

**THE VILLAGE OF PEMBERTON
BYLAW NO. 936, 2022**

A bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

The Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

CITATION

1. This Bylaw may be cited for all purposes as "Zoning Amendment (Comprehensive Development Zone 6 - SSSC Harrow Road Affordable Housing) Bylaw No. 936, 2022."

APPLICATION

2. Village of Pemberton Zoning Bylaw No. 832, 2018 is amended by:

- 2(1) Adding the following definition of *Community Services, Non-profit* in alphabetical order to Part 3: Definitions:

Community Services, Non-Profit means the use of land or buildings that provide community facilities or services delivered by non-profit entities for the betterment of the community. It specifically includes business offices, professional offices and services, child care centre, artisan, assembly, community care facility, and emergency shelter uses delivered by a registered non-profit agency. Apartment dwelling units provided as affordable housing, social housing, or other supportive housing are permitted.

- 2(2) Amending Schedule "A" Zoning Map by rezoning the lands identified in Schedule "A" of this amending bylaw from Tourism Commercial (C-2) to Comprehensive Development Zone 6 (CD-6).

- 2(3) Adding the following Comprehensive Development zone as section 18.6 Comprehensive Development Zone 6 (SSSC Harrow Road Affordable Housing):

18.6 Comprehensive Development Zone 6 (CD-6) (SSSC Harrow Rd Affordable Housing)

The intent of this zone is to accommodate mixed use development anchored by non-profit community services and affordable housing and accessory market housing, office, and commercial uses or tourism commercial uses.

18.6.1. Permitted Principal Uses

- (a) *Community Services, Non-profit*
 - (b) *Uses Permitted in the Tourism Commercial (C-2) Zone*

18.6.2. Permitted Accessory Uses

- (a) *Home Occupation*
- (b) *Convenience Store*
- (c) *Office, Business*
- (d) *Personal Service*
- (e) *Restaurant*
- (f) *Café*
- (g) *Retail, Recreation and Leisure*

18.6.3 Conditions of Use

- (a) In the CD-6 zone, *Community Services, Non-Profit* and Uses permitted in the Tourism Commercial (C-2) zone are listed as Permitted Principal Uses. Within all lands zoned CD-6, the principal use may be either *Community Services, Non-profit* or Uses Permitted in the Tourism Commercial (C-2) zone, but not both.
- (b) In the CD-6 zone, *Community Services, Non-Profit* uses are permitted only in mixed-use buildings.
- (c) In the CD-6 zone, all residential dwellings in the *Community Services, Non-Profit* use shall:
 - i. Not be located on the first floor of a mixed-use building;
 - ii. be restricted to rental dwellings only; and
 - iii. be subject to a housing agreement.
- (d) In the CD-6 zone, not greater than 20% of the retail, commercial, and business and professional office area under the *Community Services, Non-Profit* use may be occupied by a for-profit enterprise, and are accessory to the *Community Services, Non-Profit* use.

18.6.4 Density Regulations

a) Maximum Density:	1.5 FAR
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18.6.5. Lot Regulations

a) Minimum Lot Size:	900 m ²
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18.6.6 Siting Regulations

a) Maximum <i>Lot Coverage</i> :	50%
b) Minimum <i>Front Setback</i> :	7.5 m
c) Minimum <i>Rear Setback</i> :	3 m
d) Minimum <i>Interior Side Setback</i> :	3 m
e) Minimum <i>Exterior Side Setback</i> :	4.5 m

18.6.7. Maximum Height of Buildings

- (a) The maximum building height of the *Principal Building* and *Accessory Buildings* shall not exceed the heights in the following table:

	Principal Building Height	Accessory Building Height
Height	10.5m	4.6m

- (b) Notwithstanding section 18.6.5(a), the maximum height of a principal building may be increased from 10.5m to 19m for *Community Services, Non-profit* principal buildings if the owner enters into a Housing Agreement with the Village of Pemberton to provide affordable housing. The Housing Agreement must be approved and registered pursuant to section 483 of the *Local Government Act*.

18.6.8. Off-Street Parking and Loading

- (a) Off-street parking and loading shall be provided in accordance with the requirements of Part 8 of the Village of Pemberton Zoning Bylaw No. 832, 2018 this Bylaw.
- (b) Notwithstanding the parking requirements in Part 8 of the Zoning Bylaw the off-street parking requirements for the *Community Services, Non-Profit* use in the CD-6 zone shall provided as follows:

STALL TYPE	REQUIRED
Standard Parking Stalls	<p>.75 STALLS PER 1BED <i>AFFORDABLE MARKET RENTAL DWELLING UNIT</i></p> <p>1.4 STALLS PER 2BED <i>AFFORDABLE MARKET RENTAL DWELLING UNIT</i></p> <p>1.75 STALLS PER 3BED <i>AFFODABLE MARKET RENTAL DWELLING UNIT</i></p> <p>.5 STALLS PER 1BED <i>RENT GEARED TO INCOME DWELLING UNIT</i></p> <p>1.1 STALLS PER 2BED <i>RENT GEARED TO INCOME DWELLING UNIT</i></p> <p>1.2 STALLS PER 3BED <i>RENT GEARED TO INCOME DWELLING UNIT</i></p> <p>0 STALLS PER 1BED <i>DEEP SUBSIDY/SHELTER DU X 16 DWELLING UNIT</i></p> <p>0 STALLS PER 2BED <i>DEEP SUBSIDY/SHELTER DU X 16 DWELLING UNIT</i></p> <p>0 STALLS PER 3BED <i>DEEP SUBSIDY/SHELTER DU X 16 DWELLING UNIT</i></p>
Visitor Parking Stalls	0.06 STALLS PER DWELLING UNIT
Neighbourhood Commercial Use Parking Stalls	<p>0.027 STALLS PER 1M2 X 714 M2 OF NEIGHBOURHOOD COMMERCIAL SPACE</p> <p>0.0357 STALLS PER 1M2 X 129 M2 OF MARKET COMMERCIAL RETAIL</p>
Disability Parking Stalls	MINIMUM 3 PER BUILDING

(c) In the CD-6 Zone, the following definitions apply to parking requirement calculations for dwelling unit and tenure types established in a Housing Agreement as follows:

- i. *Affordable Market Dwelling Unit* means rental dwelling units provided for moderate income households and secured by a Housing Agreement.
- ii. *Rent Geared to Income Dwelling Unit* means a rental dwelling unit intended to limit rents to 30% of gross household income and secured by a Housing Agreement.
- iii. *Deep Subsidy Dwelling Unit* means a rental dwelling unit targeted to residents on income assistance and secured by a Housing Agreement.

READ A FIRST TIME this 30th day of August, 2022.

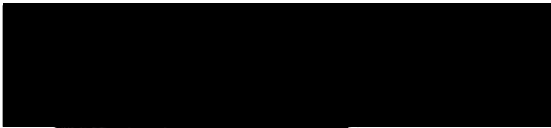
READ A SECOND TIME this 30th day of August, 2022.

NOTICE OF PUBLIC HEARING was advertised utilizing reasonably equivalent alternatives as set out in section 94.1 (3) of the *Community Charter* on September 15, 2022 and September 16, 2022 and **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on September 22, 2022.

PUBLIC HEARING HELD this 27th day of September, 2022

READ A THIRD TIME this 4th day of October, 2022.

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL PURSUANT TO SECTION 52(3)(a) OF THE *TRANSPORTATION ACT* this 6th day of February, 2023 by



For the Minister of Transportation and Infrastructure

ADOPTED this 17th day of October, 2023.

Mike Richman
Mayor

Ethan Fredeen
Corporate Officer