

Zoning Bylaw - Frequently Asked Questions

March 2010

1. Why does the current Zoning Bylaw need to be changed?

The current Bylaw was adopted in 1987. The rigid model and age of the current Bylaw make it relatively time-consuming to negotiate and obtain a development approval, which slows economic growth.

2. What is my property currently zoned and what is it proposed to be zoned under the new zoning bylaw?

You will need to review the City webpage for more details about the uses, site and bulk requirements, and other zoning regulations that apply to your land under the current Bylaw No. 87-65 and under the proposed bylaw.

3. What is the difference between my existing zoning and the proposed zoning?

For most residential properties, your zoning district has been relabelled to match the proposed bylaw, and development rights are not affected. For some commercial and industrial properties, there may be zoning changes and new standards for future development.

4. What if I want my zoning changed? What are my options?

You have three options:

- i. You can apply to amend your zoning under the current bylaw through the standard rezoning process.
- ii. You can attend the Public Hearing being held if you believe that the mapping rules were not applied correctly to your property to request that the City of Penticton amend the zoning of your property. There is no guarantee that the Council will support your request.
- iii. You can apply to amend the zoning of your property after the new bylaw is enacted through the standard rezoning process.

5. Can my existing use continue to operate?

Your existing use is allowed to continue indefinitely as a non-conforming use, even if your use is no longer listed as a permitted or conditional use in your zone category (See Chapter 6.8: Non-Conforming Uses) of the proposed Zoning Bylaw.

6. What if I want to expand my operation, but my use is no longer permitted in my zoning category?

You may alter the building itself to comply with a legal requirement, to bring the building into

compliance with the provisions of the new Bylaw, or to allow it to accommodate a conforming use. Buildings containing non-conforming uses may only be expanded if receive approval from the Board of Variance. If you are operating a legal use in a building that does not conform with the Dimensional, Design, and Development standards of the new Bylaw, any alteration or expansion of the building will have to comply with those standards.

7. Will the new Zoning Bylaw result in “downzoning” of property?

The goal of the Bylaw mapping change is not to restrict development rights. The general intent is to modernize the zoning categories and then most closely match current land uses to the most appropriate new zoning category. Most of the changes to the zoning maps are label changes, not rezonings, except in the case of some commercial uses in areas currently zoned industrial, where we will bring the zoning into compliance with the existing uses. (i.e., change to commercial zoning)

8. Will the new Bylaw affect my property value or my taxes?

The intent is to map each parcel of land to the new zoning category that most closely resembles the existing zoning or to one with a similar range of uses and development rights. However, as the zoning category framework and the set of permitted uses have changed, there may be some properties that gain or lose specific rights. Values may therefore be affected during future assessment review periods. However, there are many factors that affect property value beyond zoning designation, including: general economic conditions, market demand, location, condition of buildings, income streams, surrounding neighbourhood amenities and context, etc. Assessments are generally conducted on a uniform basis for similar properties in an area. If you are concerned that your value would be affected, it would be prudent to consult with the BC Assessment Office on an individual basis. While property values may be indirectly affected by planning and zoning designations, decisions regarding what are included in the Zoning Bylaw is City Council’s decision. Council will base its decisions on sound planning principles and not entirely on potential financial impacts on property owners.

9. Will the existing Land Use Agreement/Contract on my property remain in effect?

Yes, all existing Land Use Agreements will remain in effect. The most restrictive provisions that apply to a property will prevail. If a property owner wishes to make an application for redevelopment of their property, the Land Use Agreement can be reviewed with the City on a case-by-case basis to see how the issues addressed in the Land Use Agreements are treated under the new bylaw provisions.

10. What are the major proposed changes to the Bylaw?

The consultant has prepared a Council report of changes that is available on the [City’s web site](#)

11. How does the new Bylaw regulate home-based businesses?

The new bylaw divides home-based businesses into three categories — major, minor and rural. Minor home-based businesses are those that have little or no impact on adjacent properties, such

as offices, professional services, writers, etc. These minor home-based businesses will be permitted under the new Zoning Bylaw, provided that their operations avoid neighbourhood impacts. Major home-based businesses are those that have the potential to have traffic or noise impacts beyond the property line, such as hairdressers, music lessons, counselling office, etc. Rural home-based businesses are those that have a limit of two employees engaged in the business and no limit to the number who work offsite.

12. How will the new Bylaw affect Penticton businesses?

Permitted uses have been consolidated into fewer, broader categories, which will make it easier to determine whether permitted uses are allowed in specific zone districts.

13. Will it cost Penticton businesses more to comply with the new Bylaw?

In some cases, it will, because new baseline landscaping, and development standards are now spelled out.

14. Does the new Bylaw address the design of individual buildings?

The new Bylaw does not specify a particular style for new buildings, and does not create any design review bodies to review building designs. However, landscape screening, utilities/equipment and refuse and recycling bins have been added into the new Bylaw with design specifics. In addition, the OCP has proposed additional design requirements for commercial, industrial and multiple family residential buildings. (i.e. new commercial buildings avoid bland, featureless walls, and that they screen rooftop equipment. In addition, the Bylaw addresses the design of commercial and industrial parking lots by requiring new lots to be landscaped, and by requiring the inclusion of pedestrian walkways and bicycle parking for larger commercial developments.

15. When will the new Bylaw come into effect?

It is anticipated that once Council adopts the Bylaw there will be a six month period before the bylaw will come into effect to ensure permits existing in process can be completed.