

THE VILLAGE OF PEMBERTON

BYLAW NO. XXXX, 2023

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

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend the Zoning Bylaw to add zoning provisions for the new Nkwúkwma neighbourhood;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled ENACTS AS FOLLOWS:

1. CITATION

This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. XXXX, 2023 (Nkwúkwma Neighbourhood).”

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

a. Adding to Section 5.4 (a) “Comprehensive Development Zones” in sequential order

| | |
|------------------------|------|
| Nkwúkwma Neighbourhood | CD-7 |
|------------------------|------|

b. Amending Schedule “A” Zoning Map by rezoning the lands identified in Schedule “A” of this amending bylaw from Residential 1 (RS-1) to Nkwúkwma Neighbourhood CD-7.

c. Adding Schedule (A-2) *Nkwúkwma Neighbourhood Zoning Map* attached as Schedule “B” to this bylaw.

d. Adding the following Comprehensive Development zone as section 18.7 Comprehensive Development Zone 7 (CD 7) (Nkwúkwma Neighbourhood):

18.7 Comprehensive Development Zone 7 (CD-7) (Nkwúkwma Neighbourhood)

The Nkwúkwma Neighbourhood CD7 Zone is intended to provide for a mix of residential, local commercial, and community uses, integrated with a network of parks and open spaces based the Nkwúkwma Sub Area Plan.

a. Unless otherwise provided in the CD7 Zone, all terms, uses, and definitions shall be interpreted in accordance with the Village of Pemberton Zoning Bylaw.

b. Definitions: Within the Nkwúkwma Neighbourhood (CD7) Zones, the following definitions apply:

Nkwúkwma Accessory Dwelling Unit means a self-contained dwelling unit that is accessory to a principal dwelling unit, and specifically may include a *Nkwúkwma Carriage House*, *Nkwúkwma Garden Suite*, *Secondary Suite*, or a *Nkwúkwma Lock-Off Suite*

Nkwúkwma Dwelling, Carriage House means a self-contained accessory dwelling unit located above an attached or detached garage with its own entrance.

Nkwúkwma Dwelling, Garden Suite means a detached accessory dwelling unit located within the side or rear yard of a lot.

Nkwúkwma Dwelling, Houseplex means the use of a lot for a purpose-built triplex or fourplex building in a form of similar massing and scale to a single detached dwelling, or a combination of two or more buildings containing a maximum of four dwelling units.

Nkwúkwma Local Commercial means the use of land and buildings for local commercial uses such as convenience stores, coffee shops, cafés, and other commercial uses intended to provide convenience services to neighbourhood residents.

Nkwúkwma Lock-off Suite means a separate, self-contained dwelling unit within a duplex or a townhouse unit which can be separated from the principal unit by an exterior or interior door.

Nkwúkwma Open Space means the use of land for public for recreation or preservation of the natural environment or identified archeological sites and sites of cultural significance to Lílwat Nation.

18.7.1 Measurements and Calculations in the CD7 Zone

- a. In the CD7 Zone, each of the following shall count as 1 unit for the purpose of calculating density or maximum unit count in the neighbourhood:
 - i. A Dwelling, Apartment, excluding a non-market affordable housing dwelling unit regulated under an approved housing agreement bylaw;
 - ii. A Dwelling, Townhouse, excluding a Nkwúkwma Lock-off Suite; and/or
 - iii. A residential lot created by a Plan of Subdivision or Bareland Strata Plan.
- b. Unless otherwise provided for in the CD7 Zone, measurements shall be calculated in accordance with the Village of Pemberton Zoning Bylaw.

18.7.2 Sub-zones within the CD7 Zone

- a. Pursuant to Section 479 of the Local Government Act, the Nkwúkwma Neighbourhood Comprehensive Development (CD7) Zone is divided into land use sub-zones shown on Schedule A-1, and described as follows:
 - i. **Nkwúkwma Large Lot (NR-1):** The intent of the Nkwúkwma Large Lot (NR-1) sub-zone is to provide for a range of housing unit types on larger format single detached residential lots with a minimum lot size of 580 sq.m., and fee simple or strata-tiled duplex development subject to the conditions of use.
 - ii. **Nkwúkwma Small Lot (NR-2):** The intent of the Nkwúkwma Small Lot (NR-2) sub-zone is to provide for a range of housing types smaller residential lots with a **minimum lot size of 400 sq. m.** and duplex development subject to the conditions of use.

- iii. **Nkwúkwma Townhouse Residential (NRM-1):** The intent of the Nkwúkwma Townhouse Residential (NRM-1) sub-zone is to provide for multi-family townhouse development.
- iv. **Nkwúkwma Mixed Use (NMU-1):** The intent of the Nkwúkwma Mixed Use (NMU-1) sub-zone is to provide for mixed commercial and residential uses to provide apartment form living with commercial amenities intended for local residents.
- v. **Nkwúkwma Neighbourhood Park (NC-1):** The intent of the Nkwúkwma Neighbourhood Park (NC-1) sub-zone is to provide for developed parks, playgrounds, and accessible trails with amenities for local residents.
- vi. **Nkwúkwma Open Space (NC-2):** The Nkwúkwma Open Space (NC-2) sub-zone is intended to provide for publicly accessible undeveloped open space, forested sub-zones, conservation sub-zones for natural features and archeological sites. Active use in the Open Space sub-zone will consist of trails and related recreation facilities.

18.7.3 General Regulations in the CD7 Zone

- a. **Nkwúkwma Accessory Dwelling Units:** On lots greater than 280 square metres (3,013 square feet.) a maximum of three additional *Nkwúkwma Accessory Dwelling Units* are permitted in addition to the principal single detached dwelling in accordance with the following regulations:
 - i. A *Nkwúkwma Accessory Dwelling Unit* shall have a floor area of no smaller than 32.5 square metres (349 sq. ft.)
 - ii. One (1) parking stall is required for each *Nkwúkwma Accessory Dwelling Unit*;
 - iii. Two (2) parking stalls are required for principal single detached dwelling units that occupy more than 50% of the gross floor area of the principal building;
 - iv. One (1) parking stall is required for the principal single detached dwelling that occupies less than 50% of the gross floor area of the principal building;
- b. **Nkwúkwma Garden Suites:** Where permitted, *Nkwúkwma Garden Suites* shall be constructed in accordance with the following regulations:
 - i. Shall be located within the rear or side yard of a lot,
 - ii. Unless otherwise provided for in the CD7 zone, shall comply with the building regulations for accessory buildings.
 - iii. Shall not exceed a maximum gross floor area of 55.75 square metres (600 square feet)
- c. **Nkwúkwma Duplex Units:** Where permitted, Duplex Units shall be constructed in accordance with the following regulations:
 - i. Construction of duplex buildings are permitted only on lots that conform to the parcel dimensions in subdivision regulations for duplex lots in the CD-7 zone.
 - ii. For construction of duplex units with different floor areas, the smaller unit shall have a ground floor area of no less than 75% of the ground floor area of the larger unit.

- iii. Each duplex unit shall contain no more than one lock-off suite.
- d. ***Nkwúkwma Carriage Homes:*** where permitted, *Nkwúkwma Carriage Homes* shall comply with the following regulations:
 - i. A carriage be located above an attached or detached garage;
 - ii. Shall have a separate entrance interior to the garage or
- e. ***Secondary Suites:*** Notwithstanding any other provisions of the Village of Pemberton Zoning Bylaw, in the CD-7 zone, the following regulations apply to secondary suites:
 - i. A maximum of two (2) secondary suites may be permitted as accessory dwelling units in a principal residential dwelling.
 - ii. The minimum floor area for a secondary suite is 32.5 square metres (349 square feet).
 - iii. The total floor area of secondary suites shall not exceed 49% of the total floor area of the dwelling.
- f. ***Lock off Suites:*** Where permitted in multi-family townhouse development or duplex buildings, *Nkwúkwma Lock-off Suites* shall be subject to the following regulations.
 - i. A lock-off suite shall have either a separate exterior entrance or an interior access shared with the principal dwelling unit.
- g. ***Short-Term Vacation Rentals:*** Short-Term Vacation Rentals are not permitted within the Nkwúkwma Neighbourhood in either principal or accessory dwelling units.
- h. ***Residential Storage Space:*** Storage space within a townhouse or apartment unit shall be provided as follows:
 - i. A minimum of 5 m² of secure residential storage space shall be provided for all apartment units, at grade or in an underground parking sub-zone.
 - ii. A minimum of 5 m² of secure residential storage space shall be provided for each duplex, townhouse, and stacked townhouse unit, where the dwelling unit does not have a garage.

18.7.4 Uses Permitted in the CD7 Zone by Sub-zone

- a. The use of land, buildings and structures in each Sub-zone of the CD7 Zone identified on Schedule A-1 is restricted to the following permitted uses only:

18.7.4.1 ***Nkwúkwma Large Lot (NR-1):*** Within the *Nkwúkwma Large Lot (NR-1)* sub-zone the following uses are permitted:

- i. Dwelling Unit, Detached
- ii. Dwelling, Duplex
- iii. *Nkwúkwma* Dwelling Unit, Houseplex
- iv. Secondary Suites
- v. *Nkwúkwma* Dwelling, Carriage Home
- vi. *Nkwúkwma* Dwelling, Garden Suite
- vii. Home Occupation

- viii. Park and Playground
- ix. Childcare Centre

18.7.4.2 Nkwúkwma Small Lot (NR-2): Within the Nkwúkwma Small Lot (NR-2) sub-zone the following uses are permitted:

- i. Dwelling Unit, Detached
- ii. Dwelling, Duplex
- iii. Dwelling Unit, Nkwúkwma Houseplex
- iv. Secondary Suites
- v. Nkwúkwma Dwelling, Carriage Home
- vi. Nkwúkwma Dwelling, Garden Suite
- vii. Home Occupation
- viii. Park and Playground
- ix. Childcare Centre

18.7.4.3 Nkwúkwma Townhouse Residential (NRM-1) Within the Nkwúkwma Townhouse Residential (NRM-1) sub-zone the following uses are permitted:

- i. Dwelling, Duplex
- ii. Townhouse
- iii. Townhouse, stacked
- iv. Nkwúkwma Lock-off Suite
- v. Home Occupation
- vi. Park and Playground

18.7.4.4 Nkwúkwma Mixed Use (NMU-1): Within the Nkwúkwma Mixed Use (NMU-1) Sub-zone, the following uses are permitted:

- i. Townhouse
- ii. Townhouse, stacked
- iii. Apartment
- iv. Home Occupation
- v. Child Care Facility
- vi. Nkwúkwma Local Commercial
- vii. Park and Playground

18.7.4.5 Nkwúkwma Neighbourhood Park (NC-1): Within the Nkwúkwma Neighbourhood Park (NC-1) sub-zone the following uses are permitted:

- i. Park and playground
- ii. Assembly use
- iii. Recreation passive and open land

- iv. Community garden

18.7.4.6 Nkwúkwma Open Space (NC-2): Within the Nkwúkwma Open Space (NC-2) sub-zone the following uses are permitted:

- i. Recreation passive and open land
- ii. Conservation of Natural Sub-zones and Archeological Sub-zones
- iii. Park and Playground

18.7.5 Conditions of Use

- a. In the Nkwúkwma Large Lot (NR-1), and Nkwúkwma Small Lot (NR-2) Zone, the following conditions of use apply:
 - i. A lot in the NR-1 or NR-2 zone shall have either a Dwelling Unit Detached, Dwelling Unit, Duplex, or Nkwúkwma Houseplex as the principal residential use, and all other uses shall be accessory.
 - ii. On a lot with a Dwelling Unit, Detached as the principal use, the following accessory dwelling units are permitted to a total of three (3) accessory residential units on any lot:
 - i. A maximum of two secondary suites within the principal dwelling unit.
 - ii. A maximum of one Nkwúkwma Carriage House;
 - iii. A maximum of one Nkwúkwma Garden Suite;
 - iii. In a Dwelling, Duplex building, each duplex unit is permitted one additional dwelling unit in accordance with the following regulations for a maximum total of four dwelling units on the parent lot:
 - i. A maximum of one carriage house; or
 - ii. A maximum of one Lock-off suite.
 - iv. On a lot with a Dwelling Unit, Houseplex as the principal use, no accessory residential units are permitted,
- b. In the Nkwúkwma Townhouse Residential (NRM-1) Zone, the following conditions of use apply:
 - i. A lot in the NRM-1 zone a maximum of 15% of townhouse units in any development permit may include a maximum of one (1) lock-off suite.
 - ii. Lock-off suites may not be added to existing townhouse dwellings.
 - iii. A minimum of one (1) parking stall per lock-off suite shall be provided within the development.
- c. In the Nkwúkwma Mixed Use (NMU-1) Zone, the following conditions of use apply:
 - i. Within the NMU-1 sub-zone, a minimum of 60% of the ground floor of the building, excluding enclosed parking, shall be developed as Nkwúkwma Local Commercial or Child Care Facility use.
 - ii. Within the NMU sub-zone, apartment and townhouse uses shall only be permitted within a mixed-use building.

18.7.6 Subdivision Regulations

- a. No lot shall be created by subdivision as fee simple lots or bareland strata lots, except in accordance with the following provisions:

| | NR-1 | NR-2 | NRM-1 | NMU-1 | NC-1 | NC-2 |
|---|------------------------|------------------------|--------------------|--------------------|--------|------|
| Minimum Lot Sub-zone | 580 m ² | 400 m ² | 700 m ² | 939 m ² | 1.5 ha | - |
| Minimum Lot Width | 18 m | 12 m | 18 m | 18 m | - | - |
| Minimum Lot Depth | 32 m | 32 m | - | - | - | - |
| Minimum Lot Area Duplex Dwelling Side by Side | 704 m ² | 704 m ² | - | - | - | - |
| Minimum Lot Width Duplex Dwelling Side by Side | 22 m (11m per side) | 22 m (11m per side) | - | - | - | - |
| Minimum Lot Depth Duplex Dwelling | 32 m | 32 m | - | - | - | - |

- b. For strata-titling of duplex buildings and allocation of common property, each duplex unit shall have a minimum of 11 metres of frontage on a highway.

18.7.7 Building Regulations

- c. Within the Nkwúkwma Neighbourhood (CD-7) zone, all buildings and structures shall be sited in accordance with the following requirements:

| | NR-1 | NR-2 | NRM-1 | NMU-1 | NC-1 | NC-2 |
|---|-------|-------|-------|-------|------|------|
| Minimum Principal Building Width | 7.6 m | 6m | - | - | - | - |
| Minimum Front Building <i>Setback</i> | 4.0 m | 4.0 m | 4.0 m | 3.0 m | - | - |
| Minimum Front Garage <i>Setback</i> | 6.0 m | 4.0m | 6.0 | - | - | - |
| Minimum Rear <i>Setback, Principal Building</i> | 6.0 m | 6.0 m | 7.5 m | 3.0 m | - | - |
| Minimum Rear <i>Setback, Accessory Building</i> | 1.5m | 1.5m | 2m | 2m | | |

| | | | | | | |
|--|-------|-------|-------|-------------------|---|---|
| Minimum Side <i>Setback</i> ¹ | 1.5m | 1.5 m | 4.0 m | 3.0 m | - | - |
| Minimum Exterior Side <i>Setback</i> | 3.0 m | 3.0 m | 3.0 m | 3.0 m | - | - |
| Maximum <i>Lot Coverage</i> | 50% | 55% | - | - | - | - |
| Maximum <i>Building Height</i> | 11 m | 11 m | 11 m | 16 m or 4 storeys | - | - |
| Maximum Number of Principal Buildings | 1 | 1 | - | - | - | - |
| Maximum Number of Accessory Buildings | 2 | 2 | - | - | - | - |
| Maximum Building Height Accessory | 4.6 m | 4.6 m | 4.6 m | 4.6 m | - | - |

1. If the BC Building Code requires additional setback, the greater setback shall apply

READ A FIRST TIME this ____ day of _____, 2024.

READ A SECOND TIME this ____ day of _____, 2024.

NOTICE OF PUBLIC HEARING was **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on _____ and on _____.

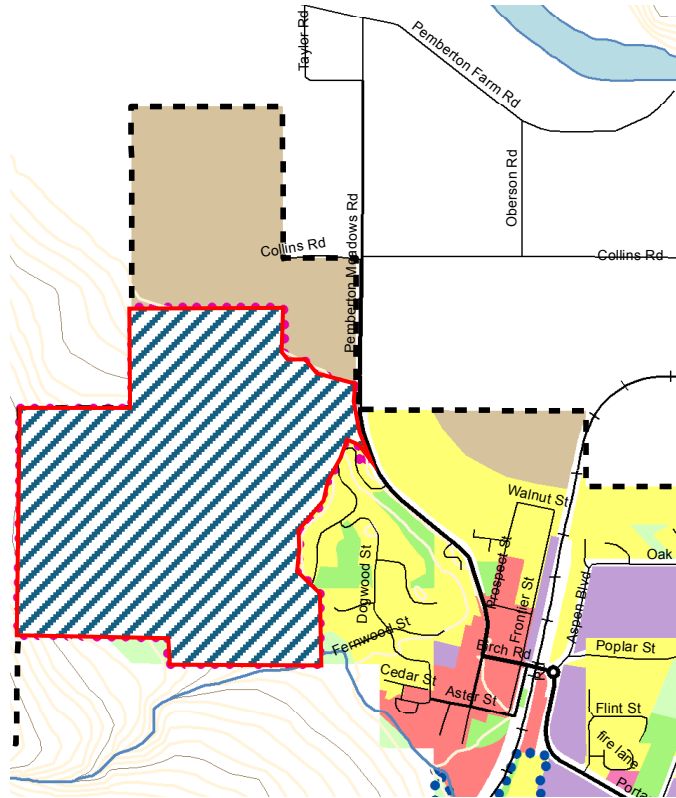
READ A THIRD TIME this ____ day of _____, 2024.

ADOPTED this ____ day of _____, 2024.

Mike Richman
Mayor

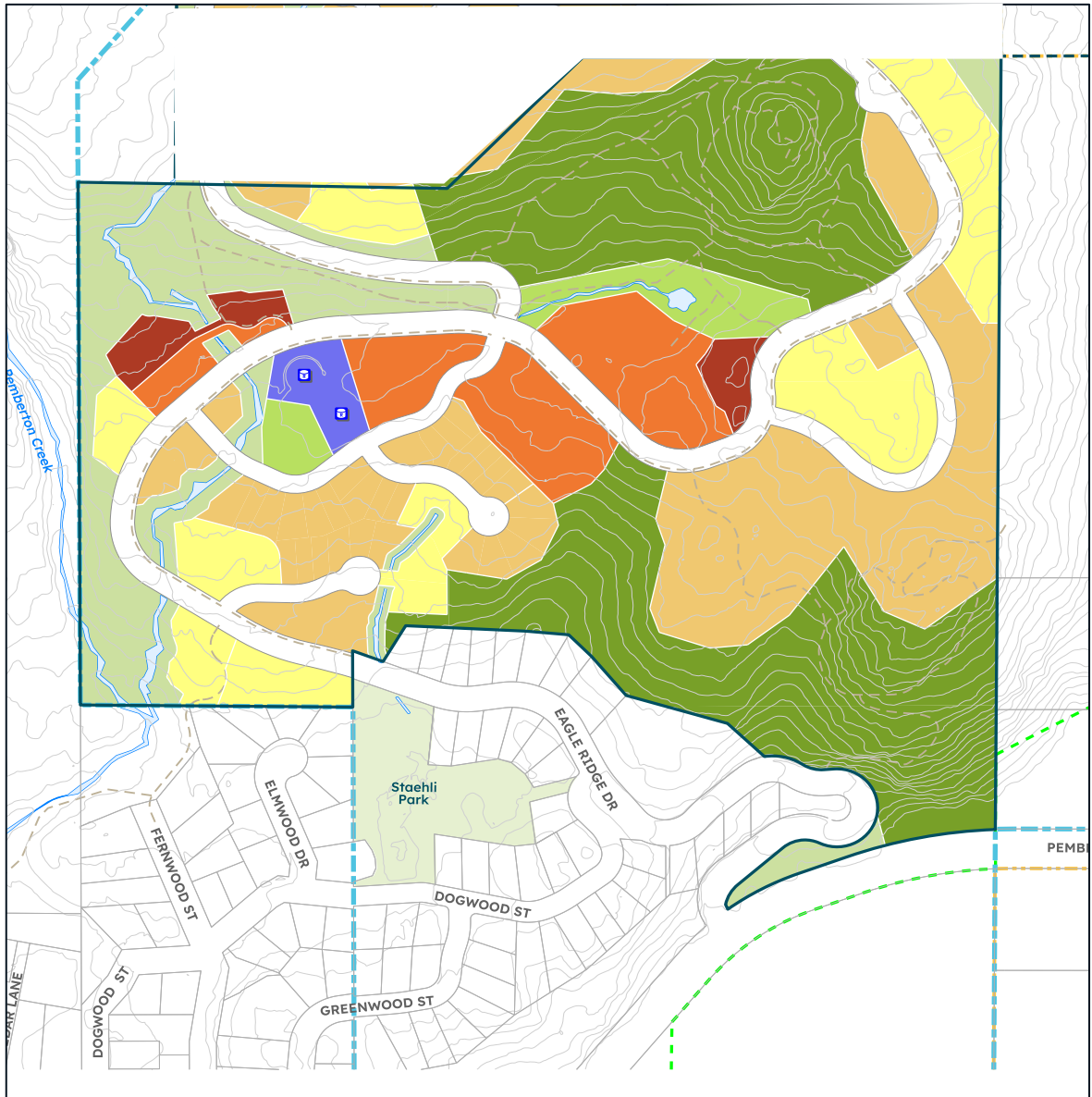
Gwendolyn Kennedy
Corporate Officer

Schedule "A"
Zoning Map Amendment



Rezone the cross-hatched area from "Residential1 (RS-1) to Nkwúkwma Neighbourhood Comprehensive Development Zone No. 7 (CD-7)

Schedule "B (Part 1)"
Nkwúkwma Neighbourhood (CD-7) Zoning Map



Schedule "B (Part 1)"
Nkwúkwma Neighbourhood (CD-7) Zoning Map

