

VILLAGE OF PEMBERTON

BYLAW NO. 960, 2024

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 is required to adopt zoning amendments to meet Small Scale and Multi Unit Housing legislation;

AND WHEREAS the Council of the Village of Pemberton has resolved to opt-in and amendment zoning regulations with respect to Short-Term Vacation Rentals;

AND WHEREAS the Council of the Village of Pemberton has considered the new legislation, policy manuals, and related policies and bylaws;

NOW THEREFORE 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 Bylaw No. 960, 2024 (Small Scale Multi Unit Housing Compliance and Short-Term Vacation Rentals).”

GENERAL

2. Village of Pemberton Zoning Bylaw No. 832, 2018 is amended as follows:
 - a. in part 3, by striking out the definition of bed and breakfast inn and short-term vacation rental and substituting the following definitions:

Bed and Breakfast Inn – means the accessory use of a dwelling, detached in which a maximum of five (5) bedrooms, are available for tourism accommodation in accordance with section 7.9 of this Bylaw and the Village of Pemberton Business License Bylaw.

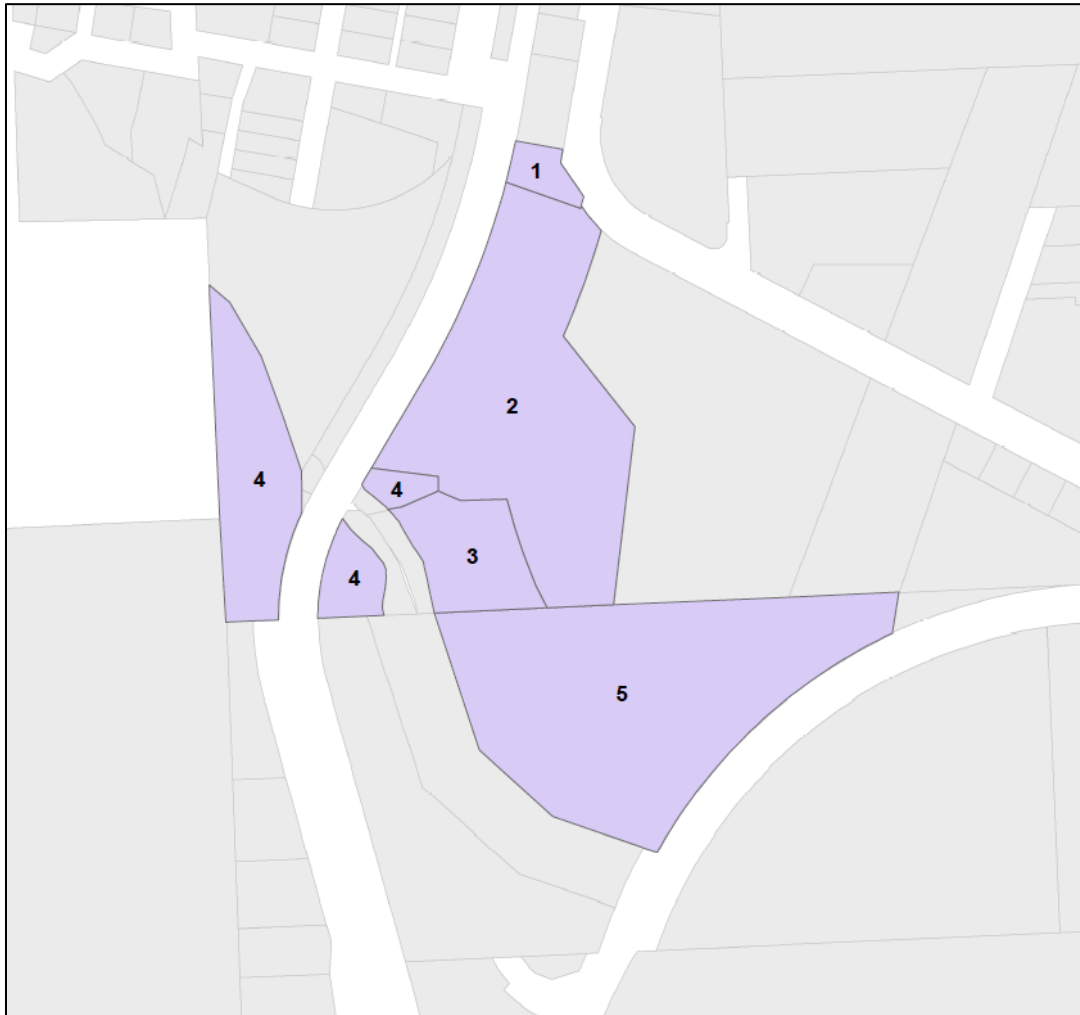
Short-Term Vacation Rentals - means the *use of a dwelling unit*, or a portion of a *dwelling unit*, for *tourism accommodation*, in exchange for a fee, for a period of time of less than 90 consecutive days.
 - b. By inserting section 7.9 (a) v. as follows:
 - v. The bed and breakfast inn use must be contained within the principal residence or a secondary suite within the principal residential building.
 - c. By repealing section 7.9 (b).

- d. in section 7.24, striking out subparagraphs (a) (i) and (ii) and substituting the following:
 - i. Short-term vacation rental is only permitted in a lawful dwelling unit that is a detached dwelling, secondary suite, or detached accessory dwelling unit that is located on the same lot as a principal residence.
 - ii. Short-term vacation rental is not permitted in a vehicle, recreational vehicle, tent or trailer.
- e. By inserting section 7.24 (b) as follows:
 - (b) Notwithstanding paragraph (a), short-term vacation rentals are restricted to a maximum of five percent (5%) of lots in areas defined by the map in Schedule B, which is attached to and forms part of this bylaw.
 - i. Where permitted, a lot may be exempted from the maximum five percent limit, on application to the Village, .
 - ii. The restriction of a maximum of five percent (5%) of lots does not apply to *Bed and Breakfast* or *Bed and Breakfast Inn*.
- f. By striking out section 18.5 CD-5: Comprehensive Development Zone 5 (Tiyata at Pemberton) and substituting the following:

18.5 CD-5: Comprehensive Development Zone 5 (Tiyata at Pemberton)

The intent of the CD-5 Zone is to recognize a comprehensively planned area called Tiyata at Pemberton which includes compact housing, a public school, a limited amount of commercial and office floor space, active and passive park land and a trail network. Covenants have been registered on the lands to further guide the development of the area.

The regulations in the tables in this section apply to land in the Comprehensive Development 5 (Tiyata at Pemberton) Zone, as indicated by the column headings. For purposes of regulation, the area within the boundary of the CD-5 Zone is divided into five (5) separate areas labelled as Area 1 through Area 5 inclusive while the location of each separate area is identified below. Each area boundary within the CD-5 Zone shall be considered a *zone* boundary for the purposes of this Bylaw and separate regulations shall apply to each area as contained in this section.



18.5.1 Permitted Uses of Land, Buildings and Structures

(a) The following *uses, buildings and structures* and no others shall be permitted within the CD-5 (Tiyata at Pemberton) Zone:

	Area 1	Area 2	Area 3	Area 4	Area 5
i. Principal Uses of Land, Buildings and Structures					
a) <i>Detached Dwelling</i>		•	•		
b) <i>Duplex</i>		•	•		
c) <i>Apartment</i> (subject to Conditions of Use)	•				
d) <i>Business and Professional Office</i>	•				
e) <i>Personal Service Establishment</i>	•				
f) <i>Park</i>	•	•	•	•	•
g) <i>Assembly</i>	•			•	•
h) <i>School</i>					•
ii. Accessory Uses of Land, Buildings and Structures					
<i>Uses accessory to Principal Uses</i>	•	•	•	•	•
<i>Home Occupation</i>	•	•	•		
<i>Child Care Centre</i>					•
<i>Secondary Suite</i>		•	•		

18.5.2 Density of Permitted Uses, Buildings and Structures

- (a) All uses, buildings and structures in the CD-5 (Tiyata at Pemberton) Zone shall comply with the following regulations regarding size, siting, density and lot size.

	Area 1	Area 2	Area 3	Area 4	Area 5
Maximum Lot Coverage					
a) <i>Detached Dwelling</i>		50%	50%		
b) <i>Duplex</i>		50%	50%		
c) <i>Apartment</i>	50%				
d) <i>Commercial</i>	50%				
e) <i>Assembly</i>	50%				
f) <i>School</i>					50%
Maximum Floor Area Ratio (FAR)					
a) <i>Detached Dwelling</i>		GFA of 238 m ² or FAR of 0.5 whichever is less	GFA of 238 m ² or FAR of 0.5 whichever is less		
b) <i>Duplex</i>		GFA of 280 m ² or FAR of 0.5 whichever is less	GFA of 280 m ² or FAR of 0.5 whichever is less		
c) <i>Apartment</i>					
d) <i>Commercial</i>	1.5				
e) <i>Assembly</i>	1.5				
f) <i>School</i>					
i. Maximum Unit Size (m2)					
g) <i>Detached Dwelling</i>		GFA of 275 m ² or FAR of 0.5 whichever is less	GFA of 275m ² or FAR of 0.5 whichever is less		
h) <i>Duplex</i>		GFA of 325 m ² or FAR of 0.5 whichever is less	GFA of 375 m ² or FAR of 0.5 whichever is less		
i) (Total both units)		GFA of 325 m ² or FAR of 0.5 whichever is less	GFA of 375 m ² or FAR of 0.5 whichever is less		
j) <i>Apartment</i>	95				

	Area 1	Area 2	Area 3	Area 4	Area 5
k) Maximum Number of Dwelling Units	12	128	24		
l) Maximum Amount of Commercial Floor Area	2,230 m ²				
m) Maximum Building Height (meters / storeys)					
<i>Detached Dwelling</i>		9 m	9 m		
Duplex		9 m	9 m		
<i>Apartment</i>	17 m / 4 storeys				
<i>Commercial</i>	17 m / 4 storeys				
<i>Assembly</i>	17 m / 4 storeys				
<i>School</i>					3 storeys
n) Minimum Building Setbacks (m)					
o) Front	6	6	6		5
p) Rear	7.5	7.5	7.5		3
q) Side	3.0	1.6	1.6		3
r) Minimum Lot Size (m²)					
s) <i>Detached Dwelling</i>		350	350		
t) Corner Lot		375	375		
u) <i>Duplex</i>		465	465		
v) <i>School</i>					40,994
w) Maximum Lot Size (m²)					
x) <i>Detached Dwelling</i>		465	465		
y) <i>Duplex</i>		558	558		
z) Accessory Buildings					
<i>Maximum Floor Area</i>	10 m ²	10 m ²	10 m ²		
<i>Maximum Height</i>	2.7 m	2.7 m	2.7 m		
<i>Minimum Front Yard Setbacks</i>	6 m	6 m	6 m		
<i>Minimum Rear Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		
<i>Minimum Interior Side Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		
<i>Minimum Exterior Side Yard</i>		3.0 m	3.0m		

Setback					
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- (b) **Conditions of Use:** All *residential uses, buildings and structures* in the CD-5 (Tiyata at Pemberton) Zone must comply with the following additional Conditions of Use:
- i. An *apartment* use shall be located above a ground storey *commercial* or *assembly* use and shall comply with the regulations contained within this Bylaw.
 - ii. For the purpose of this section, a *commercial* use includes a *building* that is occupied with a business and professional office or *personal service establishment* and may contain *residential* uses above the ground storey subject to the provisions of this Zone.
 - iii. any portion of the *garage* for a *detached dwelling* that exceeds thirty-seven (37) square meters shall be included in the calculation of *floor area*, in addition to the maximum area permitted for *accessory buildings*.
 - iv. any portion of the *garage* for a *duplex* residential dwelling that exceeds forty-five (45) square meters shall be included in the calculation of *floor area*, in addition to the maximum area permitted for *accessory buildings*.
 - v. The *side yard setback* of a *detached dwelling* may be reduced to 1.2 m whereby a certified professional confirms that snow will not shed from the roof of the dwelling onto adjacent properties.
 - vi. The side yard setback of the *garage* may be reduced to 0.6 m whereby a certified professional confirms that snow will not shed from the garage roof onto adjacent properties.

18.5.3 Off-Street Parking and Loading

- (a) Off-street parking and loading shall be provided in accordance with the requirements of this Bylaw.
- (b) Notwithstanding Section 18.5.4(a) the off-street parking requirements for the following uses shall be as follows:
- i. *Apartment:* 1 space per unit plus an additional 0.25 space per unit for Visitor Parking
 - ii. *Commercial Use:* One (1) space per 37 square meters of *gross floor area*
 - iii. *Business and Professional Office Use:* One (1) space per 37 square meters of *gross floor area*
 - iv. *School Use:* Refer to Section 8.6 Civic, Institution and Recreation Parking Requirements.
- (c) Notwithstanding Section 18.5.4(a) the off-street parking requirements for Residential Land Uses shall be one (1) parking space per Dwelling Unit

18.5.4 Definitions

- (a) For the purpose of the CD-5 zone, the following definitions shall apply:
- i. *Apartment* shall mean three or more individual dwelling units on a lot where

each dwelling unit has its principal access from an entrance or hallway common to at least two other dwelling units on the same storey.

- ii. *School* Use shall include before and after school care.

NOTICE OF NO PUBLIC HEARING was **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on this 26th day of April, 2024, and on this 3rd day of May, 2024.

READ A FIRST TIME this 7th day of May, 2024.

READ A SECOND TIME this 7th day of May, 2024.

READ A THIRD TIME this 7th day of May, 2024.

MINISTRY OF TRANSPORTATION AND INFRASTRUCUTRE APPROVAL OF THE BYLAW was granted on _____, 2024

ADOPTED this _____ day of _____, 20__.

Mike Richman
Mayor

Gwendolyn Kennedy
Corporate Officer