

Date: April 7, 2026
To: Anthony Haddad, City Manager
From: Yvonne Kent, Planner II
Address: 98 Duncan Avenue E

File No: RMS/98 Duncan Avenue E

Subject: Zoning Amendment Bylaw No. 2026-18

Staff Recommendation

THAT Council, after hearing from the applicant, deny Zoning Bylaw Amendment No. 2026-18, for Lot 4 District Lot 250 Similkameen Division Yale District Plan 7560, located at 98 Duncan Avenue E, a bylaw to add the following site-specific text amendment to the R4-L – Small-Scale Multi-Unit Housing: Large Lot zone as follows “Section 10.1.5.7, in the case of Lot 4 District Lot 250 Similkameen Division Yale District Plan 7560, located at 98 Duncan Avenue E, a mobile vending unit not exceeding 23m² shall be permitted.”

Strategic priority objective

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

Proposal

The applicant is proposing to operate a mobile vending unit (food truck) on their property. The proposal requires a zoning bylaw amendment to permit commercial use on a residential property. The applicant has provided a Letter of Intent for the proposal (Attachment D).

Background

The property is located on the south side of Duncan Avenue E, is 0.1 acres (400 m²) in size, and is occupied by a single



Figure 1 - Property Location

detached dwelling. The property is zoned R4-L – Small-Scale Multi-Unit Residential: Large Lot in the Zoning Bylaw, designated Low Density Residential in the Official Community Plan (OCP), and is within the Penticton Plaza Transit-Oriented Area. The surrounding area consists of other single detached dwellings zoned R4-L and designated Low Density Residential to the north, east, and south, and a vacant property and commercial development (A&W Restaurant) to the west.

Technical Review

The application was reviewed by the City’s Technical Planning Committee (TPC). A mobile food truck inspection will be required to vend within the City of Penticton.

Financial implication

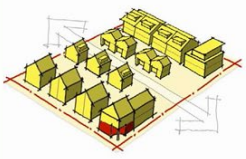
The applicant is responsible for all development costs, including any service upgrades.

Analysis

Zoning Bylaw Amendment

Official Community Plan

The property is designated “Low Density Residential” within the Official Community Plan (OCP) Future Land Use Map:

Land Use	Description	Building Type(s)	Uses	Height / Density
<p>Low Density Residential</p> 	<p>Lower-density residential areas with new housing types compatible with single-detached houses in character and scale but providing more units per lot</p>	<ul style="list-style-type: none"> • Single detached houses with or without secondary suites and/or carriage houses • Duplexes with or without suites and/or carriage houses • Cluster housing • Townhouses • Bareland stratas • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop, childcare) 	<ul style="list-style-type: none"> • Residential • Limited retail/service 	<ul style="list-style-type: none"> • 1 to 4 units per lot • Up to 6 units subject to contextual design and adherence to DP guidelines Additional units may be considered where lot consolidation occurs (e.g. consolidation of two lots could support twice as many units per lot) • Generally up to 3 storeys • <i>increased height and density permitted in transit-oriented areas</i>
<p>Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.</p>				<p>Bylaw No. 2025-31</p>

The OCP land use designation permits low density residential development, such as single detached dwellings, duplexes, and townhomes, general up to 3 storeys. The designation also permits limited retail/service.

The OCP does not explicitly define the scope of “limited retail/service.” While this wording could be interpreted broadly, it is generally intended to accommodate small scale, low impact uses that are compatible with residential development.

Zoning Bylaw

The property is currently zoned R4-L – Small-Scale Multi-Unit Housing: Large Lot. The R4-L zone permits a variety of low density residential uses (single detached dwellings, duplexes, townhomes etc.), up to a maximum of 4 dwelling units, and 3 stories.

Commercial uses are not permitted in the R4-L Zone. The zone does permit home occupations, subject to specific criteria including but not limited to the following:

- No variation from the residential character and appearance of land or buildings shall be permitted.
- A home occupation shall not generate more than one (1) [minor home occupation] or two (2) [major home occupation] client visits at any given time.

Operation of a food truck would not meet these criteria, as it would alter the residential character and appearance of the property, and permit customer visits beyond what is contemplated for a home occupation.

The definition of mobile vending unit in the Zoning Bylaw limits the unit to 20m². The applicant indicated on their application form that they wish to operate a unit that is 23m². As such, the site-specific text amendment if approved will include an allowance for a unit exceeding the 20m² limit.

Mobile Vending

Mobile vending units are permitted on City owned land through the City's Mobile Vending Program, which allows vendors to operate in select locations throughout the City. Mobile vending is also permitted on privately owned land in commercial zones (ex: food truck at Canadian Tire).

Mobile vending is not permitted on residential properties.

Deny Zoning Bylaw Amendment

Staff recommend denial of the proposed zoning bylaw amendment to permit a food truck in a residential zone for the following reasons:

Land Use Incompatibility

The property and surrounding neighbourhood to the north, east, and south, is zoned R4-L and designated Low Density Residential in the Official Community Plan.

While the Official Community Plan permits "limited retail/service" in the R4-L zone this is limited to a home occupation. The addition of a food truck to the R4-L zone is not seen to meet the intent of the zone of residential development and would conflict with regulations that home occupations are beholden to such as not changing the residential character of the property, and limiting the number of customers at any given time.

Availability of More Appropriate Locations

Although mobile vending is not permitted on residential properties, there are existing opportunities for food truck operations elsewhere in the City. The City’s Mobile Vending Program allows vendors to operate at specific locations on City owned land. In addition, mobile vending units are permitted on privately owned properties within commercial zones.

Given the potential impact to the surrounding residential neighbourhood, the incompatibility with the intent of the R4-L zone, and availability of more appropriate locations elsewhere in the City, staff recommend denial of the proposed zoning bylaw amendment.

Alternate recommendations

Council may wish to give first reading to the proposed zoning bylaw amendment and forward the application to a public hearing. If so, Council may make the following motion.

1. THAT Council give first reading to “Zoning Amendment Bylaw No. 2026-18”, for Lot 4 District Lot 250 Similkameen Division Yale District Plan 7560, located at 98 Duncan Avenue East, a bylaw to add the following site-specific text amendment to the R4-L – Small-Scale Multi-Unit Housing: Large Lot zone as follows “Section 10.1.5.7, in the case of Lot 4 District Lot 250 Similkameen Division Yale District Plan 7560, located at 98 Duncan Avenue E, a mobile vending unit not exceeding 23m² shall be permitted.”

AND THAT Council forward “Zoning Amendment Bylaw No. 2026-18” to the April 21, 2026, Public Hearing.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent (applicant)
- Attachment E – Zoning Amendment Bylaw No. 2026-18

Respectfully submitted,

Yvonne Kent
Planner II

Concurrence

<p>General Manager of Development Services</p> <p><i>BL</i></p>	<p>City Manager</p> <p><i>AC</i></p>
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