

# CITY OF KELOWNA

## BYLAW NO. 10038

### Text Amendment No. TA07-0007

**P216 Enterprises Ltd., P218 Enterprises Ltd., Wayne Holdings Ltd. &  
602033 B.C. Ltd. (Busby Perkins & Will)  
2970-2974, 2978, 3000, 3006 & 3010 Pandosy Street  
475 Groves Avenue**

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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 paragraph **14.4.5 Development Regulations** of subsection **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)** of **Section 14 – Commercial Zones** be amended by:

(a) deleting part (a) in its entirety and replacing it with the following:

“(a) **Floor area ratio:**

1. For developments having only commercial uses, the maximum **floor area ratio** is 1.0.
2. For mixed-use developments, the maximum **floor area ratio** is 1.3, except if one or more of the following bonuses apply, where the total maximum allowable **floor area ratio** with bonusing must not exceed 2.35:
  - i. Where a housing agreement exists pursuant to the provisions of Section 6.9, a bonus of 0.1 may be added to the **floor area ratio**;
  - ii. 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;
  - iii. Where all required **parking spaces** are located below **natural grade** and where there is a co-op/ car sharing program provided, a bonus of 0.84 may be added to the **floor area ratio**. This density bonus is only applicable to properties located in the South Pandosy Urban Centre; and/or
  - iv. Where in addition to the required **open space**, a publicly accessible **public courtyard** located at grade level and where a **green roof** is also provided, a bonus of 0.18 may be added to the **floor area ratio**.”

- (b) deleting part (c) in its entirety and replacing it with the following:

“The maximum **height** is the lesser of 15.0 m or 4 **storeys** in the South Pandosy and Rutland Urban Centres. In the Springfield/Highway 97 Urban Centre, maximum **height** is the lesser of 15.0 m or 4 **storeys**, except that for **hotels**, **apartment hotels** and **apartment housing** it shall be the lesser of 37.0 m or 12 **storeys**. In all other areas, the maximum **height** shall be the lesser of 15.0 m or 4 **storeys**. For mixed-use developments located in Urban Centres, where parking is located entirely below natural grade and provides a co-op / car sharing program, and provides a **public courtyard** and **green roof**, the maximum building height shall be the lesser of 25.0 m or 7 **storeys**.”

2. THAT paragraph **2.3.3** of subsection **2.3 General Definitions** of **Section 2 – Interpretation** be amended by:

- (a) adding the definition **GREEN ROOF** as follows:

“**GREEN ROOF** means a layered roofing system that includes approved waterproof and root-resistant membranes, a drainage system, filter cloth, growing medium, and plants designed to create a roofing system.”

- (b) adding the definition **PUBLIC COURTYARD** as follows:

“**PUBLIC COURTYARD** means a public **open space** located at the same level as the surrounding grade which is accessible to the public, and may be surrounded by **buildings**. The minimum size of this **public courtyard** is 20% of the **site** area.”

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 23<sup>rd</sup> day of June, 2008.

Amended at first reading this 7<sup>th</sup> day of July, 2008.

Considered at a Public Hearing on the 22<sup>nd</sup> day of July, 2008.

Read a second and third time by the Municipal Council this 22<sup>nd</sup> day of July, 2008.

Approved under the Transportation Act this 1<sup>st</sup> day of August, 2008.

Robert Bitte

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of City of Kelowna on the

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Mayor

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City Clerk