



Council Report

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Date: May 27, 2025
To: Anthony Haddad, City Manager
From: Gabe Tamminga, Planner II

File No: RMS/3900 Bylaws

Subject: Zoning Amendment Bylaw No. 2025-09

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2025-09”, a bylaw to amend Zoning Bylaw No. 2024-22, updating the bylaw to align with Provincial legislation, clarifying definitions, refining regulations, removing redundant regulations, and general bylaw housekeeping;

AND THAT Council forward “Zoning Amendment Bylaw No. 2025-09” to the June 10, 2025 Public Hearing.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Summary

City staff use and manage the Zoning Bylaw on a regular basis to regulate land use within Penticton. General updates to the Zoning Bylaw are completed as needed so that the Bylaw can be clearly interpreted and that the regulations meet the current needs of the community. This update is minor in nature and intended as an update to the regulations that were introduced by the new Zoning Bylaw No.2024-22 that was adopted last year by Council in June 2024, which replaced the previous Zoning Bylaw No. 2023-08.

Background

The Zoning Bylaw is a tool to allow local governments to regulate land use and the form, siting, height and density of development to ensure that development is guided to meet the needs of the community. This authority to have a Zoning Bylaw is regulated by Section 479 of the *Local Government Act*. The Zoning Bylaw is consistently reviewed and updated by staff to ensure that there are consistent regulations and that they are relevant to current development needs.

Recent Zoning Bylaw Updates

In 2024, staff completed an extensive Zoning Bylaw update to meet the regulations introduced by Province of British Columbia to require municipalities of over 5,000 people to allow for increased density on lots that

were previously zoned for single-family dwellings or duplexes. Additionally, recommendations made by the Official Community Plan Housing Task force were implemented in the Zoning Bylaw update, to support development within Penticton. Following this change, staff have found some requirements within the Bylaw that should be amended to align with the density that is now permitted in many areas and further refine some of the existing regulations.

Analysis

The following analysis provides reasoning for the proposed changes.

Analysis – Updates to Definitions, Zones & Permitted Uses

Zoning Bylaw Section	Updates to Definitions and Permitted Uses	
Chapter 3 – Definitions and various other sections	<i>Alter title and mention of “Director of Development Services” to “General Manager of Development Services”</i>	This change is to reflect the update of the position title from “ <i>Director of Development Services</i> ” to “ <i>General Manager of Development Services</i> ” to be current within the Bylaw and all mentions of the position have been updated to reflect the current title.
Section 10.6.1.4	<i>Alter the permitted use in RM4 – High Density Multiple Housing from “daycare” to “day care”</i>	To reflect consistency with the rest of the Bylaw as other zones have been updated to state “ <i>day care</i> ” with the previous bylaw update to match the definition wording.
Section 4.11	<i>Add to prohibit drive-through facilities in the C1, C5 and C6 zones in Section 4.11.</i>	This change will limit the ability of drive-through facilities in the C1, C5 and C6 zones. The Zoning Bylaw does not currently prohibit drive-through facilities in any zone. However, staff have found that this use may not be appropriate in areas of high-pedestrian and bicycle traffic. Development in these zones tends to be in areas that are also envisioned to have active streetscapes and pedestrian realms, which may be more challenging to achieve with the allowance of drive-through facilities.
Section 10.4.1 and 10.5.1	<i>Add “secondary suite” as a permitted use in the RM2 – Low Density Multiple Housing and RM3 – Medium Density Multiple Housing zones.</i>	In 2019, the BC Building Code changed to allow secondary suites in townhomes. The RM2 and RM3 zones are one of the higher density residential zones in the Bylaw that allow for townhouses as a building type but have not yet allowed secondary suites. This change will align better with the allowances in the BC Building Code and provide the ability to have more diverse unit types within a development in these zones.
Section 8.2.3.1	<i>Remove the minimum lot area requirements for carriage houses on serviced lots.</i>	The Zoning Bylaw currently requires carriage houses to be located on properties that are 370m ² or more and 1 ha for lots not serviced by municipal services. This change will allow properties that are smaller than 370m ² and serviced

		will be able to have a carriage house without the requirement of an additional variance application. There will be no changes to the 1 ha lot area requirement for lots not connected to municipal services.
Section 11.1.3.1	<i>Remove Section 11.1.3.1 "A restaurant shall not exceed the maximum gross floor area of 100m²."</i>	This proposed change is to allow for a larger restaurant footprint in the C1 – Commercial Transition zone. The space now required for restaurant operations often exceeds this maximum number, which can make it difficult to have restaurants in this zone. On December 17 th , 2024, Council adopted a Zoning Amendment Bylaw to allow a larger floor area for a restaurant in the C1 zone for the Riordan House (689 Winnipeg Street) as the applicant was unable to operate their restaurant within the 100m ² of gross floor area. By removing this regulation, it can allow for restaurant businesses to move into this zone without the need for additional applications and therefore expediting the approval process.
Various Zones	<i>Update the maximum heights of RC, C1, C2, C8, and CT2 zones from 10.5m to 11.0m.</i>	The update of maximum heights in the various zones is to provide consistency and clarity. In 2024, the changes within the Zoning Bylaw looked at the residential zones and staff created the R4-S and R4-L zones which allow up to 11.0m and 3 storeys. However, now there are commercial and other residential zones that were not updated with that change in 2024.
Section 4.8.4	<i>Add P3 to Section 4.8.4 to allow metal storage containers within that zone.</i>	This addition will allow metal storage containers to the P3 – Major Utilities zone. These properties are used for various utilities that service the City of Penticton, such as the Wastewater Treatment Plant or the Duncan Avenue Reservoir. The Zoning Bylaw currently permits metal storage containers in all other Public Assembly zones.
Section 1.6	<i>Add Section 1.6.4 to permit temporary structures and buildings that are in conjunction with a building permit</i>	The addition of excluding temporary structures and buildings in conjunction with an issued building permit will allow for construction buildings and structures that are temporary but required through the building process. Council approved two temporary use permits in 2025 to allow this use (582 & 598 Main Street and 341-363 Main Street).

Analysis – Vehicle and Bicycle Parking Requirement Updates

Zoning Bylaw Section	Updates to Vehicle Parking and Bicycle Parking	
Section 8.2.5	<i>Remove Section 8.2.5 Parking and Access Requirements</i>	This is to be consistent with the change made in 2024 to not require an on-site parking space for secondary suites or carriage houses and match <i>Table 6.5 Parking Requirements</i> .

Section 11.5.3.4 and 11.6.3.4	<i>Remove Section 11.5.3.4 and 11.6.3.4 of the C5 – Urban Centre Commercial and C6 – Urban Centre Peripheral zones.</i>	The C5 and C6 zones no longer require vehicle parking. Therefore, it is redundant to have additional regulations in the zone. restating that vehicle parking and loading spaces are not required for commercial uses. This will simplify interpretations of parking in these zones.
Table 6.6 Parking Requirements	<i>Add “Education Service” to Table 6.6 under the Public Assembly and Organizations with requirements for parking and loading for schools.</i>	This addition will further clarify the vehicle parking requirements for elementary education and secondary education facilities.
Table 6.8 and Table 4.2 Accessible Parking Requirements	<i>Alter Table 4.2 Transit-Oriented Areas Development Regulations and Table 6.8 Accessible Parking Requirements to calculate the accessible stall parking based upon the total number of stalls provided.</i>	The change of wording will provide further clarity on accessible stall requirements in areas where vehicle parking is not a requirement. The Transit Oriented Areas and the C5 and C6 zones currently do not require vehicle parking. If a developer chooses to provide on-site vehicle parking in an area or zone that does not require vehicle parking, the accessible stall parking will still be calculated based upon what is provided ensuring that the expectation is still there for accessible parking in the parking areas.
Section 6.3.2	<i>Add to Section 6.3.2 “except for the M1, M2 and M3 zones”</i>	This addition provides more flexibility in the industrial zones by not requiring landscaping within the parking areas. Having landscape requirements can potentially prevent the ability to have higher density development in these areas, which is often needed for industrial uses. However, with this removal, there are still additional landscape regulations for industrial zone properties adjacent to residential properties to provide a buffer between the uses, as this change is specific to parking areas.
Table 6.1 Cash-in-Lieu	<i>Add to Table 6.1 – Cash-in-Lieu “Class 2 bicycle parking space for the C5 and C6 zones”.</i>	The addition of the cash-in-lieu for Class 2 bicycle parking spaces allows for more flexibility on properties where it is challenging to meet the Class 2 stall requirements. For example, properties within the Downtown Area have building setbacks of 0m but with these setbacks, it makes it difficult to achieve the Class 2 stalls on-site without a variance application.

Section 6.4.4	<i>Remove Section 6.4.4 Bicycle Space Dimensions.</i>	The removal of the bicycle parking dimensions will allow for other designs of bicycle parking stalls and racks. Currently, these standards only allow for specific bicycle racks and require developments to account for large areas to accommodate these standards onsite. As bicycle rack designs have changed and modernized overtime, these standards do not allow for creative solutions to bicycle parking within developments and limit what can be provided.
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Analysis – Landscape Updates

Zoning Bylaw Section	Updates to the Landscaping and Screening Requirements	
Table 5.1 Landscape Buffer Requirements	<i>Table 5.1, update the wording of the landscape buffer requirement to state "Minimum width of landscape buffer along highway, excluding a lane"</i>	This update to the wording will provide further clarity as to where landscape buffers are required and what is excluded from that requirement. The addition of excluding a lane provides further ease of interpretation of the bylaw.
Section 5.2.6	<i>Remove Section 5.2.6</i>	This requirement is already defined within the definitions of " screening " in the Zoning Bylaw. Removing this section will remove redundancies in the bylaw and provide clarity.
Section 5.2.7	<i>Alter Section 5.2.7</i>	Remove the requirements of industrial fencing design standards. This is a regulation that is addressed through OCP Design Guidelines and is not a regulation that is enforceable through the Zoning Bylaw. The height standards will still apply.
Section 5.4.1.1	<i>Alter Section 5.4.1.1</i>	This change will remove the word "hedge" in this section as this regulation speaks more to fencing and screening. Hedge requirements are better suited in the 'Landscape Buffers and Separating Uses'.
Section 4.4.2	<i>Alter Section 4.4.2 to add .1 "Notwithstanding the fence and screen height requirements listed in Section 5.4 of this Bylaw, the fence or screening of rooftop mechanical or structural appearance may</i>	This change will exempt any fencing or screening on rooftops for the purpose of screening the mechanical equipment or structures. Currently there is no clear exemption listed in the Zoning Bylaw and all fencing and screening are measured from approved grade, this will exempt that and to measure the fencing or screening from the rooftop. This provides further clarity on the allowances for height for rooftop areas of a building.

	<i>exceed the height limitations for the purpose of Section 4.4.2".</i>	
Section 4.10.2	<i>Alter Section 4.10.2 to remove the word screening</i>	The removal of the word screening provides further clarification of the requirement and is more consistent with the <i>Local Government Act</i> .

Analysis – General Updates to Align with the *Local Government Act* Authority

- Remove Section 5.1.3 – Landscaping maintenance
- Remove Section 5.1.4 – Irrigation requirements (moved to Landscaping Buffer standards)
- Remove Section 5.1.6 – Phased development landscaping
- Remove Section 5.2.5 – Cash-in-lieu for trees
- Remove Section 5.4.1.4 – Temporary fencing
- Remove Section 5.4.1.5 – Vacant property fencing

These changes have been made to better align the Zoning Bylaw regulations with the authorities granted by the Local Government Act. This assists in clarity around interpretation and how land use is regulated within the City of Penticton.

Analysis - Zoning Bylaw Map Changes

The Zoning Bylaw update in 2024 coincided with a few rezoning applications that overlapped the changes proposed. As a result, there were a few properties that were not updated accordingly with the new Zoning Bylaw to be included with the map Schedule B – Zoning Map that was approved in 2024. These changes are administrative in nature to be compliant with the new regulations, remove unnecessary site-specific amendments and follow the approved rezonings in 2024.

Address	Reason for Update
795 Ontario Street	This property was rezoned to RM2 (Low Density Multiple Housing) on May 7 th , 2024, and the map change was not updated prior to the introduction of the new bylaw, making this an administrative map change to indicate the correct and approved zoning.
2307 Skaha Lake Road	Remove the site specific to allow 'Tourist Accommodation' as a permitted use, as the property is zoned CT1 – Tourist Commercial which allows this use. Also remove from CT1 zone in the Zoning Bylaw.
2387 Skaha Lake Road	Remove the site specific to allow 'Tourist Accommodation' as a permitted use, as the property is zoned CT1 – Tourist Commercial which allows this use. Also remove from CT1 zone in the Zoning Bylaw.

Summary

The changes proposed are to align the Zoning Bylaw better with the current regulations and authorities. As well as some changes that staff have found will assist in interpretation and clarity of the Bylaw, making it simpler to process applications and for the community to understand the regulations.

As such, staff are recommending that Council forward "Zoning Amendment Bylaw No. 2025-09" to the June 10th Public Hearing.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2025-09".

Attachments

Attachment A – Zoning Amendment Bylaw No. 2025-09

Respectfully submitted,

Gabe Tamminga
Planner II

Concurrence

General Manager of Development Services <i>BL</i>	City Manager 
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The Corporation of the City of Penticton

Bylaw No. 2025-09

A Bylaw to Amend Zoning Bylaw 2024-22

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. 2024-22;

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. 2025-09”.

2. **Amendment:**

Zoning Bylaw No. 2024-22 is hereby amended as follows:

2.1 Delete definition of “Director of Development Services” and add as follows:

“General Manager of Development Services means the person designated to administer and enforce the provisions of this Bylaw.”

2.2 Replace the words “Director of Development Services” with the words ***“General Manager of Development Services”*** throughout the bylaw.

2.3 Replace the word “daycare” with the word ***“day care”*** throughout the bylaw.

2.4 Add to section 4.11 Drive-through Facilities as follows:

“.3: Drive-through facilities shall not be permitted in the C1, C5 and C6 ***zones.***”

2.5 Add to 10.4 RM2 – Low Density Multiple Housing Section 10.4.1 PERMITTED USES as follows:

“.9 Secondary suite (subject to accessory suites regulation 8.1)”

2.6 Add to 10.5 RM3 – Medium Density Multiple Housing Section 10.5.1 PERMITTED USES as follows:

“.9 Secondary suite (subject to accessory suites regulation 8.1)”

2.7 Remove the words “370m², regardless of zoning, or” from Section 8.2.3.1.

2.8 Remove Section 11.1.3.1 in its entirety from Section 11.1.3 OTHER REGULATIONS.

2.9 Replace the words “10.5 m” in Sections 9.3.2.4.a, 11.1.2.4, 11.2.2.4, 11.8.2.4 and 11.11.2.3 with “11.0 m and 3 ***storeys*** above ***approved grade***”.

- 2.10 Remove and replace the paragraph in Section 4.8.4 with:

"Notwithstanding Section 4.8.2 of this Bylaw, **metal storage containers** are permitted in the M1, M2, M3, C4, C6, C7, P1, P2, P3 and A zones under the following conditions:"

- 2.11 Remove and replace Section 4.8.4.4 with:

"On **lots** within the C4, C6, C7, P1, P2 and P3 **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;"

- 2.12 Add to 1.6 Exclusions as follows:

"4 A temporary **building** or **structure** which is incidental to the building, maintenance, or alteration of a building or structure for which a building permit has been issued provided that they are removed within 30 days following final inspection of the **building** or **structure**."

- 2.13 Remove and Replace Section 8.2.5 Parking and Access Requirements with:

"8.2.5 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."

- 2.14 Remove Section 11.5.3.4 in its entirety from Section 11.5.3 OTHER REGULATIONS.

- 2.15 Remove Section 11.6.3.4 in its entirety from Section 11.6.3 OTHER REGULATIONS.

- 2.16 Add to 6.5 Parking Requirements Table 6.6 – Public Assembly and Organizations as follows:

Education Service	Elementary and Middle School: 2 per classroom	1
	Secondary School: 4 per classroom	

- 2.17 Remove and replace Table 4.2 – Transit-Oriented Areas Development Regulations as follows:

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 parking spaces 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.		

2.18 Remove and replace Table 6.8 – Accessible Parking Requirements as follows:

Table 6.8 Accessible Parking Requirements	
Total Number of Parking Spaces Provided	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

2.19 Remove and replace Section 6.3.2 as follows:

“Every outdoor off-*street* parking or *loading space* accommodating ten (10) or more *spaces* shall incorporate *landscaping* within the parking area calculated on the basis of 2.0 m² of landscaped island area per *parking* and *loading space*, except for the M1, M2 and M3 zones. This shall be landscaped in accordance with Chapter 5.”

2.20 Remove and replace Table 6.1 – Cash in Lieu as follows:

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	Class 2 bicycle parking space for the C5 and C6 zones
\$13,000	\$13,000	\$1,000	\$500

2.21 Remove Section 6.4.4 Bicycle Parking Space Dimensions in its entirety.

2.22 Remove and replace Table 5.1 – Required Landscape Buffers as follows:

Table 5.1 – Required Landscape Buffers			
Standard	Residential – 5 or more dwelling units	Commercial (excluding C5 zone)	Industrial
Minimum width of <i>landscape buffer abutting</i> a residential <i>zone</i>	3.0 m	3.0 m	3.0 m
Minimum visual screen <i>height abutting</i> a residential <i>zone</i>	1.2 m	1.2 m	1.8 m

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|--------------------------------|--------|--------|
| READ A FIRST time this | day of | , 2025 |
| A PUBLIC HEARING was held this | day of | , 2025 |
| READ A SECOND time this | day of | , 2025 |
| READ A THIRD time this | day of | , 2025 |
| ADOPTED this | day of | , 2025 |

Angie Collison, Corporate Officer

