Report to Council

Date: February 27, 2017

File: 1250-40

To: City Manager

From: Ryan Roycroft, Planner

Subject: TA16-0018 C7 Text Amendments

Recommendation:

THAT Council receives, for information, the Supplemental Report from the Community Planning Department dated February 20th, 2017 with respect to amendments to the Zoning Bylaw Text Amendment Application No. TA16-0018 to amend Zoning Bylaw 8000 as outlined in Schedule "A" attached to the Supplemental Report from the Community Planning Department dated February 20th, 2017 be considered by Council;

AND THAT Text Amend Bylaw No. 11307 be forwarded for rescindment consideration;

AND THAT Plan Text Amendment Application No. TA16-0018to amend Zoning Bylaw 8000 as outlined in Schedule "A" attached to the Report from the Community Planning Department dated February 20th, 2017 be considered by Council;

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

Purpose:

To consider text amendments to the C7 – Central Business Commercial zone to accommodate Official Community Plan changes to the City Civic Block and to better align zoning requirements with recent building trends.

Background:

In November of 2016, staff presented Council with proposed amendments to the C7 – Central Business Commercial zone, with an eye to better aligning the zone with modern development practices and accommodating the recently adopted Civic Block Plan. Council gave the bylaw first reading, and advanced the bylaw to public hearing. However, prior to Public Hearing, staff received late comments from the Urban Development Institute, as well as two applications for downtown tower projects. Based on these comments, the Public Hearing was deferred, and the proposed bylaw amendments have been modified.

The proposed bylaw changes are intended to accomplish several objectives.

The first objective is to accommodate the recommendations of the recently adopted Civic Block Plan. The proposed bylaw amendments establish differing development regulations for the Civic Block, based on the adopted plan.

As per the plan recommendations, these regulations will support smaller format development with emphasis on the Artwalk and pedestrian friendliness.

The second objective is to amend the bylaw to be more supportive of mid-rise construction projects, especially predominantly commercial and office construction. Recent mid-rise projects on St Paul and Doyle have required anywhere from 5 to 14 bylaw variances. While Council has granted these variances, the bylaw's lack of support for mid-rise construction sends a tacit message that this form of development is not supported.

Finally, the bylaw amendments would remove language which governs detailed tower form sizes and stepbacks, instead relying on more flexible development permit guidelines in the OCP to govern building form and character. Greater emphasis will be placed on Community Planning staff, the Developer and Council in determining what design is appropriate for situations, rather than one-sized fits all zoning restrictions.

Bylaw Amendments Table:

Removed maximum diagonal building footprint
Removed maximum building frontage width
Removed angle of incidence controls
Tied maximum building height to map
Increased maximum floorplate from 696 m2 to 1,221 m2.
Reduced low rise step backs
Removed high rise step backs
Removed Rutland related regulations

Development Permits Guidelines versus Zoning Restrictions

At the time the C7 – Central Business Commercial zone was developed, the City did not have extensive Development Permit Guidelines in place for tower and high rise construction. In absence of strong DP guidelines, the C7 zone was developed to include controls on building form and step backs, as interim controls for tall building development.

With the adoption of the most recent Official Community Plan and Downtown Revitalization guidelines, the City now has robust development permit guidelines to address building form. These DP guidelines obviate the need for extensive Zoning controls on building form.

The Zoning Bylaw is a cumbersome and difficult tool for regulating building form, as it is unable to be sensitive to context or design. The way the bylaw is currently drafted, it would allow only narrow pin towers with limited articulation in the C7 zone, without consideration of the site, neighbouring buildings or design considerations.

Overall, the proposed bylaw amendment will amend the C7 zone to work in concert with the Official Community Plan Development Permit guidelines and Downtown development objectives and reduce the variances caused by differences between the two documents.

Internal Circulation:

The proposed amendments have been developed by a team of staff from Policy Planning, Community Planning, and Real Estate.

External Agency/Public Comments

City staff worked extensively with representatives from the Urban Development Institute in reviewing the bylaw amendments, ensuring that the requirements would be economically possible with current construction technology.

Legal/Statutory Authority:

Section 479 of the Local Government Act allows the City of Kelowna to adopt a Zoning Bylaw regulating land uses within the city.

Legal/Statutory Procedural Requirements:

If Council grants initial consideration to the proposed bylaw amendments, a public hearing will be required prior to considering additional readings.

Existing Policy:

The current C7 zone is well suited for towers and two storey buildings, but generates low-value variances when applicants consider mid-sized buildings. The C7 zone also does not address the specific objectives of the Civic Precinct.

Personnel Implications:

The proposed amendments to the C7 zone will dramatically reduce staff time required to deal with low value variances for mid-rise construction, and are not expected to add any workload.

Considerations not applicable to this report:
Communications Comments
Financial/Budgetary Considerations

Submitted by:

Ryan Roycroft, Planner

Approved for inclusion: Ryan Smith, Community Planning Manager

Attached
Draft C7 Bylaw