2023, an Information Package was submitted to the City of Penticton formalizing the initiation of the consultation process for the proposed tower location. Please see **Appendix 1: Information Package.**

- On September 25th, 2023, Notification Packages were issued to property owners, occupants and other recipients that fell within three (3) times the tower height (75m) of the proposed location as per the CPC (a 25m monopole was originally proposed). Please see **Appendix 2: Notification Package**.

- On October 29th, 2023, the 30-day consultation period concluded. During the consultation period, 2 property owners provided written comments regarding the proposal. The neighbour and another resident of Penticton were both concerned with the height and overall appearance of the structure. Please see **Appendix 3: Comments Received During Consultation**.

- In 2024, TELUS is revising the proposal by reducing the height of the monopole from 25m to 18m to reduce the visual impact. TELUS is requesting concurrence for this green monopole structure at the reduced height to improve services in the area. Please see **Appendix 4: Revised Drawings.**

If Council concurs with the proposed tower project, please find in **Appendix 5: Resolution Example**, a sample resolution which may be used.

TELUS is committed to working with the community to find an acceptable location and infrastructure design. Should you require any additional information, please do not hesitate to contact us at 604-620-0877 or by e-mail at kristina@cypressslandservices.com.

Kristina Bell
Land Use Planner

Kristina Bell

Cypress Land Services
Agents for TELUS Communications

cc: Harmen Kahlon, TELUS Communications Inc.

Appendix 1: Information Package

Cypress Land Services Inc.
Suite 1051 – 409 Granville Street
Vancouver, BC V6C 1T2
Telephone: 604.620.0877
Facsimile: 604.620.0876
Website: www.cypresslandservices.com

September 11th, 2023

Via Email: steven.collyer@penticton.ca

Steven Collyer
Senior Planner
City of Penticton

Dear Stevenn Collyer,

Subject:	**TELUS Telecommunications Facility Proposal Information Package**
Location:	**3395 Valleyview RD, Penticton, BC**
PID:	**012-322-407**
Coordinates:	**49.45763, -119.57382**
TELUS Site:	**BC109553**

Overview

Cypress Land Services Inc., in our capacity as agents to TELUS Communications Inc. (TELUS), is submitting this information package (Information Package) to initiate the consultation process related to the installation and operation of a telecommunications facility within the City of Penticton. The new facility will improve wireless services in the area. This Information Package is intended to formalize the consultation process.

Proposed Site

The proposed site is located at **3395 Valleyview RD, Penticton, BC,** at the coordinates 49.45763, -119.57382 (**Schedule A: Tower Site Location**). The property is currently privately owned, and TELUS has entered into an agreement with the landowner.

Rationale for Site Selection

TELUS seeks to maintain and improve high quality, dependable network services to Canadians. In order to improve network performance, TELUS is seeking to add the proposed communications tower.

The proposed site is a result of many considerations. Existing structures, including towers and rooftops, were initially reviewed during the site selection process. After careful examination, it has been determined that there are no viable existing structures in the area that would be

suitable for the operations of TELUS' network equipment. There is a Rogers Communications tower nearby, but it is too short at 15m to accommodate TELUS' antennas to provide the intended service coverage objectives. Additionally, there are no rooftops here of adequate height to support the collocation of antennas. Please see **Schedule B: Map of Existing Towers.**

Tower Proposal Details

TELUS is proposing to install a 25m green monopole tower, with 6 initial flush mounted antennas a 3m lightning rod, and an equipment shelter at the base, enclosed by a chain-link fence compound area, occupying existing compound area of 10m by 10m. TELUS has completed preliminary design plans in **Schedule C: Preliminary Plans** and a **Photo-simulation, Schedule D.** The tower may have adequate space for third party equipment.

Consultation Process

Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, requires all proponents to consult with the local land use authority and public, notwithstanding that ISED has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed tower. The City of Penticton has not adopted a telecommunications policy or protocol. Therefore, following ISED's requirements, TELUS would like to initiate ISED's Default Public Consultation Process (as described in the CPC-2-0-0-03 – Radiocommunication and Broadcasting Antenna Systems, commonly referred to as the "CPC").

Information on the "CPC" consultation process developed by ISED may be found online at:

CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems - Spectrum management and telecommunications

In order to obtain comments, concerns or questions in regard to the proposed tower site, the CPC requires TELUS to send out notification packages to all property owners and residents located within three (3) times the height of the proposed tower in both English and French. A notice in the local paper is only required for towers 30m or taller and therefore this tower is exempt from this requirement. This comment period is minimum of 30 days. We expect the notification package to be sent by end of September 2023.

At the conclusion of the consultation process, TELUS will prepare a summary of comments received from the community as well as the replies provided by TELUS. TELUS is requesting that, subsequent to the completed consultation process and report to Council, a letter or resolution of concurrence is issued by the City of Penticton.

Health and Safety

Health Canada's Safety Code 6 regulations are applicable to this, and all, telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radiofrequency electromagnetic fields and ensures public safety. Additional information on health and safety may be found on-line at:

Health Canada:
http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php

Concurrence Requirements

In order to complete the consultation process, TELUS will be requesting concurrence from the City of Penticton in a form acceptable by ISED.

Conclusion

Please consider this Information Package as the official commencement of the consultation process for this site. TELUS is committed to working with the City of Penticton and the community throughout the consultation process.

Please do not hesitate to contact us by phone at 604.620.0877 or by email at kristina@cypresslandservices.com.

Thank you in advance for your assistance and time.

Sincerely,

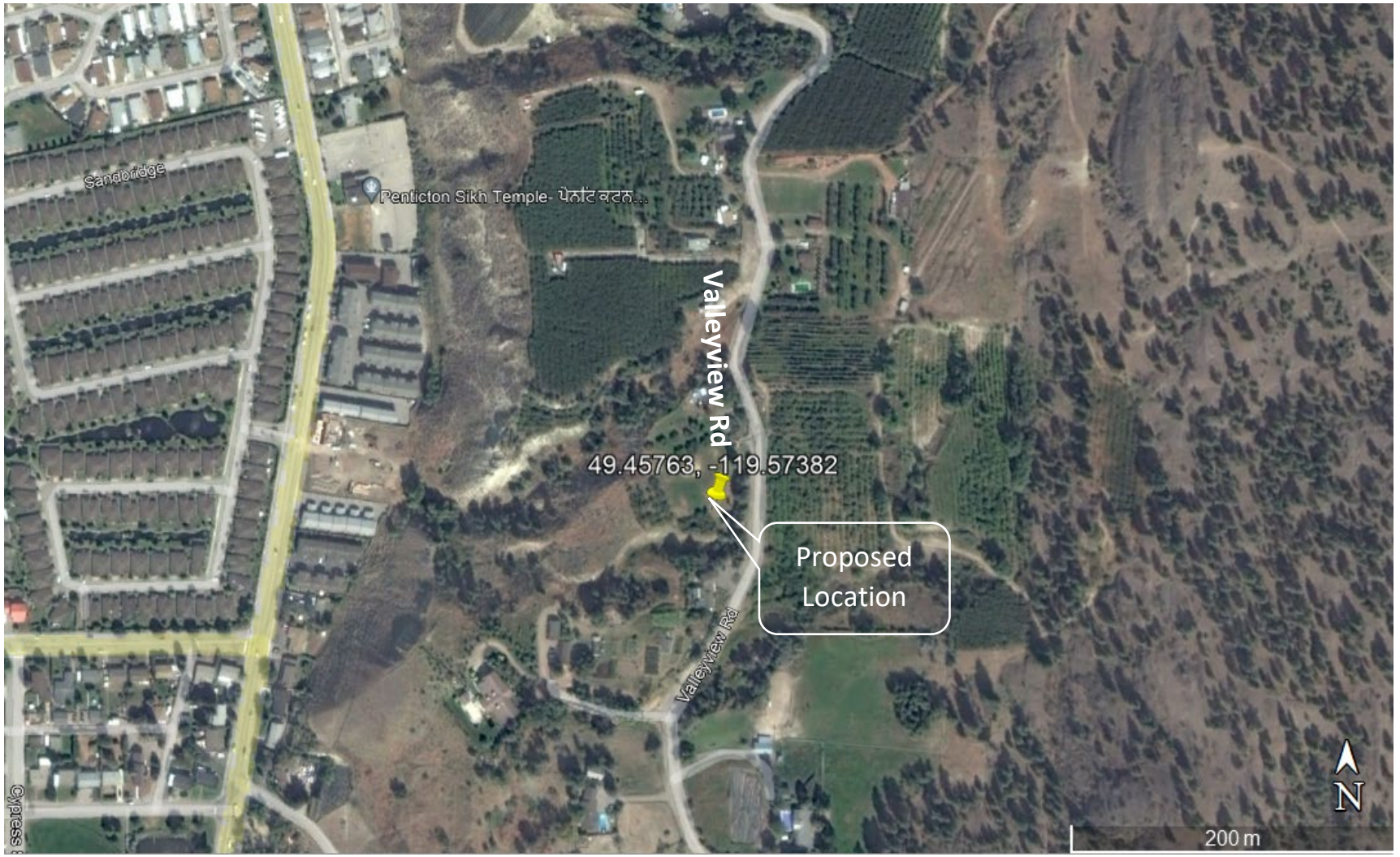
CYPRESS LAND SERVICES
Agents for TELUS

Kristina Bell

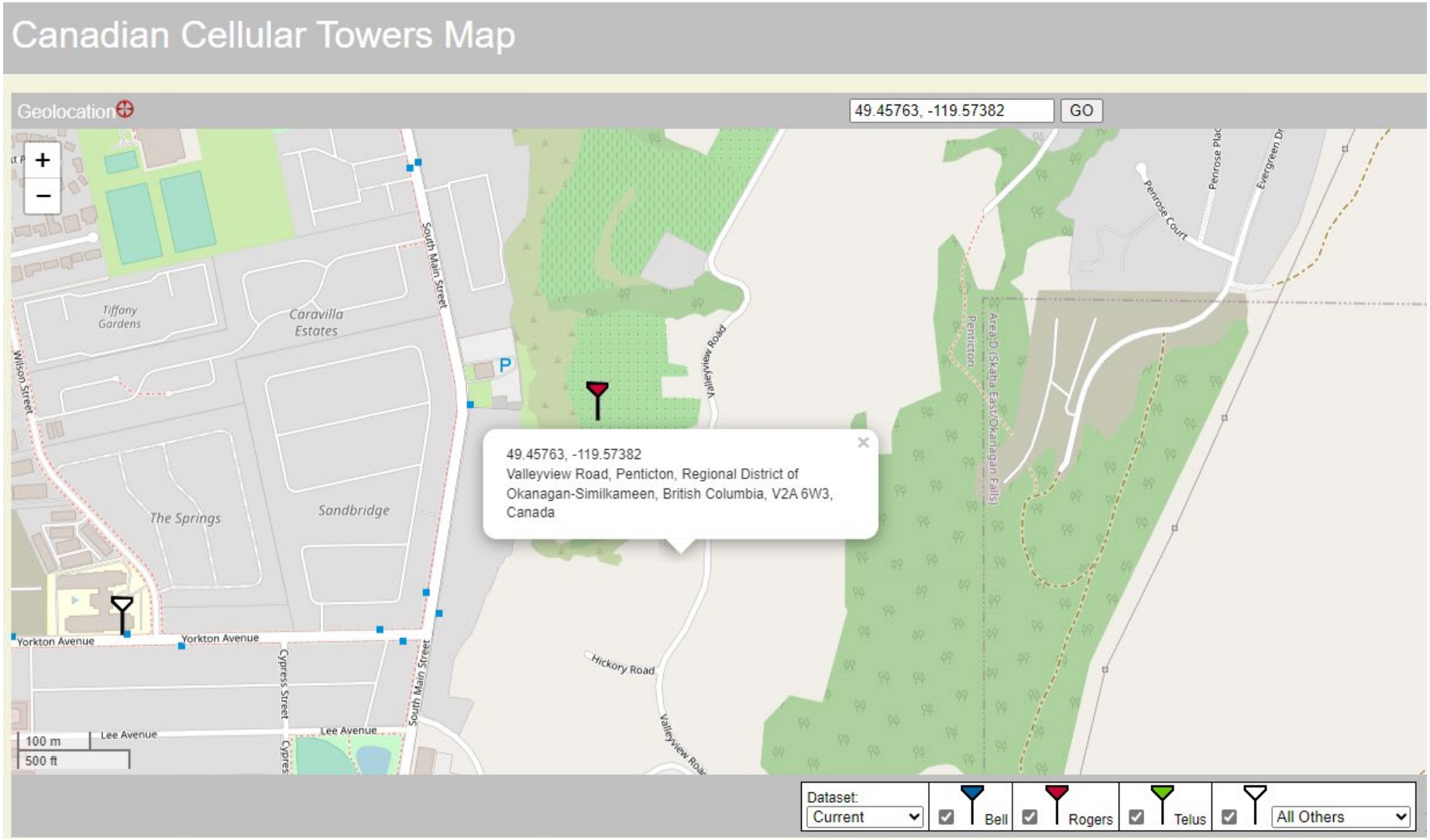
Kristina Bell
Land Use Planner

cc: Amir Mozaffari, TELUS Communications Inc

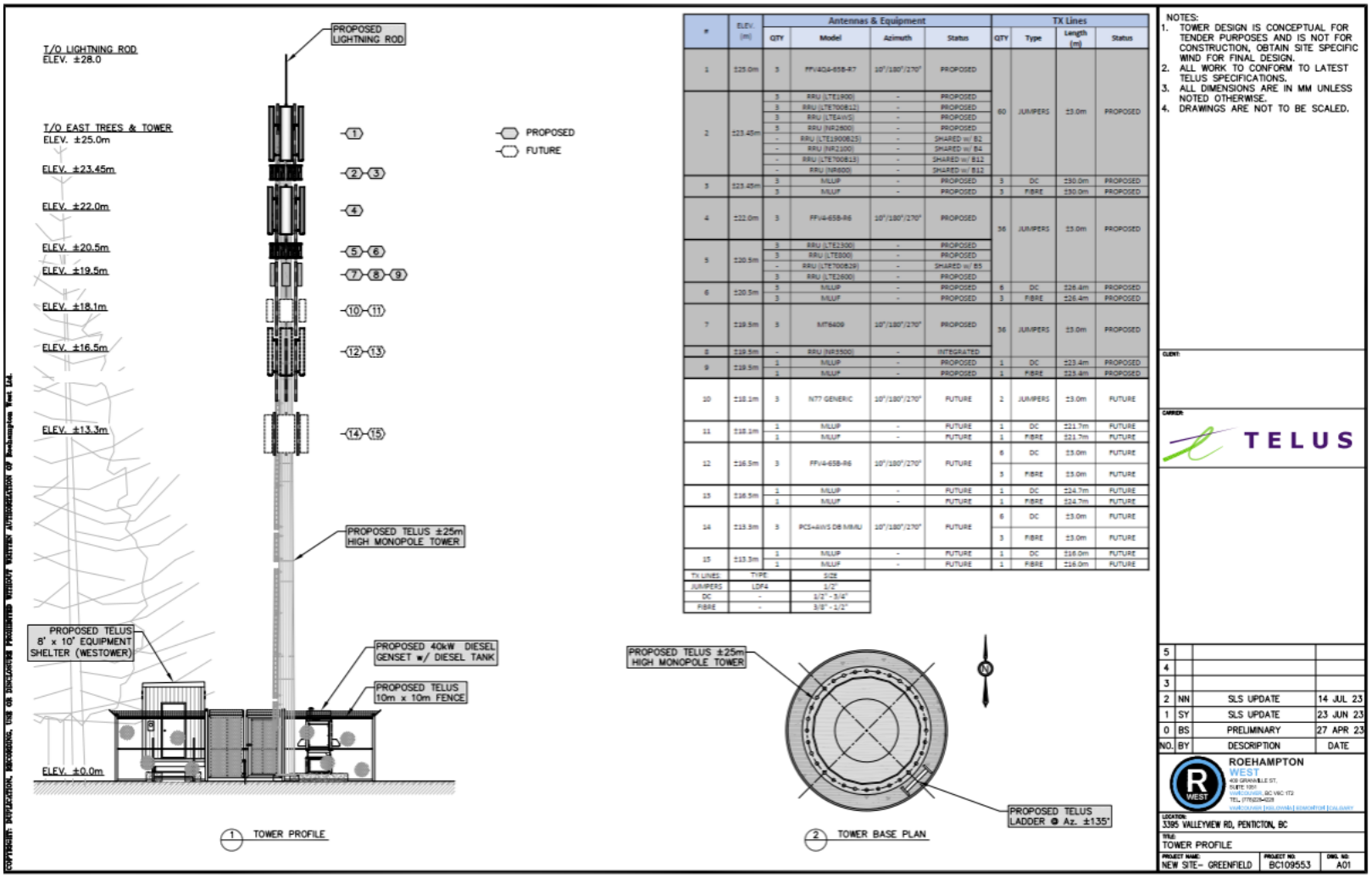
SCHEDULE A
TELUS TOWER LOCATION



SCHEDULE B
MAP OF EXISTING SITE



SCHEDULE C
PRELIMINARY DESIGN PLANS – TOWER PROFILE



#	ELEV. (m)	Antennas & Equipment QTY	Model	Azimuth	Status	TX Lines QTY	Type	Length (m)	Status
1	±25.0m	3	FFV4D4-658-R7	10°/180°/270°	PROPOSED				
2	±23.45m	3	RRU (LTE1900)	-	PROPOSED	60	JUMPERS	±3.0m	PROPOSED
		3	RRU (LTE700B12)	-	PROPOSED				
		3	RRU (LTEAWS)	-	PROPOSED				
		3	RRU (NR2600)	-	PROPOSED				
		-	RRU (LTE1900B25)	-	SHARED w/ B2				
		-	RRU (NR2100)	-	SHARED w/ B4				
		-	RRU (LTE700B13)	-	SHARED w/ B12				
		-	RRU (NR600)	-	SHARED w/ B12				
3	±23.45m	3	MLUP	-	PROPOSED	3	DC	±30.0m	PROPOSED
		3	MLUF	-	PROPOSED	3	FIBRE	±30.0m	PROPOSED
4	±22.0m	3	FFV4-65B-R6	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
5	±20.5m	3	RRU (LTE2300)	-	PROPOSED				
		3	RRU (LTE800)	-	PROPOSED				
		-	RRU (LTE700B29)	-	SHARED w/ B5				
		3	RRU (LTE2600)	-	PROPOSED				
6	±20.5m	3	MLUP	-	PROPOSED	6	DC	±26.4m	PROPOSED
		3	MLUF	-	PROPOSED	3	FIBRE	±26.4m	PROPOSED
7	±19.5m	3	MT6409	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
8	±19.5m	-	RRU (NR1500)	-	INTEGRATED				
9	±19.5m	1	MLUP	-	PROPOSED	1	DC	±23.4m	PROPOSED
		1	MLUF	-	PROPOSED	1	FIBRE	±23.4m	PROPOSED
10	±18.1m	3	N77 GENERIC	10°/180°/270°	FUTURE	2	JUMPERS	±3.0m	FUTURE
11	±18.1m	1	MLUP	-	FUTURE	1	DC	±21.7m	FUTURE
		1	MLUF	-	FUTURE	1	FIBRE	±21.7m	FUTURE
12	±16.5m	3	FFV4-65B-R6	10°/180°/270°	FUTURE	6	DC	±3.0m	FUTURE
						3	FIBRE	±3.0m	FUTURE
13	±16.5m	1	MLUP	-	FUTURE	1	DC	±24.7m	FUTURE
		1	MLUF	-	FUTURE	1	FIBRE	±24.7m	FUTURE
14	±13.3m	3	PCS+AWS DB MMU	10°/180°/270°	FUTURE	6	DC	±3.0m	FUTURE
						3	FIBRE	±3.0m	FUTURE
15	±13.3m	1	MLUP	-	FUTURE	1	DC	±16.0m	FUTURE
		1	MLUF	-	FUTURE	1	FIBRE	±16.0m	FUTURE

TX LINES	TYPE	SIZE
JUMPERS	LDF4	1/2"
DC	-	3/2" - 3/4"
FIBRE	-	3/8" - 1/2"

NOTES:
1. TOWER DESIGN IS CONCEPTUAL FOR TENDER PURPOSES AND IS NOT FOR CONSTRUCTION, OBTAIN SITE SPECIFIC WIND FOR FINAL DESIGN.
2. ALL WORK TO CONFORM TO LATEST TELUS SPECIFICATIONS.
3. ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE.
4. DRAWINGS ARE NOT TO BE SCALED.

CLIENT:

CARRIER: TELUS

NO.	BY	DESCRIPTION	DATE
5			
4			
3			
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
0	BS	PRELIMINARY	27 APR 23

ROEHAMPTON WEST
408 GRANVILLE ST, SUITE 1201
VANCOUVER, BC V6C 1T2
TEL: (778)328-4028

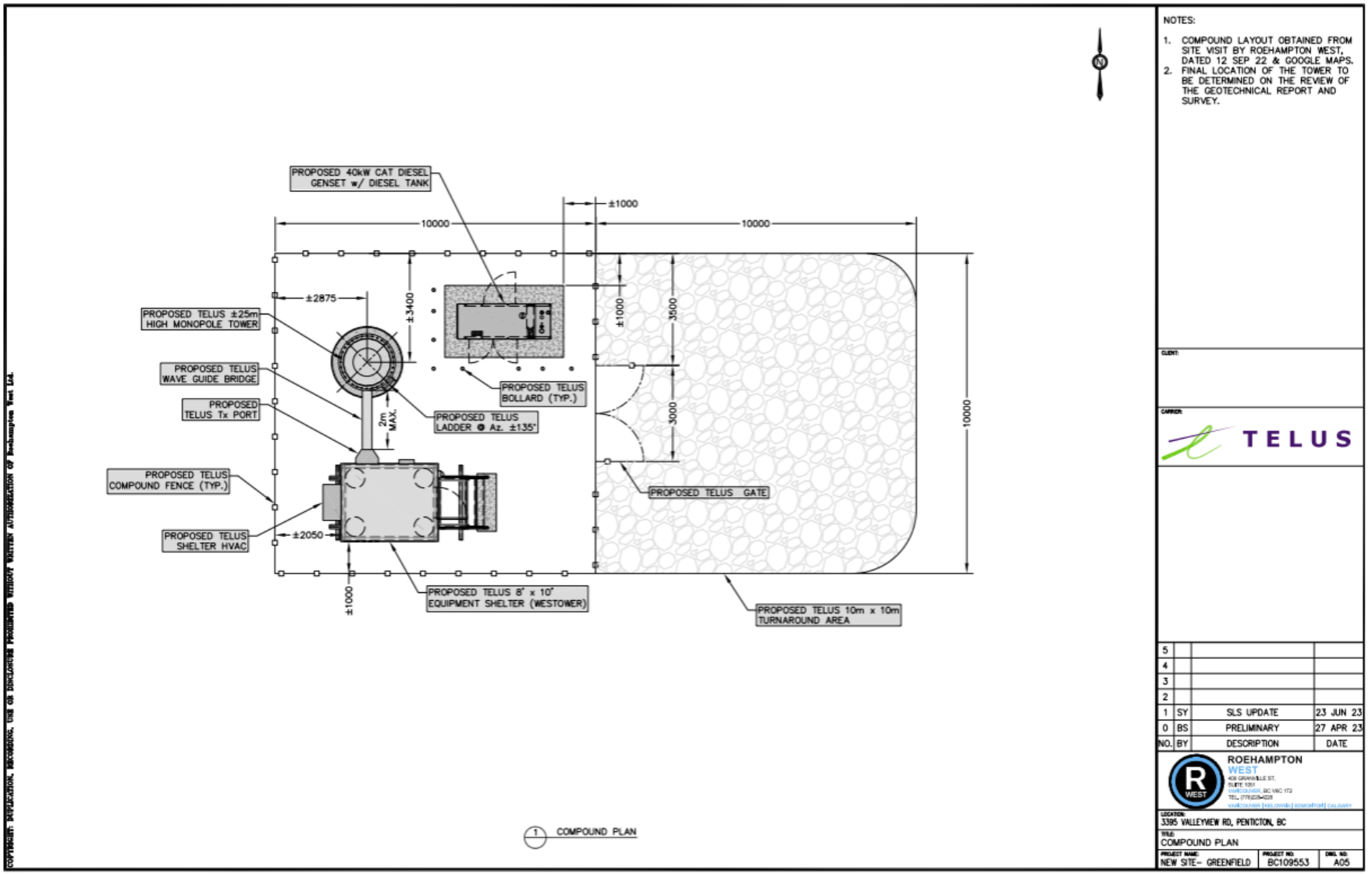
LOCATION: 3395 VALLEYVIEW RD, PENTICTON, BC
TITLE: TOWER PROFILE
PROJECT NAME: NEW SITE– GREENFIELD | PROJECT NO.: BC109553 | DWG. NO.: A01

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SCHEDULE C
PRELIMINARY DESIGN PLANS – SITE PLAN



SCHEDULE C
PRELIMINARY DESIGN PLANS - COMPOUND PLAN



SCHEDULE D
PHOTO-SIMULATION

BEFORE



AFTER



View: Looking north along Valleyview Road at proposed tower.

Photo Simulation is a close representation and is for conceptual purposes only – not to scale.
Proposed design is subject to change based on final engineer plans

Appendix 2: Notification Package

Dear Community Member, September 25, 2023

Please accept this notification regarding proposed TELUS Communications Inc. ("TELUS") wireless service improvements in your community.

Subject:	**TELUS Telecommunications Facility Proposal Notification Package**
Address:	**3395 Valleyview RD, Penticton, BC**
PID:	**012-322-407**
Coordinates:	**49.45763, -119.57382**
TELUS Site:	**BC109553**

What is TELUS Proposing?
TELUS seeks to continue to provide high quality wireless telecommunications services to communities throughout British Columbia. Increasingly, communities depend on wireless communications services to meet their business, personal and emergency needs. As such, TELUS is proposing to install a new telecommunications facility located at **3395 Valleyview Road, Penticton.**

The subject site is privately owned, and TELUS has entered into a lease agreement with the landowner. TELUS proposes to install a 25-metre monopole tower and accessory equipment. The entire facility will be enclosed by a chain-link fence to ensure public safety and will occupy an area of 10.0 by 10.0 meters. Six (6) flush-mounted antennas will initially be installed at the top of the pole to service the area.

Regulatory Authority
Telecommunications carriers are required by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, to consult with the local municipality and the general public regarding new installations. However, ISED does have exclusive jurisdiction over the approval and placement of telecommunications installations.

The consultation process will provide an opportunity for residents, stakeholders and landowners to obtain detailed information regarding the proposal and to provide comments for consideration. Any inquiries that are received as a result of this notification will be logged and submitted to the City of Penticton as part of our application for concurrence.

Local Municipality
The City of Penticton has not adopted a telecommunications consultation process or protocol of their own. As such, ISED's Client Procedures Circular CPC-2-0-03 (CPC) consultation process will be followed. This process requires all properties within three (3) times the structure height to be notified (in this instance those within approx. 75.0 metres). The notification is to provide the opportunity to obtain information regarding the proposal, ask questions, and provide comments. The closing period for comments to be received by TELUS is October 29th, 2023.

Location
The new facility is proposed to be located at the coordinates **49.45763, -119.57382,** at the municipal address: **3395 Valleyview RD, Penticton, BC.** The trees on site will help to screen a portion of the structure from view from the adjacent roadways and properties. Additionally, the structure will be painted green to blend with adjacent mature trees and the antennas will be flush against the pole to limit their visibility.

TELUS reviewed the area for existing buildings or structures to use prior to proceeding to propose a new tower. There are no buildings or structures of adequate height to meet the services requirements of TELUS. There is a

Rogers Communications tower nearby, but it is too short at 15m in height to accommodate TELUS' antennas to provide the intended service coverage objectives. Additionally, there are no rooftops here of adequate height to support the collocation of antennas. The proposed tower may have sufficient space and loading capacity for additional antennas should another carrier wish to install equipment to support their network requirements at this location, depending upon the type of equipment.

Safety Code 6
ISED requires all wireless carriers to operate in accordance with Health Canada's safety standards. TELUS attests that the installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time.

Site Access
Access will be constructed off Valleyview Road. Construction is expected to take approximately one to two months.

Environment
TELUS confirms that the installation is excluded from environmental assessment under the *Impact Assessment Act*. Any municipal environmental regulations will be followed.

Transport Canada
The tower will be constructed to include aeronautical markings or lighting required by Transport Canada. Comments are pending.

Structural Considerations
TELUS confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction.

General Information
General information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website: http://www.ic.gc.ca/towers.

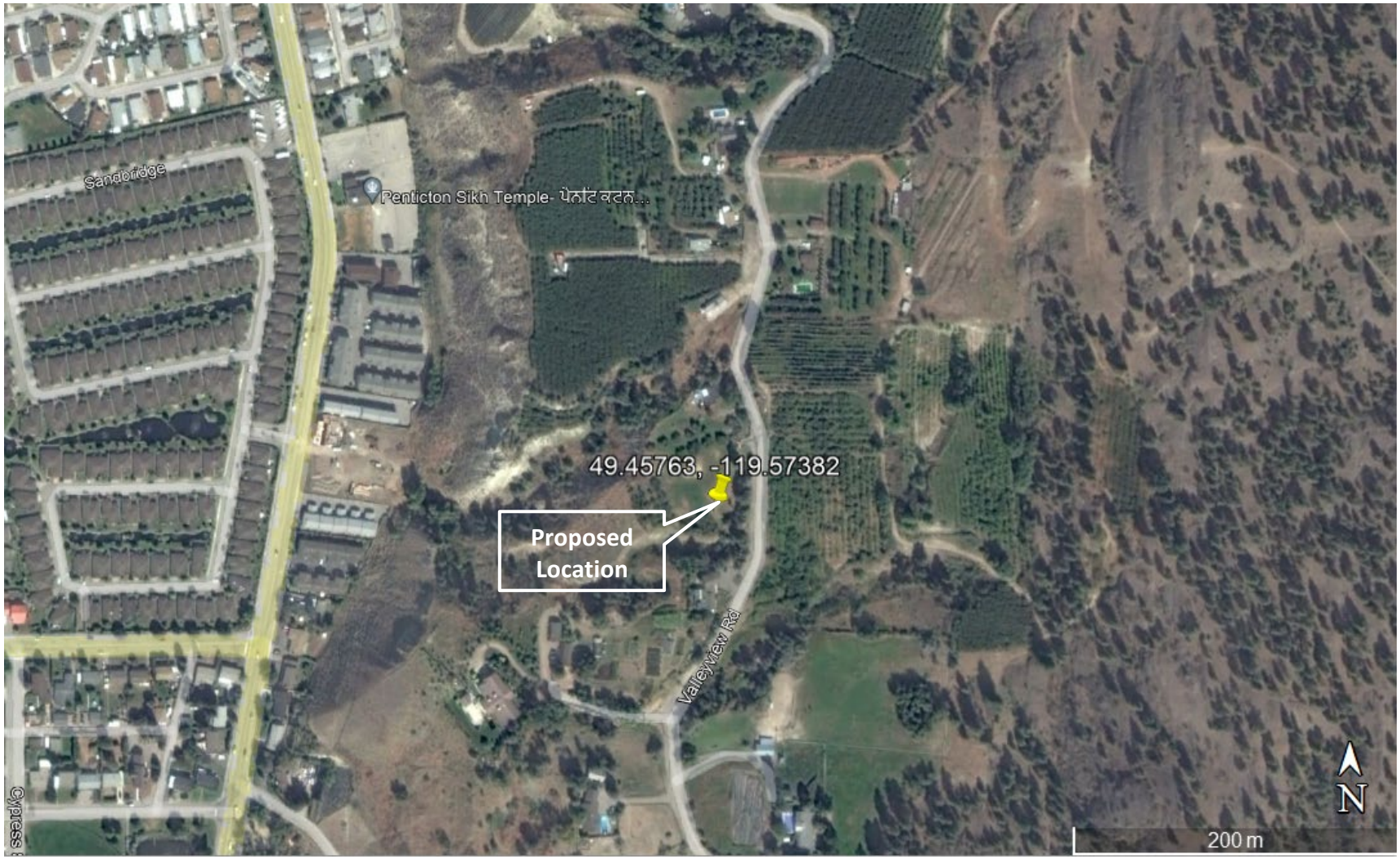
Contacts:
TELUS
c/o Kristina Bell of Cypress Land Services, Agents for TELUS
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Phone: 604-620-0877, Fax: 604-620-0876 | Email: publicconsultation@cypresslandservices.com

ISED - Okanagan-Kootenay District Office
1726 Dolphin Avenue, Room 603
Kelowna BC V1Y 9R9
Telephone: 1-800-667-3780 or 250-470-5026 Fax: 250-470-5045
Email: spectrumkelowna-kelownaspectre@ised-isde.gc.ca
(By appointment only)

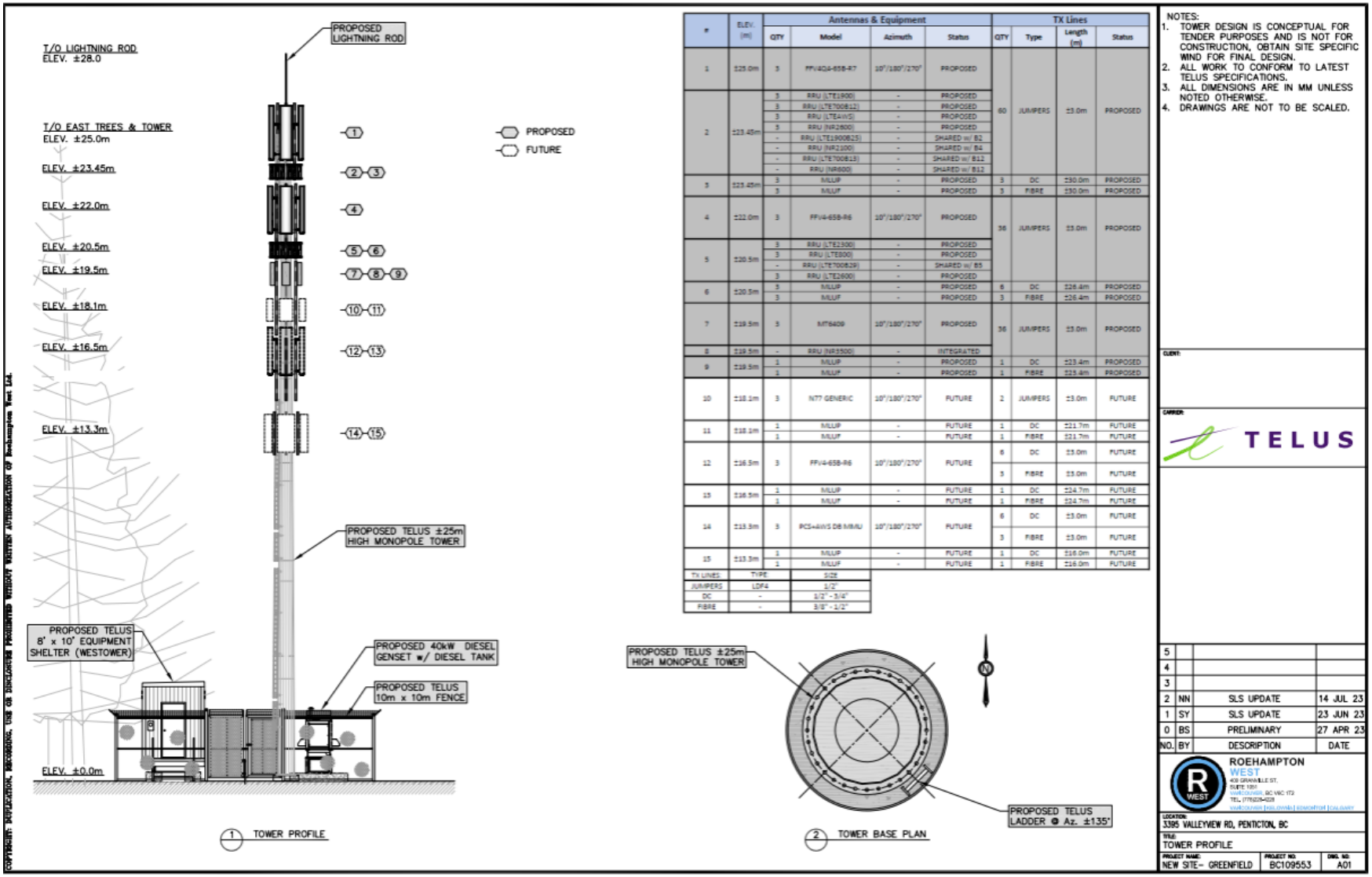
City of Penticton
Steven Collyer, Senior Planner
City of Penticton, 171 Main Street, Penticton BC V2A 5A9
250-490-2507 | Email: steven.collyer@penticton.ca

If you have any specific questions regarding the proposal, please feel welcome to contact the above.

AERIAL MAP OF TELUS SITE LOCATION



PRELIMINARY DESIGN PLANS – TOWER PROFILE



#	ELEV. (m)	Antennas & Equipment QTY	Model	Azimuth	Status	TX Lines QTY	Type	Length (m)	Status
1	±25.0m	3	FFV4G4-65B-R7	10°/180°/270°	PROPOSED				
2	±23.45m	3	RRU (LTE1900)	-	PROPOSED	60	JUMPERS	±3.0m	PROPOSED
		3	RRU (LTE700B12)	-	PROPOSED				
		3	RRU (LTE-AWS)	-	PROPOSED				
		3	RRU (NR2600)	-	PROPOSED				
		-	RRU (LTE1900B25)	-	SHARED w/ B2				
		-	RRU (NR2100)	-	SHARED w/ B4				
		-	RRU (LTE700B13)	-	SHARED w/ B12				
		-	RRU (NR600)	-	SHARED w/ B12				
3	±23.45m	3	MLUP	-	PROPOSED	3	DC	±30.0m	PROPOSED
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4	±22.0m	3	FFV4-65B-R6	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
5	±20.5m	3	RRU (LTE2300)	-	PROPOSED				
		3	RRU (LTE800)	-	PROPOSED				
		-	RRU (LTE700B29)	-	SHARED w/ B5				
		3	RRU (LTE2600)	-	PROPOSED				
6	±20.5m	3	MLUP	-	PROPOSED	6	DC	±26.4m	PROPOSED
		3	MLUP	-	PROPOSED	3	FIBRE	±26.4m	PROPOSED
7	±19.5m	3	MT6409	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
8	±19.5m	-	RRU (NR3500)	-	INTEGRATED				
9	±19.5m	1	MLUP	-	PROPOSED	1	DC	±23.4m	PROPOSED
		1	MLUP	-	PROPOSED	1	FIBRE	±23.4m	PROPOSED
10	±18.1m	3	N77 GENERIC	10°/180°/270°	FUTURE	2	JUMPERS	±3.0m	FUTURE
11	±18.1m	1	MLUP	-	FUTURE	1	DC	±21.7m	FUTURE
		1	MLUP	-	FUTURE	1	FIBRE	±21.7m	FUTURE
12	±16.5m	3	FFV4-65B-R6	10°/180°/270°	FUTURE	6	DC	±3.0m	FUTURE
						3	FIBRE	±3.0m	FUTURE
13	±16.5m	1	MLUP	-	FUTURE	1	DC	±24.7m	FUTURE
		1	MLUP	-	FUTURE	1	FIBRE	±24.7m	FUTURE
14	±13.3m	3	PCS+AWS DB MIMU	10°/180°/270°	FUTURE	6	DC	±3.0m	FUTURE
						3	FIBRE	±3.0m	FUTURE
15	±13.3m	1	MLUP	-	FUTURE	1	DC	±16.0m	FUTURE
		1	MLUP	-	FUTURE	1	FIBRE	±16.0m	FUTURE

TX LINES:	TYPE:	SIZE
JUMPERS	LDF4	1/2"
DC	-	1/2" - 3/4"
FIBRE	-	3/8" - 1/2"

NOTES:
1. TOWER DESIGN IS CONCEPTUAL FOR TENDER PURPOSES AND IS NOT FOR CONSTRUCTION, OBTAIN SITE SPECIFIC WIND FOR FINAL DESIGN.
2. ALL WORK TO CONFORM TO LATEST TELUS SPECIFICATIONS.
3. ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE.
4. DRAWINGS ARE NOT TO BE SCALED.

CLIENT:

CARRIER: TELUS

NO.	BY	DESCRIPTION	DATE
5			
4			
3			
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
0	BS	PRELIMINARY	27 APR 23

ROEHAMPTON WEST
409 GRANVILLE ST. SUITE 1351 VANCOUVER, BC V6C 1T2 TEL. (778)628-4028
VANCOUVER | KELOWNA | EDMONTON | CALGARY

LOCATION: 3395 VALLEYVIEW RD, PENTICTON, BC
TITLE: TOWER PROFILE
PROJECT NAME: NEW SITE- GREENFIELD | PROJECT NO.: BC109553 | DWG. NO.: A01

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PRELIMINARY DESIGN PLANS – SITE PLAN



PRELIMINARY DESIGN PLANS – COMPOUND PLAN

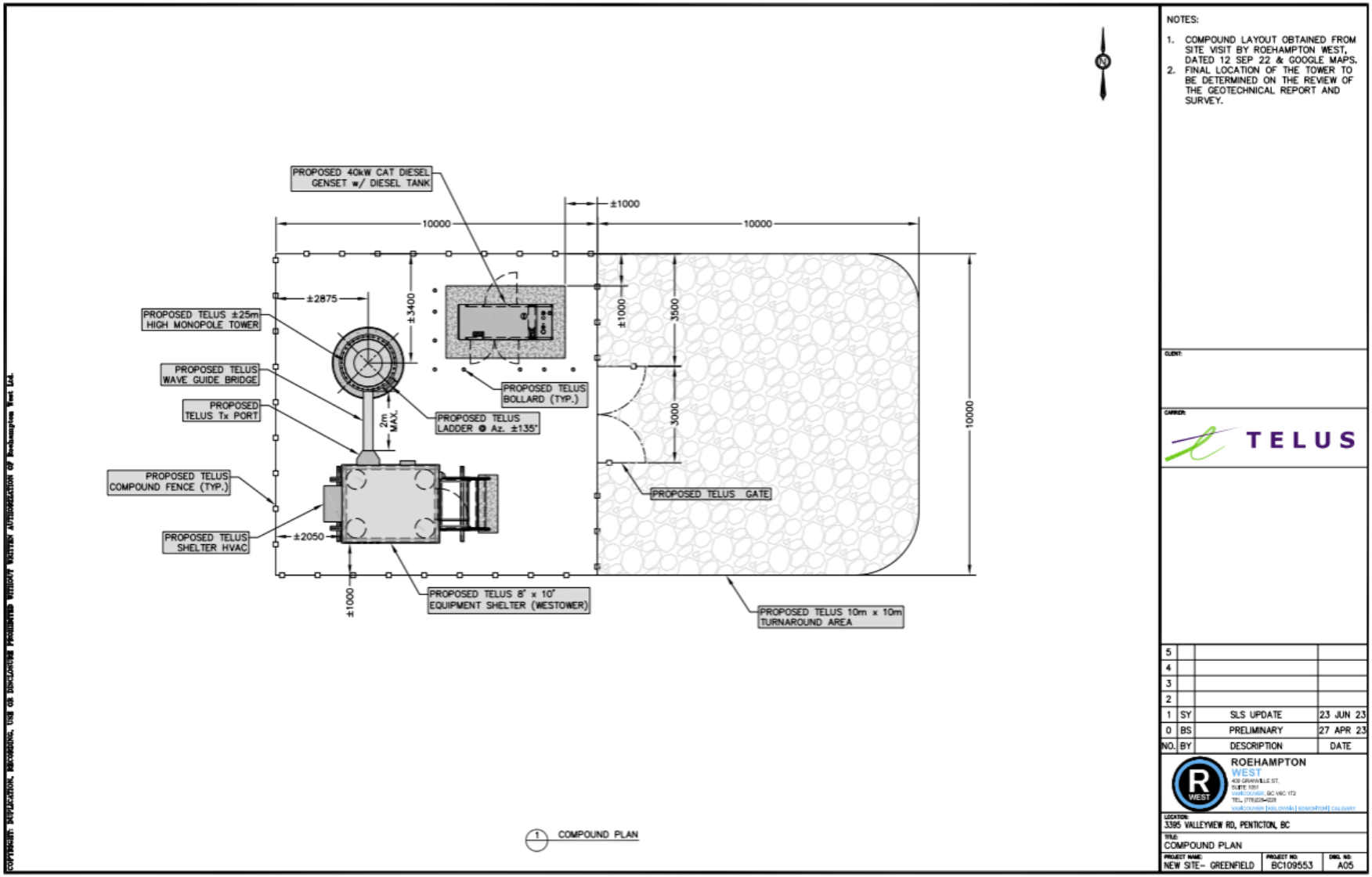


PHOTO SIMULATION

BEFORE



AFTER



View: Looking north along Valleyview Road at proposed tower.

Photo Simulation is a close representation and is for conceptual purposes only – not to scale.

Proposed design is subject to change based on final engineer plans.

The tower will be marked in accordance with Transport Canada Obstruction Marking and NAV Canada requirements.

COMMENT SHEET
TELUS TELECOMMUNICATIONS FACILITY PROPOSAL
ADDRESS: 3395 Valleyview RD, Penticton, BC
PID: 012-322-407
COORDINATES: 49.45763, -119.57382
TELUS SITE: BC109553

1. Do you feel this is an appropriate location for the proposed facility?

☐ Yes
☐ No

Comments _____

_____

_____

_____

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

☐ Yes
☐ No

Comments _____

_____

_____

_____

3. Additional Comments _____

_____

_____

_____

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will only be used by TELUS in satisfying ISED's consultation requirements. The closing period for comments to be received by TELUS is **October 29th, 2023.**

Name _____
(Please print clearly)
Email Address _____
Mailing Address _____

_____

_____

TELUS c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Attention: Kristina Bell, Land Use Planner
Email: publicconsultation@cypresslandservices.com
Thank you for your input!

Cher membre de la communauté, 25 septembre 2023

Veuillez accepter cet avis concernant les améliorations proposées par TELUS Communications Inc. ("TELUS") en matière de services sans fil dans votre communauté.

Objet:	**Dossier de notification de la proposition d'installation de télécommunications de TELUS**
Adresse:	**3395 Valleyview RD, Penticton, BC**
PID:	**012-322-407**
Coordonnées:	**49.45763, -119.57382**
Site TELUS:	**BC109553**

Que propose TELUS?
TELUS souhaite continuer à fournir des services de télécommunications sans fil de haute qualité aux communautés de toute la Colombie-Britannique. De plus en plus, les communautés dépendent des services de communication sans fil pour répondre à leurs besoins professionnels, personnels et d'urgence. C'est pourquoi TELUS propose d'installer une nouvelle installation de télécommunications au **3395 Valleyview Road, à Penticton.**Le site en question est une propriété privée et TELUS a conclu un contrat de location avec le propriétaire. TELUS propose d'installer une tour monopôle de 25 mètres et des équipements accessoires. L'ensemble de l'installation sera entouré d'une clôture à mailles losangées pour assurer la sécurité du public et occupera une surface de 10,0 mètres sur 10,0 mètres. Six (6) antennes encastrées seront initialement installées au sommet du poteau pour desservir la zone.

Autorité de régulation
Les entreprises de télécommunications sont tenues par Innovation, Science et Développement économique Canada (ISED), anciennement Industrie Canada, de consulter la municipalité locale et le grand public en ce qui concerne les nouvelles installations. Toutefois, l'ISED a une compétence exclusive en matière d'approbation et de placement des installations de télécommunications.

Le processus de consultation permettra aux résidents, aux parties prenantes et aux propriétaires fonciers d'obtenir des informations détaillées sur la proposition et de faire part de leurs commentaires. Toutes les demandes de renseignements reçues à la suite de cette notification seront enregistrées et soumises à la ville de Penticton dans le cadre de notre demande d'autorisation.

Municipalité locale
La ville de Penticton n'a pas adopté son propre processus ou protocole de consultation en matière de télécommunications. Par conséquent, le processus de consultation de la circulaire CPC-2-0-03 (CPC) de l'ISED sera suivi. Ce processus exige que toutes les propriétés situées dans un rayon de trois (3) fois la hauteur de la structure soient notifiées (dans le cas présent, celles situées dans un rayon d'environ 75,0 mètres). La notification a pour but d'offrir la possibilité d'obtenir des informations sur la proposition, de poser des questions et de formuler des observations. La date limite de réception des commentaires par TELUS est le 29 octobre, 2023.

Localisation
La nouvelle installation est proposée aux coordonnées **49.45763, -119.57382,** à l'adresse municipale: **3395 Valleyview RD, Penticton, BC.** Les arbres présents sur le site contribueront à masquer une partie de la structure depuis les routes et les propriétés adjacentes. En outre, la structure sera peinte en vert pour se fondre dans les arbres matures adjacents et les antennes seront alignées contre le poteau pour limiter leur visibilité.

TELUS a examiné la zone à la recherche de bâtiments ou de structures existants à utiliser avant de proposer une nouvelle tour. Il n'y a pas de bâtiments ou de structures d'une hauteur suffisante pour répondre aux exigences de TELUS en matière de services. Il y a une tour de Rogers Communications à proximité, mais elle est trop courte (15m de hauteur) pour accueillir les antennes de TELUS afin de fournir les objectifs de couverture de service prévus. De plus, il n'y a pas de toits d'une hauteur suffisante pour supporter l'implantation d'antennes. Le pylône proposé peut avoir suffisamment d'espace et de capacité de charge pour accueillir des antennes supplémentaires si un autre opérateur souhaite installer des équipements pour répondre à ses besoins en matière de réseau à cet endroit, en fonction du type d'équipement.

Code de sécurité 6
L'ISED exige que tous les fournisseurs de services sans fil respectent les normes de sécurité de Santé Canada. TELUS atteste que l'installation décrite dans le présent dossier de notification sera installée et exploitée en permanence de manière à respecter le Code de sécurité 6 de Santé Canada, tel qu'il peut être modifié de temps à autre.

Accès au site
L'accès sera construit à partir de Valleyview Road. Les travaux devraient durer environ un à deux mois.

Environnement
TELUS confirme que l'installation est exclue de l'évaluation environnementale en vertu de la *loi sur les études d'impact*. Toute réglementation municipale en matière d'environnement sera respectée.

Transports Canada
La tour sera construite de manière à inclure les marques aéronautiques ou le balisage lumineux exigés par Transports Canada. Les commentaires sont en attente.

Considérations structurelles
TELUS confirme que la structure d'antenne décrite dans ce dossier de notification appliquera les bonnes pratiques d'ingénierie, y compris l'adéquation de la structure pendant la construction.

Informations *générales*
Des informations générales relatives aux systèmes d'antennes sont disponibles sur le site Internet de l'ISED consacré à la gestion du spectre et aux télécommunications: http://www.ic.gc.ca/towers.

Contacts:
TELUS
c/o Kristina Bell de Cypress Land Services, agents de TELUS
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Téléphone: 604-620-0877 : 604-620-0877, Fax: 604-620-0876 | Courriel: publicconsultation@cypresslandservices.com

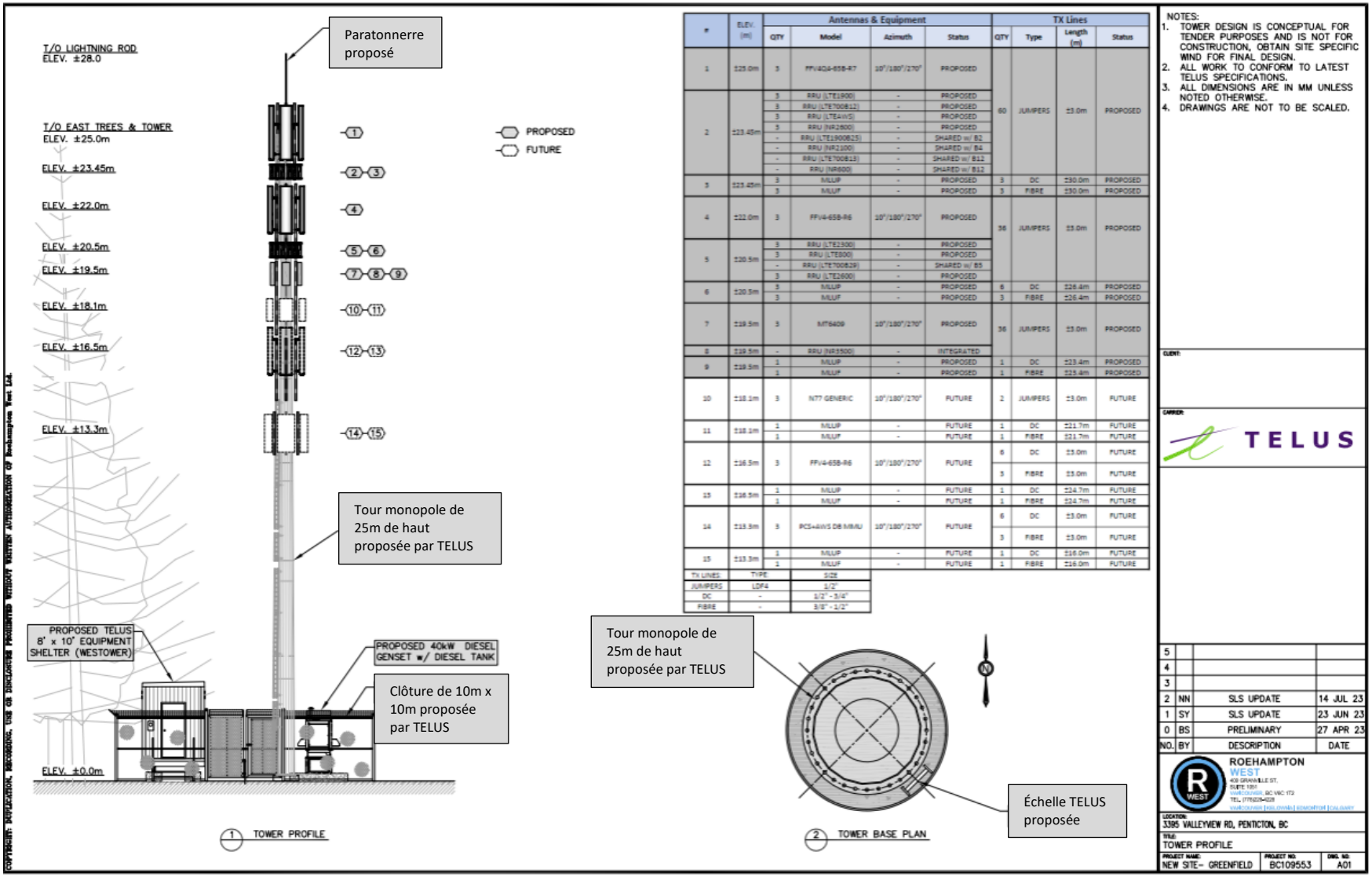
ISED - Bureau du district d'Okanagan-Kootenay
1726 Dolphin Avenue, Room 603
Kelowna BC V1Y 9R9
Téléphone: 1-800-667-3780 ou 250-470-5026 Fax: 250-470-5045
Courriel: spectrumkelowna-kelownaspectre@ised-isde.gc.ca

Ville de Penticton
Steven Collyer, planificateur principal
Ville de Penticton, 171 Main Street, Penticton BC V2A 5A9
250-490-2507 | Courriel : steven.collyer@penticton.ca

CARTE AÉRIENNE DE L'EMPLACEMENT DU SITE DE TELUS



PLANS D'AVANT-PROJET - PROFIL DE LA TOUR



#	ELEV. (m)	Antennas & Equipment QTY	Model	Azimuth	Status	TX Lines QTY	Type	Length (m)	Status
1	±25.0m	3	FFV4G4-65B-R7	10°/180°/270°	PROPOSED				
2	±23.45m	3	RRU (LTE1900)	-	PROPOSED	60	JUMPERS	±3.0m	PROPOSED
		3	RRU (LTE700B12)	-	PROPOSED				
		3	RRU (LTEAWS)	-	PROPOSED				
		3	RRU (NR2600)	-	PROPOSED				
		-	RRU (LTE1900B25)	-	SHARED w/ B2				
		-	RRU (NR2100)	-	SHARED w/ B4				
		-	RRU (LTE700B13)	-	SHARED w/ B12				
		-	RRU (NR600)	-	SHARED w/ B12				
3	±23.45m	3	MLUP	-	PROPOSED	3	DC	±30.0m	PROPOSED
		3	MLUP	-	PROPOSED	3	FIBRE	±30.0m	PROPOSED
4	±22.0m	3	FFV4-65B-R6	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
5	±20.5m	3	RRU (LTE2300)	-	PROPOSED				
		3	RRU (LTE850)	-	PROPOSED				
		-	RRU (LTE700B29)	-	SHARED w/ B5				
		3	RRU (LTE2600)	-	PROPOSED				
6	±20.5m	3	MLUP	-	PROPOSED	6	DC	±26.4m	PROPOSED
		3	MLUP	-	PROPOSED	3	FIBRE	±26.4m	PROPOSED
7	±19.5m	3	MT6409	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
8	±19.5m	-	RRU (NR3500)	-	INTEGRATED				
9	±19.5m	1	MLUP	-	PROPOSED	1	DC	±23.4m	PROPOSED
		1	MLUP	-	PROPOSED	1	FIBRE	±23.4m	PROPOSED
10	±18.1m	3	N77 GENERIC	10°/180°/270°	FUTURE	2	JUMPERS	±3.0m	FUTURE
11	±18.1m	1	MLUP	-	FUTURE	1	DC	±21.7m	FUTURE
		1	MLUP	-	FUTURE	1	FIBRE	±21.7m	FUTURE
12	±16.5m	3	FFV4-65B-R6	10°/180°/270°	FUTURE	6	DC	±3.0m	FUTURE
						3	FIBRE	±3.0m	FUTURE
13	±16.5m	1	MLUP	-	FUTURE	1	DC	±24.7m	FUTURE
		1	MLUP	-	FUTURE	1	FIBRE	±24.7m	FUTURE
14	±13.3m	3	PCS+AWS DB MIMU	10°/180°/270°	FUTURE	6	DC	±3.0m	FUTURE
						3	FIBRE	±3.0m	FUTURE
15	±13.3m	1	MLUP	-	FUTURE	1	DC	±16.0m	FUTURE
		1	MLUP	-	FUTURE	1	FIBRE	±16.0m	FUTURE

TX LINES:	TYPE:	SIZE
JUMPERS	LDF4	1/2"
DC	-	1/2" - 3/4"
FIBRE	-	3/8" - 1/2"

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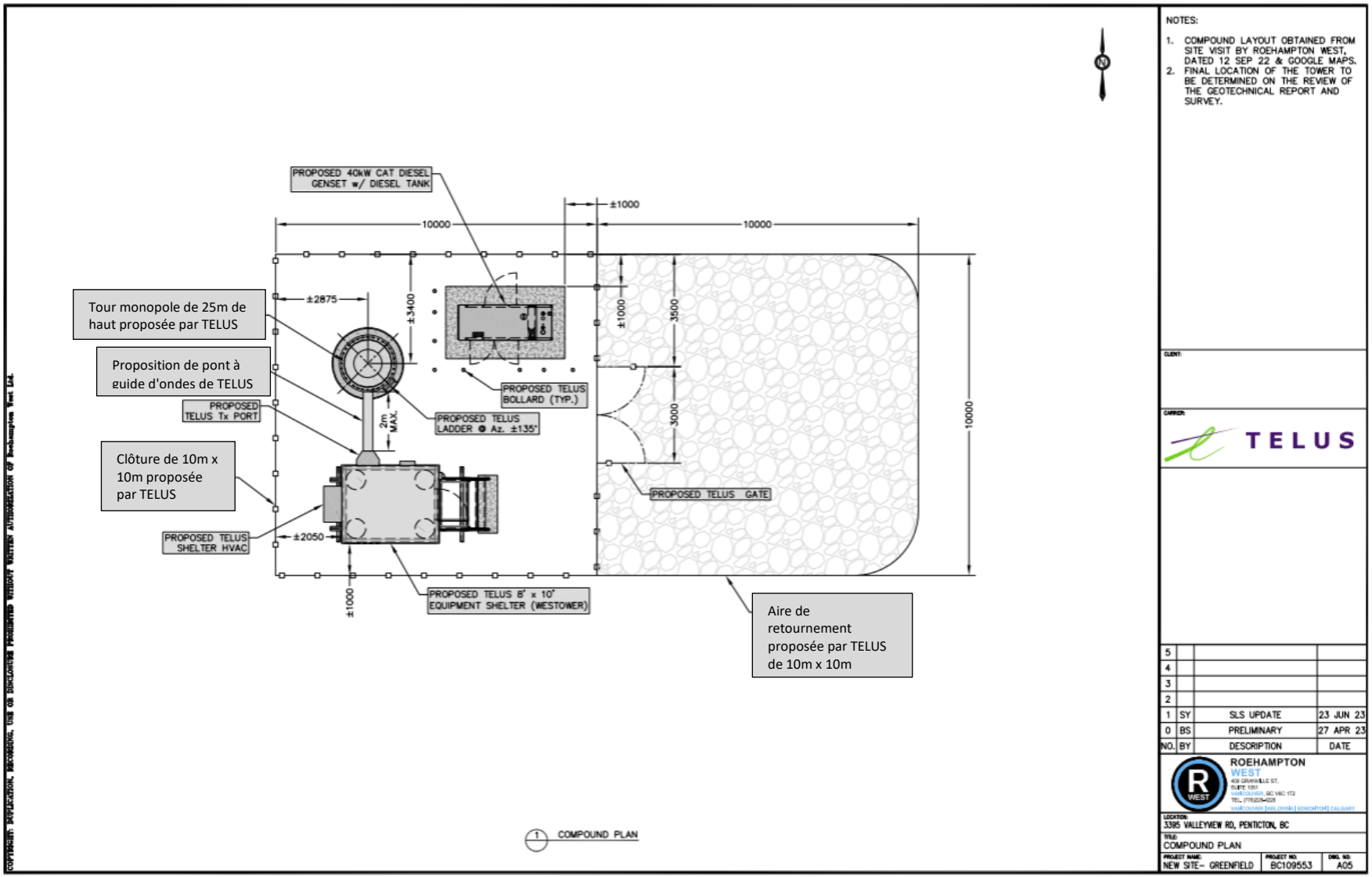
PLANS D'AVANT-PROJET - PLAN DE SITUATION



NOTES:

1.Enlever la végétation selon les besoins avec l'approbation du propriétaire et de la ville.
2.La clôture à chevreuil existante de 8 pieds le long de la route de Valleyview doit être réparée/remplacée.
3.Les systèmes d'irrigation existants seront déplacés/restaurés au besoin. Les coûts de relocalisation/restauration seront couverts par TELUS.

PLANS D'AVANT-PROJET - PLAN D'ENSEMBLE



SIMULATION PHOTOGRAPHIQUE

AVANT



APRÈS



Vue: Vue vers le nord, le long de Valleyview Road, de la tour proposée.

La photo de simulation est une représentation proche et n'est utilisée qu'à des fins conceptuelles - elle n'est pas à l'échelle.

La conception proposée est susceptible d'être modifiée en fonction des plans définitifs de l'ingénieur.

La tour sera marquée conformément aux exigences de Transports Canada en matière de marquage des obstacles et de NAV Canada.

FEUILLE DE COMMENTAIRES
PROPOSITION D'INSTALLATION DE TÉLÉCOMMUNICATIONS TELUS
ADRESSE: 3395 Valleyview RD, Penticton, BC
PID: 012-322-407
COORDONNÉES: 49.45763, -119.57382
SITE TELUS: BC109553

1. Pensez-vous qu'il s'agit d'un emplacement approprié pour l'installation proposée?

☐ Oui
☐ Non

Commentaires _____

_____

_____

_____

2. Êtes-vous satisfait de l'aspect / de la conception de l'installation proposée? Si ce n'est pas le cas, quelles modifications suggéreriez-vous?

☐ Oui
☐ Non

Commentaires _____

_____

_____

_____

3. Commentaires supplémentaires _____

_____

_____

_____

Veuillez indiquer votre nom et votre adresse postale complète si vous souhaitez être informé de l'état d'avancement de cette proposition. Ces informations ne seront pas utilisées à des fins de marketing; cependant, vos commentaires ne seront utilisés par TELUS que pour satisfaire aux exigences de consultation de l'ISED. La date limite de réception des commentaires par TELUS est le **29 octobre, 2023.**

Nom _____
(en caractères d'imprimerie)
Adresse électronique _____
Adresse postale _____

_____

_____

TELUS c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
À l'attention de Kristina Bell, planificateur de l'utilisation des sols
Courriel: publicconsultation@cypresslandservices.com
Merci pour votre contribution!

Appendix 3: Comments Received During Consultation

TELUS®

COMMENT SHEET
TELUS TELECOMMUNICATIONS FACILITY PROPOSAL
ADDRESS: 3395 Valleyview RD, Penticton, BC
PID: 012-322-407
COORDINATES: 49.45763, -119.57382
TELUS SITE: BC109553

1. Do you feel this is an appropriate location for the proposed facility?

☐ Yes
☑ No

Comments TOWER DEGRADES RURAL SETTING By Being conspicuos next to the road

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

☐ Yes
☑ No

Comments TOWER RUINS RURAL SETTING unique to Valleyview Road for short term compensation

3. Additional Comments As I Live next door I am impacted the most and without compensation. Tower should be moved out to the cliffs where the compensated party is impacted but I am not

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will only be used by TELUS in satisfying ISED's consultation requirements. The closing period for comments to be received by TELUS is **October 29th, 2023.**

Name

Email Address
Mailing Address

TELUS c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Attention: Kristina Bell, Land Use Planner
Email: publicconsultation@cypresslandservices.com
Thank you for your input!

COMMENT SHEET
TELUS TELECOMMUNICATIONS FACILITY PROPOSAL
ADDRESS: 3395 Valleyview RD, Penticton, BC
PID: 012-322-407
COORDINATES: 49.45763, -119.57382
TELUS SITE: BC109553

1. Do you feel this is an appropriate location for the proposed facility? (hereinafter referred to as the "Tower")

☐ Yes
☒ No

Comments The location of the Tower does NOT comply with the City of Penticton's Zoning Bylaw. (i.e., the A - Agriculture Zone). The Tower is NOT a permitted use in this zone (refer to APPENDIX #1). The location is in a rural/agricultural area consisting primarily of orchards and a natural environment - and as such, an 82-ft Tower is a conspicuous intrusion into a rural/agricultural setting and the natural topography.

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

☐ Yes
☒ No

Comments The proposal to paint the Tower "green" is disingenuous! Regardless of the color, it obviously does not mitigate the height differential of the Tower vis-à-vis the existing treeline and remains an intrusion into the skyline. As a last resort, we could reluctantly live with an appearance/design similar to the TELUS "monopine" tower in Canmore, AB (refer to APPENDIX #2).

3. Additional Comments
We don't understand why the nearby Rogers Communications tower (at 15m in height) is seemingly sufficient for Rogers Communication's subscribers but not for TELUS subscribers. How and why does TELUS justify the need for an incremental 10m Tower?

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will only be used by TELUS in satisfying ISED's consultation requirements. The closing period for comments to be received by TELUS is **October 29th, 2023.**

Name

Email Address
Mailing Address

TELUS c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Attention: Kristina Bell, Land Use Planner
Email: publicconsultation@cypresslandservices.com
Thank you for your input!

APPENDIX #1

9.2 A – Agriculture

PURPOSE

The purpose of this ***zone*** is to provide for appropriate development within rural areas and to allow ***agricultural uses*** as well as other complementary ***uses*** suitable in an agricultural setting, while protecting these ***uses*** from intrusion of ***uses*** not compatible with ***farm*** operations.

9.2.1 PERMITTED USES

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

.1 ***agricultural use***
.2 ***agricultural farm help dwelling***
.3 ***bed and breakfast home*** (subject to specific use regulation 7.2)
.4 ***indoor animal daycare and grooming***
.5 ***animal kennels and stable***
.6 ***forestry***
.7 ***marijuana production facility***
.8 ***carriage house*** (subject to accessory suites regulation 8.2)
.9 ***rural home occupation*** (subject to specific use regulation 7.5)
.10 ***secondary suite*** (subject to accessory suites regulation 8.1)
.11 ***one single detached dwelling***
.12 ***vacation rental*** (subject to specific use regulation 7.6)
.13 ***accessory use, building*** or ***structure***

9.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

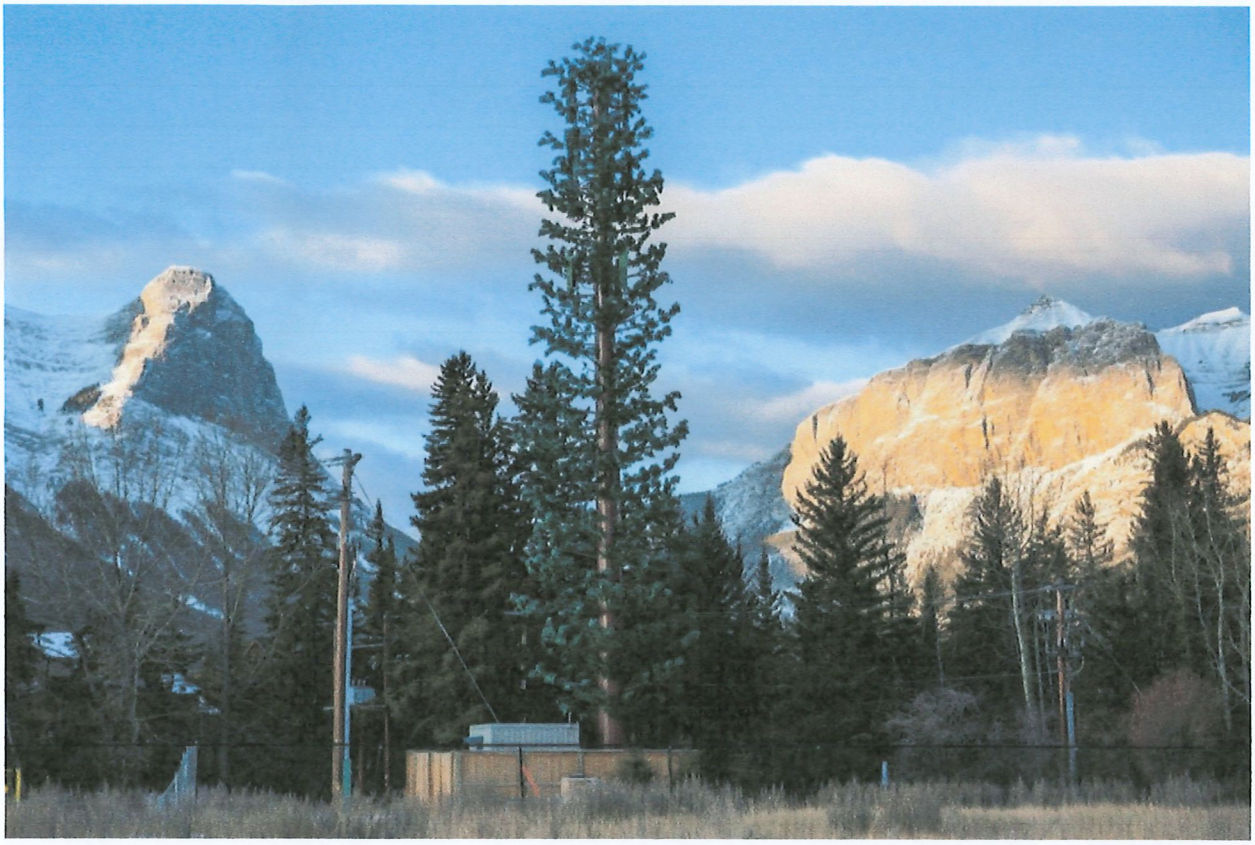
.1	Minimum ***lot width***:	20% of ***lot*** depth
.2	Minimum ***lot area***:	2.0 ha
.3	Maximum ***lot coverage***:	
	i. residential ***buildings***	10%
	ii. including ***agricultural structures***	35%
	iii. including agricultural greenhouses with closed wastewater and storm water management, and re-circulating irrigation systems	75%
.4	Maximum ***height***:	
	i. ***principal building***	12.0 m
	ii. ***accessory building***	13.0 m
	iii. ***agricultural structure***	16.0 m
.5	***Principal building***:	
	i. minimum ***front yard***	9.0 m
	ii. minimum ***side yard***	
	(a) ***interior side yard***	4.5 m
	(b) ***exterior side yard***	9.0 m
	iii. minimum ***rear yard***	9.0 m
.6	***Accessory building***	
	i. Minimum **front yard**	9.0m
	ii. Minimum **side yard**	
	a. Interior side yard	4.5m
	b. Exterior side yard	9.0m

APPENDIX #2

Canmore to see second 'monopine' cell tower added

The cell tower would emulate a pine tree, called a monopine, and would be a Rogers Wireless cell tower, located closely to Pumphouse 1 **where a Telus monopine is also located.**

Alana MacLeod Nov 13, 2019 3:00 PM



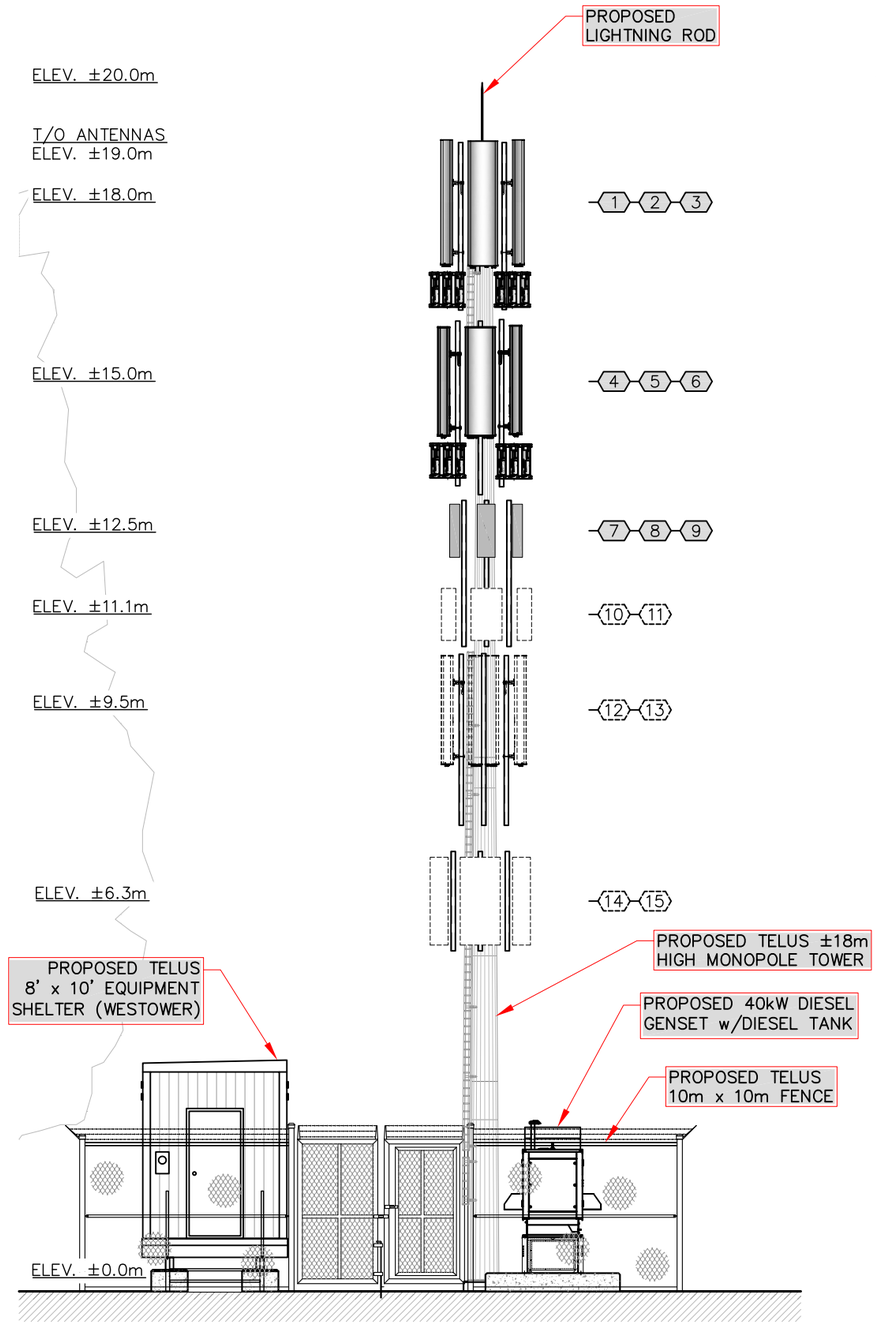
A Telus cell tower that looks like a pine tree located in Canmore near Elevation Place and Pumphouse 1.

##########

Total:	**2 public comments**
Summary:	**2 opposed**
Name:	
Comment:	**See attached**
Our Response:	Hello , Thank you for submitting your concerns in regard to this TELUS proposal in your neighbourhood. We have received your comments, and we are discussing internally and with the owner. We will get back to you as soon possible with a more detailed response. Sincerely,
Our Response:	Hello You are receiving this email because you engaged in the consultation process for the TELUS facility proposal at 3395 Valleyview RD, Penticton, BC. Last year, you expressed concerns being the neighbour to this property. I am sending this email to let you know that TELUS has revised the proposal and reduced the height from a 25m monopole to an 18m monopole to reduce the visual impact. TELUS will be requesting concurrence for the project from the City of Penticton in the next little while. Feel free to share other questions that we can answer or comments about the proposal and we can share them with TELUS and the City. Thank you for engaging in the consultation process. Best, *In accordance with ISED's CPC-2-0-03, you have 21 days to reply to this response should you have any further concerns or questions.*
Name:	
Comment:	**See attached**
Our Response:	Hello , Thank you for submitting your comments regarding the TELUS facility proposal on Valleyview Road, referred to as BC109553. In Canada, the Federal Government (Innovation, Science and Economic Development Canada) or ISED, has authority over the approval of antenna systems under the Radiocommunication Act. This means that local ordinances or zoning bylaws do not apply to this type of installation. However, we recognize community sensitivities that can arise from such structures, and we acknowledge this is a rural area. TELUS has proposed a monopole design, painted green, with flush-mounted antennas because that is the more 'stealth' design they typically offer versus a steel lattice tower. TELUS requires a tower within these few blocks along the hillside in order to service residents of the hillside effectively, as well as the surrounding valley. Additionally, smaller towers such as this one, need to be in close proximity to their end users in order to provide effective service. Antenna installations are typically located in areas where users live and work to ensure they have wireless services.

	There are many variables that factor into deciding tower height, including the existing network, coverage goals, the local geography, the type of technology being used, how much equipment is needed, and the location of end users. In regard to your comments about the Rogers Communications tower, TELUS subscribers cannot use or benefit from this tower because Rogers and TELUS operate on different networks. The existing Rogers tower only serves Rogers' customers. Regarding your comments about height; because the two carriers have different networks, their existing coverage gaps and associated infrastructure requirements may look different. Rogers may have only needed a 15m tower to service their network, but TELUS' coverage goals can be different according to the nature of their network and where their other towers are located. Additionally, the Rogers tower is located closer to the ridgeline, allowing the tower to 'see' more of the valley, and this may not be true for TELUS' current proposed location. This is determined by the radio frequency engineers. Finally, TELUS typically requires more infrastructure and height on their towers as they provide more types of services to their customers and often service a greater number of customers. In saying this, we are working with TELUS and discussing with the City to determine if any further design improvements can be made to the proposal to minimize its visual impact. Should we make any revisions we will let you know. Your comments of opposition have been logged and will be shared with the City in TELUS' Request for Concurrence. Best, *In accordance with ISED's CPC-2-0-03, you have 21 days to reply to this response should you have any further concerns or questions.*
	Hello You are receiving this email because you recently engaged in the consultation process for the TELUS facility proposal at 3395 Valleyview RD, Penticton, BC. Based on feedback from the community, TELUS is revising the proposal and reducing the height of the monopole from 25m to 18m to reduce the visual impact and to closer match the height of the nearby Rogers pole as you mentioned in your comments. TELUS will be requesting concurrence for the project from the City of Penticton in the next little while. Thank you for engaging in the consultation process. Best, *In accordance with ISED's CPC-2-0-03, you have 21 days to reply to this response should you have any further concerns or questions.*
	Can we talk? BECAUSE this is not acceptable. Cheers
	– I am a colleague of and can give you a call to discuss or you can call me?

Appendix 4: Revised Drawings



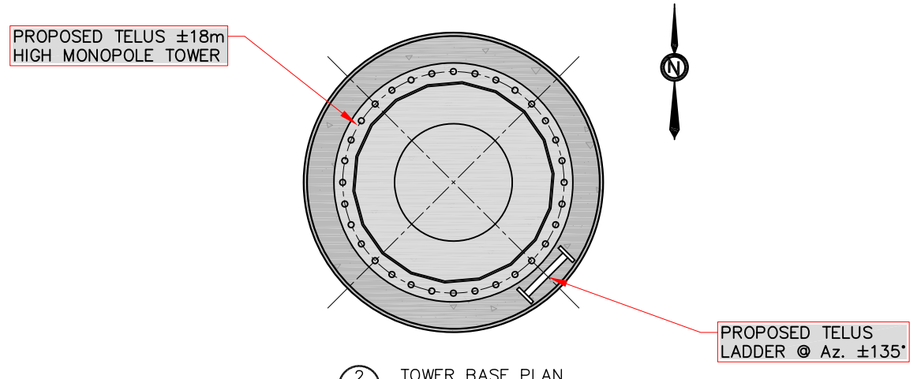
1 TOWER PROFILE

PROPOSED

FUTURE

#	ELEV. (m)	Antennas & Equipment				TX Lines			
		QTY	Model	Azimuth	Status	QTY	Type	Length (m)	Status
1	±18.0m	3	FFV4Q4-65B-R7	10°/180°/270°	PROPOSED	60	JUMPERS	±3.0m	PROPOSED
2	±18.0m	3	RRU (LTE1900)	-	PROPOSED				
		3	RRU (LTE700B12)	-	PROPOSED				
		3	RRU (LTEAWS)	-	PROPOSED				
		3	RRU (NR2600)	-	PROPOSED				
		-	RRU (LTE1900B25)	-	SHARED w/ B2				
		-	RRU (NR2100)	-	SHARED w/ B4				
		-	RRU (LTE700B13)	-	SHARED w/ B12				
		-	RRU (NR600)	-	SHARED w/ B12				
3	±18.0m	3	MLUP	-	PROPOSED	3	DC	±19.8m	PROPOSED
		3	MLUF	-	PROPOSED	3	FIBRE	±19.8m	PROPOSED
4	±15.0m	3	FFV4-65B-R6	10°/180°/270°	PROPOSED	36	JUMPERS	±3.0m	PROPOSED
5	±15.0m	3	RRU (LTE2300)	-	PROPOSED				
		3	RRU (LTE800)	-	PROPOSED				
		-	RRU (LTE700B29)	-	SHARED w/ B5				
		3	RRU (LTE2600)	-	PROPOSED				
6	±15.0m	3	MLUP	-	PROPOSED	3	DC	±16.5m	PROPOSED
		3	MLUF	-	PROPOSED	3	FIBRE	±16.5m	PROPOSED
7	±12.5m	3	MT6409	10°/180°/270°	PROPOSED	6	JUMPERS	±3.0m	PROPOSED
8	±12.5m	-	RRU (NR3500)	-	INTEGRATED				
9	±12.5m	1	MLUP	-	PROPOSED	1	DC	±13.7m	PROPOSED
		1	MLUF	-	PROPOSED	1	FIBRE	±13.7m	PROPOSED
10	±11.1m	3	N77 GENERIC	10°/180°/270°	FUTURE	6	JUMPERS	±3.0m	FUTURE
11	±11.1m	1	MLUP	-	FUTURE	1	DC	±12.2m	FUTURE
		1	MLUF	-	FUTURE	1	FIBRE	±12.2m	FUTURE
12	±9.5m	3	FFV4-65B-R6	10°/180°/270°	FUTURE	36	JUMPERS	±3.0m	FUTURE FUTURE
13	±9.5m	1	MLUP	-	FUTURE	1	DC	±10.4m	FUTURE
		1	MLUF	-	FUTURE	1	FIBRE	±10.4m	FUTURE
14	±6.3m	3	PCS+AWS DB MMU	10°/180°/270°	FUTURE	12	JUMPERS	±3.0m	FUTURE FUTURE
15	±6.3m	1	MLUP	-	FUTURE	1	DC	±6.9m	FUTURE
		1	MLUF	-	FUTURE	1	FIBRE	±6.9m	FUTURE

TX LINES:	TYPE:	SIZE
JUMPERS	LDF4	1/2"
DC	-	1/2" - 3/4"
FIBRE	-	3/8" - 1/2"



2 TOWER BASE PLAN

NOTES:
1. TOWER DESIGN IS CONCEPTUAL FOR TENDER PURPOSES AND IS NOT FOR CONSTRUCTION, OBTAIN SITE SPECIFIC WIND FOR FINAL DESIGN.
2. ALL WORK TO CONFORM TO LATEST TELUS SPECIFICATIONS.
3. ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE.
4. DRAWINGS ARE NOT TO BE SCALED.

CLIENT:

CARRIER: TELUS

NO.	BY	DESCRIPTION	DATE
5	AR	CLIENT COMMENTS	23 FEB 24
4	AR	SLS UPDATE	14 DEC 23
3	MJ	NOTE ADDED	24 JUL 23
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
0	BS	PRELIMINARY	27 APR 23

ROEHAMPTON WEST
409 GRANVILLE ST,
SUITE 1051
VANCOUVER, BC V6C 1T2
TEL. (778)228-4228
VANCOUVER | KELOWNA | EDMONTON | CALGARY

LOCATION: 3395 VALLEYVIEW RD, PENTICTON, BC

TITLE: TOWER PROFILE

PROJECT NAME:	PROJECT NO:	DWG. NO:
NEW SITE– GREENFIELD	BC109553	A01

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1 SITE PLAN

NOTES:

1. CLEAR VEGETATION AS REQUIRED WITH LANDLORD AND CITY APPROVAL.
2. EXISTING 8' DEER FENCE ALONG VALLEYVIEW RD TO BE FIXED/REPLACED.
3. EXISTING IRRIGATION SPRINKLERS WILL BE RELOCATED/RESTORED AS REQUIRED. RELOCATION/RESTORATION COST TO BE COVERED BY TELUS.

NOTES:

1. SITE PLAN OBTAINED FROM SITE VISIT 12 SEP 22 & IMAPBC. PROPERTY LINES TO BE CONFIRMED BY SURVEYOR.
2. FINAL LOCATION OF THE TOWER TO BE DETERMINED ON THE REVIEW OF THE GEOTECHNICAL REPORT AND SURVEY.

CLIENT:

CARRIER: TELUS

NO.	BY	DESCRIPTION	DATE
5			
4			
3	MJ	NOTE ADDED	24 JUL 23
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
0	BS	PRELIMINARY	27 APR 23

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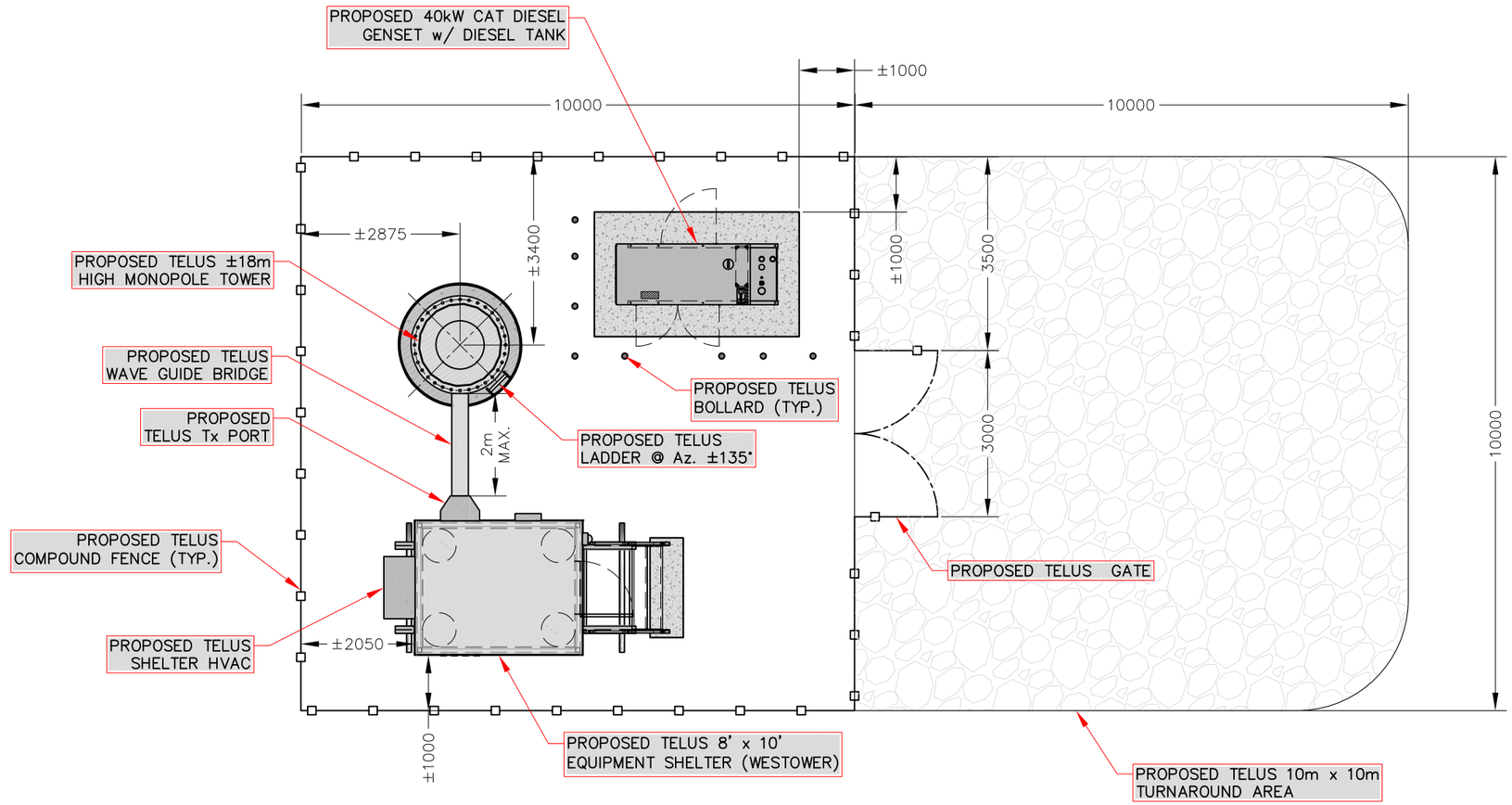
LOCATION: 3395 VALLEYVIEW RD, PENTICTON, BC

TITLE: TITLE

PROJECT NAME:	PROJECT NO:	DWG. NO:
NEW SITE– GREENFIELD	BC109553	A04

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1 COMPOUND PLAN

NOTES:

1. COMPOUND LAYOUT OBTAINED FROM SITE VISIT BY ROEHAMPTON WEST, DATED 12 SEP 22 & GOOGLE MAPS.
2. FINAL LOCATION OF THE TOWER TO BE DETERMINED ON THE REVIEW OF THE GEOTECHNICAL REPORT AND SURVEY.

CLIENT:

CARRIER:

TELUS

NO.	BY	DESCRIPTION	DATE
5			
4	AR	SLS UPDATE	14 DEC 23
3	MJ	NOTE ADDED	24 JUL 23
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
0	BS	PRELIMINARY	27 APR 23

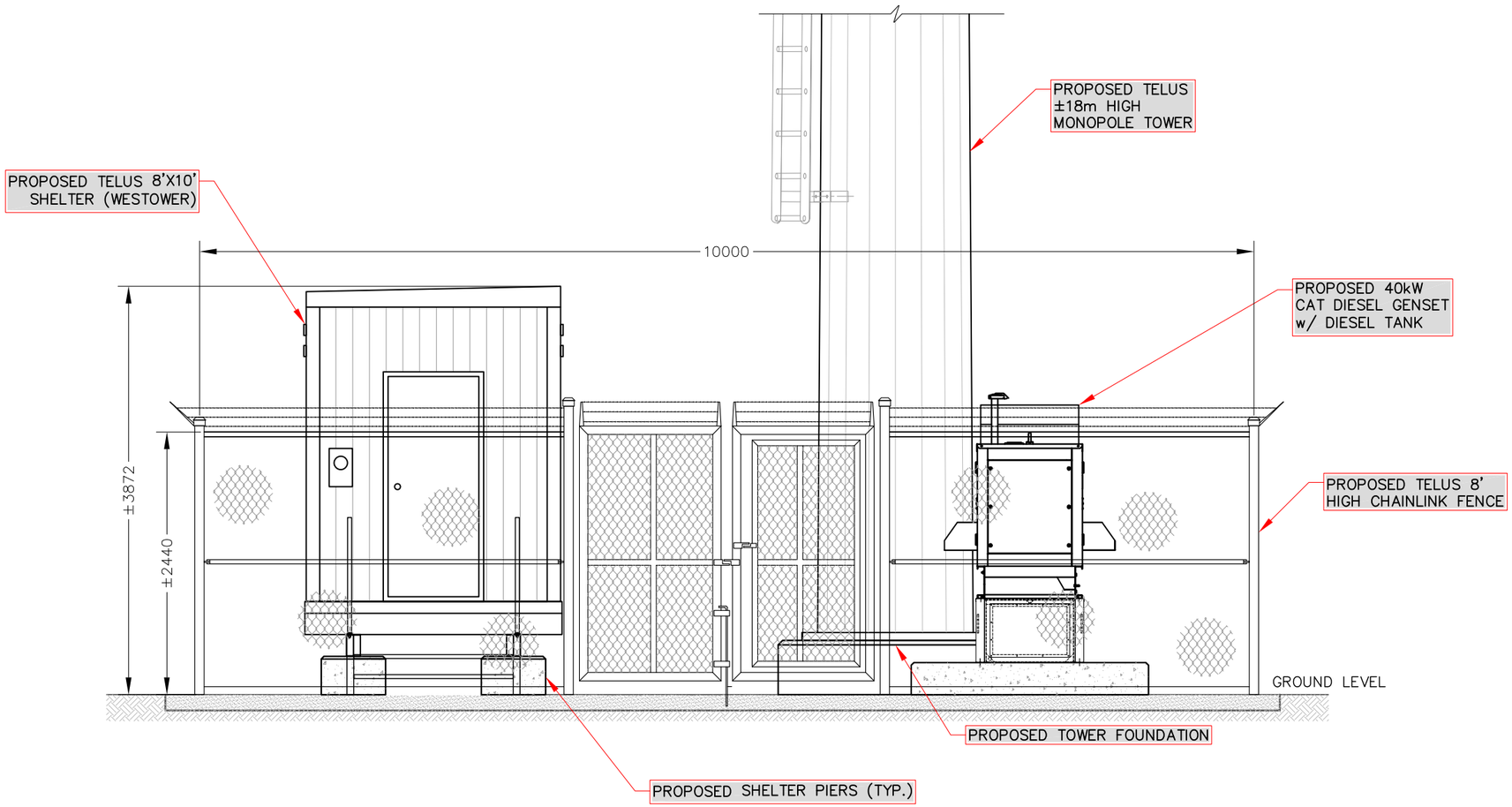
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409 GRANVILLE ST,
SUITE 1051
VANCOUVER, BC V6C 1T2
TEL. (778)228-4228
VANCOUVER | KELOWNA | EDMONTON | CALGARY

LOCATION:
3395 VALLEYVIEW RD, PENTICTON, BC

TITLE:
COMPOUND PLAN

PROJECT NAME:	PROJECT NO:	DWG. NO:
NEW SITE– GREENFIELD	BC109553	A05

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1 PARTIAL EAST ELEVATION

NOTES:

1. COMPOUND LAYOUT OBTAINED FROM SITE VISIT BY ROEHAMPTON WEST, DATED 12 SEP 22 & GOOGLE MAPS.
2. FINAL LOCATION OF THE TOWER TO BE DETERMINED ON THE REVIEW OF THE GEOTECHNICAL REPORT AND SURVEY.

CLIENT:

CARRIER:

TELUS

NO.	BY	DESCRIPTION	DATE
5			
4	AR	SLS UPDATE	14 DEC 23
3	MJ	NOTE ADDED	24 JUL 23
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
0	BS	PRELIMINARY	27 APR 23

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TEL. (778)228-4228
VANCOUVER | KELOWNA | EDMONTON | CALGARY

LOCATION:
3395 VALLEYVIEW RD, PENTICTON, BC

TITLE:
PARTIAL SOUTHEAST ELEVATION

PROJECT NAME:	PROJECT NO:	DWG. NO:
NEW SITE– GREENFIELD	BC109553	A06

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1 ELECTRICAL ROUTING

NOTES:

1. CLEAR VEGETATION AS REQUIRED WITH LANDLORD AND CITY APPROVAL.
2. EXISTING 8' DEER FENCE ALONG VALLEYVIEW RD TO BE FIXED/REPLACED.
3. EXISTING IRRIGATION SPRINKLERS WILL BE RELOCATED/RESTORED AS REQUIRED. RELOCATION/RESTORATION COST TO BE COVERED BY TELUS.

NOTES:

1. SITE PLAN OBTAINED FROM SITE VISIT 12 SEP 22 & IMAPBC. PROPERTY LINES TO BE CONFIRMED BY SURVEYOR.
2. FINAL LOCATION OF THE TOWER TO BE DETERMINED ON THE REVIEW OF THE GEOTECHNICAL REPORT AND SURVEY.

CLIENT:

CARRIER: TELUS

NO.	BY	DESCRIPTION	DATE
5			
4			
3	MJ	NOTE ADDED	24 JUL 23
2	NN	SLS UPDATE	14 JUL 23
1	SY	SLS UPDATE	23 JUN 23
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VANCOUVER, BC V6C 1T2
TEL. (778)228-4228
VANCOUVER | KELOWNA | EDMONTON | CALGARY

LOCATION: 3395 VALLEYVIEW RD, PENTICTON, BC

TITLE: TITLE

PROJECT NAME:	PROJECT NO:	DWG. NO:
NEW SITE– GREENFIELD	BC109553	E01

Appendix 5: Sample Resolution

Resolution

Whereas TELUS Communications Inc. ("TELUS") proposes to erect a wireless telecommunication tower and accessory structure on certain lands more particularly described as PID: 012-322-407 with the civic address of, 3395 Valleyview RD, Penticton, BC;

AND WHEREAS proponents of telecommunication towers are regulated by ISED on behalf of the Government of Canada and as part of their approval, ISED requires proponents to consult with land use authorities as provided for in CPC-2-0-03;

AND WHEREAS TELUS has consulted with the City of Penticton and the City of Penticton has no objection to the proposed telecommunications tower;

AND WHEREAS TELUS has consulted with the public by notifying all property owners and occupants within three (3) times the tower height and has provided 30 days for written public comment;

AND WHEREAS there are no significant land use issues identified by the consultation;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Clerk be instructed to advise TELUS that:

    a) TELUS has satisfactorily completed its consultation with the City of Penticton;
    b) The City is satisfied with TELUS' public consultation process and does not require any further consultation with the public; and
    c) The City concurs with the proposal by TELUS to construct a wireless telecommunications facility provided it is constructed substantially in accordance with the plans submitted to it and described as BC109553.

Council Report

penticton.ca

Date: June 4, 2024 File No: RMS/951 Dynes Ave
To: Anthony Haddad, City Manager
From: Steven Collyer, Housing and Policy Initiatives Manager
Address: 951 & 963 Dynes Avenue

Subject: **Development Variance Permit PL2023-9706**
Development Permit PL2023-9705

Staff Recommendation

THAT Council approve "Development Variance Permit PL2023-9706" for 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, a permit to vary the following sections of Zoning Bylaw No. 2023-08:

1. Section 10.10.2.3: to increase maximum lot coverage from 50% to 53%;
2. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5m to 2.1m; and
3. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m;

AND THAT Council, subject to approval of "Development Variance Permit PL2023-9706", approve "Development Permit PL2023-9705", a permit to approve the form and character of a 12-unit townhouse development.

Strategic Priority Objective

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



Figure 1 - Rendering of proposed development (aerial view)

Proposal

This report discusses a proposed 12-unit townhouse development on Dynes Avenue. The development plans show one 6-unit building fronting Dynes Avenue, and two 3-unit buildings facing the rear lane. The buildings are three-storeys in height with garages on the ground floor and rooftop patios (Figure 1).

The following applications are required to facilitate the proposed development:

1. Development Variance Permit, to vary the following Zoning Bylaw sections:
    a. Increase lot coverage from 50% to 53%,
    b. Reduce minimum interior side yards from 4.5m to 2.1m, and
    c. Reduce minimum rear yard from 6.0m to 1.5m.
2. Development Permit, to approve the form and character of the development, which is considered under the Multifamily Residential Development Permit Area.

The requested variances do not meet the criteria for staff-delegated decision as per the Development Procedures and Delegation Bylaw 2023-42, therefore the Development Variance Permit and related Development Permit are being presented to Council for decision.

Background

Property Information

The subject properties (951 and 963 Dynes Avenue) are located on the north side of Dynes Avenue near Sydney Street (Figure 2). This site is within walking distance of Lakawanna Park, Okanagan Lake, the Channel (Okanagan River) Riverside Plaza, the downtown, the South Okanagan Events Centre (SOEC), Community Centre, and Cleland Theatre. The properties are along the north side of Dynes Avenue and are just outside of the North Gateway plan area. Both properties currently contain a single detached home, with the surrounding area consisting of a range of densities including duplexes, townhomes, and apartments.



Figure 2 - Property location map

The subject properties are currently zoned RM3 (Medium Density Residential) and designated 'Ground Oriented Residential' by the City's Official Community Plan (Attachments 'A' and 'B'). Each lot is approximately 723 m^2 in size, and once consolidated they will form one 0.35 acre (1,446 m^2) parcel.

Past Applications

Council considered a similar development proposal on the subject properties in summer 2023. At that time, the applicants requested to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) with a site-specific provision prohibiting apartments, requested four variances to the Zoning Bylaw regulations, and applied for development permit approval for a 13-unit townhouse development. That proposal consisted of one 6-unit building facing Dynes Avenue and another 7-unit building facing the rear lane.

Staff expressed concerns with the development plans at that time, and the number of variances required to accommodate the proposed development. Following staff's recommendation, and after a public hearing and presentation by the applicants, Council ultimately adopted the rezoning to RM3 (Medium Density Multiple Housing) but chose not to approve the requested variances and development permit at that time.

The intent was to signal support for infill development on the subject properties, but for the applicants to revise the plans and address concerns around the requested variances. Council also passed an excess and extended service resolution at that time which requires the developer to upgrade the existing 100mm water main from between the site and Sydney Street (approximately 85m in length). The applicants withdrew their permit applications at that time to update the plans and re-submit with new applications.

Changes Made

Since zoning approval in July 2023, the applicants have worked with staff on updating the development plans in response to the concerns. The applicants have made the following changes to the plans:

- Reduced the total unit count from 13 to 12;
- Provided additional landscaping at the sides of the property and along the Dynes Avenue frontage.
    - This eliminated the need to vary the landscape buffer requirement on the east and west sides, reducing the number of requested variances from 4 to 3.

Staff consider the proposed changes address some of the concerns staff and Council had with the original proposal, while still achieving the density envisioned by the OCP designation and zoning on the subject properties. As such, staff are presenting this revised proposal to Council with support.

Financial Implication

Development Cost Charges (DCC's) will be paid at the time of building permit issuance for the new development, contributing to growth-related infrastructure improvements in the City. The applicants are responsible for the infrastructure works related to this development, including the required upgrade to the water main along Dynes Avenue.

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The proposed development is aligned with the following aspects of the CCAP:

- **Shift Beyond the Car:** Encourage active & accessible transportation and transit
    - Class 1 and Class 2 bicycle parking spaces provided, meeting the Zoning Bylaw requirements.
    - Transit nearby – bus routes exist along Churchill Ave, Westminster Ave, and Power St nearby.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
    - The two proposed buildings will be required to meet Step Code 3 as a minimum standard of energy efficiency.

Technical Review

This application package has been reviewed by the Technical Planning Committee, a group of internal staff who review development applications. A number of comments were provided by City departments relating to the previous proposal and updated for the current proposal, including future requirements for the building permit stage. At the building permit stage the developer is responsible for frontage upgrades in front of the site including the installation of a new public sidewalk.

Through the original 2022 application, staff were able to work with the applicants on several technical items and design considerations, as noted in the following sections.

Infrastructure - Water

Staff identified that the water main infrastructure in Dynes Avenue will need to be upgraded to allow for multifamily developments and increased density in the area. The applicants would be required to upgrade the 100mm water main from Sydney Avenue to the eastern edge of the property to meet the required fire protection requirements (Figure 2).

Given this work extends beyond the property lines, staff previously recommended that an excess and extended service agreement be prepared. The agreement allows future development benefitting from that upgraded infrastructure to contribute to this developer's expense of installing it if those properties redevelop within 15 years, as per the *Local Government Act*.



Figure 3 - Location of Water Main Requiring Upgrade

Infrastructure – Storm Water

The other significant item identified was regarding storm water management. Typically, storm water must be managed and disposed of on-site. Due to the high water table in this area of the City, on-site disposal of storm water is challenging, although it is possible for most multi-family developments. The proposed development design leaves only a small amount of space available for on-site disposal. The developer would need to dispose of their storm water off-site if they are not able to design a system to accommodate storm water on-site. This would require the applicants to extend storm water infrastructure from Power St, approximately 200m to the property (Figure 3). This would be a significant cost, in excess of $250,000. It will be the applicants' responsibility to determine if this is required at future building permit stages. If extension of the storm water system is required, it will be solely at the applicants' expense.



Figure 4 - Location of Storm Water Main Extension, if required

Infrastructure - Electrical

Additionally, the proposed design requires the removal and relocation of a power pole to accommodate a front driveway and make room for the required sidewalk. The applicants have discussed this with the Electrical Department and are aware of this additional cost.

Cash-in-lieu Parking

Section 6.1.2.2 of the Zoning Bylaw includes a provision that allows applicants to pay cash-in-lieu of providing vehicle parking spaces in specific zones. For the proposed development, the RM3 (Medium Density Multiple Housing) zone allows cash-in-lieu, but it shall not be used to lower the total number of parking spaces to below one parking space per dwelling unit. The current cash-in-lieu rate is $13,000.00 per space and the applicants are proposing to utilize this for one visitor parking space not provided on-site. These funds 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.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RM3 Zone Requirement	Provided on Plans
Minimum Lot Width*:	25 m	36.58 m
Minimum Lot Area*:	1,400 m^2	1,447 m^2
Maximum Lot Coverage:	50%	53% *** Variance Requested**
Maximum Hard Surfacing	60%	53%
Maximum Density:	1.6 Floor Area Ratio (FAR)	1.25 Floor Area Ratio (FAR)
Vehicle Parking:	1 space per unit resident 0.25 space per unit visitor Total required: 12 resident	Total provided 12 resident 2 visitor**

	3 visitor	** 1 visitor space not provided (cash in lieu)
Bicycle Parking	Class 1 required 0.5 per unit (6 required) Class 2 required 0.1 per unit (2 required)	Class 1 provided: 12 spaces Class 2 provided: 4 spaces
Required Setbacks Front Yard (Dynes Ave): Side Yard (east): Side Yard (west): Rear Yard (lane):	 3.0 m 4.5 m 4.5 m 6.0 m	 4.24 m 2.1 m *** Variance Requested** 2.1 m 1.5 m *** Variance Requested**
Amenity Space	20m^2 per dwelling unit 25% must be provided at grade Total amenity required = 240m^2 with 60 m^2 at grade	Total amenity space provided = 584 m^2, which includes each unit having a private rooftop patio ranging in size from 44.5 m^2 to 57 m^2. 45% provided at grade (263m^2)
Landscaping Buffer	Required along south, east and west property lines	Provided along south, east and west property lines
Maximum Building Height	24 m	12.35 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision. ** Zoning Bylaw Section 6.1.2.2 allows cash-in-lieu at the rate of $13,000.00 per parking space not provided. The applicants plans to use this for one parking space.	

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed 12-unit townhouse development requires three variances. A summary of the variances and staff's analysis is provided below:

1. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5 to 2.1m.
    - The two rear buildings are proposed to be built to 2.1m side yard setbacks from the east and west side property lines. The front building is proposed with a 3.0m setback.
    - Staff have supported setback reductions for interior side yards in the RM3 zone from 4.5m to 3.0m for several developments over the years. These were often for townhouse developments, or for developments that do not reach the maximum height allowed under the RM3 zone (24m or 6 storeys). Typically taller buildings should have larger setbacks, to help reduce overlook and shadowing on neighbouring properties. In this instance, staff cautioned the applicants early on that a 2.1m interior side yard was a significant request, and without design considerations, staff were unlikely to support.

- Staff note that the property adjacent across the lane (962 Churchill Ave) has zoning approval to construct a 6-storey apartment building with 55% lot coverage, 1.9 Floor Area Ratio, and 2.5m side yard setbacks. Given that proposal is for a larger building, the requested 2.1m setbacks for the two rear buildings is considered reasonable for these 3 storey buildings.
- There are minimal windows on the sides of the buildings facing towards the neighbours. The rear buildings have 4 windows on each side, and the front building only has one windows facing each side, which maintains privacy with these buildings being closer to property line.
- Typically, staff do not support a setback reduction of less than 3.0m, as this is also the desired width to ensure the required landscaping buffers are provided. In this instance, the applicants are requesting to reduce the side yard setback, but is able to provide the required number of trees and shrubs to meet the landscape buffer requirements. This is due to the reduction of one unit from the previous design, relocating the access path between the two rear buildings, and providing landscaping at the sides of the property rather than the required access paths.
- Each unit has been provided with a private roof top patio, which are desirable and provide outdoor amenity space. Given their height on the third floor, the privacy impacts on adjacent properties is mitigated as the views will extend out over the properties rather than directly down on them in the same way if they were on the roof of a two-storey building.

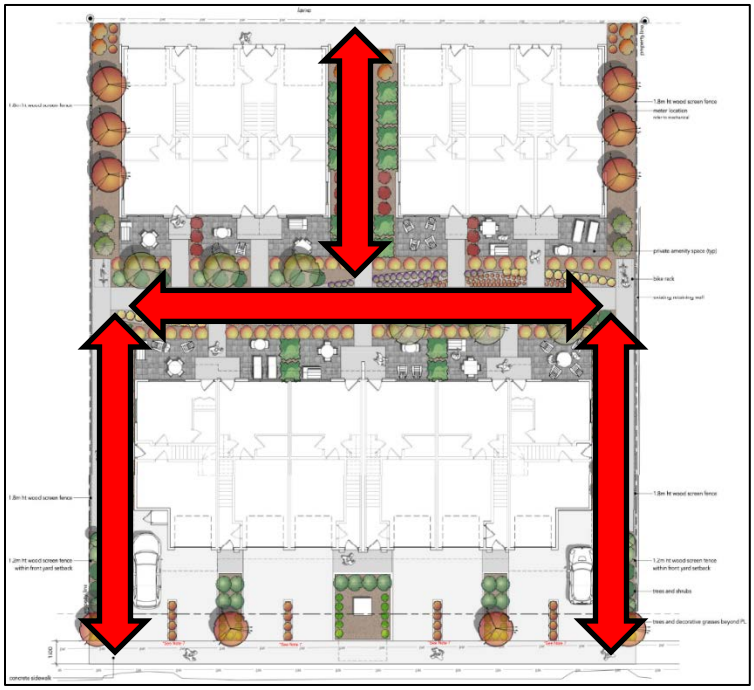


Figure 5 - Landscaping plan and pathway locations (red)

2. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m; and
    - Reviewing the impact of the variance, the reduced rear yard setback is mitigated to some degree by having a 6m wide public lane behind the property. This provides 7.5m total setback from the proposed buildings to the neighbouring property across the lane.
    - While there are no residential zones in the City that allow a structure of this height to be in such close proximity to the rear property line, staff considered the overall development design when analyzing this request. The interior courtyard space between the buildings is a desirable feature. It provides quiet, semi-private outdoor spaces for each unit with landscaping and patios. If the developer were pushed to meet the typical 6m rear yard setback, its likely the two rear buildings would be pushed back into this courtyard space, and the additional space on the lane side of the building would be taken up by parking in front of the garages. While additional parking may be of interest, staff consider the provision of a larger courtyard amenity space between the buildings to be more desirable in this instance.

- The Zoning Bylaw requires at least 25% of the required amenity space to be provided at grade, and should the rear buildings be pushed back further from the rear property line it may impact the amount of ground-level amenity space in the development.
- Each unit has been provided with a private roof top patio, which are desirable and provide outdoor amenity space for the residents of those units. The railings of those rooftop patios have been pushed back from the north edge of the rear buildings in order to maintain privacy for the properties across the lane to the north. Again, staff note that one of those properties (962 Churchill Ave) has zoning approval for a 6 storey apartment building, so the privacy impacts may flip the other way if that property develops out to its maximum potential in the future.

3. Section 10.10.2.3: to increase maximum lot coverage from 50% to 53%;
    - The proposed lot coverage had been reduced from 56.5% in the previous proposal to 53% in the current proposal by eliminating one unit.
    - This requested variance is considered minor in nature.
    - Staff note that with a townhouse building form, additional lot coverage is required for this development compared to an apartment style development which would have more height and could have greater impacts on the immediate neighbours.
    - Despite the increased lot coverage, a courtyard space remains between the buildings to provide semi-private amenity space internal to the site.

Staff are recommending that Council support the three requested variances to facilitate this infill development given the reasons above and recognizing the change to the plans and reduction of one unit compared to the proposal Council considered in 2023. Further, the applicants explain their reasoning for the requested variances in their letter of intent (Attachment 'D').

Staff are recommending that Council approve Development Variance Permit PL2023-9706.

Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area of the OCP, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness.

When reviewing a Development Permit application, staff encourage Council to review the alignment of the development plans with the applicable OCP design guidelines. The applicants have provided a Development Permit Analysis (Attachment E) and staff have provided a separate Development Permit Analysis (Attachment F).



Figure 6 - Rendering of proposed development (street view).

These analyses show general alignment between the applicable design guidelines and the development plans.

Sample of alignment with applicable OCP design guidelines:

- The development design faces towards the street and lane in a positive way, with main entries and large windows on both sides,
- Side facades have minimal windows to help maintain privacy between properties,
- The landscaping plan shows a number of trees and shrubs to be planted on-site,
- The courtyard-like space between the two buildings provides semi-private amenity spaces for each unit tucked away from the street and lane,
- The separation of the rear units into two buildings helps break up the mass of the new development.

Staff recommend that Council approve Development Permit PL2023-9705 based on analysis of the development plans aligning with the applicable OCP design guidelines.

Alternate Recommendations

Council may consider the revised development plans are not supportable and wish to have the applicants further revise the plans to be more aligned with the Zoning Bylaw regulations or OCP design guidelines. If this is the case, Council may choose to deny the applications. Staff are not recommending this option as staff consider the revised development plans to achieve the intended density for the site, allow for a unique design, and generally meets the applicable OCP design guidelines.

1. THAT Council deny “Development Variance Permit PL2023-9706” and “Development Permit PL2023-9705”.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Properties
Attachment D – Letter of Intent (applicants)
Attachment E – Development Permit Analysis (applicants)
Attachment F – Development Permit Analysis (staff)
Attachment G – Draft Development Variance Permit PL2023-9706
Attachment H – Draft Development Permit PL2023-9705

Respectfully submitted,

Steven Collyer, RPP, MCIP
Housing and Policy Initiatives Manager

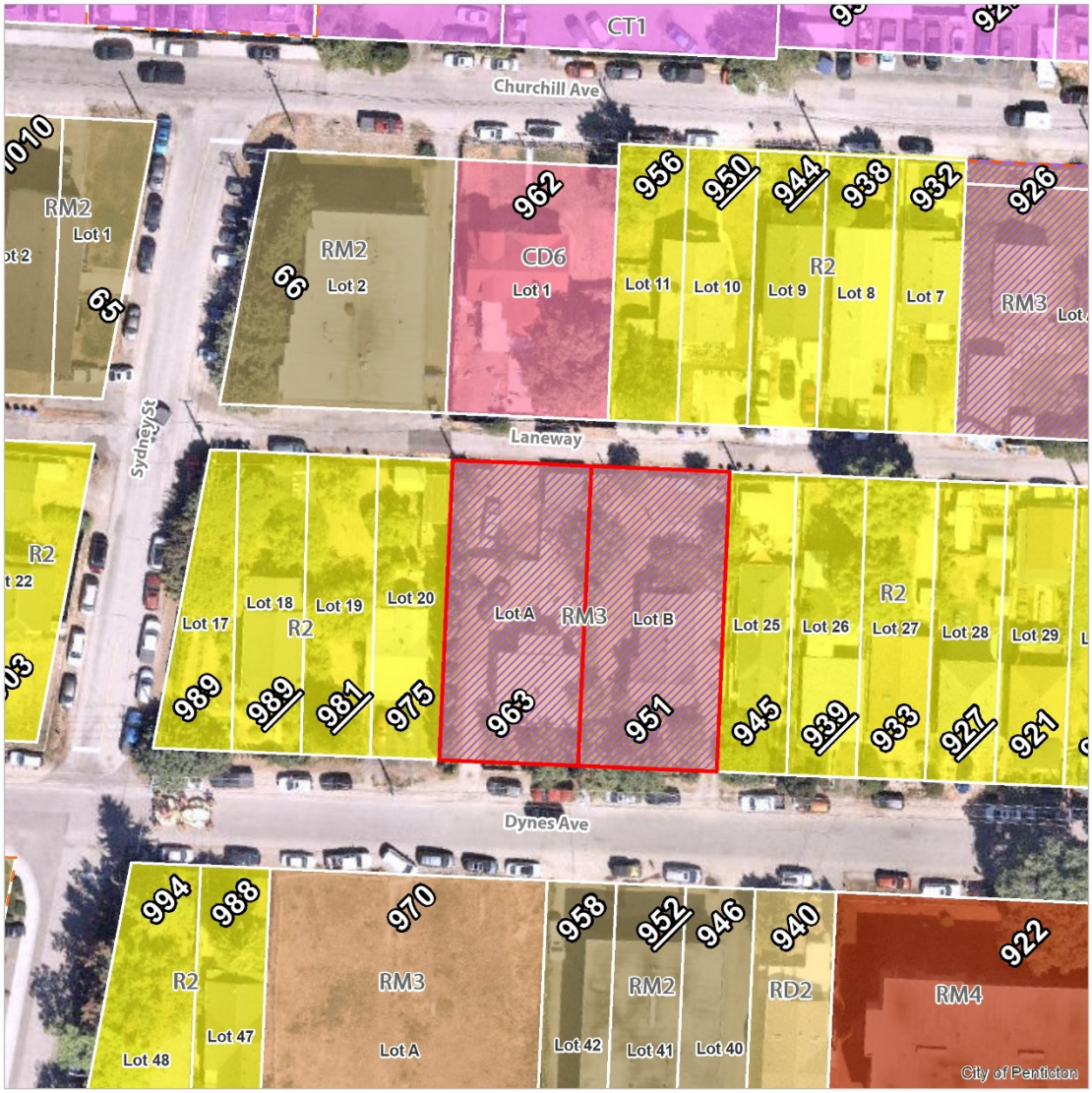
Concurrence

Director of Development Services	GM of Infrastructure	City Manager
BL	*KD*	*AH*

Attachment A – Zoning Map

951 & 963 Dynes Ave

Zoning Map



Subject Parcel
Site Specific Zoning

Zoning
R2 - Small Lot Residential
RD2 - Duplex Housing: Lane
RM2 - Low Density Multiple Housing
RM3 - Medium Density Multiple Housing
RM4 - High Density Multiple Housing
CT1 - Tourist Commercial
CD6 - Comprehensive Development (962 Churchill Avenue)

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1:750
N

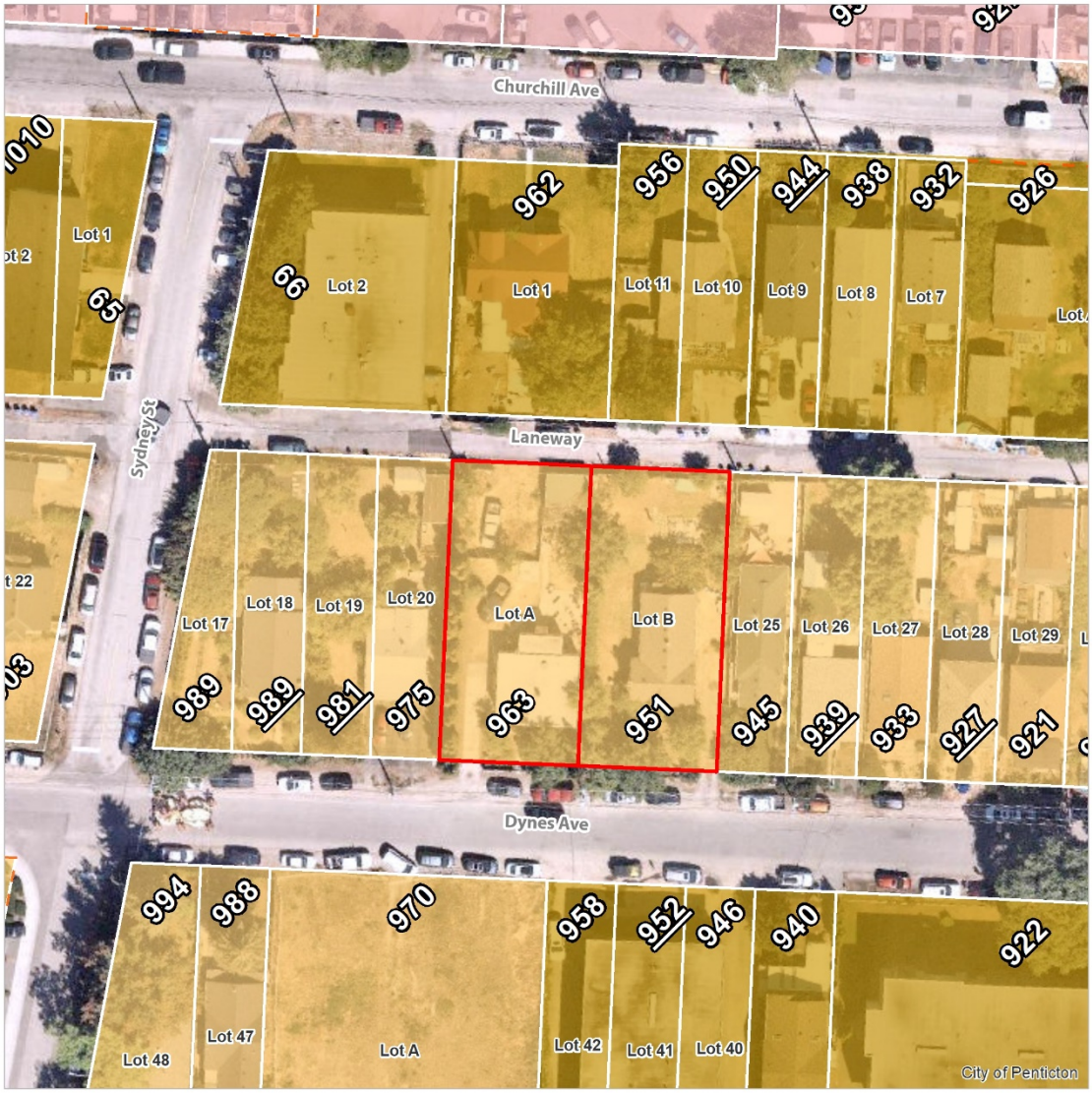
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Date: 2024-05-16

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Attachment B – Official Community Plan Map

951 & 963 Dynes Ave

Official Community Plan Map



Subject Parcel Official Community Plan - Future Land Use

- Ground Oriented Residential
- Urban Residential
- Tourist Commercial

0 10 20 Meters
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Date: 2024-05-16

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Attachment C – Photos of Properties






Subject Property:
963 Dynes Ave
Subject Property:
951 Dynes Ave
Dynes Ave


Subject Property:
963 Dynes Ave
Subject Property:
951 Dynes Ave
945 Dynes Ave
Dynes Ave


Subject Property:
963 Dynes Ave
Lane
Subject Property:
951 Dynes Ave
Subject Property:
963 Dynes Ave
Lane

City of Penticton
Planning Department
171 Main Street
Penticton BC
V2A 5A9

Attention: Mr. Steven Collyer (Senior Planner)

Re: 951 & 963 Dynes Ave.
Letter of Intent; Development Permit Application

Dear Steven,

This application proposes Development Permit for 12 units townhomes in 3 buildings.

This address is a total of approximately 15,580 sf parcel that currently has two single family homes.

The proposed application is for construction of three 3-story townhome buildings consisting of one six-plex and two three-plex units.

There will be a total of 10 two-bedroom units & 2 three-bedroom units. The two-bedroom units will be approximately 170 to 180 m2 +/- in size and three-bedroom units will be 208 m2 in size (Including garage at ground floor level)

Background, goals

Penticton unique setting, in a valley & bounded by two lakes, Provides both challenges and opportunities from a housing perspective. The opportunities come from a willingness to intensify the existing land base through infill and densification, in a smart and sensitive manner to allow the community to grow sustainably.

Changing housing needs and preferences in addition to affordability challenges that put single detached house out of reach for many households. Row housing or townhouses enhances affordability.

In terms of needs by housing type, the greatest demand will be for duplexes and infill (rowhouses, townhouses, etc.). Development of multifamily and infill housing meet the housing needs of the population and make the most efficient use of the limited land base and valuable infrastructure while is more affordable than single detached house.

Density, Rezoning, Active Street

The Developer recognizes the impact that a new development such as this could have on its neighbors & is proposing a density that is in line with the context of the neighborhood regarding site coverage, height, and building type.

Proposed site coverage is 52.56%, a bit over the 50% for RM3 zoning. Height is 12.2m, much less than the allowed 24m, and Style of building is townhouse which is ground oriented and is in line with single families.

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This strategy mitigates any concerns about over shadowing of neighboring properties. In addition to the rear lane on the north side, there is a public pathway on the east of the property that separates this parcel from the neighboring parcel.

Townhomes fronting Dynes Ave will provide active frontage that engage with the public sidewalk that will be constructed.

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The Developer Tecai Custom Homes

Tecai custom Homes is an experienced developer of affordable housing, apartments, and townhomes. They are committed to serve the communities and producing quality products.

With the increase in average house prices, housing has become a challenge for many Canadians trying to own their own home and affordability is an issue that has impacted many municipalities. Tecai recognizes this challenge and takes steps to meet these needs by reducing the average house price and making it more affordable for the end users.

The Directors of TeCai come with a wealth of experience and have partnered up establishing TeCai Custom Homes. The principles own in Calgary, Chelsea Homes Lucida Inc and Chelsea Skys Inc, and have developed a 4-storey building in Calgary with a concrete underground parkade in 2014 and sold all 20 units, overseeing sales, marketing advertising, social media etc., hiring 3rd parties in each field. They have also developed several 3-storey row townhouses similar to this, multiple 4plex and 8plex units with basements in inner city Calgary and have overseen the 2-year long process to a BP approval for a 15-storey concrete building with a 4-storey underground parkade that was eventually sold with the plans prior to the shovel hitting the ground.

Please don't hesitate to call our office at 780-990-6002, Should you have any questions or concerns.

Yours Truly,

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Principle

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City of Penticton
Planning Department
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Attention: Mr. Steven Collyer (Senior Planner)

Re: 951 & 963 Dynes Ave.
Development Permit Analysis

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

The site is considered flat and landscape plan is incorporated the Dynes Avenue.

G2. Considering adjacent context for building and landscape architectural design and neighbourhood character. Demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

The proposed development with its articulations, projections and setbacks is sensitive in scale and character to the existing developments, neighborhood, and their articulations.

G3. Private and semi-private open spaces should be designed to optimize solar access.

The proposed project provided 11m deep courtyard between two building to optimize solar access specially to the building located on the North of the site.

G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development

The proposed design has provided unobstructed view to the lake and/or mountains by providing ample amenity roof decks with trellis for all units.

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

6-unit building (south building), facing Dynes Ave is set back 4.3 m from property line while its second floor and balconies are cantilevered up to 6'-0" (1.8 m) towards the Avenue.

G6. Building placement and orientation should respect significant public water, mountain and ridgeline views.

The Proposed buildings placement, their height and designing roof deck encourage view to the lake and mountains.

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G7. All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.

The proposed design suggested outdoor downward lights on façade and in the landscape areas, providing green spaces with trees, bushes and benches to maximize the enjoyment of the provided amenities

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G8. Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side-yards

The 11 m deep interior courtyard, provide comfortable and social, semi-public and semi-private space.

G9. Pedestrian connectivity to adjacent properties is encouraged.

The private sidewalks are connected to front and back of the subject property to enhance pedestrian connectivity.

G11. Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.

Min. 1200mm wide pedestrian walkways from proposed 1500mm municipal sidewalk, parking, garbage and amenity areas to every entrance of the south and north building is provided.

G12. Where feasible, indicate pedestrian ways with continuity of paving treatments / paving materials.

All proposed walkways are connected and finished by Paving material (surface material is indicated on landscape plan).

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

The proposed dwelling unit entrances is 8” (200mm) above the grade of adjacent public sidewalks and walkways.

G14. The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a “front stair” pedestrian connection shall be provided

The proposed outdoor spaces are flat and connected by sidewalks

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

The there are no fence in front or back of the proposed development.

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

Along the Dynes Avenue 1.5m city sidewalk is proposed and 2 proposed walkways at East and West side of buildings are proposed to connect to the lane where north building is located.

G17. On-site parking location and design should minimize visual impact and provide safe connections for pedestrians:

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In building 1, driveways from Dynes Avenue are provided to access to garages, and garages in building 2 & 3 are accessed through the rear lane. Proposed public and private sidewalks provide safe, accessible, and comfortable pedestrian connections to the entrances.

G18. Attached parking structures, their access, and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.

The proposed attached parking is integrated into the main floor, and it is set back about 6'-0" from 2nd floor.

G19. All multifamily developments should accommodate sustainable modes of transportation through

Attached garages on all units provide storage for bikes or mobility scooters for residence and additional bike racks are provided on the site to accommodate bike parking. Necessary infrastructure for electric vehicle charging station will also be provided.

G20. Designs should respond to Penticton's setting and climate

The building's long axis is positioned toward solar south, which will maximize solar gain during winter months and will limit western exposure in the summer. This will also maximize the amount and frequency of the natural light to the interior spaces.

Choosing energy efficient windows and arranging them with consideration to minimize summer heat gain and maximize winter heat gain. Eaves and overhangs to permit low winter sun into building and keep high summer sun out.

Continuous insulation layer, with thickness appropriate to climate, surrounding the entire conditioned space of the building, and continuous air-barrier surrounding the entire building envelope, in contact with the insulation layer, minimizes heat loss during winter and heat gain in summer.

Carefully planned landscaping and planting aids in maximizing performance of Passive Solar Design and assist with imperfect situations and site problems. Provision of white or light-coloured single ply Vinyl roofing membranes minimize heat load and increase reflectivity.

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

All front doors of proposed units are ground oriented and face Dynes Avenue and the lane.

G22. Massing of larger buildings should be composed of multiple volumes to reduce visual impact on the pedestrian realm.

The proposed design is composed of multiple volumes in different levels dimensions. They are broken down both horizontally and vertically by means of projections, recesses, balconies, and decks.

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G23. Articulation of building mass should include horizontal (minor) setbacks and step backs (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilevered upper floors may be considered to breaking up massing while promoting overlook and/or weather protection.

Suggested balconies and roof decks is breaking up the massing while they provide viewing as well as weather protection for front entrances.

G24.Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

The proposed design offers different layers of elements for articulation, including projections, horizontal
setbacks, balconies, canopies, porches, and patios to create transitions between the public, semi public,
semi-private, and private areas.

G25. N/A

G26. N/A

G27. Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street-level.

The Proposed development shares amenity spaces in front and in the courtyard between the buildings which are connected to the proposed city sidewalk.

G28. Entries should be visible and clearly identifiable from the fronting public street.

The Proposed main entrances are identified by having different materials as well as by providing porches and canopies and different articulation in facade which emphasize their visibility.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas

The proposed development has balconies and porches towards public realm and canopies towards semi-private amenity space. Roof decks also provide views of the Lake, Mountains, and Ridgelines.

G30. Extensive blank walls (over 5m in length and including retaining walls) along the street should be avoided.

The proposed development does not have any fence along the streets and is only separated by means of sidewalk and landscaping.

G31. Provide screening (e.g., varied materials/textures, murals, green walls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.).

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Using of different material and colour on the facade and green privacy walls between the units on balconies and walls not only provide inviting feel with visual benefits, but also outdoor green walls and facades have been found to be energy cost effective. Plants also reduce the overall temperatures of buildings when exposed to the sun. They reduce the amount of heat escaping during wintertime and they increase humidity in surrounding area. In addition, the transpiration process of plants can slightly reduce temperatures indoors, thus working as an energy cost effective solution. Having enough plants can also help reduce noise levels.

G32. Stream and Riparian Protection

N/A The site does not lie within a riparian area and is not close to any streams or bodies of water.

G33. Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching

The site has been designed in such a way that there are no areas of Sod. The entire of the soft landscape areas will be planted with decorative grasses and shrubs. The vast majority of the soft landscape areas will have fine shredded bark mulch in order to retain as much water as possible for the shrubs, and portions adjacent to the central pathway will include decorative rock mulch to allow for more permeability and to highlight the decorative plant material in contrasting colours.

All landscape areas will be watered by a low water use automatic irrigation system

G34. Tree retention

The existing trees on the site will be removed and replaced.

Along Dynes Avenue we propose columnar species in order to increase visibility and safety along the driveways and sidewalks so that no tree branches impede views and cause a potential safety issue.

Within the central courtyard we propose flowering Lilac trees that will provide shade in Summer and allow more light through the winter.

G35. Tree planting

We have proposed columnar tree planting along Dynes Avenue in order to enhance safety. Specifically, the vehicular pedestrian interactions along the driveways and sidewalk. The proposed trees have a ± 8m spacing. As well, the boulevard area will

include decorative grasses that will grow to approximately 4ft in height to enhance the pedestrian realm while maintaining adequate visibility.

G36. Habitat: designs should provide for and/or enhance habitat value (e.g., birds, pollinators, etc.) through the use of selected plant material (food & nutrients) and/or structural/grading improvements (e.g., hibernacula, pools, etc.).

The plant material has been selected to include a variety of species that will provide texture, colour and height variations. There are also flowering shrub and trees species that will attract birds and pollinators to the site.

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G37. Stormwater management: mitigate impacts of runoff by diverting stormwater to infiltration galleries or other appropriate green infrastructure.

All the soft landscape areas within the central courtyard include bark mulch and areas of rock mulch to both retain water for the plant material and to provide adequate drainage from storm water runoff.

The permeable areas within the courtyard and surrounding the buildings (only areas behind the Property line) total 198.6 sq.m. for water infiltration.

The water from roof drainage will also be used to water the landscaping, particularly in the courtyard.

G38. Screening & Buffering

The proposed columnar trees along Dynes Avenue, in conjunction with the tall grasses between the driveways, will minimize the visual impact and vertical presence of the buil dings.

Both side setbacks will include wood screen fencing to provide privacy towards the adjacent lots. Note that on the west side, the adjacent property contains a row of existing tall cedars that will provide extra privacy to that lot.

G39. Defining the Public- and Private Realms

The public and private realms are defined by the use of plant material, both towards the street as well as between the private amenity spaces within the central courtyard

G40. Energy

Deciduous trees planted along Dynes Avenue, along the South facing facade, will provide partial shade during the summer months and allow for additional heat gain through winter. The central courtyard provides a similar concept within the restricted space.

G41. Softscapes

All plant material has been selected based on availability of local nurseries and from species known to thrive in Penticton. They provide a variety of texture, colour and height variation as well as flowering characteristics.

Coniferous under-stories for the deciduous trees have been provided to maintain winter interest.

The central courtyard provides a height gradient to provide private amenity spaces with privacy with 4-5 ft high shrubs while maintaining an open sensation along the pathway will lower plant material

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G42. Hardscape

We have proposed concrete pathways in a light colour. The private amenity spaces will be constructed with feature paving in light albedo colour as well (stamped concrete, precast concrete pavers, or similar)

All hardscape areas will drain into the softscape.

G48. Lighting shall be provided for all building entrances, walkways, driveways, parking areas and loading areas and should be sufficient to provide clear orientation, personal safety and site security, including allowing for overlook from adjacent buildings

Suggested to have exterior warm (<4000K) downward light at façade, especially entrances and landscape areas around driveways.

G49. Minimize light pollution through the use of full cut-off lighting, avoiding light reflectance, and directing lighting downwards. Exceptions may be made for signage and architectural lighting (e.g., enhancing special features or aesthetic qualities).

Downwards Lighting is suggested for the proposed project.

G50. Avoid lighting that illuminates streams, wetlands, lakes and other natural areas

The proposed area is not located in Streams Wetlands, lakes or natural Areas

G51. Avoid negative light impacts on neighbours.

The proposed development suggested warm downward light. It will not direct light to any neighbour other than ground brightness.

G53. All signage shall comply to the City of Penticton’s Sign Bylaw.

The proposed design suggested and will follow the bylaw requirement for the number, size, type, form and location of unit numbers based on bylaw requirements.

G54. Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building.

The design has suggested mechanical room at enclosed area at roof top which reduces sound pollution, simpler maintenance, safe for vandalism and accidents. This also helps optimize the space that is better used for landscaping and public semi-private amenity space at ground level.

G56. Units shall not obstruct private views onto public space that might otherwise provide safety through passive surveillance.

As it mentioned above the design has suggested mechanical room at enclosed area at roof top, so it will not obstruct views.

G57. Units shall not be installed in riparian setbacks (SPEA) and Environmental Protection areas

Not applicable to the proposed development, the site is not located at riparian area.

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G58. Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts, and which do not conflict with pedestrian traffic,

Garbage bins will be in the garages, and rolled out at the pickup times.

G59. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design,

Garbage bins will be stored in the garages.

G60. Clear access to refuse/recycling areas must be provided.

The proposed design suggested Individual Garbage, recycle, compost to be stored at Garage and to be collected at Dynes Avenue and back lane.

G61. Fencing located along a street edge should be low and/or not create a solid barrier

There will be no fencing along Dynes Avenue and the lane at the back

G62. Fencing along the street edge should be supplemented with low profile landscape plantings

The proposed design shows low Profile landscape plantings and incorporates with Dynes Avenue and city landscape.

G63. ground floor dens will not be used as separate units

G64. Cash-in lieu of parking to be paid for 1 parking space not provided ($13,000)

G65. Development is intended to be built out and occupied in one phase

MF1. All multifamily developments should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.

The proposed development required 260sm of amenity space. The proposed design provided 975sm amenity space that give residents opportunity for recreation and about

280sm of this amenity space located at the ground that provide opportunity for play, social gathering or interacts with neighbors

MF2. To promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from groundoriented ground floor units.

The proposed development provides 11.00m deep courtyard at ground level.

MF3. Amenity spaces should incorporate vegetation for the purposes of active and passive recreation and/or visual interest and incorporate safe play areas in interior courtyards.

The proposed design provides vegetation area for each unit and amenity spaces for kids play areas.

MF6. Entrances to apartment lobbies should be connected to adjacent sidewalks and provide seating, as
well as clear pedestrian-oriented signage. Public art is also encouraged

The proposed dwelling unit entrances are 8” (200mm) above the grade of adjacent walkway. The design invites residents to promenade to their entrances. All walkways on the site are connected to each other and to proposed city sidewalk.

In addition to the above response, I have talked to Jo-Anne about building #1, because it is residential building not more than 3 storeys, and building area less than 600 sm, it can be designed under part 9, without the fire wall in the middle. Since it is over 4 units, consultants' (architect and engineers) involvement are required to provide stamped drawings and schedules.

Please don’t hesitate to call our office at 780-990-6002, Should you have any questions or concerns.

Yours Truly,



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Development Permit Analysis

The proposed development is located within the Multifamily Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

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

- The site is relatively flat and does not present any topographical development constraints.
- The applicants are aware of the need to upgrade water infrastructure along Dynes Ave to support the development.

Guideline G3 Private and semi-private open spaces should be designed to optimize solar access.

- The development design provides a central courtyard space between the two rows of buildings. The separation provided allows for solar access to this ground-level outdoor space.
- Each unit has a rooftop patio which provides private amenity space with solar access.

Guideline G4 *Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.*

- The buildings are 3 storeys in height which is a similar scale as newer development in the surrounding area. 3 storey heights helps maintain the ground-oriented character of the development and preserves views towards the mountains on either side of the valley.

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

- The proposed front yard setback for the units closest to Dynes Ave is minimal at around 4.24m (14 feet) which improves connectivity between the building and the street, whereas a minimum 3.0m (10 feet) is required by the RM3 zone.
- The minimum setback is close to what the required zoning setback is on neighbouring properties (4.5m), while the existing older homes on neighbouring properties currently range between 7-8m front setbacks.
- The setback is increased in front of the street-facing garages to allow space for vehicles to park in front of the garage without overhanging the sidewalk.
- The development design includes sidewalk connections to the front facing units, and side walkways around the front building to the central courtyard space and rear facing units.

Guideline G7 *All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*

- Each unit has its own garage to provide secure storage for vehicles, bicycles and personal belongings.

- The units are oriented to face towards the street and rear lane which provides natural surveillance over these public spaces.

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

- The main entries to each unit are approximately 0.3m above grade, reinforcing the ground-oriented nature of the development.

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

- One path is provided on each side of the property leading to the central courtyard area. One path between the two rear buildings leads from the central courtyard to the rear lane and garage-side entries to the units. These paths provide dedicated pedestrian access through the site, separate from the parking areas.
- The central path between the two rear buildings in this updated design allows for landscape buffers along the neighbouring sides of those buildings.

Guideline G17 *On-site parking location and design should minimize visual impact and provide safe connections for pedestrians…*

- Landscaping islands separate the front driveways leading onto Dynes Ave.
- Each unit has a garage which provides vehicle storage out of sight from the street and lane, while the front-facing units have room for vehicle parking in front of the garages.
- The visitor spaces are located at the sides of the property and accessed from Dynes Ave, near the pathways leading to all units.

Guideline G19 *All multifamily developments should accommodate sustainable modes of transportation…*

- The property is located near bus routes along Churchill Ave, Power St and Westminster Ave.
- The development plans show room for secure bicycle parking in the garages, and bike racks for visitors.
- The developer will be required to install a sidewalk in front of the subject properties, which improves the walkability along Dynes Ave

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

- The front row of 6 units faces towards Dynes Ave with main entries, garages, and windows all facing towards the street.
- The two rear-facing buildings are oriented towards the lane with main entries, garages, and windows on that side.
- All units have entries and patios facing the central courtyard space.
- The townhouse units each have their own front door within 0.3m of grade, reflecting this ground-oriented housing type.

Guideline G24 *Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create*

transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

- The building designs include minor architectural projections, steps, and porches to create a transition from the public realm to private realm.
- The street-facing patios are delineated by landscaping and a slight grade change to signal their separation from the public realm as a semi-private space.

Guideline G28 *Entries should be visible and clearly identifiable from the fronting public street.*

- Six units front directly onto Dynes Avenue with main entries clearly visible from the street.
- The six rear-facing units are accessed by pathways around either side of the front building, leading through the central courtyard and out to the lane.
- Unit addressing and directional signage shall be installed to clearly delineate from the street how to access these units.

Guideline G29 *Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.*

- Large windows, patios, and main unit entries of six units facing Dynes Ave provide visual overlook onto the public realm.
- The two rear buildings are designed to provide casual overlook onto the rear lane.
- All units have patios, windows, and balconies facing the central courtyard space.

Guideline G35 *Tree planting…*

- The landscape plan shows 20 new trees to be planted on-site. This includes 4 along the Dynes Avenue boulevard, and several along each side of the property.
- Along the sides, three trees on each side are proposed near the rear of the property. This is supported as the trees will provide privacy where currently the neighbouring homes have rear yards and assist with buffering where those two buildings are 2.1m from property line.
- Staff will complete a landscaping inspection after the development is constructed to ensure the landscaping installed matches the approved landscaping plan.

Guidelines G37/G42 *Hardscapes and stormwater management: mitigate impacts of runoff by diverting stormwater to infiltration galleries or other appropriate green infrastructure*

- The development plans show total hard surfacing coverage of 53% due to the use of porous materials for the driveways and walkways.
- The use of porous materials assists with stormwater infiltration versus traditional hard surfacing which leads to storm water runoff.
- If the development is not able to accommodate storm water on-site, the developer would be responsible to extend the storm sanitary main form Power St to the site at their expense.

Guideline G54 *Mechanical/utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building.*

- The electrical transformer is located at the front of the property, for ease of access by the City's electrical department. Staff worked with the applicants to apply decorative vinyl wrap on the transformer and plant landscaping in that area to reduce the visual impact of this infrastructure from the public realm.

Guideline G58/G59 *Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic. Garbage and recycling bins should be contained within screened structure that are coordinated with the overall design.*

- Each unit has space in the secure garages to store garbage and recycling carts.

Guideline MF2 *In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from ground-oriented ground floor units.*

- The central ground-level between the rows of buildings provides a courtyard form amenity space. Each unit has a ground floor patio in this area, with landscaping and a pathway provided to each unit. The separation between the buildings allows for natural light into this space, with views onto it from each townhouse unit.

Guideline MF3 *Amenity spaces should incorporate vegetation for the purposes of active and passive recreation and/or visual interest, and incorporate safe play areas in interior courtyards.*

- The ground level patios in the central courtyard area are finished with permeable pavers, allowing for active and passive use with landscaping along the edges.
- The units also have rooftop patios, which provide another hard surfaced amenity area.
- The development site is located within one block of Lakawanna Park which provides a large public greenspace option for future residents.

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

Development Variance Permit

Permit Number: DVP PL2023-9706

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

Legal:	Legal description to be updated after lot consolidation
Civic:	Civic address to be updated after lot consolidation (currently 951 & 963 Dynes Avenue)
PID:	PID to be updated after lot consolidation

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2023-08 to allow for the construction of a 12-unit townhouse development, as shown in the plans attached in Schedule 'A':
    a. Section 10.10.2.3: to increase maximum lot coverage from 50% to 53%.
    b. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5m to 2.1m.
    c. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs,

DRAFT

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

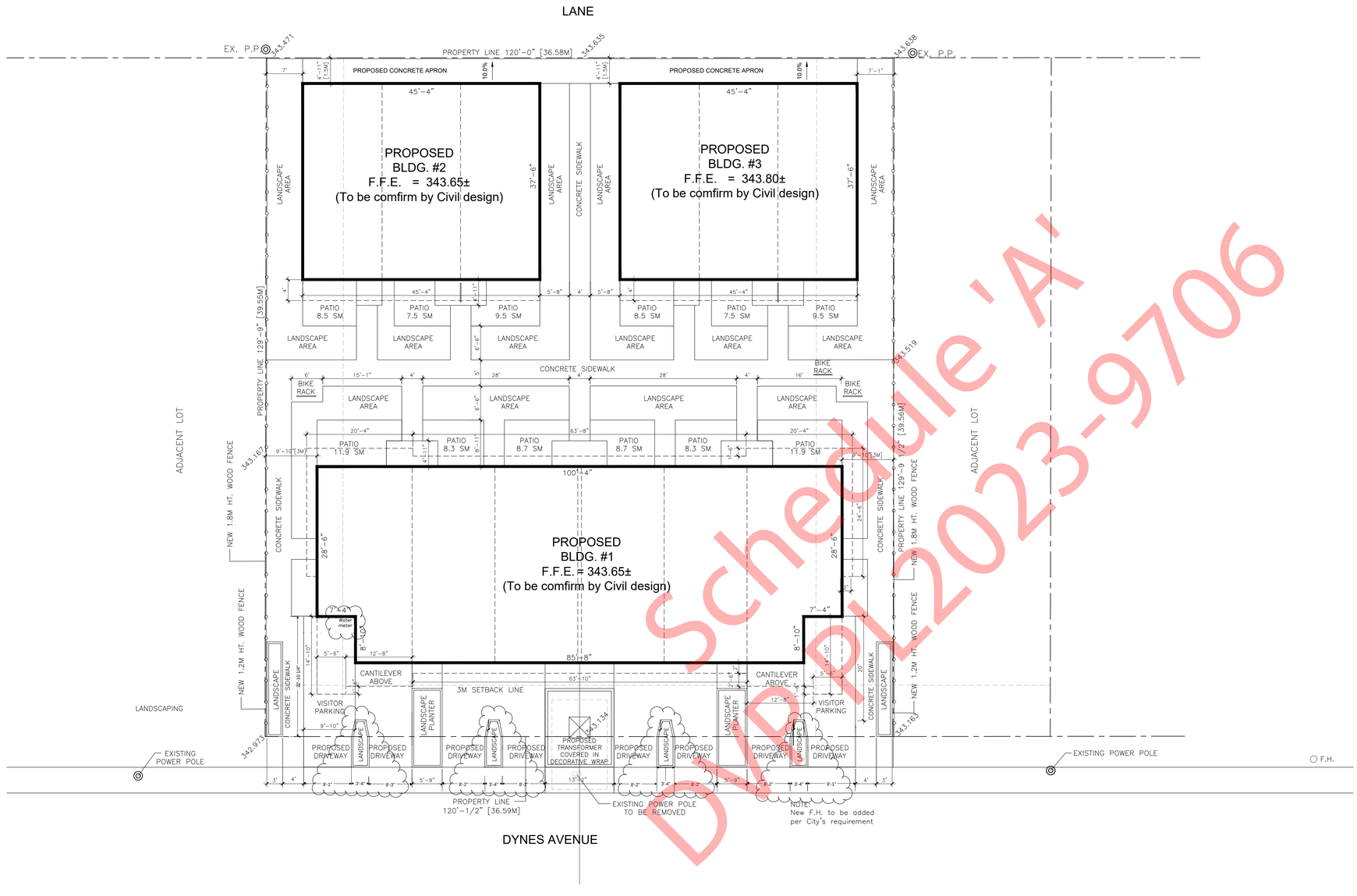
Authorized by City Council, the ____ day of _____, 2024.

Issued this ____ day of _____, 2024.

_____

Angela Collison
Corporate Officer

DRAFT



SITE DATA:

LEGAL DESCRIPTION:
Lot 21 – 24, Plan 929

CIVIL ADDRESS:
951–963 Dynes Ave, Penticton BC

ZONING:
RM3 (Medium Density Multiple Housing)

SITE AREA: 15,577 SF (1,447 SM)

BLDG AREA:

BLDG. #1:	4,425 SF (411.1 SM)
BLDG. #2:	1,881 SF (174.7 SM)
BLDG. #3"	1,881 SF (174.7 SM)
TOTAL:	8,187 SF (760.6 SM)

SITE COVERAGE: 52.56%

G.F.A:

BLDG. #1:	13,231 SF (1,229 SM)
BLDG. #2:	5,680 SF (527.7 SM)
BLDG. #3:	5,680 SF (527.7 SM)
TOTAL:	24,591 SF (2,284.5 SM)

PROPOSED F.A.R.: 1.58
TOTAL UNITS: 12

MAX. BUILDING HEIGHT: 24 M
PROPOSED BLDG. HEIGHT: 12.2 M

PARKING PROVIDED: 12
BICYCLE PARKING PROVIDED: 4

LEGEND:

L.P. LIGHTING POLE,

POWER POST

F.H. FIRE HYDRANT

DRAWING LIST:

A1.0 SITE PLAN, FIRE ACCESS PLAN & DWG LIST

A2.1 FLOOR PLANS (BLDG. #2 & #3)
A2.2 FLOOR PLANS (BLDG. #2 & #3)
A2.3 FLOOR PLANS (BLDG. #1)
A2.4 FLOOR PLANS (BLDG. #1)

A3.1 BUILDING ELEVATIONS (BLDG. #2 & #3)
A3.2 BUILDING ELEVATIONS (BLDG. #1)

Schedule 'A'
DVP PL2023-9706

SPAN ARCHITECTURE INC
Tel: 780-800-0258
Cell: 780-990-6002
Email: spanarchi@yahoo.com
Website: www.spanarch.ca

ISSUED FOR

2023.10.14	ISSUED FOR REVIEW
2024.03.11	ISSUED FOR REVISION
2024.04.19	Revision for DP

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STRUCTURAL ENGINEER

MECHANICAL ENGINEER

ELECTRICAL ENGINEER

LANDSCAPE ARCHITECT

STAMPS/SEALS

Pentincton BC Townhouse

951 & 963 Dynes Ave. Pentincton

SITE PLAN, DATA & DWG LIST

DRAWN: SP CHECKED: SP

PLOT DATE: 2024-03-12

A1.0
23-149

Development Permit

Permit Number: DP PL2023-9705

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

Legal:	Legal description to be updated after lot consolidation
Civic:	Civic address to be updated after lot consolidation (currently 951 & 963 Dynes Avenue)
PID:	PID to be updated after lot consolidation

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 12-unit townhouse development, as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of $_____ must be deposited prior to beginning works authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
    a. correct an unsafe condition that has resulted from a contravention of this permit,
    b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
    c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
    a. The permit has lapsed as described under Condition 8, or
    b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

DRAFT

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.

8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

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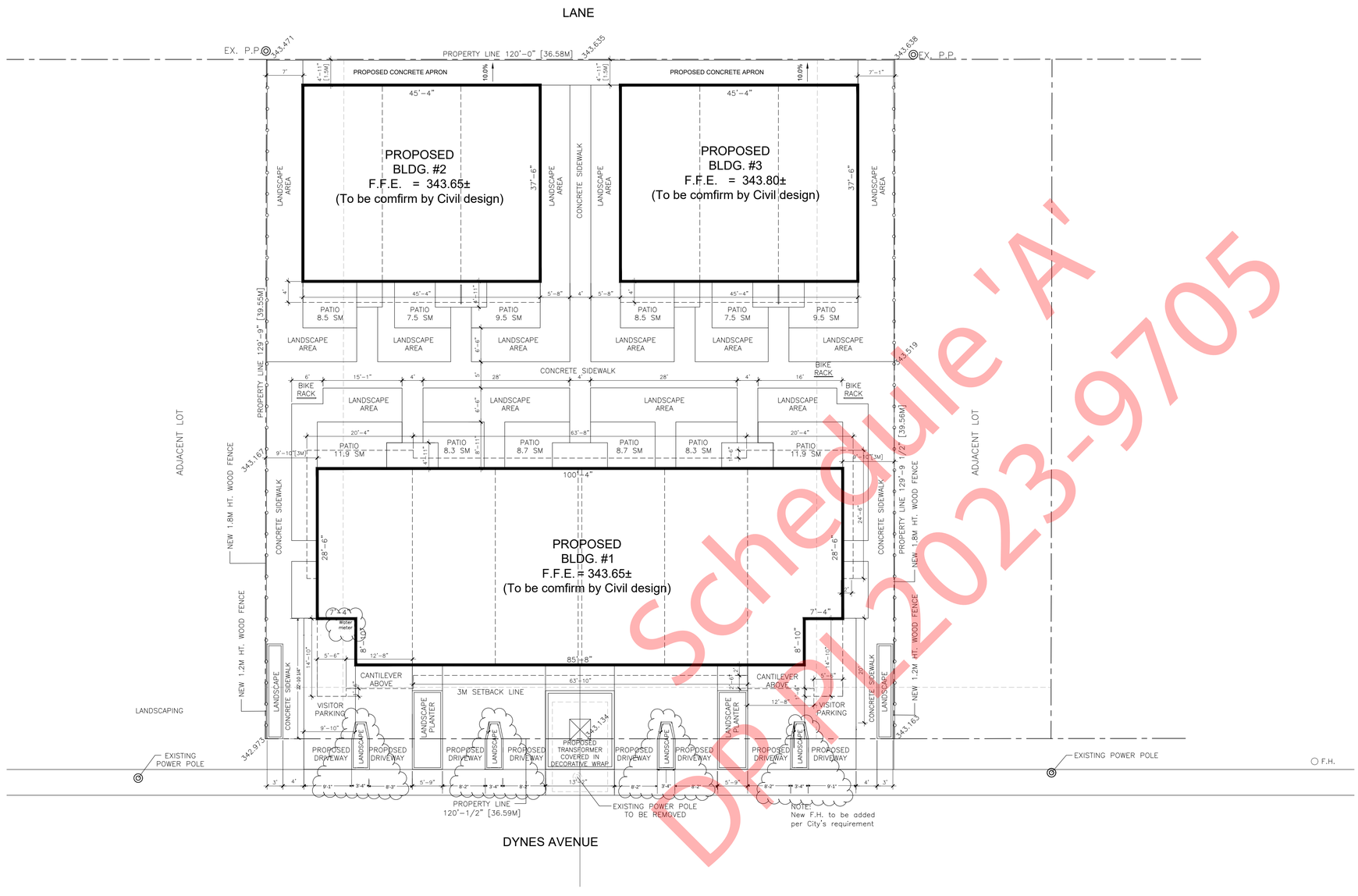
Authorized by City Council, the ____ day of _____, 2024.

Issued this ____ day of _____, 2024.

_____

Angela Collison
Corporate Officer

DRAFT



NORTH

1 / A1.0 SITE PLAN 3/32"=1'-0" [1:128]

SITE DATA:

LEGAL DESCRIPTION:
Lot 21 – 24, Plan 929

CIVIL ADDRESS:
951–963 Dynes Ave, Penticton BC

ZONING:
RM3 (Medium Density Multiple Housing)

SITE AREA: 15,577 SF (1,447 SM)

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MAX. BUILDING HEIGHT: 24 M
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PARKING PROVIDED: 12
BICYCLE PARKING PROVIDED: 4

LEGEND:
L.P. LIGHTING POLE,
POWER POST
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DRAWING LIST:

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A2.1 FLOOR PLANS (BLDG. #2 & #3)
A2.2 FLOOR PLANS (BLDG. #2 & #3)
A2.3 FLOOR PLANS (BLDG. #1)
A2.4 FLOOR PLANS (BLDG. #1)

A3.1 BUILDING ELEVATIONS (BLDG. #2 & #3)
A3.2 BUILDING ELEVATIONS (BLDG. #1)

Schedule 'A'
DP PL2023-9705

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ISSUED FOR

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MECHANICAL ENGINEER

ELECTRICAL ENGINEER

LANDSCAPE ARCHITECT

STAMPS/SEALS

Pentincton BC Townhouse

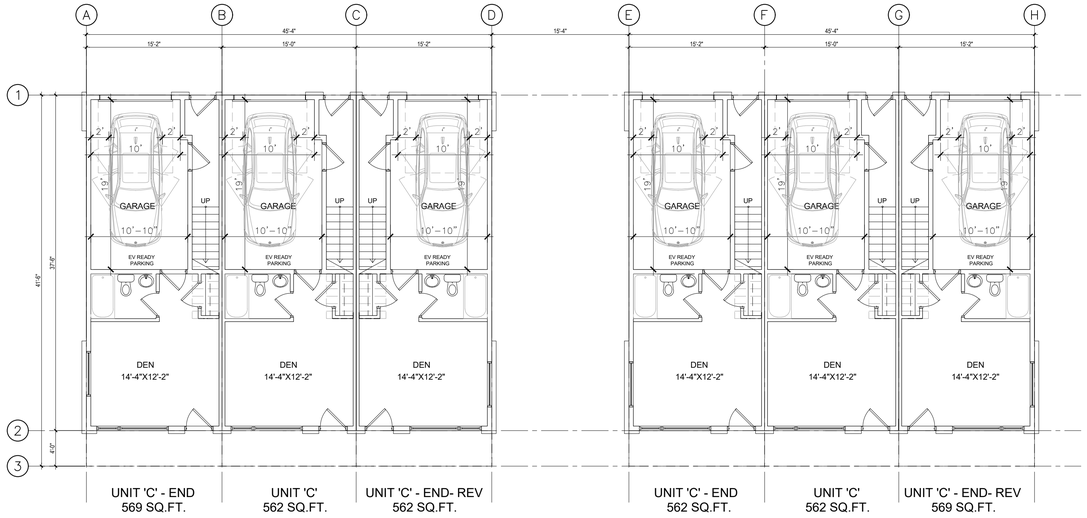
951 & 963 Dynes Ave. Pentincton

SITE PLAN, DATA & DWG LIST

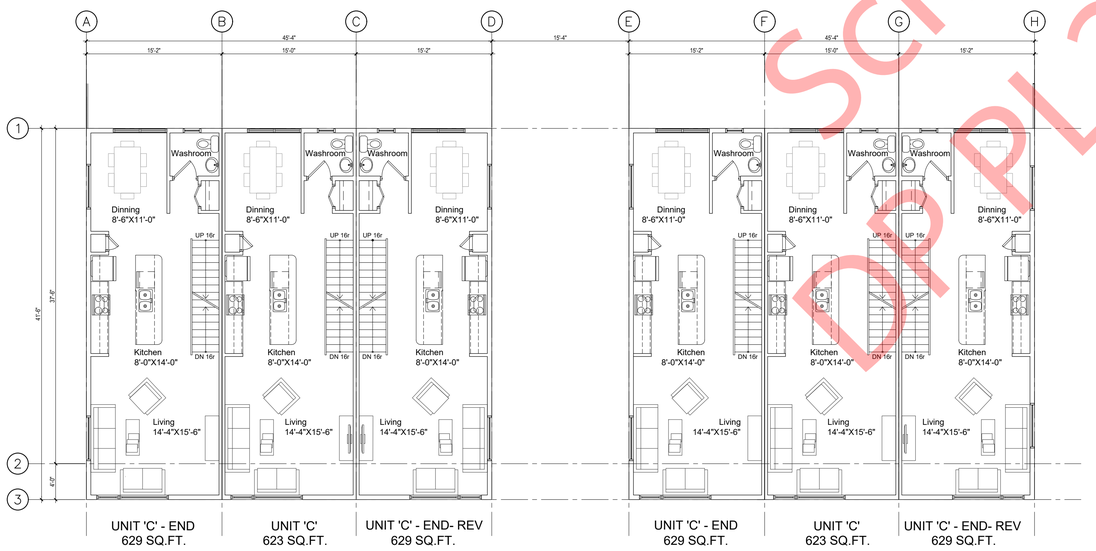
DRAWN: SP CHECKED: SP

PLOT DATE: 2024-03-12

A1.0
23-149



1 / A2.1 OVERALL MAIN FLOOR
1/8"=1'-0"



NORTH

2 / A2.1 OVERALL 2ND FLOOR
1/8"=1'-0"

Schedule 'A'
DP PL2023-9705

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Pentincton BC Townhouse

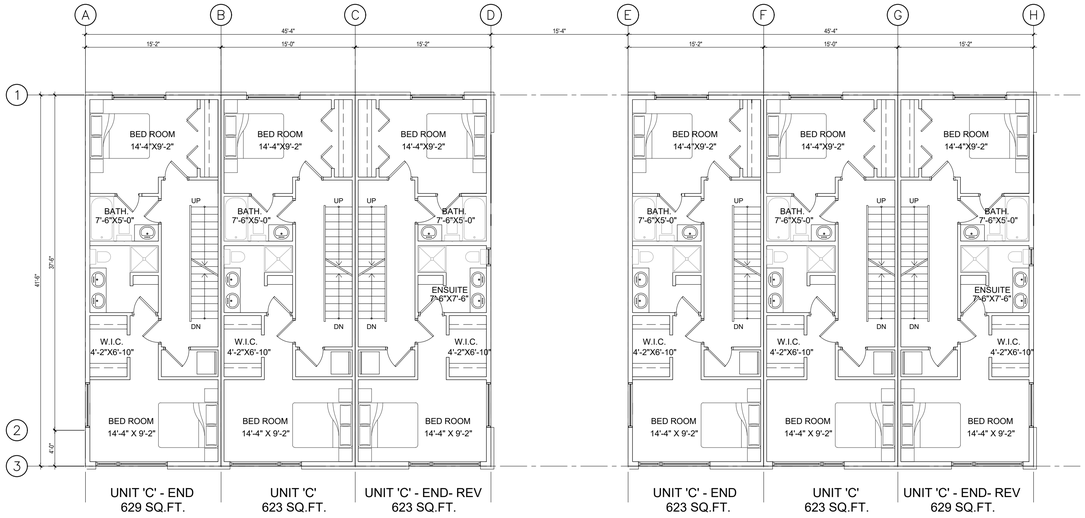
951 & 963 Dynes Ave. Pentincton

TOWNHOUSE FLOOR PLANS (Bldg #2 & #3)

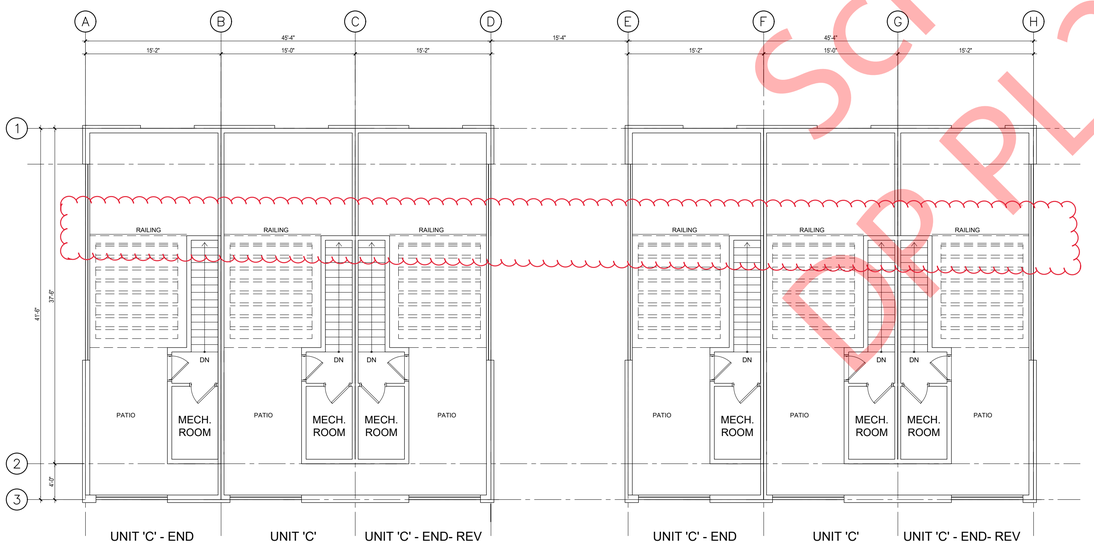
DRAWN: SP CHECKED: SP

PLOT DATE: 2024-03-12

A2.1
23-149



1 / A2.2 OVERALL 3RD FLOOR
1/8"=1'-0"



2 / A2.2 OVERALL ROOF PLAN
1/8"=1'-0"

Schedule 'A'
DP PL2023-9705

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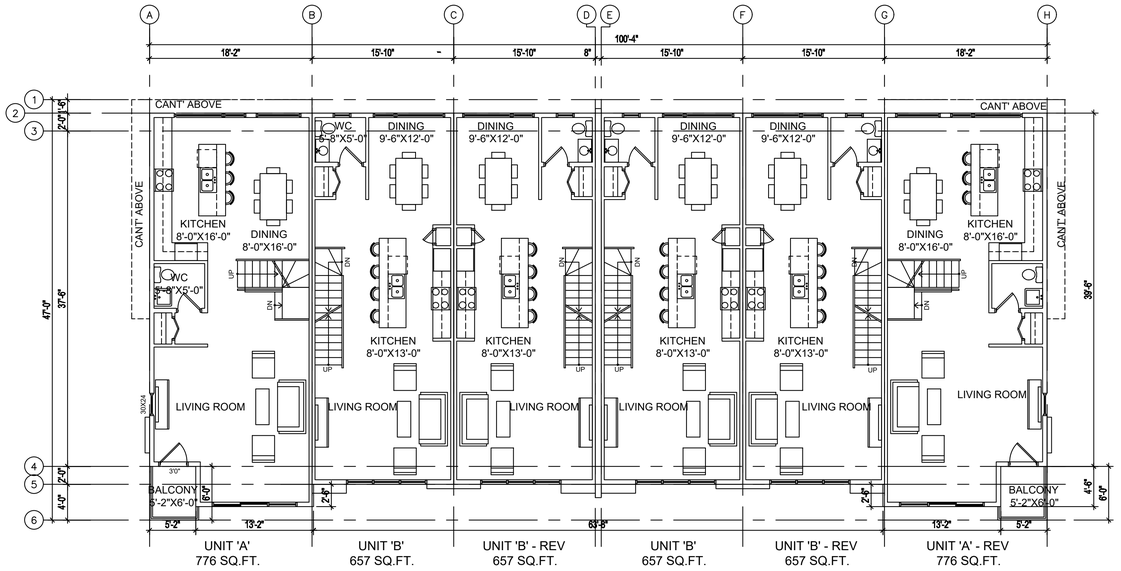
951 & 963 Dynes Ave. Pentincton

TOWNHOUSE FLOOR PLANS (Bldg #2 & #3)

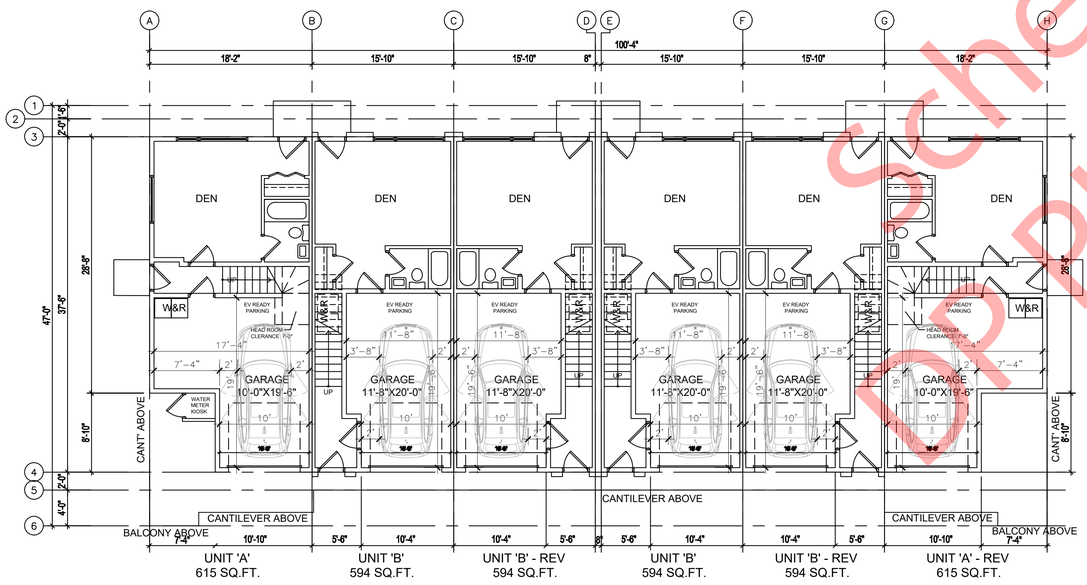
DRAWN: SP CHECKED: SP

PLOT DATE: 2023-10-21

A2.2
23-149



1 A2.3 MAIN FLOOR
1/8"=1'-0"



NORTH

2 A2.3 2ND FLOOR
1/8"=1'-0"

Schedule 'A'
DP PL2023-9705

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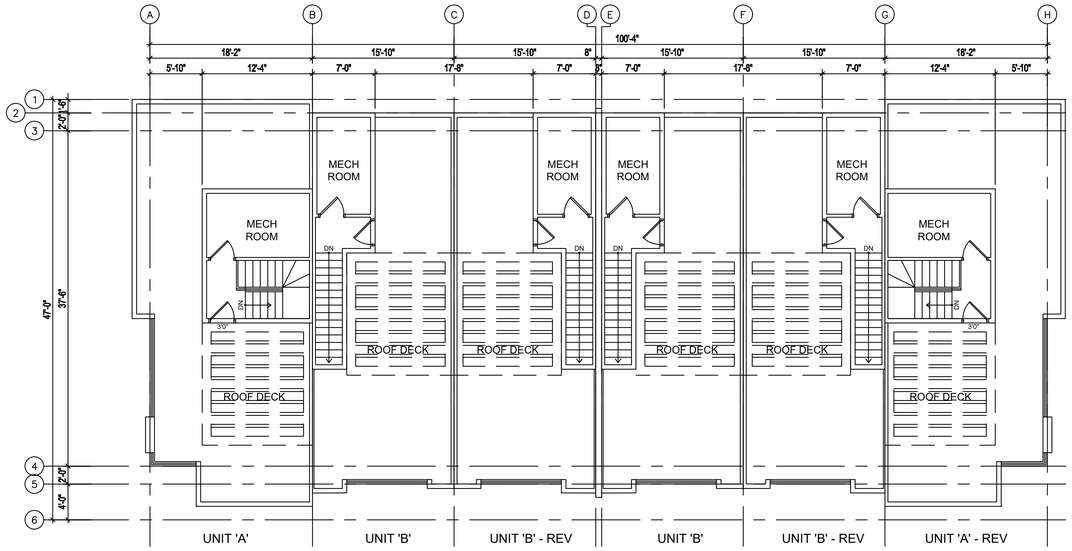
951 & 963 Dynes Ave. Pentincton

TOWNHOUSE FLOOR PLANS (Bldg #1)

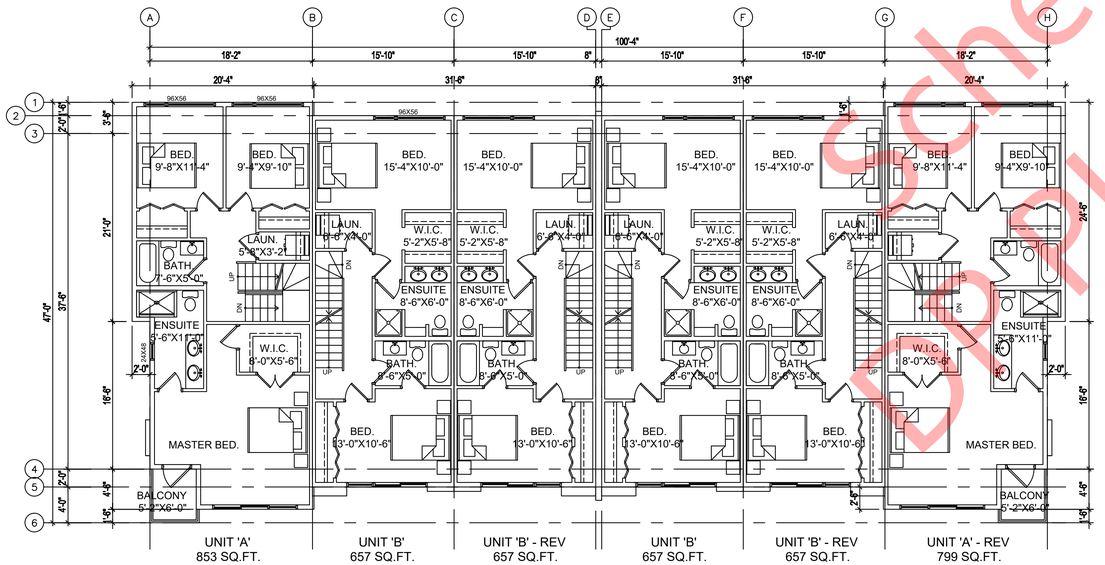
DRAWN: SP CHECKED: SP

PLOT DATE: 2024-03-12

A2.3
23-149



1 A2.4 MAIN FLOOR
1/8"=1'-0"



2 A2.4 2ND FLOOR
1/8"=1'-0"

Schedule 'A'
DP PL2023-9705

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LANDSCAPE ARCHITECT

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Pentincton BC Townhouse

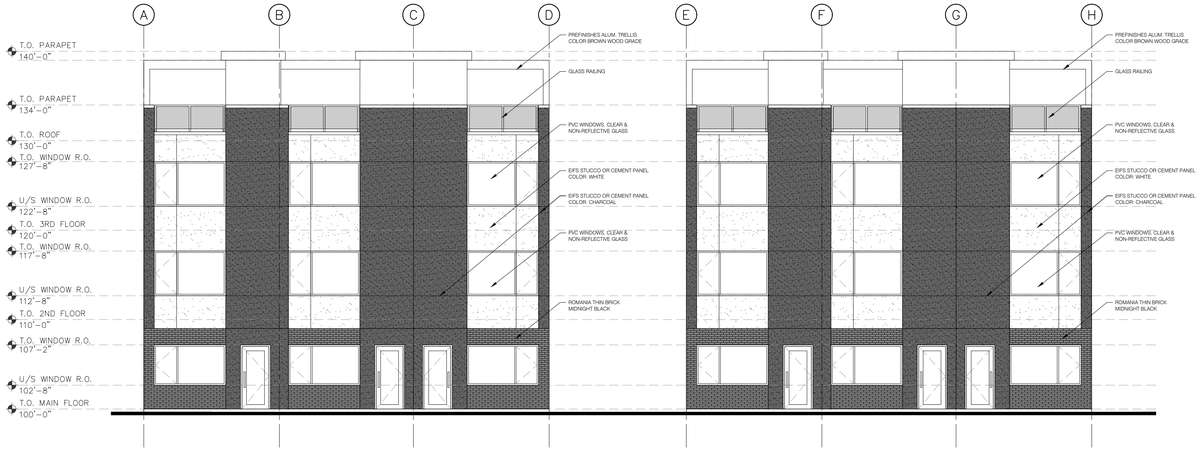
951 & 963 Dynes Ave. Pentincton

TOWNHOUSE FLOOR PLANS (Bldg #1)

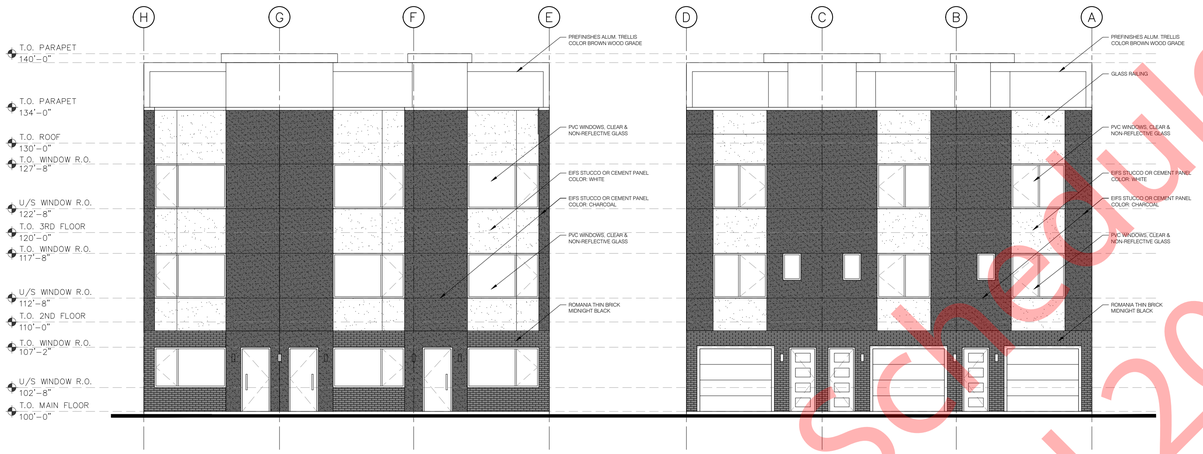
DRAWN: SP CHECKED: SP

PLOT DATE: 2023-10-21

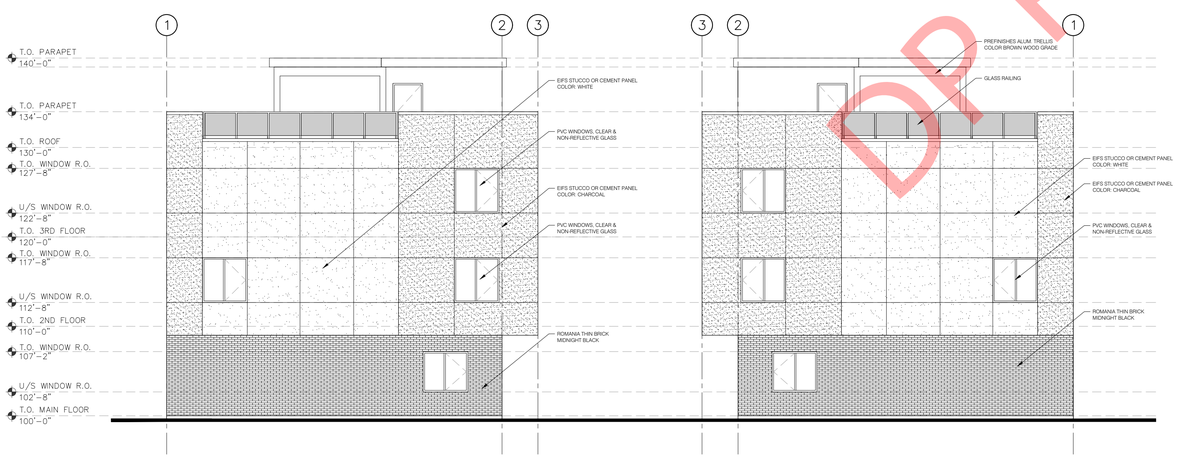
A2.4
23-149



1 / A3.1 OVERALL SOUTH ELEVATION
1/8"=1'-0"



2 / A3.1 OVERALL NORTH ELEVATION
1/8"=1'-0"



3 / A3.1 WEST ELEVATION
1/8"=1'-0"

4 / A3.1 EAST ELEVATION
1/8"=1'-0"

Schedule 'A'
DP PL2023-9705

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Pentincton BC Townhouse

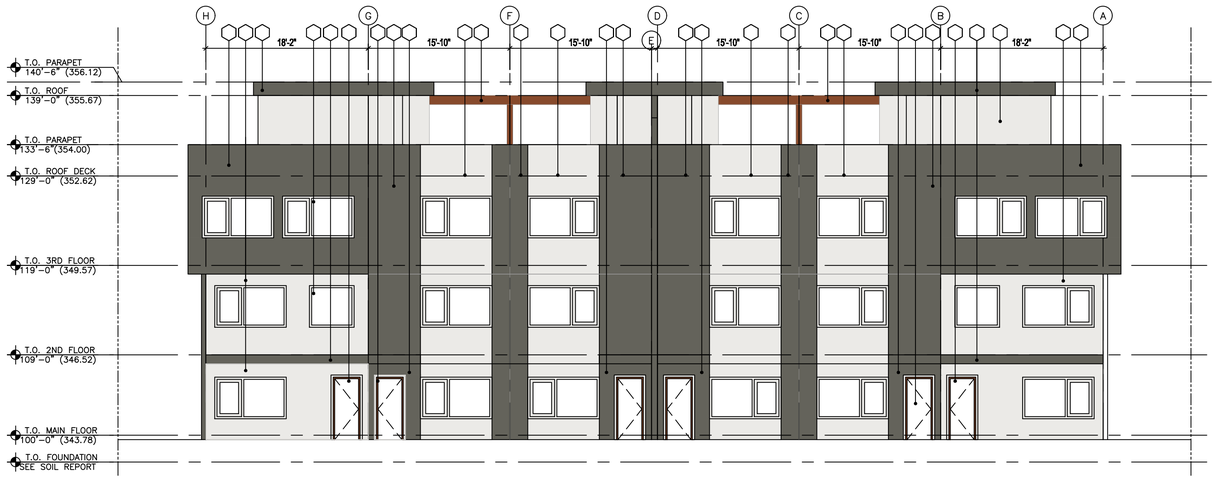
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TOWNHOUSE ELEVATIONS (Bldg #2 & #3)

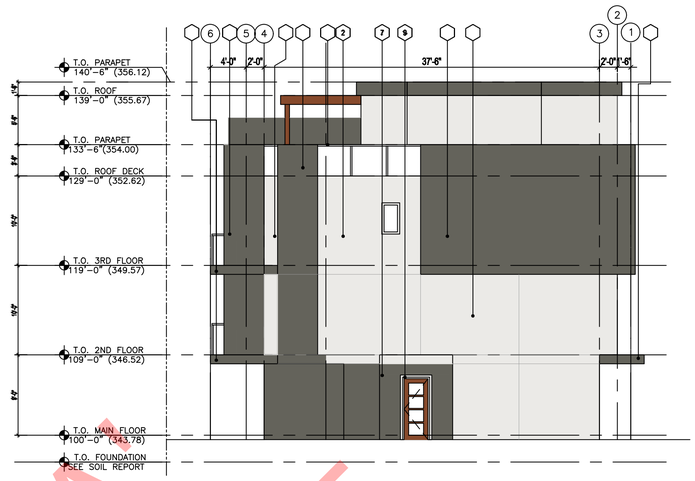
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PLOT DATE: 2023-10-21

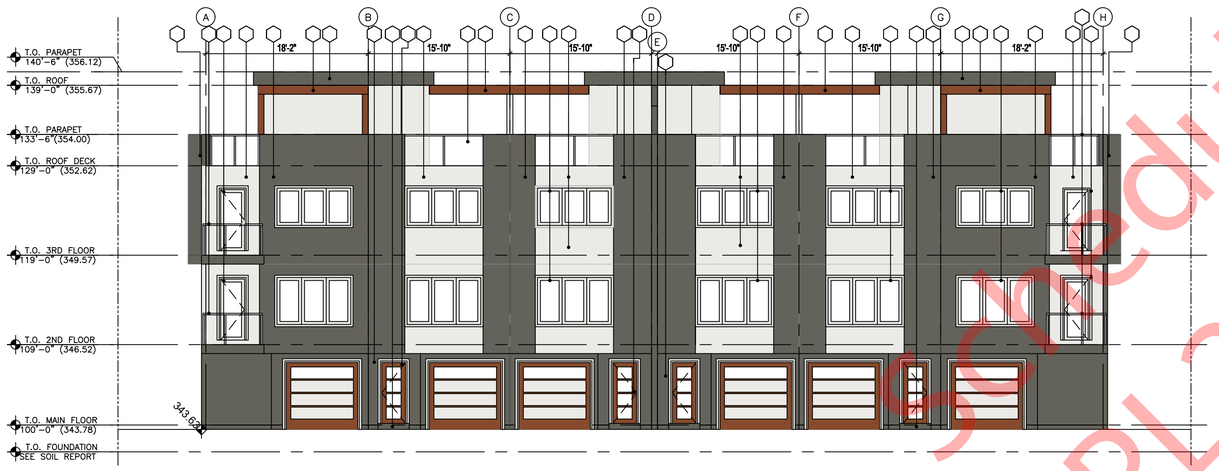
A3.1
23-149



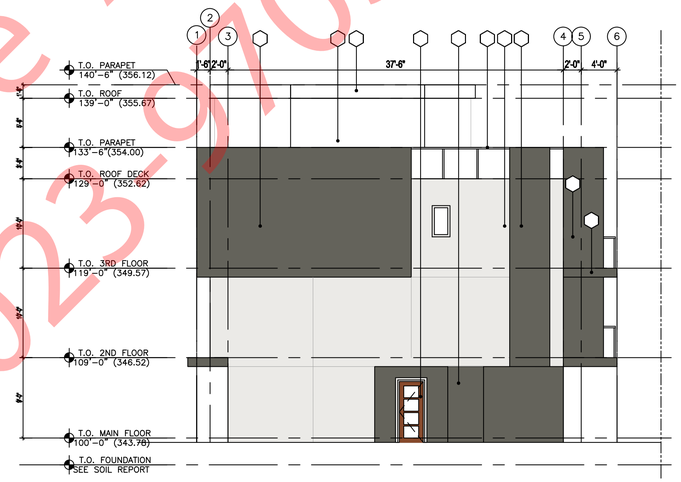
1 A3.2 NORTH ELEVATION
1/8"=1'-0"



2 A3.2 EAST ELEVATION
1/8"=1'-0"



3 A3.2 SOUTH ELEVATION
1/8"=1'-0"



4 A3.2 WEST ELEVATION
1/8"=1'-0"

EXTERIOR MATERIALS LEGEND

1. FIBRE CEMENT PANEL
   COLOUR: DARK GREY
2. FIBRE CEMENT PANEL.
   COLOUR: WHITE
3. PRE-FINISHED METAL FASCIA/ FLASHING
   COLOUR: DARK GREY
4. PRE-FINISHED ALUMINUM TRELLLISSES
   COLOUR: BROWN WOOD GRAIN (POWDER COATED)
5. C.I.P. CONCRETE STEPS
6. 42" HIGH BALCONY CLEAR GLASS RAILING
   C/W ALUMINUM POSTS / FRAME
   COLOUR: POWDER COATED BLACK
7. BRICK VENEER
   COLOUR: MEDIUM GREY
8. PVC WINDOWS/BALCONY DOORS
   COLOUR: WHITE
9. PVC ENTRANCE DOORS-WOOD COLOUR
   C/W FROSTED GLASS

NOTE: EXTERIOR MATERIALS TYPICAL TO ALL ELEVATIONS

Schedule 'A'
DP PL2023-9705

SPAN ARCHITECTURE INC
Tel: 780-800-0258
Cell: 780-990-6002
Email: spanarchi@yahoo.com
Website: www.spanarch.ca

ISSUED FOR

2023.10.14	ISSUED FOR REVIEW

CONSULTANT:

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REPORT INCONSISTENCIES AND OMISSIONS TO THE CONSULTANT FOR CLARIFICATION BEFORE COMMENCING WITH THE WORK.

DEVIATIONS FROM THE CONTRACT DOCUMENTS WITHOUT WRITTEN APPROVAL FROM THE CONSULTANT ARE SUBJECT TO CORRECTION AT THE CONTRACTOR'S EXPENSE.

ARCHITECT
SPAN ARCHITECTURE
3212 McCall Pl. NW
EDMONTON, AB T6R 3V2
Tel: (780) 990-6002 Email: spanarchi@yahoo.com

STRUCTURAL ENGINEER

MECHANICAL ENGINEER

ELECTRICAL ENGINEER

LANDSCAPE ARCHITECT

STAMPS/SEALS

Pentincton BC Townhouse

951 & 963 Dynes Ave. Pentincton

TOWNHOUSE ELEVATIONS (Bldg #1)

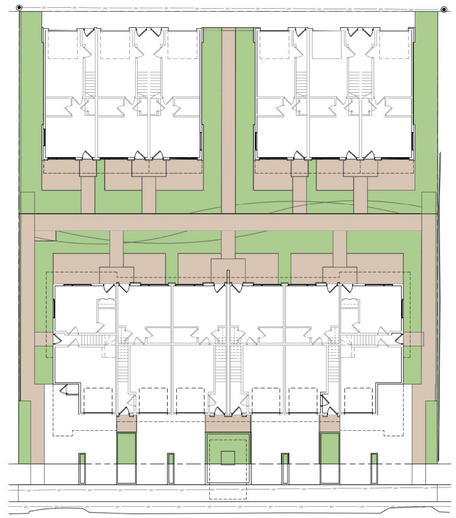
DRAWN: SP CHECKED: SP

PLOT DATE: 2023-10-21

A3.2
23-149



1 Overall Plan
Scale: 1:200



340.50 sq.m. permeable hardscape
237.59 sq.m. soft lanscape

2 landscape areas
Scale: 1:250

Site Information

Address:	951-963 Dynes Ave Penticton, B.C.
City of Penticton Zoning:	RM-3 Medium Density Multiple Housing
Site Area	**1,447.04** sq m
Bicycle parking spaces required 1.3 spaces required (0.1 per dwelling unit)	provided 4 spaces (2 bicycle racks)

Landscape Statistics

Landscape area provided	629.88 sq m 43.53 % of site		
soft landcsape area	321.59	51.06%	
permeable hard landscape area	308.29	48.94%	
Trees min 1 tree per 10 lm of required buffer	required 8	provided 20	
Deciduous Trees	60mm cal	20.00 20	
Coniferous Trees		0.00	
Shrubs min 1 shrub per 1 lm of required buffer	required 80	provided 141	
Deciduous		93.00	
Coniferous		48.00	

trees
- dakota pinnacle birch, min 60 mm cal
- japanese tree lilac, min 60 mm cal
- colunmar swedish aspen, min 60 mm cal

shrubs
- blue carpet juniper
- globe spruce
- amber jubilee ninebark
- red twig dogwood
- oso easy rose

groundcovers
- avalanche reed grass
- flame grass
- northern lights hair grass
- prairie fire red switch grass
- purple emperor cornflower
- variegated moor grass
- wood mulch
- rock mulch
- permeable paving, Ozinga Filcrete or similar

Plant List

Qty	Common Name	Botanical Name
Ornamental Grasses and Groundcovers		
Shrubs		
Coniferous		
40	Blue Carpet Juniper	Juniperus squamata 'Blue Carpet'
8	Globe Blue Spruce (tree form)	Picea pungens 'Globosa (tree form)'
Deciduous		
26	Amber Jubilee Ninebark	Physocarpus opulifolius 'Jefam'
12	Arctic Fire Red Twig Dogwood	Cornus sericea 'Farrow'
55	Oso Easy Paprika Rose	Rosa sp ' Oso Paprika'
Trees		
Coniferous		
Deciduous		
4	Columnar Swedish Aspen	Populus tremula 'Erecta'
10	Dakota Pinnacle Birch	Betula platyphylla 'Fargo'
6	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'

Arquiecos Group Ltd.
Design and Development Consultants
8-121 Village Heights SW
Calgary, Alberta T3H 2L2
p. 403.618.44.27
e. info@arquiecos.com

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Golden, BC V0A 1H0
e: larchlandscapearchitecture@gmail.com
www.larchlandscapearchitecture.com

BRITISH COLUMBIA SOCIETY OF LANDSCAPE ARCHITECTS
REGISTERED MEMBER
JASON MICHAEL JONES
563
2024-03-20

General Notes

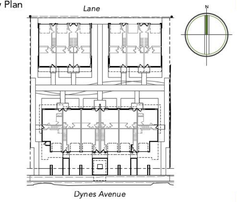
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7. Driveway Separation landscaping to be minimum 1.0m wide as per Architectural Site Plan

Irrigation Notes

1. All landscape areas shall be watered by a low water use automatic underground irrigation system as per municipal standards
   Irrigation and maintenace to extend beyond property line and include boulevard areas.

Key Plan



13	development permit TPC response	24.04.19
12	development permit TPC response	24.03.18
11	development permit TPC response	23.11.15
10	development permit TPC response	23.04.11
9	review and coordination	23.03.30
8	development permit TPC response	23.01.24
	Issued for:	Date. (yy.mm.dd)

Project No.
27-001

Project Title.

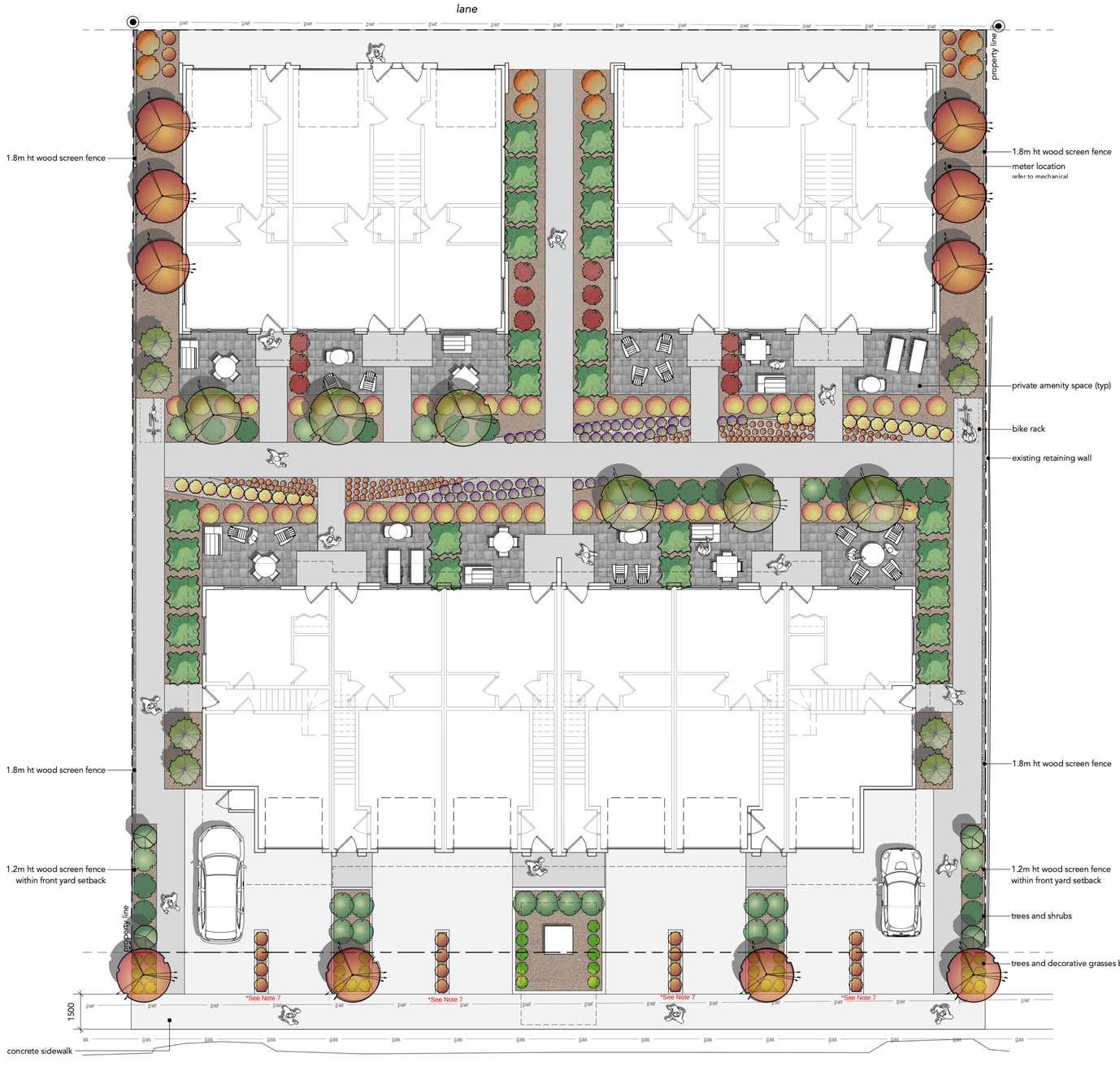
Dynes Avenue Townhomes

951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title:

Overall Plan

Drawn by: cmp
Checked by: jj / cmp
Drawing No. L-0
Scale: 1:200



1 Overall Plan
Scale: 1:100

legend

trees
- dakota pinnacle birch, min 60 mm cal
- japanese tree lilac, min 60 mm cal
- colunmar swedish aspen, min 60 mm cal

shrubs
- blue carpet juniper
- globe spruce
- amber jubilee ninebark
- red twig dogwood
- oso easy rose

groundcovers
- avalanche reed grass
- flame grass
- northern lights hair grass
- prairie fire red switch grass
- purple emperor cornflower
- variegated moor grass
- wood mulch
- rock mulch
- permeable paving, Ozinga Filcrete or similar

Proposed Site furnishings



Wishbone Furnoshings Tenaj Bike rack
Surface mount
Silver Powder coat

Plant List

Qty	Common Name	Botanical Name	Size
Ornamental Grasses and Groundcovers			
22	Avalanche Reed Grass	Calamagrostis x acutiflora 'Avalanche'	2 gallon pot
8	Flame Grass	Miscanthus sinensis 'Purpurascens'	5 gallon pot
121	Northern Lights Tufted Hair Grass	Deschampsia cespitosa 'Northern Lights'	2 gallon pot
21	Prairie Fire Red Switch Grass	Panicum virgatum 'Prairie Fire'	2 gallon pot
52	Purple Emperor Coneflower	Echinacea purpurea 'Purple Emperor'	2 gallon pot
36	Variegated Moor Grass	Molinia caerulea 'Variegata'	2 gallon pot
Shrubs			
	Coniferous		
40	Blue Carpet Juniper	Juniperus squamata 'Blue Carpet'	5 gallon pot
8	Globe Blue Spruce (tree form)	Picea pungens 'Globosa (tree form)'	5 gallon pot
	Deciduous		
26	Amber Jubilee Ninebark	Physocarpus opulifolius 'Jefam'	5 gallon pot
12	Arctic Fire Red Twig Dogwood	Cornus sericea 'Farrow'	5 gallon pot
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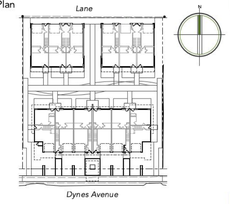
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Project No.
27-001

Project Title.

Dynes Avenue Townhomes

951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title:

Overal Landscape Plan

Drawn by: cmp
Checked by: jj / cmp
Drawing No. L-1
Scale: 1:100



1 Overall Plan
Scale: 1:50

legend

trees
- dakota pinnacle birch — min 60 mm cal
- japanese tree lilac — min 60 mm cal
- sutherland caragana — min 60 mm cal

shrubs
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- globe spruce
- amber jubilee ninebark
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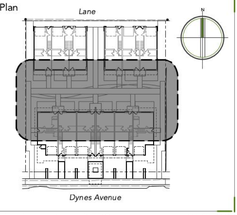
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JASON JAMES JONES
2024-03-20

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Project No.
27-001

Project Title.
Dynes Avenue Townhomes

951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title:
Central Courtyard Plan

Drawn by: cmp
Checked by: jj / cmp
Drawing No. L-2
Scale: 1:50

Regular Agenda Item 8.4
Development Variance Permit PL2023-9706, Development Permit PL2023-9705
Re: 951 & 963 Dynes Avenue

From: Richard Langfield
To: Steven Collyer
Cc: corpadmin
Subject: development variance permit PL2023-9706
Date: Monday, June 3, 2024 1:16:26 PM

Caution! This message was sent from outside your organization. Allow sender | Block sender

Good Afternoon Steven Collyer;

As a land owner across the street at 970 Dynes and having been through two DP's. I was shut down by the fire department for twelve town homes on a much deeper lot. I heard a lot of concerns from the fire department. They won't service fires from the lane was made clear to me. I don't have any objections to the increase in FAR from 50% to 53% or the sideyard minimum to from 4,5 to 2.1m but I have a huge objection to the rear yard setback being changed from 6.0 to 1.5m.

Given the height of the building and the very skinny setback doesn't seem to be fightable from a fire point of view. In fact it would seem to encourage flames to hop from one building to the next.

What if all properties on that lane were the same?

Council would be setting a dangerous precedent for all the future rezonings in that lane.

Thank you for your time and consideration.

Regards

Richard Langfield

Tracy Berntzen
Subject 951 & 963 DYNES AVE.

RECEIVED
JUN 04 2024

June 4, 2024

I received a public Notice on the afternoon of May 30th, as did the neighbour at 945 Dynes. It was post marked May 23 and I am confused how it took a week to reach me as I live a short walk to City Hall.

- The property line is too close
- To high and will block the sun completely coming from the East.
- Noise reduction from that many tenants living so close
- By Laws should not be changed for the developers
- How will the parking be managed. Each unit will ~~have~~ have a garage, but for guests and extra vehicles.

I realise my neighbourhood will change, but it is a neighbourhood, not a concrete jungle.

The Corporation of the City of Penticton

Bylaw No. 2024-21

A Bylaw to Amend Official Community Plan Bylaw No. 2019-08

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend "Official Community Bylaw No. 2019-08";

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

1. **Title:**

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2024-21."

2. **Amendment:**

"Official Community Plan Bylaw No. 2019-08" is hereby amended as follows:

2.1 Replace the map titled "2019 OCP Growth Areas and Infill Areas", as referenced on page 3-44 of the Official Community Plan, with the version included as Schedule 'A' of this bylaw.

2.2 Replace the map titled "Strategic Investment Areas" of the Official Community Plan, as referenced on page 3-45 of the Official Community Plan, with the version included as Schedule 'B' of this bylaw.

2.3 Remove the words "and the Spiller Road" from Section 3, paragraph titled "New Hillside Neighbourhoods", as referenced on page 3-46 of the Official Community Plan.

2.4 Repeal and replace the Land Use Designations table, as included on pages 3-48 to 3-52 of the Official Community Plan, with the version included as Schedule 'C' of this bylaw.

2.5 Repeal and replace the policies in Sections 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5 and 4.1.6 of the Official Community Plan with the version included as Schedule 'D' of this bylaw.

2.6 Repeal and replace "Map 1: Future Land Use" with the updated map included as Schedule 'E' of this bylaw.

2.7 Schedule 'A', Schedule 'B', Schedule 'C', Schedule 'D' and Schedule 'E' attached hereto forms part 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
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*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Official Community Plan Amendment Bylaw No. 2024-21 - Schedule A

City of Penticton

2019 Growth Areas

N

0 0.25 0.5 1

Kilometres

Scale: 1:12,500

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Penticton Indian Band
- Waterbody
- 2019 Official Community Plan Growth Areas
- 2019 Official Community Plan Urban Infill

2024-05-09 4:35 PM

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Okanagan Lake

Skaha Lake

Skaha Lake

97

97

Official Community Plan Amendment Bylaw No. 2024-21 - Schedule B

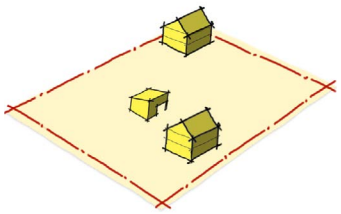
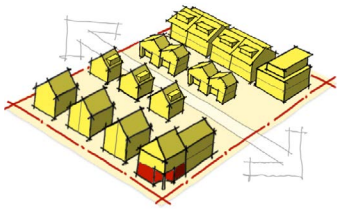
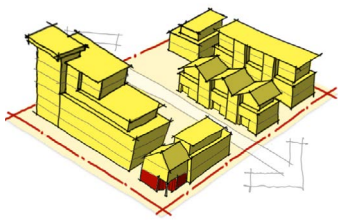
Strategic Investment Areas

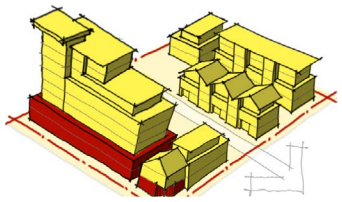
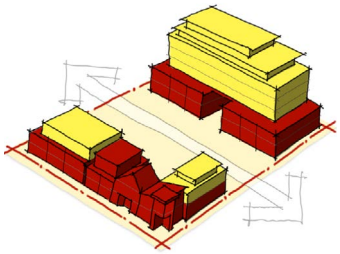
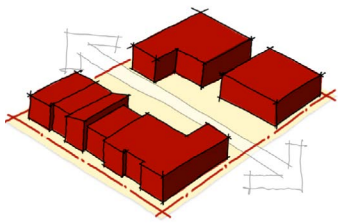
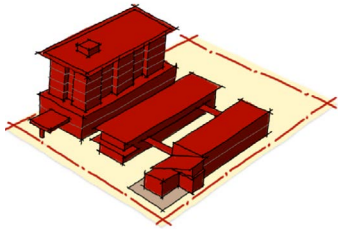
- Downtown
- Northern Gateway
- Industrial Area
- Skaha Lake Road

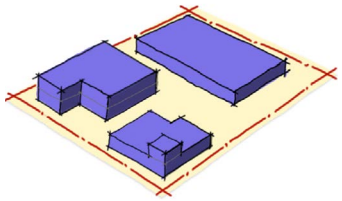
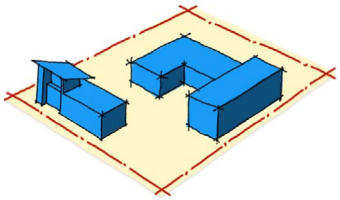
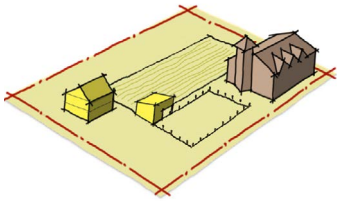
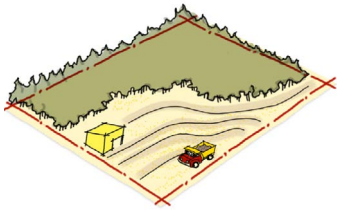
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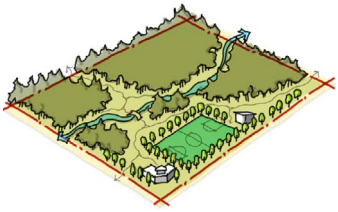
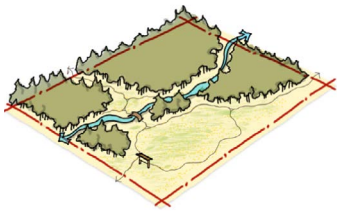
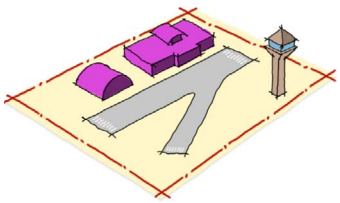
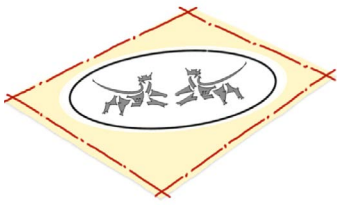
Skaha Lake

Land Use Designations

Land Use	Description	Building Type(s)	Uses	Height / Density
Rural Residential 	Rural areas with single-detached houses on large lots with modified services (e.g., septic systems and/or wells)	• Single detached houses with secondary suites or carriage houses • Bareland stratas	• Residential • Agriculture	• 1 to 2 units per lot • 1 hectare minimum lot size • 0.4 hectare minimum lot size may be considered if connected to the municipal treated water system • Generally up to 3 storeys
	Site-Specific Rural Residential Policy Statements: 3228 Evergreen Drive (Wiltse South Block): limited to a maximum of 2 single-family residences in the Rural Residential area. 1530 Reservoir Road: Allow a minimum lot size of 0.4 hectares, when connected to the municipal treated water system			
Low Density Residential 	Lower-density residential areas with new housing types compatible with single-detached houses in character and scale but providing more units per lot	• Single detached houses with or without secondary suites and/or carriage houses • Duplexes with or without suites and/or carriage houses • Cluster housing • Townhouses • Bareland stratas • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop, childcare)	• Residential • Limited retail/ service	• 1 to 4 units per lot • Up to 6 units subject to contextual design and adherence to DP guidelines • Additional units may be considered where lot consolidation occurs (e.g. consolidation of two lots could support twice as many units per lot) • Generally up to 3 storeys
	Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.			
High Density Residential 	Higher-density multifamily residential neighbourhoods consisting of townhouses and apartments in higher-amenity areas	• Cluster housing • Townhouses • Low-rise and mid-rise apartment buildings • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop, childcare)	• Residential • Limited retail/ service	• Up to 6 storeys
	Site-Specific High Density Residential Policy Statement: 556 to 736 Lakeshore Drive West: Development up to a maximum of four storeys can be considered subject to assessment of urban design impacts on Lakeshore Drive and the waterfront, Lakawanna Park and neighbourhing properties on Churchill Avenue.			

Land Use	Description	Building Type(s)	Uses	Height / Density
Mixed Use 	Higher-density mixed-use areas allowing for intensive development with residential and/or commercial uses	• Higher-density apartments • Mixed-use buildings • Commercial buildings	• Commercial (retail, service, office) • Residential	• Generally greater than 3 storeys
	Site-Specific Mixed Use Policy Statement: 1704 Government Street: Allow a maximum building height of 12 storeys.			
Downtown Mixed Use 	Downtown developments with active retail,service or civic and cultural uses at ground level and multi-family residential and/or office uses.	• Higher-density mixed-use buildings • Residential units limited to the second floor and above, or located behind the commercial frontage if at grade	• Commercial (retail, service, office) • Residential • Civic and cultural • Tourist commercial	• Up to 10 storeys • Up to 3 storeys on the 0-300 blocks of Main St and the 0-99 block of Front St • Up to 5 storeys on the 100-200 block of Front St, subject to contextual design and adherence to DP guidelines
Commercial 	Areas with a wide range of commercial uses including office, retail, goods and services.	• Commercial (retail/ office/service) buildings • Mixed-use buildings (in specific areas, residential units limited to the second floor and above)	• Retail, service • Office • Restaurant • Grocery store • Residential (in specific zones)	• varies by zone
Tourist Commercial 	Areas that serve both visitors and residents, providing accommodation, entertainment, and food and beverage, as well as resort residential uses.	• Hotels • Motels • Restaurants • Resort residential	• Tourist Accommodation • Restaurant, entertainment, service • Retail • Ancillary residential and office uses	• Generally up to 6 storeys, subject to contextual design and adherence to DP guidelines
	Site-Specific Tourist Commercial Policy Statement: 3228 Evergreen Drive (Wiltse South Block) - tourist accommodation resort with a maximum of 20 units and a maximum floor area of 1850m2			

Land Use	Description	Building Type(s)	Uses	Height / Density
Industrial 	Areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage.	• Industrial buildings • Structures and lands	• General Industrial • Heavy Industrial (M2 zone only) • Wholesale, Storage and Warehouse • Vehicle and Equipment Repair	• Generally 1 or 2 storeys
Institutional and Civic 	Areas providing a wide range of services and utilities for the community.	• Varies	• Education Services • Health Services • Hospital • Government Service • Utility Services • Fire Halls • Ancillary residential uses in conjunction with institutional and civic facilities (e.g. student housing, extended care, employee housing) • Parks and open space	• Varies
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	• Agricultural buildings • Detached houses	• Agricultural • Residential	• 1-2 units per parcel
Landfill and Landfill Buffer 	Campbell Mountain Sanitary Landfill serving the region in the long-term along with the buffer area determined by the Ministry of Environment.	• Varies	• Landfill site limited to landfill operations including solid waste disposal, composting and recycling activities • Uses in the buffer area are limited to those approved by the Ministry of Environment.	• Varies

Land Use	Description	Building Type(s)	Uses	Height / Density
Parks 	Active and passive parks, trails, fields, beaches and outdoor recreation facilities.	• Accessory buildings and structures	• Public Park	N/A
Natural and Conservation Areas 	Natural or semi-natural areas with high environmental values intended for conservation and low-impact recreation.	• Accessory buildings and structures	• Public park • Forestry & grazing	N/A
Airport 	Airport and aviation uses and limited related commercial/ tourist commerical activities.	• Airport terminal • Aviation services	• Airport and associated aviation services • Aircraft maintenance and repair, and flight training • Ancillary commercial and tourist commerical	N/A
First Nations 	First Nations lands inside city limits but not under City jurisdiction.	• Varies	• Varies	• Varies

4.1.1 Managing Residential Growth

Goal

Ensure that Penticton retains its compact 'footprint' to help protect natural areas and environmental values and agricultural lands, avoid excessive infrastructure costs and hazard lands, and help create conditions that support transit and active modes of transportation.

Policies

4.1.1.1 Encourage new housing to be built in close proximity to the downtown, shopping centres, schools, parks, bus exchanges and along transit corridors. Specifically direct new housing in the downtown, North Gateway, South Gateway, near the college, hospital, and within designated transit-oriented areas.

4.1.1.2 Avoid development in environmentally-sensitive areas, geological hazard and flood hazard areas, on steep slopes, in agricultural areas and in areas not readily served by transit.

4.1.1.3 Evaluate the short-term and long-term financial, ecological and social costs and benefits of all proposed new greenfield (largely on hillsides) development proposals through analysis of full life cycle costs of infrastructure, including replacement, and services, and structured assessment of environmental and social impacts.

4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.

4.1.1.5 Explore using development financing tools such as Amenity Cost Charges to collect funds for new community amenities such as recreation centres, child care facilities, libraries and community centres to support an increasing population.

4.1.2 Housing Affordability

See Affordable Housing from glossary **(chapter 8)**

Goal

Increase the availability of **affordable housing** across the housing spectrum, from subsidized social housing to home-ownership options.

Policies

4.1.2.1 Where the need is demonstrated, collaborate and partner with senior governments, Interior Health, the non-profit housing sector and the development community to facilitate the retention, development and operation of projects across the housing spectrum including shelters, transitional housing, complex care, supportive housing, non-market housing, co-op housing and affordable rental and ownership housing for singles, families, youth and seniors, with the goal of expanding the amount of non-market units in the city.

4.1.2.2 Maximize the housing potential of existing land assets (sites and buildings) owned by non-profits and governments, including the City, through strategic partnerships and knowledge sharing.

4.1.2.3 Recognize that while senior governments play the primary role in fostering, funding and delivering affordable housing, the City will provide support through technical assistance, supportive regulations, partnerships, community consultation, project facilitation, and implementing policies that encourage new housing development across Penticton.

4.1.2.4 Support innovative models of affordable housing, such as modular housing and adaptive re-use of buildings, through technical and regulatory support, using pilot projects or housing demonstration projects.

4.1.2.5 Engage in robust community consultation and work with community partners to gain support for affordable housing projects and to refine projects to reflect community input.

4.1.2.6 Continually review and improve the efficient processing of development applications, with the potential of adopting pre-approved plans to expedite the approvals process.

4.1.2.7 Assess the potential to use Development Cost Charge reductions for secured, long-term affordable housing projects.

4.1.2.8 Provide long-term security for renters in and owners of purpose-built rental projects by requiring Housing Agreements and/or non-stratification covenants.

4.1.2.9 Reduce parking standards for multifamily developments, where feasible, in appropriate walkable, bikeable and transit-oriented neighbourhoods to reduce construction costs and encourage active transportation.

4.1.2.10 Review and reduce parking requirements in core urban centres, multi-family developments, and strategic growth areas.

4.1.2.11 Eliminate parking requirements for carriage houses and secondary suites.

4.1.2.12 Monitor vacation rentals to ensure they do not have a negative impact on the long-term rental stock or negative social impacts on existing neighbours and/or neighbourhoods. Refine vacation rental policy and regulations if necessary.

4.1.2.13 Recognize mobile homes as a form of affordable housing and protect tenants while increasing the livability and character of mobile home parks through landscaping and open space requirements, and integration with surrounding neighbourhoods, through amendments to the Zoning Bylaw, Mobile Home Parks Bylaw and Mobile Home Parks Policy.

4.1.3 Housing Diversity

Goal

Ensure a range of housing types, sizes, tenures and forms exist throughout the city to provide housing options for all ages, household types, and incomes.

Policies

4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.

4.1.3.2 Use development permit guidelines to support infill development with quality design and sensitivity to the neighbourhood context.

4.1.3.3 Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in new neighbourhoods and subdivisions, and permitting the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.

4.1.3.4 Encourage developments that offer a range of unit types including micro-suites, studio units, and one-bedroom units to meet the needs of smaller households such as youth, young professionals, and seniors while also supporting developments with two-, three- and more bedroom units for larger housholds such as families.

4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.

4.1.3.6 Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.

4.1.3.7 Support the housing needs of the aging population and those with disabilities through universal design principles and standards for accessible units and establishing a minimum proportion of accessible units in multifamily projects in the Zoning Bylaw.

4.1.3.8 Be flexible and adapt to innovative forms of housing including co-housing and units that support multi-generational living to meet the needs of the community.

4.1.4 Housing Quality

Goal

Ensure that new housing is attractively and sensitively designed, is water and energy efficient, and that all housing is properly maintained.

Policies

4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.

4.1.4.2 Ensure that housing – both owner-occupied and rental – is well-managed and meets community expectations for standards of maintenance, upkeep and cleanliness.

4.1.4.3 Continue to ensure that new residential developments meet or exceed energy efficiency requirements. The City may explore incentive programs to encourage higher levels of energy efficiency.

4.1.5 Housing and Neighbourhood Character

Goal

Ensure that as neighbourhoods grow and change, a sense of place and character is maintained.

Policies

4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).

4.1.5.2 The City will undertake or require neighbourhood redevelopment plans in areas undergoing – or proposed to undergo – transition in the context of the directions in this OCP to ensure: a) sustainable mix of land uses, b) an appropriate scale and design, and c) design that considers transportation options.

4.1.5.3 Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City's approval processes, the character and feel of residential neighbourhoods, as well as to guide water and energy conservation.

4.1.5.4 Ensure that all new neighbourhood developments and redevelopments of existing large sites, including bareland stratas, are fully integrated into the surrounding community through publically-accessible roads, sidewalks, trails and public park lands.

4.1.6 Complete and Healthy Neighbourhoods

Goal

Provide opportunities to live, work and play in all of Penticton's neighbourhoods.

Policies

4.1.6.1 Ensure all residential neighbourhoods in Penticton provide a range of appropriately-scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.

4.1.6.2 Increase the supply of neighbourhood amenities, such as pocket parks and trails, for the use, enjoyment and social benefit of the surrounding community as residential intensification occurs.

4.1.6.3 Consult with Interior Health to assist in the preparation of long range plans and strategies (e.g. neighbourhood plans, and parks and transportation plans), as well as guide the review of development applications that have the potential to affect community health.

4.1.6.4 Emphasize the need for increased child care facilities in Penticton by continuing to ensure minor day care centre uses are allowed across the City and that major day care centre uses be expanded into more zones, where appropriate.

Official Community Plan Amendment Bylaw No.2024-21 - Schedule E

City of Penticton

Official Community Plan
Future Land Use

N

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Kilometres

Scale: 1:12,500

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Penticton Indian Band
- Waterbody

Official Community Plan

Future Land Use

- Agriculture
- Airport
- Commercial
- Downtown Mixed Use
- First Nations
- High Density Residential
- Industrial
- Institutional and Civic
- Landfill and Landfill Buffer
- Low Density Residential
- Mixed Use
- Natural and Conservation Areas
- Parks
- Rural Residential
- Tourist Commercial
- Urban High Density Residential

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Okanagan Lake

Skaha Lake

Amended By Bylaw No.

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***.

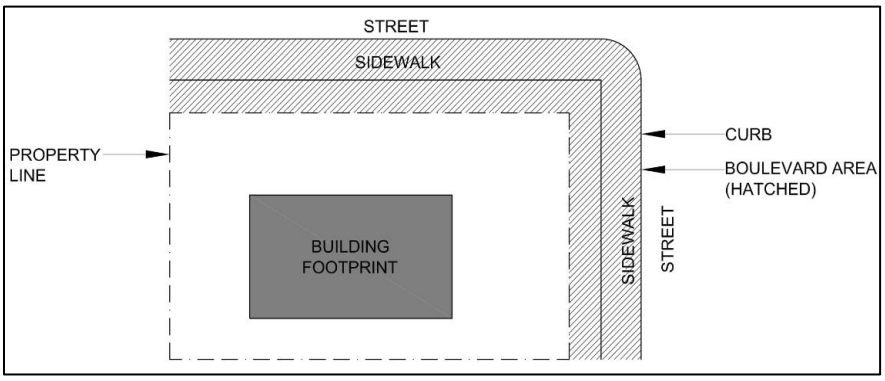


Figure 1 - Boulevard Definition

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 m^2 in ***gross floor area***. Typical ***uses*** include but are not limited to small food stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, printed matter, or the rental of videos. This ***use*** does not include the sale of alcoholic beverages.

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

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

CORNER LOT (see *LOT, CORNER*)

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

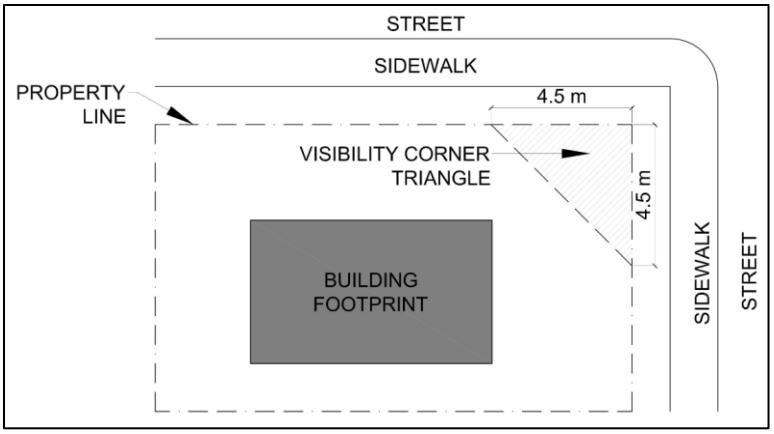


Figure 2 - Corner Visibility Triangle Definition

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

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

CRAWL SPACE means the space between the underside of the joists of the floor above and the ground floor slab or ground surface where no slab exists, having a vertical clear ***height*** of less than 1.8 metres (5.9 feet).

CSA means Canadian Standards Association.

CUSTOM INDOOR MANUFACTURING means development used for small-scale on-site indoor production of goods by hand, manufacturing primarily involving the ***use*** of hand tools. Typical ***uses*** include but are not limited to jewellery, toy and musical instrument manufacturing, specialty food products, gunsmiths, and pottery and sculpture studios. Any sales, display, or ***office*** space shall only be permitted as an ***accessory use***.

D

DAY CARE CENTRE, MAJOR means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than eight (8) children, for not more than thirteen (13) hours per day.

DAY CARE CENTRE, MINOR means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for not more than eight (8) children, for not more than thirteen (13) hours per day.

DECK means a ***structure*** more than 0.6 m above ***grade*** without a roof or walls, except for visual partitions and railings.

DENSITY means a measure of the intensity of a ***building*** or ***buildings*** to the area of the site, including the number of units on a site measured in units/area, or ***floor area ratio (FAR)***, as the case may be.

DIRECTOR OF DEVELOPMENT SERVICES means the person appointed by ***City Council*** to administer and enforce the provisions of this Bylaw.

DOUBLE FRONTING LOT (see ***LOT, DOUBLE FRONTING***)

DUPLEX means a ***building*** designed exclusively to accommodate two (2) ***households*** living independently in separate ***dwelling units*** above, below, beside each other or back-to-back to each other.

DUPLEX, BACK-TO-BACK means a ***duplex*** dwelling that is configured such that one unit faces the front of the ***lot*** and the other faces the back of the ***lot***. Both units share a common back wall.

DUPLEX, SIDE-BY-SIDE means a ***duplex*** dwelling that shares a common side wall.

DUPLEX, STACKED means a ***duplex*** dwelling that is configured such that one unit is on top of the other.

DUPLEX SUITE means a self-contained ***accessory dwelling unit*** located within a ***duplex***, which has its own entrance, kitchen, bathroom and living area.

DWELLING UNIT means accommodation providing interconnected, free flowing space including bedroom(s), washroom and a ***kitchen*** intended for domestic ***use***, and used or intended to be used permanently for a ***household***. A ***dwelling unit*** includes only one (1) room containing ***cooking equipment***, and which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a ***kitchen***. A ***dwelling unit*** may include a maximum of one (1) ***wet bar***, in addition to one (1) ***kitchen***.

E

EDUCATION SERVICE means a ***use*** that involves public ***assembly*** for education, training or instruction purposes, and includes the administration ***offices*** and maintenance/storage facilities required for the daily operation of the facility on the same site or within the same school district. Typical ***uses*** include but are not limited to public schools; private elementary and secondary schools; community colleges; universities; and technical and vocational schools, and their administrative ***offices***.

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.

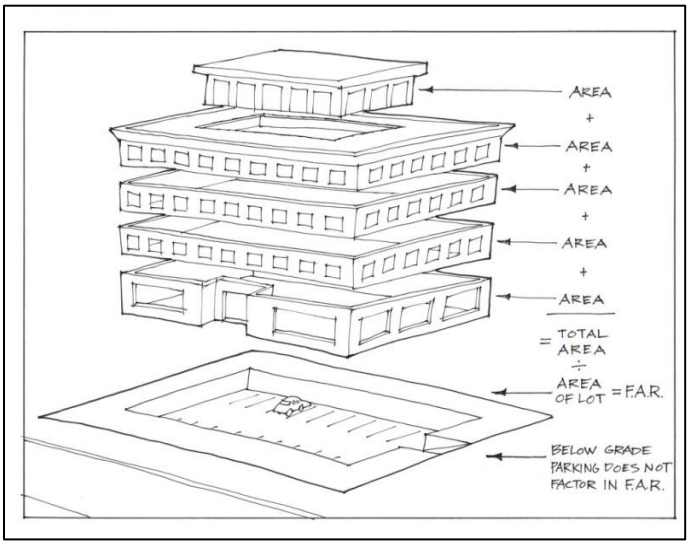


Figure 3 - Floor Area Ratio (FAR) Definition

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.

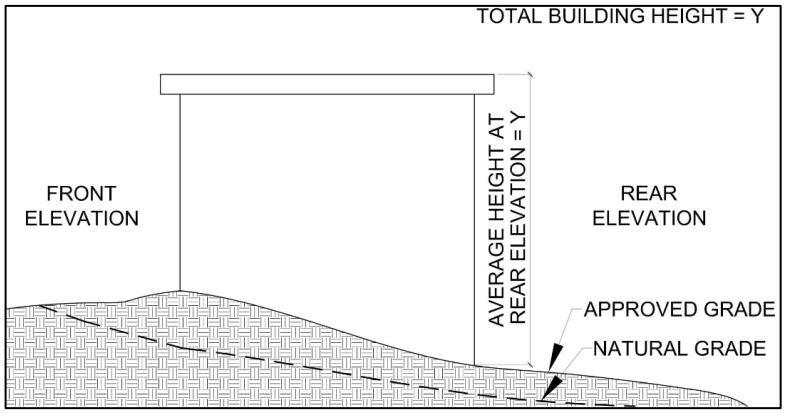


Figure 4 - Grade Definitions

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 m^2 (10,000 sq. ft.), including storage space, primarily retailing in a general line of foods, including canned, dry and frozen foods, fresh fruit and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products, snack foods, non-liquor beverages and general ***household*** products and pharmaceuticals. This ***use*** can include retail liquor sales with a store-within-a-store model as licensed by the BC Liquor and Cannabis Regulation Branch (LCRB) or the sale of 100% BC wine, with a wine-on-the-shelf model, as licensed by the LCRB, but not both in the same location.

GROSS FLOOR AREA (see *FLOOR AREA, GROSS (GFA)*)

H

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

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

HEAVY INDUSTRIAL (see *INDUSTRIAL, HEAVY*)

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

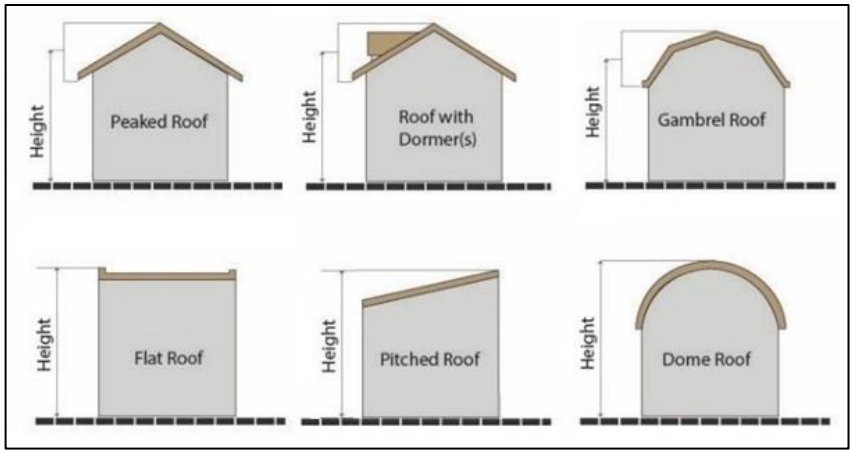


Figure 5 - Height Definition

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

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

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

HOUSEHOLD means:

.1 a person;

.2 two (2) or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one (1) ***dwelling unit*** as a single ***household*** using common ***cooking facilities***; or

.3 a group of not more than five (5) persons, including ***boarders***, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one (1) ***dwelling unit*** as a single ***household*** using common ***cooking facilities***.

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

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

I

INDOOR AMUSEMENT, ENTERTAINMENT AND RECREATION means facilities within an enclosed ***building*** intended for leisure activities where patrons are predominantly participants or spectators. Typical ***uses*** include but are not limited to amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, motion picture

theatres, concert or music halls and casinos. Such ***permitted uses*** may be licensed by the BC Liquor and Cannabis Regulation Branch (LCRB) to sell alcoholic beverages as an ***accessory use***.

INDOOR ANIMAL DAYCARE AND GROOMING means an establishment intended to provide care and grooming for domesticated animals excluding livestock, during the day or evening but not overnight, to a maximum limit of ten (10) animals at any given time.

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

.1 recycling used goods and materials,

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

.3 preparation of printed and film materials,

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

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

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

.7 distribution and sale of materials, bulk goods and equipment to institutions, industrial, ***farm*** or commercial ***businesses*** for their direct ***use*** or to ***retail stores*** or other uses for resale to individual customers, or

.8 training in general industrial operations, trades, occupational first aid, emergency response or industrial health and safety.

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

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

IRREGULAR LOT (see *LOT, IRREGULAR*)

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

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

.2 the production of mushrooms in combination with a compost facility or a managed organic matter ***use***.

INTERIOR LOT (see *LOT, INTERIOR*)

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

J

K

KITCHEN means facilities for the preparation or cooking of food, and includes any room containing ***cooking equipment***, counters, 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 line***s of a ***lot***.

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

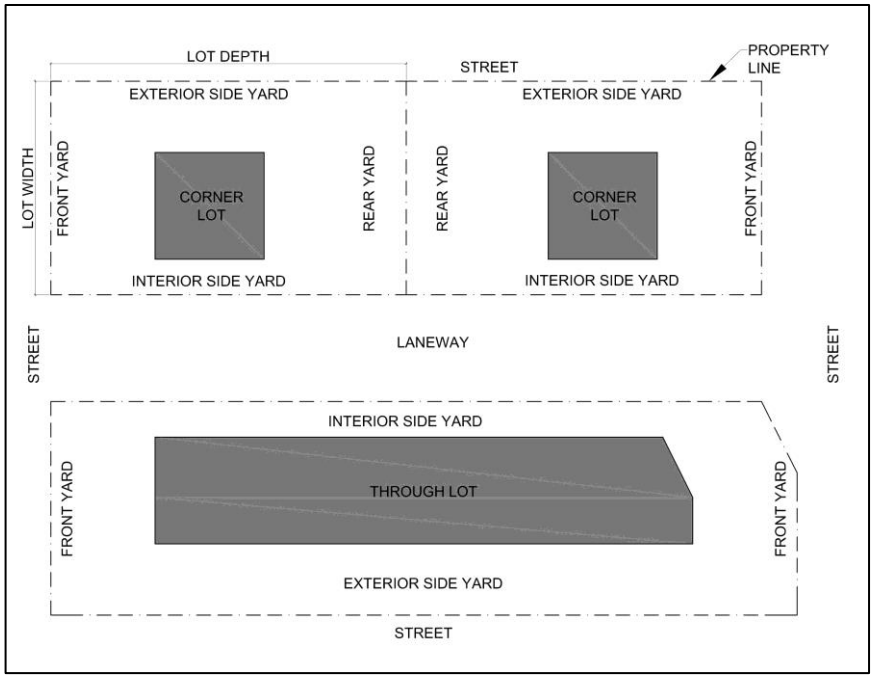


Figure 6 - Lot Definition

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

LOT COVERAGE means the percentage of the total horizontal area of a ***lot*** or ***lots*** that may be built upon with ***buildings***, ***accessory buildings*** or ***structures***, including ***carports***; covered ***patios*** larger than 23 m^2; and ***decks*** over 0.6 m in height. ***Lot coverage*** excludes uncovered steps, cornices, porticos, pergolas, ***cantilevered balconies*** and similar projections permitted in accordance with Table 4.1 of this Bylaw.

LOT, DOUBLE FRONTING (or ***THROUGH***) means a ***lot*** which ***abuts*** two (2) ***streets*** which are parallel or nearly parallel to the ***lot***. This does not include a ***lot*** with a second frontage on a rear ***lane***.

LOT, INTERIOR means a ***lot*** other than a ***corner lot***.

LOT, IRREGULAR means a ***lot*** that does not fall into one of the other ***lot*** definitions.

LOT, PANHANDLE means a ***lot***, which has its primary legal access from a ***street*** through a narrow strip of land, which is an integral part of the ***lot***. This narrow strip is referred to as the panhandle. The panhandle portion of the ***lot*** is not included in the calculation of minimum ***lot*** size.

LOT, STRATA means a ***lot*** shown on a strata plan according to the *Strata Property Act*.

LOT LINE means the legally defined boundary of any ***lot*** or ***property line***.

LOT LINE, FRONT means the ***street*** frontage onto which the primary façade or ***front yard*** of the ***building*** faces. In the case of ***through lots***, or ***double fronting lots***, two ***front lot lines*** are possible.

LOT LINE, REAR means either the ***lot line*** opposite to, and most distant from, the ***front lot line***, or, where there is no such ***property line***, the point of intersection of any ***property lines*** other than a ***front lot line*** which is furthest from and opposite the ***front lot line***.

LOT LINE, SIDE means any ***lot*** boundary line, which is not a ***front*** or ***rear lot line***.

LOT WIDTH means:

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

.2 where a ***lot*** is an ***irregular lot***, the average between the horizontal distance between the ***side lot lines*** at the ***rear*** and the ***front yard setback lines***;

.3 where a ***lot*** is a ***panhandle lot***, the average distance between the ***rear setback lines*** and from the top of the panhandle where the panhandle meets the larger portion of the ***lot***, not including the panhandle itself.

M

MAJOR DAY CARE CENTRE (see *DAY CARE CENTRE, MAJOR*)

MAJOR HOME OCCUPATION means the ***use*** of a ***dwelling unit*** or ***accessory building*** for a ***business*** by a resident who resides at that ***dwelling unit***. The ***business*** must be secondary to the residential ***use*** of the ***building*** and shall not change the residential character of the ***dwelling unit*** or ***accessory building***.

MARINA means a commercial or government establishment or premise, containing docking or mooring facilities where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or for rent.

METAL STORAGE CONTAINER means a shipping or cargo container, being a prefabricated metal container or box specifically constructed for the transportation of goods by rail, ship or ***transport truck***.

MINOR DAY CARE CENTRE (see *DAY CARE CENTRE, MINOR*)

MINOR HOME OCCUPATION means the ***use*** of a ***dwelling unit*** or ***secondary suite*** for a **business** by a resident who resides at that ***dwelling unit***. The ***business*** must be secondary to the residential ***use*** of the ***building*** and no aspects of ***business*** operations shall be detectable from outside the property.

MOBILE CATERING FOOD SERVICE means the delivery and sale of food to the public using a fleet of ***vehicles***.

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 m^2 in ground coverage, intended to be moved from location to location, for the purpose of offering for sale food or retail products.

MODULAR HOUSING means a factory-built ***dwelling unit*** built to ***CSA*** 277 Standards that is transportable and designed to be used by itself or to be incorporated with similar units at a ***building*** site into a modular ***structure*** and intended for year-round habitation. The term is intended to apply to

major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements, which are to be incorporated into a ***structure*** at the site.

MOTOR VEHICLE AND EQUIPMENT REPAIR SHOP means the servicing and mechanical repair of automobiles, motorcycles, boats, snowmobiles, and similar ***vehicles*** and small equipment or the sale, installation, or servicing of related accessories and parts. This includes but is not limited to transmission shops, muffler shops, small engine repairs, tire shops, auto glass shops, and upholstery shops and excludes ***vehicle body repair and paint shop***.

MOTOR VEHICLE AND EQUIPMENT SERVICES, INDUSTRIAL AND AGRICULTURE means the sale, rental, service, or repair of heavy ***vehicles***, machinery or mechanical equipment typically used in ***building,*** roadway, pipeline, oil field and mining construction, manufacturing, assembling and processing operations and agricultural production. This does not include automobiles and recreation vehicle sales/rentals.

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

MOTOR VEHICLE SALES AND RENTAL means the retail sale or rental of new or used automobiles, boats, motorcycles, snowmobiles and light trucks and similar ***vehicles*** and small equipment, together with incidental maintenance services, storage, fuelling, washing, and sales of parts. It includes automobile dealerships but does not include dealerships for the sale or rental of ***vehicles*** with a gross ***vehicle*** weight of more than 4100 kg or the sale of motorhomes with a gross ***vehicle*** weight rating of more than 5500 kg or a length of more than 6.7 m.

MOTOR VEHICLE SERVICE STATIONS means the routine washing, servicing or repair of ***vehicles*** within a ***building*** containing not more than three (3) service bays, and for the sale of gasoline, petroleum products, and a limited range of auto parts and accessories. ***Accessory uses*** may include ***restaurants,*** single-bay ***vehicle*** wash, and ***convenience stores***.

MULTIPLE HOUSING means housing that contains three (3) or more ***dwelling units***, excluding ***accessory suites***, and may include ***townhouses*** and ***apartments***.

MUNICIPAL SOLID WASTE FACILITY means a facility designed, constructed and operated for the collection, processing, transferring or disposal of the solid waste stream or components thereof, including but not limited to, transfer stations, material recycling facilities, composting facilities and disposal facilities.

N

NATURAL BOUNDARY means the visible high water mark, as established by a BC Land Surveyor, of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself. In the case of Okanagan Lake, the ***natural boundary*** shall correspond to an elevation of 342.18 m G.S.C. (1122.63 if). In the case of Skaha Lake, the ***natural boundary*** shall correspond to an elevation of 337.76 m G.S.C. (1108.13 if).

NATURAL GRADE (see *GRADE, NATURAL*)

NATURAL RESOURCE PROCESSING means the quarrying, extraction, removal and off-site sale of sand, gravel, earth or mineralised rock found on or under the ***lot***. Typical ***uses*** include but are not limited to quarries, gravel pits, and stripping of topsoil. This does not include processing of raw materials transported to the site.

NET FLOOR AREA (see *FLOOR AREA, NET (NFA)*)

O

OFFICE means a ***building*** primarily used for conducting the affairs of ***business***, including the provision of administrative, ***business***, clerical and secretarial agencies, consulting, financial, ***government services***, ***health services***, ***high technology services***, insurance, legal, management, professional, and real estate services. This ***use*** excludes ***businesses*** providing the servicing and repair of goods, the sale of goods to the customer on the site, the manufacture or handling of a product, and retail ***uses***.

OFFICIAL COMMUNITY PLAN (***OCP***) means the Penticton ***Official Community Plan***, as amended from time to time.

ON-SITE BEER/WINE MAKING means an establishment that provides goods, facilities or services to persons producing or manufacturing, wine, beer or cider in the establishment for their own consumption or consumption at no charge by others.

OPEN SPACE means that portion of a ***lot*** not occupied by parking or ***vehicle*** areas or ***buildings*** that is accessible and suitable for gardens, ***landscaping***, and recreational ***use*** by ***building*** tenants or residents.

OUTDOOR AMUSEMENT, ENTERTAINMENT and ***RECREATION*** means facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical ***uses*** include but are not limited to golf courses, ball fields, and riding stables.

OUTDOOR MARKET means a temporary ***use*** where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public. This may consist of vendors that include liquor sales and/or tasting within an outdoor market in accordance with the requirements of the BC Liquor and Cannabis Regulation Branch (LCRB).

OUTDOOR STORAGE means the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent ***structures*** or the material alteration of the existing state of the land. Typical ***uses*** include but are not limited to ***vehicle*** or heavy equipment storage compounds.

OWNER means the person(s) or organization listed as the titleholder on a property's legal certificate of title.

P

PANHANDLE LOT (see *LOT, PANHANDLE*)

PARAPET or ***PARAPET WALL*** means that portion of a perimeter ***building*** wall that rises above the roof.

PARENT PARCEL means the original parcel of land that was or is proposed to be the subject of a plan of subdivision.

PARKING LOT means a ***lot*** or part of a ***lot*** or a ***building*** available to be used for the temporary parking of more than one (1) ***vehicle***.

PARKING LOT, PUBLIC means providing vehicular parking which is intended for public ***use*** and not primarily intended for the ***use*** of residents, employees, or clients of a particular ***permitted use*** and may include the collection of a fee.

PARKING SPACE means an off-***street*** space of the size and dimensions to park one (1) ***vehicle*** in conformance with the parking provisions of this Bylaw, exclusive of driveways, aisles, ramps, or obstructions.

PARKING STRUCTURE means a ***structure*** designed for the parking of motor ***vehicles*** in tiers or floors, which may be constructed above, below or at ***building grade***, available to be used for the temporary parking of more than one (1) ***vehicle*** by residents, customers, employees and the public at large.

PARKING, TANDEM means two (2) ***parking spaces***, one (1) behind the other, with a common or shared point of access to a manoeuvring aisle, ***lane*** or ***street***.

PARTY WALL means a wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) ***lots*** each of which is, or is capable of being, a separate real estate entity.

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 m^2 and containing a group of ***retail stores*** and other ***businesses***, which share common services, parking, and other facilities on one (1) or more ***lots***.

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***.

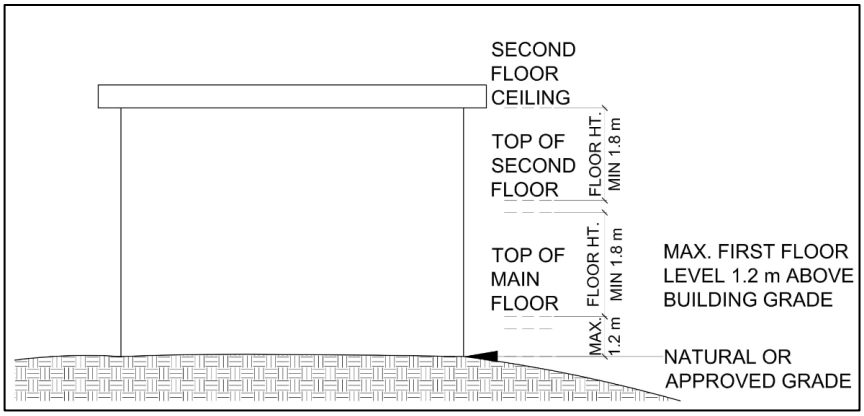


Figure 7 - Storey Definition

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***.

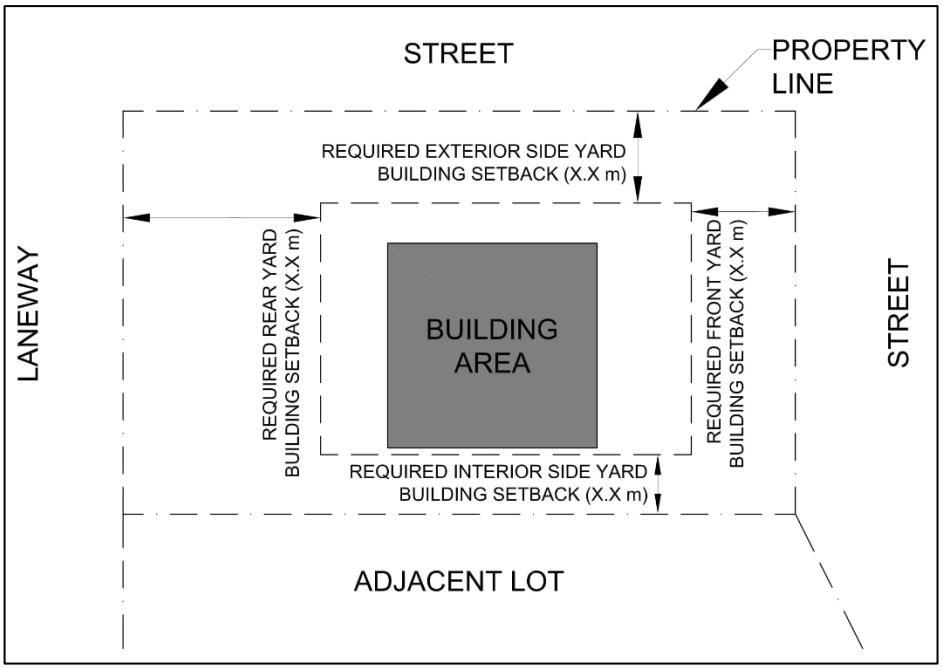


Figure 8 - Yard Definitions

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 m^2 or less, may be erected anywhere on a ***lot***, provided that it is situated behind the front face of the ***principal building***.

4.2.4 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 visbility triangle*** may be reduced to the area created by the actual ***setback*** of the ***building*** or ***structure***.

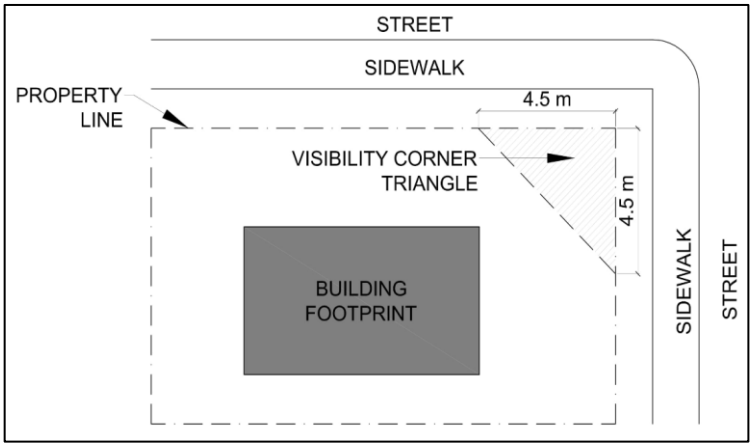


Figure 9 - Corner Visibility Triangle Diagram

4.4 Height and Grade

4.4.1 The following ***structures*** shall not exceed twice the maximum allowable ***height*** permitted by the zone: chimneystacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, steeples, solar thermal collectors or flagpoles.

4.4.2 Any mechanical or structural appurtenance such as elevator housings, roof stairway entrances, ventilating equipment and skylights, constituting not more than ten percent (10%) of the total roof area of a ***building***, may exceed the ***height*** limitations specified for each ***zone*** provided that the appurtenance is screened from view.

4.4.3 ***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 m^2 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 m^2, 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 ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0 m in any ***yard***
Fire escapes, open stairways, landings, steps, ramps and patios	1.5 m ***front yard*** 1.5 m ***exterior yard*** 3.0 m ***rear yard*** If features is less than 0.6 m from grade then not subject to regulations *except ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0 m in any ***yard*** Wheelchair ramps have no limit
Covered or uncovered ***balcony***, porch, ***deck***, platform and veranda	1.5 m ***front yard*** 1.5 m ***exterior yard*** 3.0 m ***rear yard*** *except ***accessory buildings*** or ***structures***, including ***carriage houses***, which shall be 0 m in any ***yard***
Any cantilevered, architectural projection that constitutes less than 25% of the wall face to which the projection is attached	0.6 m in any ***yard***
Window wells below ***approved grade*** and not more than 3.0m in length	0.9 m in any ***yard***

4.9.2 In ***zones*** allowing more than two (2) ***dwelling units***, projections, utilities, underground parking and similar ***structures*** constructed entirely beneath the surface of the ground can encroach into required ***yards***, provided such underground encroachments do not result in a grade inconsistent with ***abutting*** properties, and the encroachments are covered by sufficient soil depth or surface treatment to foster ***landscaping***.

4.9.3 A concrete exterior staircase to access a ***basement*** area below grade may project into any ***setback*** area.

4.9.4 Notwithstanding buffer or landscape requirements, ***patio*** seating for ***restaurants*** may encroach into any ***yard setbacks*** in the CT1 ('Tourist Commercial') ***zone***.

4.10 Refuse and Recycling Bins

All ***multiple housing***, commercial or industrial ***permitted uses*** shall provide refuse and recycling bins subject to the following regulations:

4.10.1 When any ***multiple housing*** residential, commercial or industrial ***permitted use*** is proposed, provisions for garbage storage, recycling and collection shall be made for these facilities on the same site as the ***permitted use***.

4.10.2 All site refuse, recycling bins, utility kiosks, and containers in ***zones*** other than agricultural ***zones***, including all other large receptacles used for the temporary storage of materials, shall require ***screening*** by way of ***fencing*** and/or ***landscaping*** from ***adjacent lots*** and ***streets***.

4.10.3 ***Screening*** required in Section 4.10 of this Bylaw shall consist of ***landscaping*** and/or ***fencing*** that is a minimum of 1.2 m in ***height*** to a maximum ***height*** of 2.0 m.

4.10.4 Refuse or recycling bins, rooms or enclosures designed for ***vehicle*** access shall be located to provide unobstructed access with a minimum width of 3.0 m and a minimum vertical ***clearance*** of 4.6 m.

4.10.5 Any refuse and recycling areas co-existing with any parking or loading area:

.1 Shall be clearly delineated as separate and in addition to required ***parking*** and ***loading spaces***, and

.2 Shall not be located in any public Right-of-Way.

4.11 Drive-through Facilities

4.11.1 Where drive-through facilities are installed, there shall be adequate queuing ***lanes*** provided on the property to accommodate six (6) ***vehicles*** between the ***property line*** and the ordering station. These queuing spaces shall be exclusive of any other ***parking space*** and aisle requirements contained in this Bylaw.

4.11.2 The drive-through facilities shall not be visible from the ***street***. If the drive-through facilities are visible from the ***street*** or neighbouring properties, ***landscape screening*** or ***fencing***, a minimum of 1.2 m in ***height***, shall be required.

4.12 Uses Permitted in All Zones

4.12.1 The following uses shall be a permitted use in all zones:

.1 ***Public parks*** shall be a permitted use in all zones

.2 ***Utility services*** shall be a permitted use in all zones.

.3 ***Urban agriculture*** shall be permitted in all zones.

.4 Cultural exhibits shall be permitted in all zones.

.5 ***Day care centre, minor*** shall be permitted in all zones.

4.13 Agricultural Land Reserve

4.13.1 Notwithstanding any other provisions of this Bylaw, all lands within the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the Regulation), as amended from time to time, and any Orders of the Agricultural Land Commission (ALC). The ALCA and Regulations generally prohibit or restrict non-farm ***use*** and subdivision of ALR lands, unless permitted or exempted.

4.14 Streamside Protection

4.14.1 Development must not occur within 30.0 m of a ***watercourse*** boundary or a distance determined by a Qualified Environmental Professional (QEP), whichever is 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***.

Table 4.2 – *Transit-Oriented Areas* Development Regulations

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 ***walkway***s and driveways. Deciduous trees shall be a minimum ***caliper*** of 60 mm and a minimum clear stem height of 1.5 m. Coniferous trees shall be a minimum 2.5 m in height, and

.2 One (1) shrub for every linear meter of required buffer area, including ***walkway***s and driveways. The shrubs shall be a minimum No. 2 pot shrub.

5.2.2 Required ***landscape buffers*** shall be continuous along the affected property boundaries, interrupted only by ***walkways*** and driveways providing access to the property.

5.2.3 All required ***landscape buffer*** areas shall be watered by a fully automatic, underground, irrigation system.

Table 5.1 – Required Landscape Buffers

Standard	Residential – 5 or more *dwelling units*	Commercial (excluding C5 zone)	Industrial
Minimum width of ***landscape buffer abutting*** a residential ***zone***	3.0 m	3.0 m	3.0 m
Minimum visual screen ***height abutting*** a residential ***zone***	1.2 m	1.2 m	1.8 m

Minimum width of ***landscape buffer*** along highway	3.0 m	3.0 m	N/A

5.2.4 Notwithstanding the ***landscape buffer*** requirements listed in Table 5.1, buffer widths may be reduced to the width of the actual ***setback*** of the ***building*** or ***structure*** if the actual ***setback*** of any ***building*** or ***structure*** is less than the buffer specified in Table 5.1.

5.2.5 Where ***landscape buffers*** are being reduced in accordance with Section 5.2.4 of this Bylaw, cash-in-lieu of each tree not planted, in accordance with the ***City's*** Fees and Charges Bylaw, as amended, must be submitted to the ***City*** to be deposited in the Urban Forest Reserve Fund to be used for tree infilling in the ***City***.

5.2.6 Where a visual ***screen*** is required, it may consist of either vegetation or decorative ***fence*** or wall.

5.2.7 ***Wrecking yard uses*** shall have a ***landscape buffer*** to include solid wall or fence with design consistent with the ***principal building***, between 2.5 m and 3.5 m in ***height***, and no material may be stacked higher than the top of the solid wall or ***fence***.

5.3 Tree Requirement and Protection

5.3.1 Trees are required to be planted for all new residential development in accordance with the following regulations:

.1 For new 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.

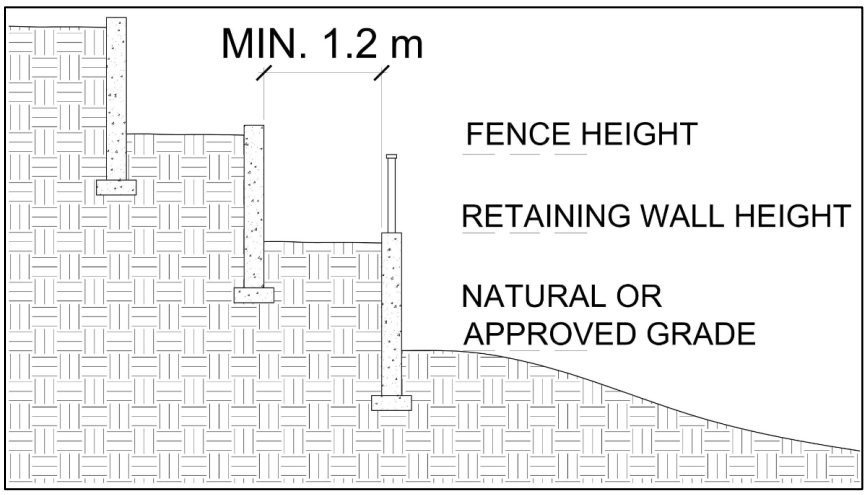


Figure 10 – Multiple Retaining Walls

.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.

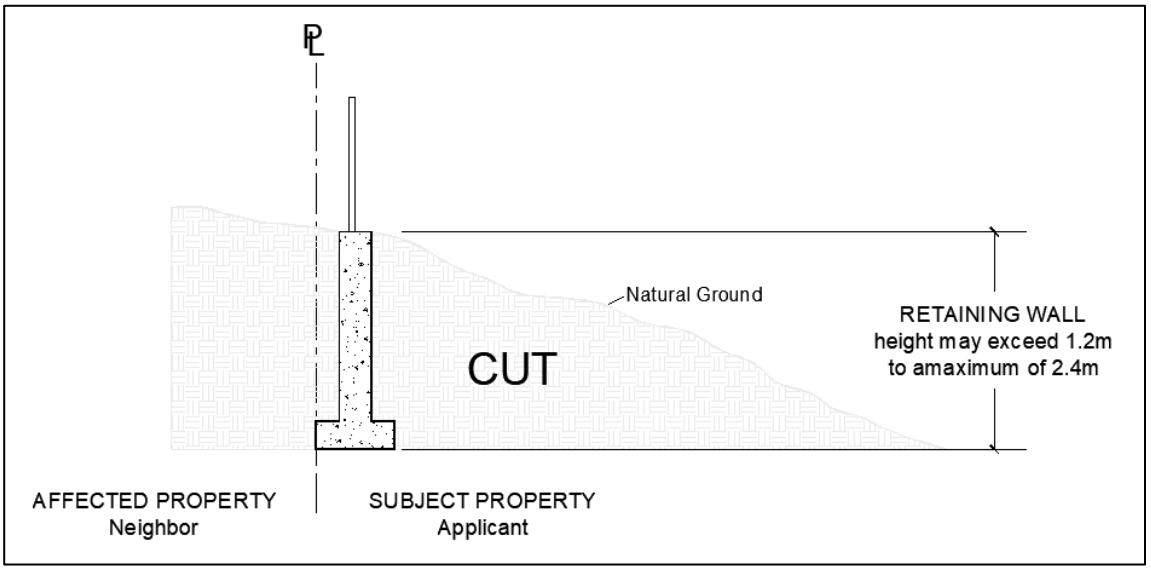


Figure 11 – Height of Retaining Walls

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

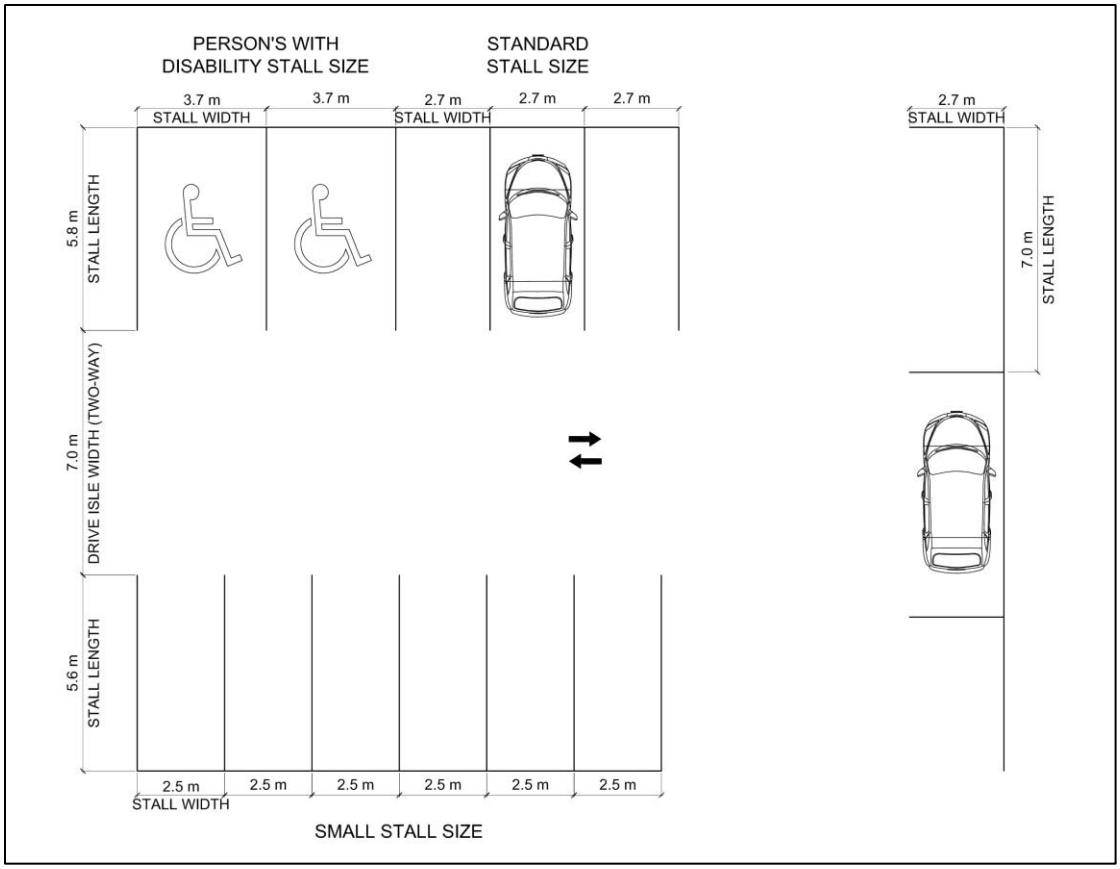


Figure 12 - Stall Size

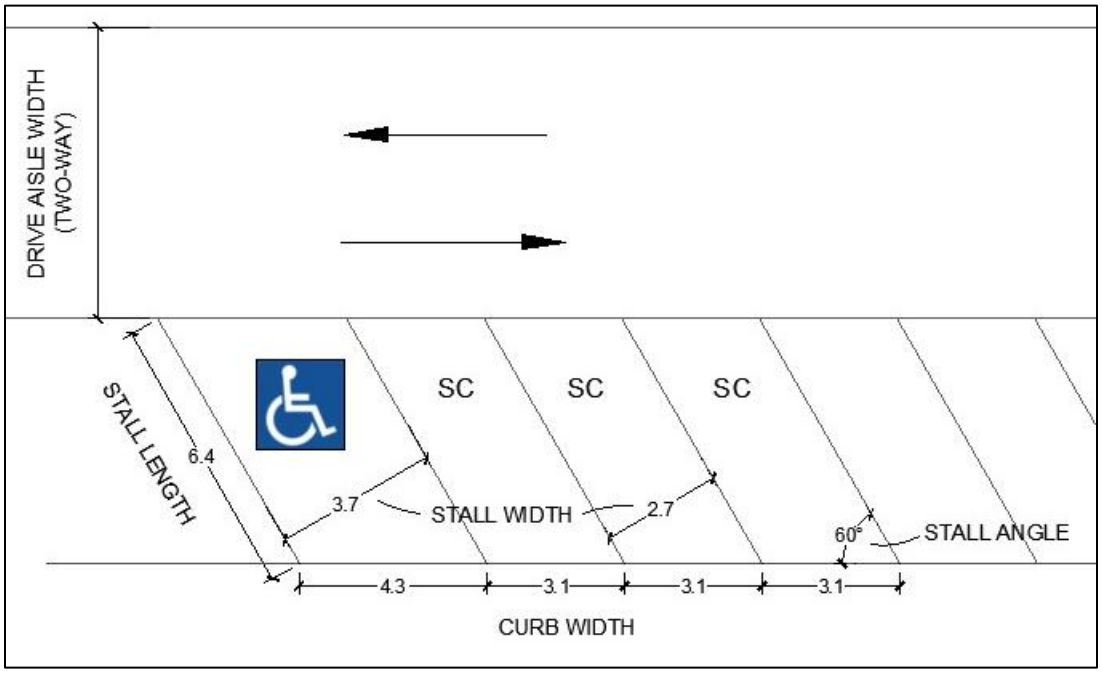


Figure 13 - Stall Size

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 m^2 in area, less than 3.0 m in width, or have less than 4.0 m in overhead ***clearance***.

.2 Access to any ***loading spaces*** shall be provided on the ***lot*** or from a ***lane abutting*** the ***lot***, and arranged such that no backing or turning movement of ***vehicles*** going to or from the ***lot*** causes interference with traffic on the ***abutting streets*** or ***lanes***.

6.3 Development Standards for Parking and Loading Areas

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

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

.1 Shall clearly delineate individual ***parking spaces***, ***loading spaces***, accessible spaces, manoeuvring aisles, entrances, and exits with pavement markings, signs, and/or other physical means.

.2 Shall direct surface drainage to approved planting areas or an approved on-site drainage system or to the public storm system in accordance with the Subdivision and Development Bylaw.

.3 Shall, except in the case of agricultural zones, ***public parks*** and ***open space use***, consist of a durable, dust-free hard surface of concrete, asphalt, grasscrete, or similar material.

.4 Shall locate concrete wheel stops where ***parking spaces abut*** sidewalks, ***buildings***, ***streets*** or landscaped areas.

.5 Shall be constructed with surface grades not exceeding 6%.

6.3.2 Every outdoor off-***street*** parking or ***loading space*** accommodating ten (10) or more ***spaces*** shall incorporate ***landscaping*** within the parking area calculated on the basis of 2.0 m^2 of landscaped island area per ***parking*** and ***loading space***. This shall be landscaped in accordance with Chapter 5.

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

6.4 Off-Street Bicycle Parking

6.4.1 Bicycle Parking Requirements

The number of bicycle parking spaces required for uses shall be calculated in accordance with the standards set out in Table 6.4 below.

Table 6.4 – Bicycle Parking Requirements

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

6.4.2 General Requirements

.1 Where a proposal is for a new ***building***, or an increase in floor area of an existing ***building*** off-***street*** bicycle ***parking spaces*** shall be provided for the total ***building*** in accordance with Table 6.4.

.2 Where calculation of the total number of bicycle ***parking spaces*** yields a fractional number, the required number of spaces shall be rounded to the nearest whole number.

.3 Where more than one calculation of bicycle ***parking space*** requirements is specified for a land ***use***, the greater requirement shall be applied.

.4 Where Table 6.4 does not clearly define requirements for a particular ***permitted use*** the single ***use*** or combination of ***uses*** most representative of the proposed ***permitted use*** shall be used to determine the parking requirement.

6.4.3 Development Standards for Bicycle Parking

.1 ***Bicycle Parking, Class 1*** shall be located in bicycle lockers, compounds or rooms with lockable doors specifically provided and equipped for bicycle storage.

.2 ***Bicycle Parking, Class 2*** shall consist of bicycle parking racks constructed of theft-resistant material, shall be securely anchored to the floor, ***building,*** or ground, supporting the bicycle frame above the centre of gravity, and enabling the bicycle frame and front or rear wheel to be locked; and

.3 Bicycle racks shall be located in a convenient, well-lit location that is easily located and accessible by visitors and subject to casual surveillance by occupants of the ***building*** served by the bicycle rack.

.4 Bicycle parking spaces shall be located on a hard surface.

.5 For multiple housing developments, where a dwelling unit is designed with and has access to its own garage space, no Class 1 bicycle parking shall be required for that dwelling unit.

6.4.4 Bicycle Parking Space Dimensions

.1 Bicycle parking stalls shall be provided in accordance with Table 6.5.

.2 Aisles between bicycle racks shall be a minimum of 1.2 m in width.

Table 6.5 – Bicycle Parking Dimensions

	Width	Length	Clearance
Horizontal Bicycle Parking	0.6 m	1.8 m	1.9 m
Vertical Bicycle Parking	0.6 m	1.0 m	1.9 m

6.5 Parking Requirements

The number of ***parking spaces*** required for ***uses*** shall be calculated in accordance with the standards set out below (i.e. 1 per ***dwelling unit*** means 1 ***parking space*** per ***dwelling unit***):

Table 6.6 – Parking Requirements

Use	Minimum Parking Space Requirement	Loading Space Requirement
Agricultural		
Agri-Tourism	4 per ***business***	0
Alcohol Production Facility	1 per 30 m^2 ***NFA*** of retail sales/tasting area	0
Commercial		
Any ***use*** in the C5 and C6 zone	No parking or loading required	
Any commercial ***uses*** not otherwise listed	1 per 50 m^2 ***NFA***	0
Major and ***Rural Home Residential Occupation***	1 per business	0
Health Service	1 per 30 m^2 ***NFA***	0
Marina	1 per 2 boat slips	0
Office	1 per 30 m^2 ***NFA***	0
Personal Service Establishment	1 per 30 m^2 ***NFA***	0
Restaurant	1 per 50 m^2 ***NFA***	1
Grocery Store	1 per 30 m^2 NFA	1
Tourist Accommodation	1 per sleeping room	1
Convention Facility	1 per 50 m^2 ***NFA***	1
Industrial		
General Industrial Uses or Uses on Industrial Zoned Property	1 per 200 m^2 ***NFA***	0
Self Storage and Storage and Warehouse	Minimum 5	0
Public Assembly and Organizations		
Assembly	1 per 50 m^2 ***NFA***	0

Day Care Centre, Minor or Major	1 per 50 m^2 ***NFA***	0
Extended Care Residence	1 per 4 beds	0
Hospital and Patient Care Service	1 per 4 beds	1
Residential Uses		
Dwelling Unit in C5 or C6 ***zone*** ***Dwelling Unit*** in RM5 ***zone*** with frontage on Ellis Street	0 per ***dwelling unit***	0
Dwelling Unit in a commercial building (excluding C5 or C6 zones)	1 per ***dwelling unit***	0
Apartment, Townhouse, Cluster Housing	1 per ***dwelling unit*** plus 0.2 spaces/unit for visitors	0
Duplex, Live-Work unit	1 per ***dwelling unit***	0
Bed and Breakfast Home	1 per bedroom to a maximum of 3 plus 1 for the required corresponding ***dwelling unit***	0
Boarding House	1 per 2 sleeping rooms plus 2 for the required corresponding principal ***dwelling unit***	0
Congregate Housing	1 per staff dwelling plus 1 per 5 bed spaces	0
Manufactured Home Park	1 per ***manufactured home*** space	0
Secondary Suite or Carriage House	0 per ***accessory suite***	0
Security / Operator Dwelling	1 per ***dwelling unit***	0
Single Detached Dwelling	1	0
Residential Sales Centre	2 per centre	0
Short Term Rental, High Occupant	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 dwelling***s shall be preserved and the amenities of the neighbourhood shall not be adversely affected.

7.3.6 A ***minor home occupation*** shall not generate more than one (1) client visit to the site from which the ***business*** is being operated on any given day. Additionally, no more than one (1) commercial ***vehicle*** visit per day is permitted. The permitted commercial ***vehicle*** visit must be between the hours of 8:00 a.m. and 6:00 p.m.

7.3.7 This ***use*** does not include the repair or painting of ***vehicles***, trailers or boats, tow-truck operations, manufacturing and industrial ***uses***, social escort services, cabinet making, welding or machine shops, ***major care centre***, meat cutting, commercial animal breeding, parking or storage of industrial or construction equipment or materials.

7.3.8 No person other than residents of the property on which the ***minor home occupation*** is being carried out shall be engaged in the ***minor home occupation***.

7.3.9 The total area of a ***minor home occupation*** shall not exceed 25% of the floor area of the ***dwelling*** up to a maximum area of 20 m^2.

7.3.10 General retail sales or display of products not produced on the premises shall not be permitted in a ***minor home occupation***, except for products incidental to the service, agricultural products, mail order sales, telephone or internet sales, goods which the customer does not enter the premises to inspect or pick up.

7.3.11 A ***minor home occupation*** sign is permitted according to the provisions of the ***City*** Sign Bylaw, as amended from time to time.

7.4 Major Home Occupation

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

7.4.1 The doors to the ***accessory building*** or ***structure*** in which the ***business*** is located must be closed when the ***business*** is being conducted.

7.4.2 A ***major home occupation*** shall not exceed 25% of the floor area of the ***dwelling unit***, and in no case shall the combined area of the residence used for the ***business*** and an ***accessory building*** used for the ***business*** exceed 50 m^2.

7.4.3 One employee who is not a resident of the primary ***dwelling unit*** where the ***major home occupation*** is located may work at that location

7.4.4 A ***major home occupation*** shall not generate more than two (2) client visits at any given time

7.4.5 No more than one major home occupation is permitted per property.

7.5 Rural Home Occupation

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

7.5.1 Two (2) employees who are not residents of the principal residence may work at that location.

7.5.2 A ***rural home occupation*** shall not occupy more than 25% of the floor area of the ***dwelling unit***, and in no case shall the combined area of the ***principal residence*** used for the ***business*** and the ***accessory building*** or ***structure*** used for the ***business*** exceed 100 m^2 of floor area.

7.5.3 If there is more than one (1) ***dwelling*** on a ***lot***, there may be a ***rural home occupation use*** in each ***dwelling unit*** provided the total number of clients, employees or floor area permitted for the combined ***home occupations*** does not exceed the limits outlined in Section 7.5 of this Bylaw.

7.5.4 A ***rural home occupation*** shall not generate more than six (6) client visits at any given time.

7.6 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 m^2 and meets the requirements of the sewage system regulation under the *Public Health Act*.

8.1.3 Strata Titles

.1 A ***secondary suite*** may not be sited or located on a separate titled parcel from the principal residence or be created as a ***strata lot*** within the ***single detached dwelling***.

8.1.4 Amenity Space

.1 A minimum of 15 m^2 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 ***lot area***:	370 m^2, regardless of zoning; or 1 ha for ***lots*** without connection to a municipal sewer system.
.2	Maximum ***building footprint*** for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	150 m^2, or 15% of the ***lot area***, whichever is less.
.3	Maximum ***building footprint*** for urban residential zones:	90 m^2, or 15% of the ***lot area***, whichever is less.

	.a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot)	
.4	Maximum ***height*** for rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	7.0 m and two ***storeys***.
.5	Maximum ***height*** for urban residential zones: .a R4-L (Small-Scale Multi-Unit Residential: Large Lot) .b R4-S (Small-Scale Multi-Unit Residential: Small Lot)	.i Where a ***carriage house*** is accessed from a ***lane*** or is located on a ***double fronting lot***, maximum height is 7.0 m and two ***storeys***. .ii Where no ***lane*** exists, the maximum height is 5.0 m and one ***storey***.
.6	***Setbacks***	The ***setbacks*** for a ***carriage house*** shall meet the ***setback*** provisions for a principal ***dwelling*** for the zone in which the subject property is located, except the ***rear yard setback*** shall be 1.5 m in all ***zones***.
.7	Siting in rural zones: .a FG (Forestry/Grazing) .b A (Agriculture) .c RC (Country Residential)	A ***carriage house*** may be located anywhere on the parcel, subject to ***setback*** requirements.
.8	Siting in urban residential zones: .a 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	Overlook in urban residential zones: .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	Maximum ***Carriage House Floor Area*** for rural zones: .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 15m^2 of ***amenity space, outdoor*** shall be provided individually for each of the principal residence and the ***duplex suite***.

8.3.4 Parking and Access Requirements

.1 One on-site ***parking space*** is required for the ***accessory suite*** in addition to those spaces required for the duplex.

.2 All required ***parking spaces*** shall be located on the subject ***lot***.

8.4 Flex Units

8.4.1 Limitation of Suites

.1 ***Flex units*** are limited to a maximum floor area of 40% of the total ***net floor area*** of the principal residence, up to a maximum of 150m^2.

8.4.2 Strata Title

.1 A ***flex unit*** may not be sited or located on a separate titled parcel from the principal unit or be created as a strata lot within the principal unit.

8.4.3 Notwithstanding Section 4.9 of this Bylaw, stairs, ***balconies*** and architectural projections that do not constitute greater than 25% of the face of the front elevation, may project 2.5 m into the required ***front yard*** or ***exterior side yard***.

8.5 Security Operator Dwelling Units

8.5.1 A ***security/operator dwelling unit*** shall not exceed a ***gross floor area*** of 100 m^2.

Chapter 9 – **Rural Zones**

9.1 FG - Forestry and Grazing

PURPOSE

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

9.1.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***agricultural farm help dwelling***
.3 ***agricultural use***
.4 ***animal clinic***
.5 ***animal kennels and stable***
.6 ***carriage house*** (subject to accessory suites regulation 8.2)
.7 ***forestry***
.8 ***municipal solid waste facility***
.9 ***one single detached dwelling***
.10 ***rural home occupation*** (subject to specific use regulation 7.5)
.11 ***secondary suite*** (subject to accessory suites regulation 8.1)
.12 ***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 1850m^2 shall be permitted.

9.2 A – Agriculture

PURPOSE

The purpose of this ***zone*** is to provide for appropriate development within rural areas and to allow ***agricultural uses*** as well as other complementary ***uses*** suitable in an agricultural setting, while protecting these ***uses*** from intrusion of ***uses*** not compatible with ***farm*** operations.

9.2.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***agricultural use***
.3 ***agricultural farm help dwelling***
.4 ***animal kennels and stable***
.5 ***bed and breakfast home*** (subject to specific use regulation 7.2)
.6 ***cannabis production facility***
.7 ***carriage house*** (subject to accessory suites regulation 8.2)
.8 ***forestry***
.9 ***indoor animal daycare and grooming***
.10 ***rural home occupation*** (subject to specific use regulation 7.5)
.11 ***secondary suite*** (subject to accessory suites regulation 8.1)
.12 ***one single detached dwelling***
.13 ***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 m^2

9.2.3 MINIMUM SEPARATION DISTANCES

.1 Minimum distance between ***agricultural structures*** and ***uses*** and a natural ***watercourse*** boundary, domestic water supply or well, on or off site, shall be 15.0 m, unless required otherwise below*:*

	Separation Distances	***Urban Area Boundary***	Natural Watercourse	***Property Line***
.a	Intensive impact agriculture	60.0 m	30.0 m	30.0 m
.b	All farm structures using exhaust fans	N/A	15.0 m	15.0 m
.c	On-farm composting	30.0 m	30.0 m	30.0 m
.d	Agricultural waste storage	30.0 m	30.0 m	30.0 m
.e	Tree, vine, field and forage crops	7.5 m	15.0 m	N/A
.f	Apiculture	15.0 m	15.0 m	N/A
.g	Chemical storage structure	15.0 m	15.0 m	N/A
.h	Field storage	N/A	30.0 m	N/A

9.2.4 MAXIMUM GROSS FLOOR AREAS FOR SPECIFIC USES

.1 The following uses are subject to maximum gross floor areas:

.a	***farm garden stand***:	150 m^2
.b	***farm retail sales*** area:	300 m^2
.c	***winery*** and ***cidery*** the area devoted to food and beverage service shall not exceed:	125 m^2 indoors, and 125 m^2 outdoors

9.2.5 OTHER REGULATIONS

.1 Necessary ***agricultural farm help dwellings*** are limited to one (1) unit on a property of at least 2 ha or more.

.2 Temporary ***dwelling unit***: A second ***dwelling unit***, in addition to the existing ***single detached dwelling unit***, may be constructed on the same ***lot***, subject to the following:

.a The parcel must have a minimum area of 0.4ha;

.b The ***owner*** of the ***lot*** must first grant and register a restrictive covenant to the ***City*** stating that the original (existing) ***single detached dwelling*** must be demolished and removed, made uninhabitable or moved from the ***lot***.

.3 ***Recreational Vehicle*** Storage: Only ***recreational vehicles*** belonging to the ***owner*** or occupier of the principal ***single detached dwelling unit*** on a ***lot*** may be stored on the same ***lot***.

.4 Where a lot legally exists at the time of adoption of this Zoning Bylaw and is zoned A and is less than 0.4 ha in area, the lot coverage, setbacks and height requirements of the RC zone shall apply in place of A zone.

.5 Where a parcel is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission which does not increase the number of land registry parcels for the land concerned, the parcel is exempt from the minimum ***lot area*** requirement.

.6 Where a ***lot*** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional ***lot*** in the ALR, both parcels are exempt from the minimum ***lot area*** requirement.

9.2.6 SITE SPECIFIC PROVISIONS

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

.1 In the case of Lot 1, Plan 29729, DL 190, LD 54, SDYD, located at 4560 Valleyview Road, a ***farm*** inn, being a self-contained ***building*** with a maximum of 4 sleeping rooms, intended to provide temporary accommodation to the travelling public, shall be permitted.

.2 In the case of Lot 1, DL 369, Plan 22517, located at 1379 Riddle Road, a vacation cottage, being a self-contained ***building*** with a maximum size of 82 m^2 that is intended for short-term ***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.

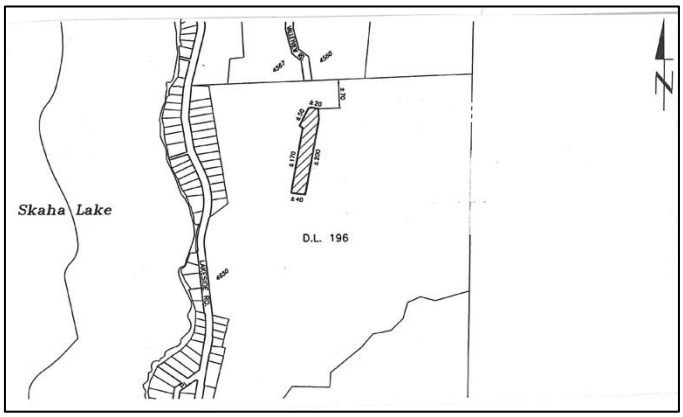


Figure 14 - Location of Public Parking Lot at 4650 Lakeside Road

.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 m^2

9.3.3 SITE SPECIFIC PROVISIONS

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

.1 In the case of Lots 1 – 10, Plan KAS2711, located at 112 Penrose Court and **Lot** 1 KAP 73860:

.a Instead of the ***uses*** and regulations listed within the RC zone, the following ***uses*** are permitted and the following regulations apply:

.i ***single detached dwelling***
.ii ***major home occupation*** (subject to specific use regulation 7.4)
.iii ***accessory use, building*** or ***structure***

.b ***SUBDIVISION AND DEVELOPMENT REGULATIONS***

.i	Minimum ***lot width***:	45 m
.ii	Minimum ***lot area***:	0.4 ha

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

.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 m^2
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 m^2

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 m^2 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 m^2
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 m^2

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 m^2 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 m^2
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 m^2
Development Regulations:		
.3	Maximum ***lot coverage***:	40%
.4	Maximum ***density***:	0.8 ***FAR***
.5	Maximum ***height***:	
	.a ***principal building***	12 m
	.b ***accessory building*** or ***structure***	4.5 m
.6	Minimum ***front yard*** (subject to general development regulations 4.2.6):	3.0 m
	.a except ***lots*** fronting Lakeshore Drive West:	9.0 m
.7	Minimum ***interior side yard***:	
	.a ***principal building***	3.0 m
	.i When less than 8.0 m in height and not exceeding two (2) storeys	1.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.8	Minimum ***exterior side yard***	
	.a ***principal building***	4.5 m
	.b ***accessory building*** or ***structure***	1.2 m
.9	Minimum ***rear yard***	6.0 m

10.4.3 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 m^2 for each ***dwelling unit***.

.2 25% of the required ***amenity space*** must be provided at the ground floor level.

.3 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor.***

10.4.5 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 m^2
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 m^2 for each ***dwelling unit***.

.2 25% of the required ***amenity space*** must be provided at the ground floor level.

.3 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor.***

10.5.4 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 m^2
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 m^2 for each ***dwelling unit***.

.2 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

10.6.4 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 m^2
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 m^2 and may not be separately titled from the principal ***dwelling*** or be strata titled separately from the principal ***dwelling***.

.3 Notwithstanding Section 10.12.2.6 and 10.12.2.8 of this Bylaw, stairs, ***balconies*** and architectural projections that do not constitute greater than 25% of the ***building face*** of the front elevation, may project a maximum of 2.5 m into the required ***front yard*** or ***exterior side yard***.

10.8 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 m^2
.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 m^2,

.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 m^2 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 m^2
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 m^2.

.2 The commercial component of the ***live-work unit*** must have an area of at least 40% of the ***dwelling unit***.

11.2 C2 – Neighbourhood Commercial

PURPOSE

This ***zone*** provides for a limited range of neighbourhood convenience services.

11.2.1 PERMITTED USES

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

.1 ***accessory use, building*** *or* ***structure***
.2 ***artisan crafts***
.3 ***convenience store***
.4 ***day care centre, major***
.5 ***dwelling unit***
.6 ***minor home occupation*** (subject to specific use regulation 8.4)
.7 ***personal service establishment***
.8 ***restaurant***
.9 ***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 m^2
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 m^2***.***

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

11.3 C3 – Mixed Use Commercial

PURPOSE

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

11.3.1 PERMITTED USES

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

.1 ***accessory use, building*** *or* ***structure***
.2 ***artisan crafts***
.3 ***assembly***
.4 ***business support service***
.5 ***commercial school***
.6 ***congregate housing***
.7 ***day care centre, major***
.8 ***dwelling unit***
.9 ***funeral service***
.10 ***grocery store***
.11 ***health service***
.12 ***high technology service***
.13 ***indoor animal daycare and grooming***
.14 ***indoor recreation***
.15 ***live work unit*** (subject to specific use regulation 7.8)
.16 ***minor home occupation*** (subject to specific use regulation 8.4)
.17 ***office***
.18 ***personal service establishment***
.19 ***restaurant***
.20 ***retail store***
.21 ***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 m^2
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 m^2 of ***amenity space*** shall be provided per ***dwelling unit***.

.2 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

.3 A ***dwelling unit*** must be within the same ***building*** of a permitted commercial ***use***.

11.3.4 SITE SPECIFIC PROVISIONS

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

.1 In the case of ***Lot*** 4, DL. 3, Group 7, SDYD, Plan 8666 except Plan KAP 71490, located at 1070 Lakeshore Drive West, ***recreation equipment sales/rentals*** including motor scooters not exceeding engine displacement of 50cc and other motorized ***vehicles,*** and a ***bed and breakfast inn*** within a ***building*** with more than one ***dwelling unit,*** shall be permitted.

.2 In the case of 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 m^2
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 m^2 of ***amenity space*** shall be provided per ***dwelling unit***.

.6 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

11.4.4 Site Specific Provisions

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

.1 In the case of Strata ***Lot*** 1, DL 366, Plan KAS 1711 located at 1027 Westminster Ave. West, a residential ***use*** shall be permitted on the main floor.

.2 On ***Lot*** 1, District Lot 115 and 116, Similkameen Division Yale District, Plan 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 m^2.

.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 m^2
Development Regulations:		
.3	Maximum ***lot coverage***:	100%
.4	Maximum ***height:***	21 m
.5	Minimum ***front yard***:	0.0 m

.6	Minimum ***interior side yard:***	0.0 m
.a	except when ***abutting*** a residential, public or institutional ***zone***	3.0m
.7	Minimum ***exterior side yard:***	0.0 m
.8	Minimum ***rear yard***:	
.a	except when ***abutting*** a ***residential, public*** or ***institutional zone***	0.0 m 6.0 m

11.6.3 OTHER REGULATIONS

.1 ***Dwelling units*** are restricted to second or higher ***storeys***.

.2 Notwithstanding Section 4.9 of this Bylaw, decorative ***building*** features such as cornices, ***balconies***, secured planters and wall and window trim may project up to 0.4 m from the ***building***, provided that the projection has a ***clearance*** above grade of at least 2.8 m from a public ***street*** and 4.5 m from a public ***lane***.

.3 Notwithstanding Section 4.9 of this Bylaw, canopies and **awnings** may project up to 1.5 m from a ***building***, provided that the projection has a ***clearance*** of 2.8 m from the established ***building grade*** of a sidewalk and 4.5 m above a public ***lane.***

.4 Notwithstanding Chapter 6 – Parking Regulations of this Bylaw, any commercial ***use*** identified in this ***zone*** shall not be required to provide any required motor ***vehicle*** parking or ***loading spaces*** for properties fronting onto Westminster Avenue West, Westminster Avenue East and Estabrook Avenue in the downtown.

11.6.4 SITE SPECIFIC PROVISIONS

.1 In the case of ***Lot*** 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP44206, located at 380 Westminster Avenue West, dwelling units on the **first storey**, shall be permitted.

.2 In the case of ***Lot*** 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 871, located at 230 Brunswick Street, indoor millwork, shall be permitted.

11.7 C7 – Service Commercial

PURPOSE

This ***zone*** provides for certain auto-oriented commercial ***uses***, commercial ***uses*** requiring large ***building*** floor space for non-retail purposes and a lesser area for sales, light industrial service industries, and accessory ***office uses***. Auto-related ***uses*** involving ***vehicle*** servicing and sales with outside storage and parking are permitted in this ***zone***.

11.7.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***animal clinic***
.3 ***artisan crafts***
.4 ***assembly***
.5 ***bakery***
.6 ***building and garden supply***
.7 ***business support service***
.8 ***call centre***
.9 ***commercial school***
.10 ***contractor service, general***
.11 ***contractor service, limited***
.12 ***craft brewery/distillery***
.13 ***custom indoor manufacturing***
.14 ***day care centre, major***
.15 ***fleet service***
.16 ***funeral service***
.17 ***garden centre***
.18 ***government service***, including ***outdoor storage***, works yard
.19 ***grocery store***
.20 ***health service***
.21 ***high technology service***
.22 ***household repair service***
.23 ***indoor amusement, entertainment and recreation***
.24 ***indoor animal daycare and grooming***
.25 ***live work unit*** (subject to specific use regulation 7.8)
.26 ***motor vehicle and equipment repair shop***
.27 ***motor vehicle body repair and paint shop***
.28 ***motor vehicle sales and rentals***
.29 ***office***
.30 ***personal service establishment***
.31 ***recreation equipment sales, service and rentals***
.32 ***restaurant***
.33 ***retail store***
.34 ***one security/operator dwelling unit*** (subject to accessory suites regulation 8.5)
.35 ***self-storage***
.36 ***storage and warehouse***
.37 ***transport truck and motorhome sales, service, and rentals***
.38 ***wholesale business***

11.7.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:		
.1	Minimum ***lot width***:	20.0 m
.2	Minimum ***lot area***:	650 m^2
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 m^2
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 m^2
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 m^2 of ***amenity space*** shall be provided per ***dwelling unit***.

.2 A maximum of 20% of the total required ***amenity space*** may be provided as ***amenity space, indoor***.

.3 ***A custom indoor manufacturing*** and ***artisan crafts*** shall have a minimum 10% floor space dedicated to ***retail*** and/or display area in the front portion of the ***business***

11.9.4 SITE SPECIFIC PROVISIONS

.1 In the case of Proposed ***Lots*** 2, 3 and 4 located at 203, 225 and 247 Vancouver Avenue, single detached housing is a permitted use as identified on Schedule 'B' of 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 m^2
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 m^2.

.2 ***Recreation and equipment sales, service and rentals*** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty-(50) cc engine.

.3 No more than one (1) ***security/operator dwelling unit*** is permitted on a site with a maximum ***gross floor area*** of 100 m^2.

11.10.4 SITE SPECIFIC PROVISIONS

In addition to the ***uses*** and regulations above:

.1 In the case of ***Lot*** A, KAP 63701, known as 21 Lakeshore Drive West, the following regulations shall apply:

.a	Maximum ***height***:	24m

.b	Minimum ***front yard***:	6.0 m
.c	Minimum ***side yard***:	
	i. ***interior side yard***	6.0 m
	ii. ***exterior side yard***	6.0 m
.d	Minimum ***rear yard***:	9.0 m
.e	Minimum ***building*** separation from internal ***streets***, surface ***parking spaces*** or ***walkways***	3.0 m
.f	Maximum casino games	
	i. Slot machines	300
	ii. Gaming tables	30

.2 In the case of ***Lots*** 8 and 9, District Lot 366, Plan 5419, located at 970 and 976 Vernon Ave.; Lot 8, District Lot 366, SDYD, Plan 3413 located at 954 Vernon Ave.; Lot A, District Lot 366, SDYD, Plan KAP84491 located at 950 Westminster Ave. W.; and Lot B, District Lot 366, SDYD, Plan KAP84491 located at 903 Vernon Ave.;

.a Hotel use

.b A use for the temporary accommodation of the travelling public under a rental pool scheme operated by a strata corporation; and/or in a strata plan by any person or family member under a time share use plan or time share ownership plan as defined in the Real Estate Act.

.c Residential use – up to 50% of the hotel floor area occupied by hotel rooms.

.d Eating and drinking establishments, indoor entertainment, recreation and amusement.

.e Retail trade and personal services to a maximum of 100m^2 in floor area.

.f Recreational equipment rentals including motor scooters not exceeding 55cc engine displacement, but excluding other motorized vehicles.

.g Conference facilities, including meeting rooms and kitchen facilities.

.h Professional offices, not to exceed 10% of the building in which they are located not to exceed 900m^2 (9,690 sq. ft.).

.i Notwithstanding the Subdivision and Development Regulations in Section 11.10.2, the following regulations apply to these properties:

.i Maximum Lot Coverage: 40%

.ii Maximum Floor Area 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 m^2 ***gross floor area.***

11.12 CT3 – Hotel Resort

PURPOSE

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

11.12.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***indoor amusement, entertainment and recreation***
.3 ***liquor primary licensed premise***
.4 ***personal service establishment***
.5 ***recreation equipment sales, service and rentals***
.6 ***resort residential***
.7 ***retail store***
.8 ***restaurant***
.9 ***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 m^2 of resort ***amenity*** facilities, including outdoor pools, indoor games, recreation, fitness and health rooms, pools and spas, guest lounges, meeting rooms and similar amenities.

.2 In addition to the General Regulations Chapter of this Bylaw dealing with projections, utilities, underground parking and similar ***structures*** constructed entirely beneath the

surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with ***abutting*** properties and the encroachments are covered by sufficient soil depth or surface treatment to foster ***landscaping***.

.3 Within 60 m of the front ***lot line abutting*** Skaha Lake Road, the following ***uses*** shall be permitted: ***restaurant***, ***liquor primary licensed premise***, ***retail store, personal service establishment, indoor entertainment, recreation and amusement***, professional ***office***, ***dwelling units*** above the first floor and under the same roof of the ***building*** within which the ***permitted use*** is carried out, provided that a separate entrance from ground level is provided.

.4 ***Recreation equipment sales, service and rentals*** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding to fifty-(50) cc capacity.

.5 ***Personal service establishments*** and ***retail store uses*** shall be limited to 100 m^2 of ***gross floor area***.

Chapter 12 – **Industrial Zones**

12.1 M1 –General Industrial

PURPOSE

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

12.1.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***animal clinic***
.3 ***animal shelter***
.4 ***artisan crafts***
.5 ***building and garden supply***
.6 ***business support service***
.7 ***call centre***
.8 ***cannabis production facility***
.9 ***contractor service, general***
.10 ***contractor service, limited***
.11 ***fleet service***
.12 ***funeral service***
.13 ***garden centre***
.14 ***general industrial use***
.15 ***government service*** including ***outdoor storage***
.16 ***high technology service***
.17 ***household repair service***
.18 ***indoor animal daycare and grooming***
.19 ***mobile catering food service***
.20 ***motor vehicle body repair and paint shop***
.21 ***motor vehicle and equipment repair shops***
.22 ***motor vehicle and equipment services, industrial and agriculture***
.23 ***motor vehicle sales and rental***
.24 ***outdoor storage***, excluding ***wrecking yard***
.25 ***restaurant***
.26 ***one security/operator dwelling unit*** (subject to accessory suites regulation 8.5)
.27 ***self- storage***
.28 ***storage and warehouse***
.29 ***utility service, major***
.30 ***wholesale business***

12.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:		
.1	Minimum ***lot width***:	20.0 m
.2	Minimum ***lot area***:	1000 m^2
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 m^2.

.4 A ***restaurant*** shall be limited to 100 m^2 ***gross floor area.***

.5 In the case of a business servicing or repairing ***recreational vehicles***, overnight parking of RVs shall be considered an ***accessory use***.

.6 A **funeral service** shall be limited to 250m^2 ***gross floor area***.

12.1.4 Site Specific Provisions

.1 In the case of ***Lot*** 2, Plan 6155 located at 201 Okanagan Avenue East a Fitness centre and food take out delivery shall be a ***permitted use***.

.2 In the case of ***Lot*** A, DL 3821S, SDYD, Plan KAP51916, located at 1363 Commercial Way an ***indoor amusement, entertainment and recreation*** facility in a ***building*** with a minimum floor area of 230 m^2.

.3 In the case of ***Lot*** 1, District Lot 251 Similkameen Division Yale District Plan 12353, located at 2250 Camrose Street, the use of the premises by a non-profit society:

.a Providing family service operations to include life skills training (may include cooking, budgeting, first aid), employment skills training, and work experience facilitation; and

.b Operating a second hand store which primarily sells donated used merchandise; and

.c Operating a food bank for the purposes of storing and distributing food products for non-profit and charitable purposes; and

.d Operating administrative offices shall be permitted.

.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 m^2
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 m^2
.3	Maximum ***height***:	50.0 m

.4	Minimum ***front yard***:	6.0 m
.5	Minimum ***interior side yard***:	4.5m
.6	Minimum ***exterior side yard***:	6.0 m
.7	Minimum ***rear yard***:	7.5 m

12.3 M3 –Wrecking Yard

PURPOSE

This ***zone*** provides for outdoor wrecking and salvage storage activities.

12.3.1 PERMITTED USES

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

.1 all ***uses*** permitted in the M1 ***zone***
.2 ***accessory use, building*** or ***structure***
.3 ***wrecking yard***

12.3.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:		
.1	Minimum ***lot width***:	30.0 m
.2	Minimum ***lot area***:	2000 m^2
Development Regulations:		
.3	Maximum ***height***:	15 m
.4	Minimum ***front yard***:	6.0 m
.5	Minimum ***interior side yard***:	6.0 m
.6	Minimum ***exterior side yard***:	4.5 m
.7	Minimum ***rear yard***:	6.0 m
	.a when ***abutting*** a ***residential, commercial, public*** or ***institutional zone***	10.0 m

12.3.3 OTHER REGULATIONS

.1 All ***uses*** in the M1 ***zone*** that are permitted in the M3 ***zone*** shall be subject to the regulations contained within the M1 ***zone***.

.2 An ***accessory use, building*** or ***structure*** may include an indoor display, ***office***, technical training, and retail sale of products salvaged on the site.

.3 The floor area devoted to ***accessory uses*** shall not exceed 25% of the ***gross floor area*** of the industrial ***use***.

Chapter 13 – Public Assembly and Recreation Zones

13.1 P1 –Public Assembly

PURPOSE

This ***zone*** provides for governmental and institutional ***uses*** including, educational, health and recreational ***uses***, and civic or cultural gatherings.

13.1.1 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***assembly***
.3 ***carnival***
.4 ***cemetery***
.5 ***commercial school***
.6 ***congregate housing***
.7 ***day care centre, major***
.8 ***education service***
.9 ***government service***
.10 ***hospital and patient care service***
.11 ***indoor amusement, entertainment and recreation***
.12 ***office***
.13 ***outdoor amusement, entertainment and recreation***
.14 ***outdoor market***
.15 ***public parking lot***
.16 ***restaurant***
.17 ***retail store***
.18 ***security/operator dwelling unit*** (subject to accessory suites regulation 8.5)

13.1.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:		
.1	Minimum ***lot width***:	15.0 m
.2	Minimum ***lot area***:	560 m^2
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 m^2
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 m^2.

.2 A ***restaurant*** shall be limited to 100 m^2 ***gross floor area.***

13.2.4 SITE SPECIFIC PROVISIONS

.1 In the case of ***Lot*** 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***: There is no maximum ***height*** for mechanical ***structures***	15.0 m
.2	Minimum ***front***, ***side*** and ***rear yards***:	6.0 m

13.3.3 OTHER REGULATIONS

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

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 m^2
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.

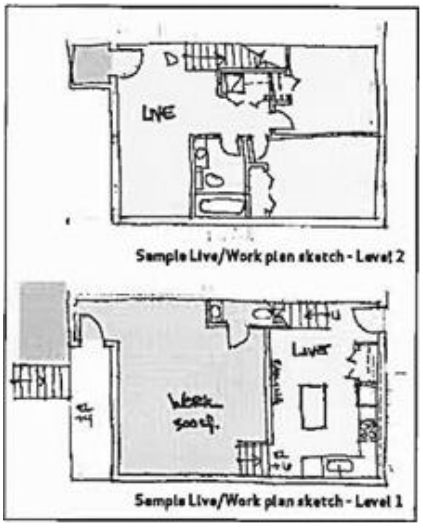


Figure 15 - Live Work CD2

.6 A permitted commercial ***use*** in a ***live-work unit*** shall not produce any nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance.

.7 Notwithstanding the permitted commercial uses under Section 14.2.4 of this Bylaw, the storage or use of toxic, flammable or otherwise harmful materials, in manner or quantity that would otherwise be prohibited in a residential dwelling under the BC Fire Code, is prohibited in a live-work studio.

.8 No on-site parking shall be provided for a commercial use in a ***live-work unit***.

.9 No person other than residents of the ***live-work unit*** shall be engaged in a permitted commercial use. However, there is no limit to the number of employees who work off site of the ***live-work unit***.

14.2.5 OTHER REGULATIONS

.1 Commercial ***uses*** as part of a ***live-work unit*** are subject to the limitations of use under Subsection 14.2.4 and no more than 28 square meters (300 square feet) in floor area, including:

.a ***office*** uses

.b studio for and artist, artisan, sculptor, photographer, or musician.

.c retail sale and display of items produced on the premises

.d mail, telephone, or internet sales of goods produced off-site, provided goods are not stored on the premises and the customer does not enter the premises to inspect or pick up the goods purchased

.2 ***Live-work unit*** shall only front Riverside Drive.

.3 Notwithstanding Section 4.9 of this Bylaw, unenclosed stairwells, balconies, porches, canopies and similar architectural projections may project up to 2.0 m into all ***yards***.

.4 The maximum density specified in Section 14.2.3.4 of this Bylaw may be increased to a maximum floor area of 2.5 if the owner provides the following:

.a A cash payment in the amount of $200,000,

.b Dedication of a statutory right of way over the lands lying to the south of the property to the City for the purpose of public open space as shown on the attached specifications,

.c Construction of the improvements within the dedicated open space shown on attached specifications.

.5 Amenities contributions described in Section 14.2.5.4 shall be deliverable upon application for a building permit authorizing construction of any part of the development.

14.3 CD3 – Comprehensive Development (2784 Skaha Lake Road)

14.3.1 PURPOSE

This ***zone*** provides areas for a mix of residential and compatible commercial ***uses*** within the same building on key sites along Skaha Lake Road.

14.3.2 PERMITTED USES

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

.1 care centre
.2 commercial and professional ***business offices***
.3 ***commercial school***
.4 ***day care centres***, kindergartens, nurseries and community care facilities
.5 dry cleaning
.6 eating and drinking establishment
.7 health and fitness facilities
.8 high tech services (#2001-29)
.9 household repair
.10 ***personal service establishment***
.11 residential dwellings in conjunction with the above uses provided a separate entrance to the dwelling units from ground level is maintained
.12 ***retail store*** and service
.13 senior citizens' boarding homes
.14 thrift store
.15 ***utility services***

14.3.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:		
.1	Minimum lot width:	30.0 m
.2	Minimum ***lot area***:	1500 m^2
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 m^2
	.b Residential	
	.i Bachelor	1.0 spaces per unit
	.ii 1 Bedroom	1.25 spaces per unit
	.iii 2 or more Bedrooms	1.5 spaces per unit

14.3.4 PROJECTIONS INTO YARD SETBACKS

.1 Notwithstanding Section 4.9 of this Bylaw:

.a Entrance canopies or awnings may project no more than 2.5 m into a front setback or an exterior side yard or no closer than 1.5 m to a side lot line.

.b Balconies may project no more than 2.0m into the minimum setbacks and may be partially or totally enclosed where the enclosure consists of clear glazing

14.3.5 DENSITY BONUS

.1 The maximum density specified in Section 14.3.3.4 of this Bylaw may be increased, to a maximum floor area ratio of 2.5 where the owner voluntarily provides a cash payment of $15.00 for every .09 m^2 (1 square foot) of bonus density to the City of Penticton to be placed in a reserve fund for affordable and special needs housing or public amenities off the site. This payment is due at the time of issuance of any building permit authorizing the construction of a building whose construction results in the FAR exceeding 2.0 by any amount, and to the extent that the building permit authorizes construction exceeding that density.

14.3.6 OTHER REGULATIONS

.1 A minimum area of 6.0 m^2 of ***amenity space*** shall be provided per bachelor dwelling or group home bedroom, 10.0 m^2 of ***amenity space*** shall be provided per 1 bedroom dwelling, and 15.0 m^2 of ***amenity space*** shall be provided per dwelling with more than 1 bedroom.

.2 A mixed use building incorporating residential and other uses shall provide functional commercial space on the first floor which must occupy a minimum of 90% of all Skaha Road ***street*** frontages. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.

14.3.7 SITE SPECIFIC PROVISIONS

.1 In the case of Lot 1, District Lot 116, SDYD, Plan 30067 known as 2964 Skaha Lake Rd. town house units are permitted at grade level along Wilson St. frontage with a minimum setback of 3.5m. In the case of Lots 2 and 3 Plan 21548 and Lot A Plan 27251, District Lot 116 known respectively as 2784 Skaha Lake Road, 2824 Skaha Lake Road, and 2730 Skaha Lake Road including consolidations thereof, the follow additional regulations shall apply:

.a Frontages along public streets must be screened by active commercial or retail uses with a minimum height of two storeys and a 3.0 m step back for any uses above the active frontage. An “active frontage” includes commercial, retail or residential units with glazing covering at least 50 percent of the street-fronting facade and at least one entrance every 20 m;

.b All passive uses at or above grade must be fully screened by an active frontage with a minimum depth of 8.0 m. A “passive use” includes parking, service and utility spaces of a building or areas without regular human occupation;

.c Where a building permit application is made for phased development, the Density Bonus specified in Section 14.3.5 of this Bylaw shall be based on Table 14.1. The Area 1, 2 and 3 boundaries are shown on Figure 16 below.

Figure 14.1 – CD3 Density		
Land Area	**Base FAR**	**Bonus FAR**
Total @ 12,710m^2	2.0	2.5
Land Area 1 @ 4236 m2	2.0	2.5
Land Area 2 @ 4236 m2	2.0	2.5
Land Area 3 @ 4236 m2	2.0	2.5

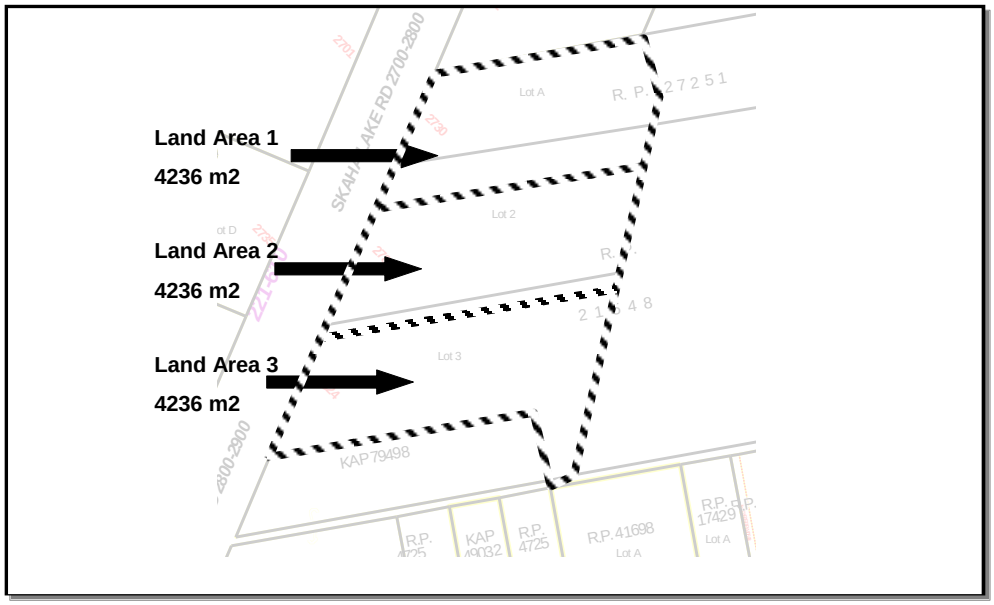


Figure 16 - Phasing and Density Bonus - 2784 Skaha Lake Road

14.4 CD4 – Repealed

14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)

14.5.1 PURPOSE

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

14.5.2 PERMITTED USES

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

.1 ***accessory use, building*** or ***structure***
.2 ***apartment***
.3 ***congregate housing***
.4 ***day care centre, major***
.5 ***extended care residence***
.6 ***minor home occupation*** (subject to specific use regulation 7.3)
.7 ***short term rental*** (subject to specific use regulation 7.6)

14.5.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision Regulations:		
.1	Minimum ***lot area***:	4000 m^2
Development Regulations:		
.2	Maximum ***lot coverage***:	60%
.3	Maximum ***density***: (without density bonus)	2.0 ***FAR***
.4	Minimum ***height*** of residential tower:	20.0 m and 6 storeys
.5	Maximum ***height***:	45 m and 14 storeys
.6	Minimum ***front yard***:	4.5 m
.7	Minimum ***side yard:***	0.0 m
.8	Minimum ***rear yard***:	3.0 m

14.5.4 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 m^2 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 m^2
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 m^2 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 m^2
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 m^2 for each ***dwelling unit***.

14.7.5 OTHER REGULATIONS

.1 A landscaping buffer to be provided along property lines ***abutting*** a residential zone and highway shall not apply.

.2 An ***office*** shall not exceed a maximum ***gross floor area*** of 100 m^2.

14.7.6 ALLOWABLE PROJECTIONS

.1 In addition to the projections permitted in Table 4.1 of this Bylaw, the following projections apply:

Table 14.2 – CD7 Projections	
Feature	**Maximum projection in to Require Yards**
Roof features including roof projection, eaves, eave-troughs and gutters	1.7 m ***interior side yard*** 0.5 m ***front yard***
Open stairways, landings, steps	1.2 m ***interior side yard***, provided that 1.5 m is still maintained between the feature and the property line 1.5 m ***front yard***
Covered or uncovered ***balcony***, porch, and ***deck***	1.6 m ***interior side yard (northern)*** 0.8 m ***interior side yard (southern)***

14.7.7 PARKING REGULATIONS

.1 Off-street ***vehicle parking*** shall comply with the standards and regulations established in Chapter 6 of this Bylaw.

.2 Notwithstanding Section 14.7.7.1, up to 44% of the required off-street ***parking*** spaces may be designed as small car ***parking spaces***, in accordance with Table 6.3 of this Bylaw. Such spaces shall be clearly marked with "small car".

.3 Cash-in-lieu: in lieu of providing the required number of off-***street vehicular parking spaces***, the property ***owner*** may provide the City with a sum of money equal to the number of ***parking spaces*** not provided multiplied by the applicable cash-in-lieu amount as identified in Table 6.1 of this Bylaw. The sum of money will be deposited in the Off-Street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off-Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve.

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 ***lot width***:	90.0 m
.2	Minimum ***lot area***:	3,200 m^2
.3	Maximum ***lot coverage***:	56%
.4	Maximum ***density***:	1.1 ***FAR***
.5	Maximum ***height***:	13.0 m

.6	Minimum ***front yard***:	1.5 m
.7	Minimum ***interior side yard:***	3.0 m
.8	Minimum ***exterior side yard***	1.5 m
.9	Minimum ***rear yard***:	2.5 m

14.8.4 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 10.0 m^2 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 'B'
Zoning Bylaw

N

0 0.25 0.5 1

Kilometres

Scale: 1:12,500

Legend

- Road
- Stream
- City of Penticton Municipal Boundary
- Penticton Indian Band
- Waterbody

Zoning Bylaw

No Zoning

- No Zoning - No Zoning

Rural Zones

- FG - Forestry and Grazing
- A - Agriculture
- RC - Country Residential Housing

Urban Residential Zones

- R4-S - Small-Scale Multi-Unit Residential - Small Lot
- R4-L - Small-Scale Multi-Unit Residential - Large Lot
- RSM - Mobile Home Park Housing
- RM1 - Bareland Strata Housing
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- RM4 - High Density Multiple Housing
- RM5 - Urban Residential

Commercial Zones

- C1 - Commercial Transition
- C2 - Neighborhood Commercial
- C3 - Mixed Use Commercial
- C4 - General Commercial
- C5 - Urban Centre Commercial
- C6 - Urban Peripheral Commercial
- C7 - Service Commercial
- C8 - Vehicle Service Station
- C9 - Marina Way Commercial
- CT1 - Tourist Commercial
- CT2 - Campground Commercial
- CT3 - Hotel Resort

Industrial Zones

- M1 - General Industrial
- M2 - Heavy Industrial
- M3 - Wrecking Yard

Public Assembly & Recreation Zones

- P1 - Public Assembly
- P2 - Parks and Recreation
- P3 - Major Utilities
- P4 - Environmental Reserve

Comprehensive Development

- CD2- Comprehensive Development (270 Riverside Drive)
- CD3 - Comprehensive Development (2784 Skaha Lake Road)
- CD5 - Comprehensive Development (3388 Skaha Lake Road)
- CD6 - Comprehensive Development (962 Churchill Avenue)
- CD7 – Comprehensive Development (154 Brunswick Street)
- CD8 - Comprehensive Development (795 Westminster Ave W)

2024-05-08 4:12 PM

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Okanagan Lake

Skaha Lake

Amended By Bylaw No.

City of Penticton

Schedule 'C' – Penticton Plaza Transit-Oriented Area Map

N

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)

2024-05-10 9:24 AM

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City of Penticton

Schedule 'D' – Peachtree Square Transit-Oriented Area Map

N

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)

2024-05-10 9:57 AM

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City of Penticton

Schedule 'E' – Cherry Lane Mall Transit-Oriented Area Map

N

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)

2024-05-10 10:01 AM

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