

The Corporation of the City of Penticton

Bylaw No. 2024-37

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. 2024-37”.

2. **Amendment:**

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

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

.10 CD10 – Comprehensive Development (955 Timmins Street)

14.10.1 PURPOSE

This *zone* provides for the comprehensive development of a mixed-use development site with commercial, recreational and residential uses for *Lot A District Lots 1, 2 and 4 Group 7 Similkameen Division Yale (Yale-Lytton) District Plan EPP124254*, located at 955 Timmins Street.

14.10.2 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 *commercial school*
- .7 *day care centre, major*
- .8 *dwelling unit*
- .9 *health and fitness facilities*
- .10 *health service*
- .11 *indoor amusement, entertainment and recreation*
- .12 *liquor primary licensed premise*
- .13 *minor home occupation* (subject to specific use regulation 7.3)
- .14 *mobile vending unit*

- .15 *office*
- .16 *outdoor market*
- .17 *outdoor amusement, entertainment and recreation* (subject to Section 14.10.6.2)
- .18 *personal service establishment*
- .19 *recreation equipment sale, service and rentals*
- .20 *resort residential*
- .21 *restaurant*
- .22 *retail store*
- .23 *short term rental* (subject to the specific use regulations in 7.6)
- .24 *tourist accommodation*

14.10.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum *lot width*: 22 m²
- .2 Minimum *lot area*: 2700 m²
- .3 Maximum *lot coverage*: 65%
- .4 Maximum *density*: 0.7 FAR
- .5 Maximum *height*: 18 m
- .6 Minimum *front yard*: 4.5 m
- .7 Minimum *interior side yard*: 4.0 m
- .8 Minimum *rear yard*: 10 m

14.10.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 5.0 m² for each *dwelling unit*.
- .2 All *amenity space* may be provided above *approved grade*.

14.10.5 OTHER REGULATIONS

.1 LANDSCAPE BUFFER

.1 Notwithstanding Chapter 5, the landscaping and buffering shall be as follows:

- .a 200 m² of landscaping must be provided in the parking areas
- .b 3.0 m in height landscape buffer and fencing must be provided for *outdoor amusement, entertainment and recreation* uses abutting residential, recreational, institutional or commercial zones.

.2 PERMITTED USES

- .1 *outdoor amusement, entertainment and recreation* hours of operation are restricted to 8:00am – 8:00pm.
- .2 *outdoor amusement, entertainment and recreation* must be located 40 m from a residential zoned property, except in cases where adequate sound mitigation is provided to minimize the negative impacts on nearby properties in which case the standard building setbacks shall apply.

14.10.6 PARKING REGULATIONS

.1 Notwithstanding Table 6.6, the minimum number of *parking spaces* for *uses* shall be as follows:

Table 14.7 - Parking Requirements	
Use/Type	Parking Space Requirement
Residential	0.5 stalls per <i>dwelling unit</i> 0.06 visitor stalls per <i>dwelling unit</i>
Commercial	1 stall per 60 m ² of <i>NFA</i>
Accessible (subject to Table 6.2)	3 + 2% of total spaces over 100 spaces
Small Car (subject to Table 6.3)	35% of <i>off-street parking spaces</i> may be designed as small car <i>parking spaces</i> .

.2 Notwithstanding Table 14.7, 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 between May to October.

2.2 Rezone Lot A, District Lots 1, 2 and 4, Group 7, Similkameen Division Yale (Yale-Lytton), District, Plan EPP124254, located at 955 Timmins Street, from RM3 (Medium Density Multiple Housing) to CD10 (Comprehensive Development Zone 10).

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

READ A FIRST time this	15	day of	October, 2024
A PUBLIC HEARING was held this	5	day of	November, 2024
READ A SECOND time this		day of	, 2024
READ A THIRD time this		day of	, 2024
RECEIVED the approval of the		day of	, 2024
Ministry of Transportation on the			
ADOPTED this		day of	, 2024

Notice of intention to proceed with this bylaw was published on the 25th day of October, 2024 and the 1st day of November, 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