

Report to Council



Date: January 18, 2020

To: Council

From: City Manager

Subject: TA20-0023

Department: Development Planning Department

Recommendation:

THAT Zoning Bylaw Text Amendment Application TA20-0023 to amend City of Kelowna Zoning Bylaw No. 8000 as indicated in Schedule A and outlined in the Report from the Development Planning Department dated January 18, 2021, 2020 be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Purpose:

To amend Zoning Bylaw No. 8000 by amending general fencing height regulations, adding Multiple Dwelling Housing use to C9 and home-base business use to C9 and CD-22, amending tall building urban design regulations in C4, C7 and C9, and to correct inconsistencies.

Background & Discussion:

Section 7: Landscaping and Screening

On July 13, 2020 Council approved changes to Section 7 – Landscaping and Screening as it relates to fence height and top of rail requirement. The approved changes reduced the maximum allowable height on fences along front yard and flanking streets to 1075 mm which applied to all zonings. Following the amendments, staff received a significant amount of correspondence as these changes were not suitable for agriculture, rural residential, or commercial properties. The proposed change in the Schedule 'A' will allow Rural Residential properties to construct a fence to a maximum height of 2000 mm. It is appropriate for Rural Residential properties to have a greater height around the total property line as many Rural Residential Properties are located within the Agriculture Land Reserve and

allow the use of Urban Agriculture. Additionally, commercial and industrial properties are often subject to a development permit so staff would be able to review the material and style as part of the landscape plan and ensure it is appropriate based on the location and use of the property.

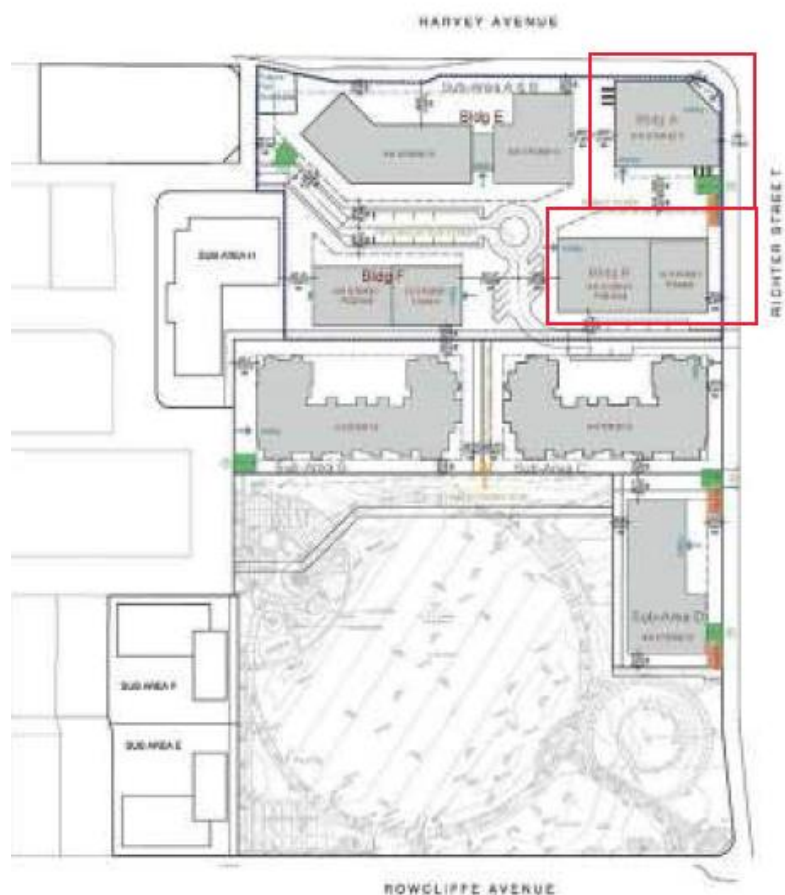
Section 14: Commercial Zones: C9 – Tourist Commercial

The C9 – Tourist Commercial zone serves a wide range of uses that accommodate tourism in key areas of the City. Several of the buildings existing under this zoning, and proposed, are looking to facilitate mixed use projects that accommodate both commercial and residential uses. Prior to the adoption of the Short Term Rental Bylaw, individuals were able to live in this zone under the use of “Apartment Hotel”. When the Short Term Rental bylaw was adopted, the use of “Apartment Hotel” was deleted. To ensure long term tenants are able to reside in this zone Staff are recommending the use of Multiple Dwelling Housing be added as a principal use within the C9 zoning.

If Council supports the use of multiple dwelling housing within the C9 zoning it is appropriate for the use of home-based business, minor to be added as a secondary use. The use of home-based business, minor allows for residents to obtain a business licence for businesses that use home offices and require minimal face to face interaction with customer or clients in the residence.

Section 18: CD22 – Adding Home Based Business

The Central Green Development (Comprehensive Development Zone 22) has been developed into apartment housing consisting of hundreds of residential units and is broken down into “Sub-Areas”. Currently all Sub Areas, except for Sub Area A & B, allow the use of home-based business, minor. Sub Area B is an apartment structure that recently received occupancy and Sub Area A was approved by Council July of 2017. Staff are seeking to add the home-based business, minor use into these two sub areas.



Large Structure Setbacks and Floor Plate Regulations

As Kelowna's Urban Centres continue to densify, more applications for taller structures are being proposed outside of the downtown C7 zoning. The current podium regulations within the C7 require setbacks from property line and streets of 4m and 3m respectively after 16m in height. Staff are recommending Council support this standard in the C4 & C9 zones. Additionally, staff are proposing a reduction to the current floor plate sizes. Currently in the C7 zoning the allowable floorplate is 1,221m². Staff are recommending that this floor plate size be reduced to 750m² for residential use and 850m² for commercial or hotel use in the C4, C7, and C9 zones. These proposed changes will encourage more slender towers to preserve view corridors, reduce shadowing on adjacent properties, and reduce the overall massing of the structure for a more pedestrian friendly streetscape environment.

Miscellaneous

There are multiple text amendments located within the attached Schedule A for the purpose of correcting spelling errors within the zoning bylaw. Staff are recommending Council support the correct spellings in all applicable sections.

Official Community Plan policies that support proposed changes:

Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design DP Guidelines

Objectives

- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages

Guidelines 4.0 – Massing and Height

4.1 Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:

- Step back upper floors to reduce visual impact

Chapter 8: Economic Development

Objection 8.1 Focus on economic drivers that generate new and sustainable wealth.

Policy .1 Sustainable Prosperity. Assign priority to supporting the retention, enhancement and expansion of existing businesses and post-secondary institutions and the attraction of new businesses and investment identified as bringing sustainable prosperity to Kelowna.

Internal Circulation:

Policy & Planning Department

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: Jason Issler, Planning Technician II

Reviewed by: J. Black, Urban Planning Manager

Approved for inclusion: T. Barton, Development Planning Department Manager

Attachments:

Schedule 'A': Summary of Changes