

# CITY OF KELOWNA

## BYLAW NO. 9369

### Text Amendment No. TA05-0001 – City of Kelowna Amendments to C4 – Urban Centre Commercial and C7 – Central Business Commercial Zones

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 6 – General Development Regulations**, sub-section **6.9 Housing Agreements**, sub-paragraph 6.9.2 be amended by deleting the paragraph:

“Increases in the maximum **density** or reductions in parking or loading requirements are permitted to the **density** specified in the RM2, RM3, RM4, RM5, and RM6 **zones** provided:”

and replacing it with the following:

“Increases in the maximum **density** are permitted to the **density** specified in the RM2, RM3, RM4, RM5, RM6 and C4 **zones** provided:”;

2. AND THAT **Section 8 – Parking and Loading, Table 8.1 – Parking Schedule** be amended by adding the words “C4 and” before the words “C7 zone” in the line that reads “1 per **dwelling unit** in the C7 zone” in the column under the heading “**Residential and Residential Related**”;
3. AND THAT **Section 14.4, C4 – Urban Centre Commercial/ C4rls – Urban Centre Commercial (Retail Liquor Sales)/C4lp – Urban Centre Commercial (Liquor Primary)/ C4lp/rls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)**, be amended by:

- (a) deleting sub-paragraph (a) in sub-section in **14.4.5 – Development Regulations** and replacing it with the following:

“(a) For developments having only commercial uses, the maximum **floor area ratio** is 1.0.

For mixed-use developments, the maximum **floor area ratio** is 1.3, except it is 1.4 with a housing agreement pursuant to the provisions of Section 6.9. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath useable common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.2 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**, but in no case shall this amount exceed 0.2.” and;

- (b) adding a new paragraph (e) and renumbering the subsequent paragraphs appropriately to sub-section **14.4.6 – Other Regulations** as follows:
- “(e) A **building** incorporating residential uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as **building** will not be considered for the purpose of this calculation.”;
4. AND FURTHER THAT Section **14.7, C7 – Central Business Commercial/ C7rls – Central Business Commercial (Retail Liquor Sales)/ C7lp – Central Business Commercial (Liquor Primary)/ C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)**, sub-section **14.7.6 – Other Regulations**, be amended by deleting paragraph (d) and replacing it with the following:
- “(d) Except in Area 2, as shown on C7 - Diagram A, attached to this bylaw, a **building** incorporating residential and other uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as building will not be considered for the purpose of this calculation.”
5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14<sup>th</sup> day of February, 2005.

Considered at a Public Hearing on the day of , 2005.

Read a second and third time by the Municipal Council this day of , 2005.

Approved under The Highways Act this day of , 2005.

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(Approving Officer - Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this day of , 2005.

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Mayor

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City Clerk