

The Corporation of the City of Penticton

Bylaw No. 2024-05

A Bylaw to Amend Zoning Bylaw 2023-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

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 “Zoning Amendment Bylaw No. 2024-05”.

2. **Amendment:**

Zoning Bylaw No. 2023-08 is hereby amended as follows:

- 2.1 Update the Table of Contents and add the following to Chapter 14 – Comprehensive Development:

14.9 CD9 – Comprehensive Development (1704 Government Street)

14.9.1 PURPOSE

This **zone** provides for the comprehensive development of a high density, mixed use development site on *Lot A, District Lot 3429S, SIMILKAMEEN DIVISION YALE DISTRICT, PLAN 23195 EXCEPT PLAN 37288*, located at 1704 Government Street.

14.9.2 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *animal clinic*
- .3 *apartment*
- .4 *artisan crafts*
- .5 *assembly*
- .6 *bakery*
- .7 *business support service*
- .8 *cannabis retail store*
- .9 *commercial school*
- .10 *convenience store*
- .11 *craft brewery/distillery*
- .12 *congregate housing*
- .13 *day care centre, major*
- .14 *day care centre, minor*
- .15 *dwelling unit*

- .16 *extended care residence*
- .17 *financial service*
- .18 *flex unit* (subject to accessory suite regulation 8.4)
- .19 *general industrial use* (subject to the regulations in Section 14.9.5)
- .20 *grocery store*
- .21 *health service*
- .22 *high technology service*
- .23 *hospital and patient care service*
- .24 *household repair service*
- .25 *indoor amusement, entertainment and recreation*
- .26 *indoor animal daycare and grooming*
- .27 *liquor primary licensed premise*
- .28 *live work unit* (subject to specific use regulation 7.8)
- .29 *minor home occupation* (subject to specific use regulation 7.3)
- .30 *office*
- .31 *outdoor market*
- .32 *personal service establishment*
- .33 *public park*
 - a. *community garden*
 - b. *outdoor amusement, entertainment and recreation*
 - c. *outdoor market*
- .34 *recreation equipment sale, service and rentals*
- .35 *resort residential* (subject to the regulations in Section 14.9.5)
- .36 *restaurant*
- .37 *retail store*
- .38 *tourist accommodation* (subject to the regulations in Section 14.9.5)
- .39 *vacation rental* (subject to specific use regulation 7.6)

14.9.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum *lot width*: 25.0 m
- .2 Minimum *lot area*: 2,200.0 m²
- .3 Maximum *lot coverage*: 65%
- .4 Maximum *density*: 3.4 *FAR* (subject to the regulations in Section 14.9.8)
- .5 Maximum *height*:
 - Sub Area A: 29.0 m (8 *storeys* above *approved grade*)
 - Sub Area B: 29.0 m (8 *storeys* above *approved grade*)
 - Sub Area C: 43.0 m (12 *storeys* above *approved grade*)

Sub Area D: 24.0 m (6 *storeys* above *approved grade*)

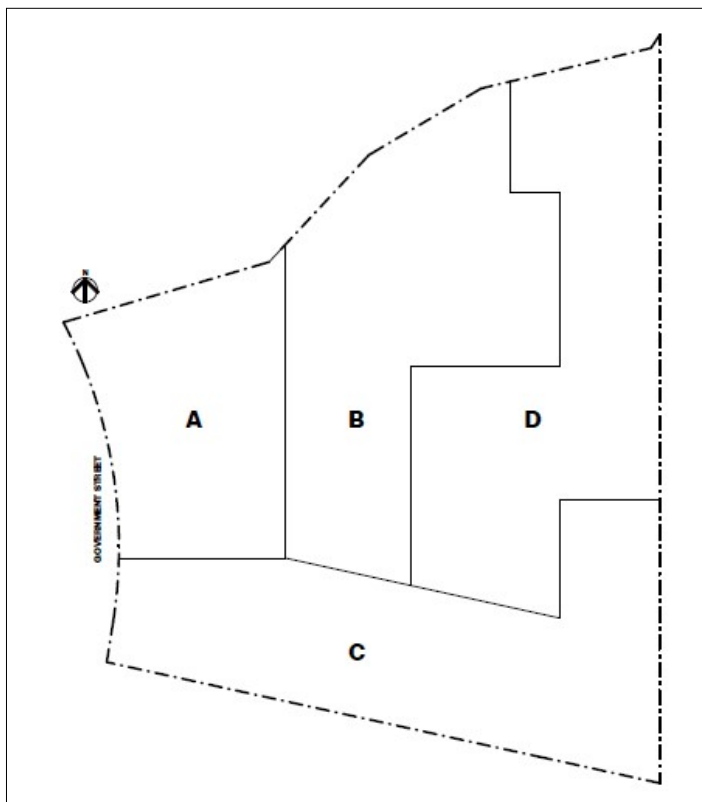


Figure 17 - Maximum Height Sub Areas – 1704 Government Street

- .6 Minimum *front yard*: 3.0 m
 - a. Except when a commercial use *abuts* an interior *street*: 0.0 m
- .7 Minimum *interior side yard*: 1.5 m
- .8 Minimum *exterior side yard*: 1.5 m
 - a. Except when a commercial use *abuts* an interior *street*: 0.0 m
- .9 Minimum *rear yard*: 4.0 m
 - a. Except when *abutting* an industrial *zone*: 6.0 m

14.9.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 5.0 m² for each *dwelling unit*.

14.9.5 OTHER REGULATIONS

- .1 Any *buildings* or *structures* exceeding 413 metres above sea level shall require approval by Interior Health and the City of Penticton in order to ensure no conflicts with the Penticton Regional Hospital helipad approach.
- .2 A minimum area of 2,046 m² shall be provided for *public park use*.
- .3 *General industrial* uses shall not exceed 8,175 m² *gross floor area*.
- .4 *General industrial* uses shall be limited to indoor use only or screened from view where abutting a public street or residential use.
- .5 *Tourist accommodation* uses on the site shall not exceed 53,220 m².
- .6 *Resort residential* uses on the site shall not exceed 49% total residential *gross floor area*.
- .7 Commercial uses (excluding *tourist accommodation*) will be limited to the following maximum *gross floor area* in each phase as follows:

Table 14.3 – Maximum Commercial Area by Phase	
Phase	Maximum Commercial <i>Gross Floor Area</i> (m²)
1	7,776
2	0
3	0
4	1,157
5	0
6	705
7	1,400

14.9.6 ALLOWABLE PROJECTIONS

- .1 In addition to the projections permitted in Table 4.9 of this Bylaw, the following projections are permitted:

Table 14.4 – CD9 Projections	
Feature	Maximum Projection into Required Yards
Covered or uncovered balcony, porch and deck	2.0 m <i>front yard</i>
Fire escapes, open stairways, landings, steps, ramps, and patios	3.0 m <i>front yard</i>

14.9.7 PARKING REGULATIONS

- .1 Notwithstanding Table 6.6 of this Bylaw, residential vehicle parking requirements are as follows:

Table 14.5 – CD9 Parking Regulations	
Use	Parking Ratio
Strata Residential	
- Studio	0.5 stalls per <i>dwelling unit</i>
- 1 Bed	1 stall per <i>dwelling unit</i>
- 2 Bed	1 stall per <i>dwelling unit</i>
- 3 Bed	1.25 stalls per <i>dwelling unit</i>
- <i>Flex Unit</i>	0.0 stalls per <i>dwelling unit</i>
- Visitor	0.1 stalls per <i>dwelling unit</i> (excluding <i>flex units</i>)
Rental Residential	
- Studio	0.5 stalls per <i>dwelling unit</i>
- 1 Bed	0.5 stalls per <i>dwelling unit</i>
- 2 Bed	1 stalls per <i>dwelling unit</i>
- 3 Bed	1 stalls per <i>dwelling unit</i>
- <i>Flex Unit</i>	0.0 stalls per <i>dwelling unit</i>
- Visitor	0.1 stalls per <i>dwelling unit</i> (excluding <i>flex units</i>)

- .2 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.

3. Notwithstanding Table 6.4 of this Bylaw, residential bicycle parking requirements are as follows:

Use	Class 1	Class 2
Residential	0.75 per <i>dwelling unit</i>	No additional requirement

4. A bicycle maintenance facility shall be provided in each residential building in a designated, secure area within the building with sufficient work space and provision of maintenance tools, wash station, and power outlet.

14.9.8 DENSITY BONUS

.1 Notwithstanding section 14.9.3.4 of this Bylaw, the maximum ***density*** may be increased to 6.4 ***FAR*** provided that a minimum 25% of all ***dwelling units*** gained through the bonus ***density*** within the ***building(s)*** benefitting from the bonus ***density*** are provided as affordable ***dwelling units***.

2. The affordable ***dwelling units*** secured through the ***density*** bonus provision outlined in Section 14.9.8.1 shall meet the Canada Mortgage and Housing Corporation (CMHC) definitions of affordable housing, as amended from time to time, and shall be secured through a housing agreement under section 483 of the *Local Government Act*, as amended from time to time. The housing agreement shall be registered on title of the affected ***lot(s)*** prior to building permit issuance for the ***building(s)*** benefitting from the bonus ***density***.

2.2 Rezone Lot A District Lot 3429S Similkameen Division Yale District Plan 23195 Except Plan 37288, located at 1704 Government Street, from M1 (General Industrial) and C4 (General Commercial) to CD9 (Comprehensive Development – 1704 Government Street).

2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this _____ day of _____, 2024

READ A SECOND time this _____ day of _____, 2024

READ A THIRD time this _____ day of _____, 2024

ADOPTED this day of , 2024

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-05

Date: _____

Corporate Officer: _____