

# CITY OF KELOWNA

## BYLAW NO. 9534

### Text Amendment No. TA05-0011 – City of Kelowna Amendments to the C4 and C7 Zones in the Zoning Bylaw No. 8000

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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 14 – Commercial Zones** be amended by:

- (i) deleting sub-paragraph (d) from **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)** sub-section 14.4.6 **Other Regulations** and replacing it with the following;

“(d) **Financial services** shall have a maximum total **gross floor area** of 500 m<sup>2</sup> unless a larger branch of the **Financial services** establishment is located within the Downtown Urban Centre.”;

- (ii) delete **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 14.7.1 **Purpose** and replace with the following:

“The purpose is to designate and preserve land for the orderly **development** of the financial, retail and entertainment, governmental and cultural core of the Downtown, as well as the retail, entertainment and cultural core of Rutland, which shall provide for high **density** residential **uses**, and **commercial uses**.”;

- (iii) delete sub-paragraph (a) to **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 14.7.5 **Development Regulations** and replace with the following:

“(a) The maximum **height** is 22.0 m except in Area 1 and Area 2, as shown on C7 -Diagram A and Diagram C, attached to this bylaw. The maximum allowable **height** within Area 1 and Area 2, as shown on C7 - Diagram A and Diagram C attached to this bylaw, is 44.0 m.”;

- (iv) delete sub-paragraph (f) to **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 **14.7.5 Development Regulations** and replace with the following:
- “(f) Within Areas 1 and 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, any portion of a **building** above 15.0 m in **height** must be a minimum of 4.0 m from any **property line** abutting another **property** as illustrated on C7 - Diagram B attached to this bylaw.”;
- (v) delete sub-paragraph (g) to **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 **14.7.5 Development Regulations** and replace with the following:
- “(g) Within Areas 1 and 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, any portion of a **building** above 15.0 m in **height** must lie within the prescribed line illustrated on C7 – Diagram B, attached to this bylaw. This line will start at the geodetic elevation 15.0 m above all **property lines** adjacent to a **street**, and be inclined at an angle of 80 degrees.”;
- (vi) delete sub-paragraph (h) to **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 **14.7.5 Development Regulations** and replace with the following:
- “(h) Within Areas 1 and 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, any **floor plate** situated above 15.0 m in **height** cannot exceed 676.0 m<sup>2</sup>, as illustrated on C7 - Diagram B attached to this bylaw.”;
- (vii) delete sub-paragraph (i) to **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 **14.7.5 Development Regulations** and replace with the following:
- “(i) Within Areas 1 and 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, any portion of a **building** above 15.0 m in **height** cannot exceed a continuous exterior horizontal dimension of 26.0 m, as illustrated on C7 – Diagram B attached to this bylaw.”;
- (viii) delete sub-paragraph (j) to **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 **14.7.5 Development Regulations** and replace with the following:
- “(j) Within Areas 1 and 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, any **floor plate** situated above 15.0 m in **height** cannot exceed a diagonal dimension of 39.0 m as illustrated on C7 – Diagram B attached to this bylaw.”;

- (vx) delete sub-paragraph (b) to **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** and replace with the following:
- “(b) Within Areas 1 and 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, a supplemental floor area of 5% can be added to any floor area above 15.0 m in **height** provided the floor dimensions comply with all other provisions set out in the C7 zone. The supplemental area can only be added to the floor used as the basis for the calculation and shall be based on **gross floor area** of that floor.”;
- (x) delete sub-paragraph (d) to **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** and replace with the following:
- “(d) Except in Area 2, as shown on C7 - Diagram A and Diagram C, 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.”;
- (xi) adding a new sub-paragraph (e) to **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** as follows:
- “(e) **Financial services** in the Rutland Urban Centre shall have a maximum total **gross floor area** of 500 m<sup>2</sup> unless a larger branch of the **Financial services** establishment is located within the Downtown Urban Centre. “;
- (xii) adding a new **“Diagram C”** as per Schedule “A” attached to and forming part of this bylaw;
2. This bylaw may be cited as "Bylaw No. 9534, being Amendments to the C4 and C7 Zones in the Zoning Bylaw No. 8000".
3. 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 19<sup>th</sup> day of December, 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

Schedule "A":

