

CITY OF KELOWNA

BYLAW NO. 10568

Official Community Plan Text Amendment No. OCP11-0006 - Amendments to Chapter 5 - Development Process

WHEREAS Council wishes to adopt certain text amendments to Bylaw No. 10500 - *Kelowna 2030 - Official Community Plan*;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT the Table of Contents, List of Maps, be updated by inserting a new "Downtown Building Heights Map" as attached to and forming part of this bylaw;
2. AND THAT Table of Contents, List of Maps and List of Tables be updated with the revised page numbers as a result of the amendments below;
3. AND THAT Chapter 4 - Future Land Use Definitions be amended by deleting the definition for Mixed Use (Residential/Commercial);

"Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor. Building densities would decrease as the distance from the core of the Urban Centre increases (should also reference Policy 5.5.1 Building Height and Chapter 17 - Urban Centre definition). Maximum density at the centre of the core would be consistent with zoning as follows: City Centre - C7 zone; Rutland - C7 zone; Pandosy - C4 zone; Midtown - C6 zone; Capri/Landmark - C4 zone."

and replacing it with:

"Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor. For Urban Centres other than the City Centre, building densities should decrease as the distance from the core of the Urban Centre increases. Other relevant policies include Policy 5.5.1 Building Height and Chapter 17 - Urban Centre definition. Maximum density at the centre of the core would be consistent with zoning as follows: City Centre - C7 zone; Rutland - C7 zone; Pandosy - C4 zone; Midtown - C6 zone; Capri/Landmark - C4 zone."

4. AND THAT Chapter 5 - Development Process, be amended by adding in a NEW blank page 5.7.1 and a NEW page 5.7.2 with a NEW Downtown Building Heights Map as attached to and forming part as this bylaw as Schedule "A";

5. AND THAT Chapter 5 - Development Process, Objective 5.5 Ensure appropriate and context sensitive built form, Policy .1 be amended by deleting:

“Building Height. Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing. Unless existing zoning provides for greater heights, building heights within the areas noted on Map 5.3 should be as noted below:

- **City Centre:** Six storeys within C4 zoned areas. Within C7 zoned areas, the height limit would be a maximum of the heights defined in the Zoning Bylaw (this would be 6 storeys in some areas and 12-14 in other areas). Where the Zoning Bylaw sets heights of 12 storeys, Council may consider height variances allowing for up to 19 storeys, provided that the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits. Those areas that have been the focus of a Council-endorsed comprehensive development plan approved subsequent to adoption of OCP Bylaw 10500 will be subject to the height limits identified in that plan. In all other areas, the height limit would be 4 storeys.
- **South Pandosy:** Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where architecturally distinct and significant buildings are placed at corner, gateway or view terminus locations that are of significance to the community or where buildings are of cultural significance to the community.
- **Rutland:** Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 12 storeys in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** Four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport related zoning regulations. Within the context of the above noted area height limits the following criteria shall also be considered.

Where a lot line abuts a lower density residential land use designation, buildings facing this lot line within the development should be stepped back such that there is no more than a one storey height gain between these building frontages and the height permitted within the land uses assigned to adjacent parcels. The key issue is the transition in scale. The City may consider alternatives to this if other measures can ensure an appropriate transition. Other alternatives may include a combination of appropriate choice of materials, positioning of a building on a site, the level of detail on the facing façade, positioning of balconies, windows, etc.

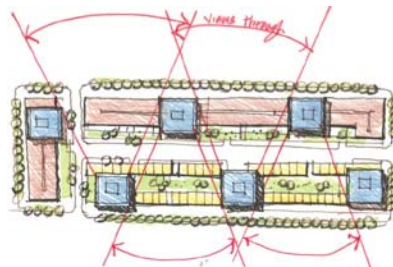
Notwithstanding the above noted height provisions, building heights adjacent to Okanagan Lake should remain low, subject to the recognition that height provisions in existing zoning would prevail. Building height can be increased as the distance from the lake increases. Preservation of upland sight lines towards Okanagan Lake shall be an important consideration in the review of development applications."

And replacing it with:

"Building Height. In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding urban fabric
- Shadowing of the public realm
- View impacts
- Overlook and privacy impacts on neighbouring buildings
- Impacts on the overall skyline
- Distance between adjacent buildings above 22m in height
- Impacts on adjacent or nearby heritage structures
- Building form and massing to mitigate negative impacts of buildings over 22m in height

For all properties where height variances are required, a minimum separation distance of 36.5 m (120 ft.) will be sought between adjacent towers where there are floor plates larger than 697 sq. m (7,500 sq. ft.) and a minimum separation distance of 30.5 m (100 ft) will be sought between towers where floor plates are less than 697 sq. m. (7500 sq. ft.). In addition, where a height variance is required, adequate view corridors shall be provided between towers. For blocks a minimum of 100m in width, any portion of a building above 44.0m should be sited to afford existing surrounding tower development on the same block a 40 degree panoramic view, measured from the closest building face parallel to the lot line fronting a street. (See Diagram 5.1)



Council may consider variances to the tower setbacks distances in the Zoning Bylaw for mid-rise (22m-44m) development, provided that the overall development conforms to OCP building height policy.

Within the context of the noted area height limits (for all areas of the City) the following criteria shall also be considered: Where a lot line abuts a lower density residential land use designation, buildings facing this lot line within the development should be stepped back such that there is no more than a one storey height gain between these building frontages and the height permitted within the land uses assigned to adjacent parcels. The key issue is the transition in scale. The City may consider alternatives to this if other measures can ensure an appropriate transition. Other alternatives may include a combination of appropriate choice of materials, positioning of a building on a site, the level of detail on the facing façade, positioning of balconies, windows, etc.

Unless existing zoning provides for greater heights, building heights within the areas noted on Map 5.3 should be as noted below:

City Centre: For the Downtown area, building heights shall, at maximum, be as noted on the "Downtown Building Heights" map. To achieve those heights, Council may consider variances from the heights set out in the Zoning Bylaw, provided that the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits.

The former Willow Inn site at the corner of Queensway Avenue and Mill Street is significant given the site's proximity to the waterfront and its high visibility. In order to achieve approval for up to 19 storeys on this site, any proposed development should be required to demonstrate that it gives careful consideration to view impacts from other parts of downtown, is a signature landmark building and that it meets a high standard of design excellence regarding aesthetics and building performance.

Where the "Downtown Building Heights" map provides for a maximum height of six storeys for properties along Bernard Avenue (between Abbott Street and Ellis Street) and the western side of Water Street (between Bernard Avenue and Lawrence Avenue) in acknowledgement of existing zoning, the City will consider incentives to encourage building heights to not exceed four storeys.

For the Central Green property at the SW corner of Richter Street and Harvey Avenue, building heights shall be as approved by Council through the zoning process.

For areas of the City Centre not specifically mentioned above, that are outside the Downtown Building Heights Map, the maximum height shall be: seven stories within areas designated for mixed use (residential/commercial); four storeys for areas designated for commercial; within C7 zoned areas, the height limit would be a maximum of the heights defined in the Zoning Bylaw (this would be 6 storeys in some areas and 12-14 in other areas); on properties designated for multiple unit residential (high density), the height limit will be 16 storeys. Where the Zoning Bylaw sets height limits of 12-16 storeys, Council may consider height variances allowing for up to 19

storeys, provided that the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits.

Other Urban Centres:

Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

- **South Pandosy:** Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where architecturally distinct and significant buildings are placed at corner, gateway or view terminus locations that are of significance to the community or where buildings are of cultural significance to the community.
- **Rutland:** Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw. **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

Notwithstanding the above noted height provisions, for all parts of the City other than the downtown, building heights adjacent to Okanagan Lake should remain low, subject to the recognition that height provisions in existing zoning would prevail. Building height can be increased as the distance from the lake increases. Preservation of upland sight lines towards Okanagan Lake shall be an important consideration in the review of development applications.”

6. AND THAT Chapter 5 - Development Process, Objective 5.23 **Address the needs of families with children through the provision of appropriate family-oriented housing.** Policy .1 Ground-Oriented Housing be amended by deleting the following:

“**Ground-Oriented Housing.** Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.”

And replacing it with:

“Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.”

7. 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 8th day of August, 2011.

Amended at first reading by the Municipal Council this 19th day of September, 2011.

Further amended at first reading by the Municipal Council this 3rd day of October, 2011.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"

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Bylaw No. 10568 - Page 8
 Schedule "A" - Building Height

