



Electronic Public Hearing
to be held electronically
171 Main Street, Penticton, B.C.
To view the Public Hearing, visit www.penticton.ca

Tuesday, February 1, 2022
at 6:30 p.m.

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2022-05” | 1-14 |
| CO | <p>Reads Opening Statement and Introduction of Bylaw</p> <p>“Zoning Amendment Bylaw No. 2022-05”</p> <p>Purpose: To amend Zoning Bylaw No. 2021-01 as follows:</p> <p style="padding-left: 40px;">Rezone Lot 1 District Lots 250, 2710, 3429S and 3821S Similkameen Division Yale District Plan 37288, located at 1603 Dartmouth Road, from M3 (Wrecking Yard) to M1 (General Industrial).</p> <p style="padding-left: 40px;">The applicant intends to rezone the subject property from M3 (Wrecking Yard) to M1 (General Industrial) to facilitate the development of industrial warehouses and self-storage.</p> <p>Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, January 25, 2022 and Wednesday, January 26, 2022 (pursuant to the <i>Local Government Act</i>).</p> | |
| CO | No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, January 26, 2022). | |
| Mayor | Requests Development Services staff describe the proposed bylaw | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invitation to electronic and in person participants to present their views | |
| Mayor | Invites Council members to ask questions | |
| Mayor | Invites applicants to respond to questions and participants may provide new additional information | |
| | PUBLIC HEARING for “Zoning Amendment Bylaw No. 2022-05” is terminated and no new information can be received on this matter. | |

Electronic Regular Council Meeting
held via Zoom at City of Penticton
171 Main Street, Penticton, B.C.

Tuesday, January 18, 2022
at 1:00 p.m.

Resolutions

10.7 Zoning Amendment Bylaw No. 2022-05
Re: 1603 Dartmouth Road

10/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-05", a bylaw to rezone Lot 1 District Lots 250, 2710, 3429S and 3821S Similkameen Division Yale District Plan 37288, located at 1603 Dartmouth Road, from M3 (Wrecking Yard) to M1 (General Industrial); AND THAT Council forward the bylaw to the February 1, 2022 Public Hearing.

CARRIED UNANIMOUSLY



Council Report

penticton.ca

Date: January 18, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 1603 Dartmouth Road

File No: RMS/1603 Dartmouth Rd

Subject: Zoning Amendment Bylaw No. 2022-05

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-05", a bylaw to rezone Lot 1 District Lots 250, 2710, 3429S and 3821S Similkameen Division Yale District Plan 37288, located at 1603 Dartmouth Road, from M3 (Wrecking Yard) to M1 (General Industrial);

AND THAT Council forward the bylaw to the February 1, 2022 Public Hearing.

Strategic Priority Objective Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to rezone the subject property from M3 (Wrecking Yard) to M1 (General Industrial) to facilitate the development of industrial warehouses and self-storage. The applicant intends to apply for a two-lot subdivision, should the zoning amendment be successful.

Background

The subject property (Figure 1) is located at the corner of Carmi Avenue and Dartmouth Road, within the industrial area of the City. The subject property is approximately 4.3 acres in size and is currently zoned M3 (Wrecking Yard) and designated by the Official Community Plan (OCP) as Industrial. The property is surrounded by other industrial zoned properties (primarily M1) with residential uses to the north, across Carmi Ave. The property is currently vacant of permanent structures and minor works have commenced to prepare the site for future development.



Figure 1 - Property Location Map

Technical Review

This application was reviewed by the City’s Technical Planning Committee. At the time of subdivision, the applicant will be required to service the property accordingly, at their cost. No outstanding items were raised regarding the proposed zoning amendment.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application:

	M1 Zone Requirement	Provided on Plans
Minimum Lot Width:	20 m	~126 m
Minimum Lot Area:	1000 m ²	17,522 m ²
Required Setbacks		Any future buildings will be required to meet the setbacks for the M1 zone. The setbacks will be achievable on the lot, given its significant size.
Front Yard (Dartmouth Rd)	6.0 m	
Interior Side Yard (south):	0 m	
Exterior Side Yard (north):	4.5 m	
Rear Yard (west):	0 m	

Analysis

Support Zoning Amendment

The applicant is proposing to amend the zoning on the subject property from M3 (Wrecking Yard) to M1 (General Industrial). The M1 (General Industrial) zone allows for a variety of industrial uses including animal shelter, artisan crafts, contractor services, general industrial uses, among others (see Attachment ‘E’ for complete list of permitted uses). The M3 zone allows for all uses that are permitted in the M1 zone, in addition to allowing for a wrecking yard (Attachment ‘F’). The request to rezone the property from M3 to M1 essentially removes the ability for a wrecking yard to occur on the property, which the applicant has indicated they have no intention of doing. In changing the zoning to M1, the zoning requirements are more favorable for the future subdivision and densifying the industrial property to make the most efficient use of the lands. Additionally, removing the M3 zone, and the opportunity for a wrecking yard within proximity of the residential area is beneficial to reduce additional noise, odors and other nuisances.

The Official Community Plan designation for the property is “Industrial”, which supports a range of industrial buildings, structures and uses (Figure 2). The proposed development is consistent with this OCP designation and maintains the lands for industrial development.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Industrial 	Areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage.	<ul style="list-style-type: none"> Industrial buildings Structures and lands 	<ul style="list-style-type: none"> General Industrial Heavy Industrial (M2 zone only) Wholesale, Storage and Warehouse Vehicle and Equipment Repair 	<ul style="list-style-type: none"> Generally 1 or 2 storeys 	<ul style="list-style-type: none"> M1 M2 M3

Figure 2 - Industrial Designation from OCP

Staff consider that the proposed zoning amendment from M3 (Wrecking Yard) to M1 (General Industrial) is well aligned with the OCP land use designation. The proposal is also aligned with the following OCP policies:

OCP Land Use Target (page 39) No net loss of land currently zoned for industrial areas.

Staff Comment: The proposed rezoning will maintain the same amount of industrial lands within the City.

OCP Policy 4.3.2.5 Encourage efficient use of the available industrial lands by encouraging industrial densification.

Staff Comment: The proposal will amend the zoning to allow for more industrial densification on a large underutilized property within the industrial area.

Staff consider that the location of the site within the industrial area, and alignment with the OCP make this an appropriate location for the proposed zoning amendment. Given the above, staff recommend that Council support “Zoning Amendment Bylaw No. 2022-05” and forward the bylaw to the February 1, 2022 public hearing to obtain comments and feedback from the public.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photo of Property
- Attachment D – Letter of Intent
- Attachment E – M1 (General Industrial) Zone
- Attachment F – M3 (Wrecking Yard) Zone
- Attachment G – Zoning Amendment Bylaw No. 2022-05

Respectfully submitted,

Nicole Capewell, RPP, MCIP
 Planner II

Director of Development Services <i>BL</i>	Chief Administrative Officer DyD
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Attachment A – Zoning Map



1603 Dartmouth Road

Zoning Map



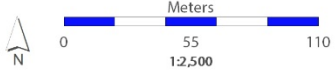
Legend

- Subject Parcel
- Parcel

Zoning

- R1 - Large Lot Residential
- R2 - Small Lot Residential
- C4 - General Commercial
- M1 - General Industrial
- M3 - Wrecking Yard
- P1 - Public Assembly
- P2 - Parks and Recreation

Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



Wednesday, January 5, 2022
11:26:05 AM

Attachment B – Official Community Plan Map



1603 Dartmouth Road

Official Community Plan Map



Legend

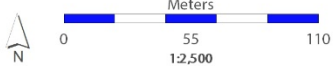
- Subject Parcel
- Parcel

Official Community Plan

Future Land Use

- Detached Residential
- Institutional and Civic
- Industrial
- Parks

Terms of Use: The City of Penticon is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



Wednesday, January 5, 2022
11:27:02 AM



penticon.ca

Attachment C – Photo of Property



Looking at subject property from Dartmouth Road

1603 Dartmouth Road, Penticton, BC

RMF Development Properties Inc. is proposing to rezone our industrial property at 1603 Dartmouth Road from M3 to M1. This rezoning application would allow us to bring the zoning into to alignment with the new use of the property . While the property was previously a wrecking yard, the zoning fit, however it is no longer a wrecking yard and we have no expectation that we will ever use the property as a wrecking yard. This also brings the zoning in line with the other neighbouring industrial lands.

Objective

RMF intends to build industrial warehouses and operate a mini storage facility on the property. The M1 zoning will allow us to potentially subdivide off a piece of the existing property into a smaller 1-1.5 acre piece than the current M3 zoning would allow, as well as allow us to have reduced set backs than the current M3 zoning allows for. Both of these benefits would allow us to better develop a Phased strata commercial / industrial project, thus filling a need for smaller commercial/industrial warehouses that currently exists in Penticton.

We anticipate bringing the Subdivision application to council within the next 2 months, pending the rezoning approval.

Rod Ferguson
C: 250-490-1119
E: rod@brentview.ca

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

- | | | |
|----|-----------------------------|---------------------|
| .1 | Minimum <i>lot width</i> : | 20.0 m |
| .2 | Minimum <i>lot area</i> : | 1000 m ² |
| .3 | Maximum <i>height</i> : | 15 m |
| .4 | Minimum <i>front yard</i> : | 6.0 m |

.5	Minimum <i>interior side yard</i> :	0 m and 3.5 m
	.a when <i>abutting</i> a <i>residential, commercial, public</i> or <i>institutional zone</i>	6.0 m
	.b when <i>abutting</i> a <i>lane</i>	3.0 m
.6	Minimum <i>exterior side yard</i> :	4.5 m
.7	Minimum <i>rear yard</i> :	0 m
	.a when <i>abutting</i> a <i>residential, commercial, public</i> or <i>institutional zone</i>	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 m².
- .4 A *restaurant* shall be limited to 100 m² *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 250m² *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 m².
- .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.

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

- | | | |
|----|--|---------------------|
| .1 | Minimum <i>lot width</i> : | 30.0 m |
| .2 | Minimum <i>lot area</i> : | 2000 m ² |
| .3 | Maximum <i>height</i> : | 15 m |
| .4 | Minimum <i>front yard</i> : | 6.0 m |
| .5 | Minimum <i>interior side yard</i> : | 6.0 m |
| .6 | Minimum <i>exterior side yard</i> : | 4.5 m |
| .7 | Minimum <i>rear yard</i> : | 6.0 m |
| | .a when <i>abutting</i> a <i>residential, commercial, public or institutional zone</i> | 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*.

The Corporation of the City of Penticton

Bylaw No. 2022-05

A Bylaw to Amend Zoning Bylaw 2021-01

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. 2021-01;

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. 2022-05".

2. **Amendment:**

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot 1 District Lots 250, 2710, 3429S and 3821S Similkameen Division Yale District Plan 37288, located at 1603 Dartmouth Road, from M3 (Wrecking Yard) to M1 (General Industrial).

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

READ A FIRST time this	18	day of	January, 2022
A PUBLIC HEARING was held this	1	day of	February, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2022 and the 26 day of January, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
1603 Dartmouth Rd
From M3 (Wrecking Yard)
To M1 (General Industrial)



City of Penticton – Schedule 'A'
Zoning Amendment Bylaw No. 2022-05

Date: _____

Corporate Officer: _____