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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** November 10, 2004  
**File No.:** TA04-0010  
**To:** City Manager  
**From:** Planning and Corporate Services Department  
**Subject:** Proposed Amendment to development regulations of C7 – Central Business Commercial zone, within Zoning Bylaw No. 8000

**REPORT PREPARED BY:** Nelson Wight

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**1.0 RECOMMENDATION**

THAT Zoning Bylaw Text Amendment Application No. TA04-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by amending the wording in the C7 – Central Business zone as outlined in the report of the Planning and Corporate Services Department dated November 10, 2004, be considered by Council;

AND THAT the zone amending Bylaw be forwarded to a Public Hearing for further consideration.

**2.0 SUMMARY**

Planning Staff have identified problems with the current wording in the C7 – CENTRAL BUSINESS COMMERCIAL zone that requires amendment. Specifically, there are two main elements that should be clarified, as follows:

Initiative "A". Ensure that all multifamily residential development within this zone (except in Area 2 shown on page C7 – 4) contain a specified minimum commercial component on the ground floor; and

Initiative "B". Specify a floor-area ratio (F.A.R.) for the zone.

**3.0 BACKGROUND**

The present wording in Section 14.7.6(d) does not fully reflect the initial intent. Firstly, a typo was made identifying Area 1 as being exempt from mixed-use provisions, where Area 2 was intended (See Diagram A, page C7-4 attached to this report). Secondly, the wording should be clarified such that *all* residential development within the C7 zone (except Area 2) contain a specified commercial component on the ground floor.

With regard to the F.A.R. requirement, Staff is proposing this change to allow some flexibility in the building envelope provisions. In the absence of a specific F.A.R. requirement, the maximum density allowable would be defined by the building envelope. Because Section 922 (2)(a) of the Local Government Act prohibits local governments from varying density, the existing wording of this section of the Bylaw would not allow any variance to the building envelope. Adding a density provision through an F.A.R. requirement for this zone would allow Council to consider variances to the building envelope provisions of this zone.

#### 4.0 PROPOSAL

The following table details the wording change involved in these two initiatives:

Initiative "A" - Commercial requirement for residential development	
EXISTING WORDING	<p><b>C7 Central Business Commercial, Section 14.7.6(d)</b></p> <p>Except in Area 1, as shown on C7 - Diagram A, attached to this bylaw, a mixed use building incorporating residential and other uses shall provide a commercial use on the first floor which must occupy a minimum of 90% of any street frontage and a minimum of 50% of the gross floor area.</p>
PROPOSED WORDING	<p><b>C7 Central Business Commercial, Section 14.7.6(d)</b></p> <p>Except in <del>Area 1</del> <b>Area 2</b>, as shown on C7 - Diagram A, attached to this bylaw, a <del>mixed-use</del> building incorporating residential and other uses shall provide a commercial use on the first floor which must occupy a minimum of 90% of any street frontage and a minimum of 50% of the gross floor area.</p>
Initiative "B" – Density defined by Floor Area Ratio (F.A.R.)	
EXISTING WORDING	No F.A.R. requirement
PROPOSED WORDING	<p><b>Add to Section 14.7.5 as item "(k)":</b></p> <p>"In reference to the above provisions restricting building envelope, the F.A.R. is 9.0."</p>

#### 5.0 CONCLUSION

Staff recommends that Council consider adopting the changes detailed above. If approved, this amendment would (a) ensure that residential development in the C7 zone consisted of a ground floor commercial component, as originally intended, and (b) allow Council to vary the building envelope provisions where appropriate.

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 Andrew Bruce  
 Development Services Manager

Approved for inclusion

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 Director of Planning & Corporate Services  
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