

THE VILLAGE OF PEMBERTON

BYLAW NO. 957, 2024

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 Nkwúkwma neighbourhood;

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. 957, 2024 (Nkwúkwma Neighbourhood).”

GENERAL

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

<i>Nkwúkwma Neighbourhood</i>	CD-8
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- b. Amending Schedule “A” Zoning Map by rezoning the lands identified in Schedule “A” of this amending bylaw from Residential 1 (R-1) to “Nkwúkwma Neighbourhood CD-8”.
- 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 18.8 Comprehensive Development Zone 8 (CD 8) (Nkwúkwma Neighbourhood):

18.7 Comprehensive Development Zone 8 (CD-8) (Nkwúkwma Neighbourhood)

The Nkwúkwma Neighbourhood CD-8 *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 CD-8 Zone, all terms, uses, and definitions shall be interpreted in accordance with the Village of Pemberton Zoning Bylaw.
- b. Definitions - Within the Nkwúkwma Neighbourhood (CD-8) 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 Carriage House means a *Nkwúkwma Accessory Dwelling Unit* in the form of a self-contained accessory dwelling unit located above an attached or detached garage with its own entrance either through the garage or exterior to the building.

Nkwúkwma Garden Suite means a *Nkwúkwma Accessory Dwelling Unit* in the form of a detached, single-storey accessory building containing a maximum of one dwelling unit located within the side or rear yard of a lot.

Nkwúkwma 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 in smaller or individual buildings.

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. It also includes community gathering and civic spaces within and exterior to buildings as a permitted use.

Nkwúkwma Lock-off Suite means a *Nkwúkwma Accessory Dwelling Unit* in the form of a separate, self-contained dwelling unit within a duplex or a townhouse unit which can be separated from the principal unit by a separate exterior or interior door.

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

18.7.1 Measurements and Calculations in the CD-8 Zone

- a. In the CD-8 Zone, each of the following shall count as 1 unit for the purpose of calculating density or maximum unit count in the neighbourhood:
 - i. An apartment unit, excluding a non-market affordable housing dwelling unit regulated under an approved housing agreement bylaw;
 - ii. A Townhouse unit, excluding a *Nkwúkwma Lock-off Suite*; and/or
 - iii. A residential lot with a lot area less than 1,858 square metres created by a Plan of Subdivision or Bareland Strata Plan.
- b. Unless otherwise provided for in the CD-8 Zone, measurements shall be calculated in accordance with the Village of Pemberton Zoning Bylaw.

18.7.2 Sub-zones within the CD-8 Zone

- a. Pursuant to Section 479 of the Local Government Act, the Nkwúkwma Neighbourhood Comprehensive Development (CD-8) 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 zone is to provide for a range of housing unit types on larger residential lots with a minimum lot size of 580 sq.m.
 - 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 on smaller residential lots with a lot area between 400-580 sq. m..

- 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 Apartment Residential (NRM-2):** The intent of the Nkwúkwma Apartment Residential (NRM-2) sub zone is to provide for multi-family apartment development.
- v. **Nkwúkwma Mixed Use (NMU-1):** The intent of the Nkwúkwma Mixed Use (NMU-1) sub-zone is to provide for mixed local commercial and residential apartment uses in mixed use buildings. .
- vi. **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 and improvements.
- vii. **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.

18.7.3 General Regulations in the CD-8 Zone

- a. ***Nkwúkwma Accessory Dwelling Units:*** On lots greater than 280 square metres (3,013 square feet.) a maximum of three *Nkwúkwma Accessory Dwelling Units* are permitted in addition to the principal dwelling unit 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;
 - v. The principal building shall be the building with the largest gross floor area, and where two or more buildings on a lot are equal gross floor area, the buildings shall collectively be the principal building(s).
- 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 CD-8 zone, shall comply with the building regulations for accessory buildings.
 - iii. Shall be limited to one-story and 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-8 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 *Nkwúkwma Carriage Home* shall be entirely located above an attached or detached garage;
 - ii. Shall have a separate entrance interior to the garage or exterior of the building.
- e. **Secondary Suites:** Notwithstanding any other provisions of the Village of Pemberton Zoning Bylaw, in the CD-8 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 or duplex buildings, *Nkwúkwma Lock-off Suites* shall be subject to the following regulations.
 - i. A *Nkwúkwma Lock-off Suite* shall have either a separate exterior entrance or an interior entrance to separate it from 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, as part of the parking facilities, garage, or may be dedicated storage space within a dwelling unit.
 - 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 CD-8 Zone by Sub-zone

- a. The use of land, buildings and structures in each sub-zone of the CD-8 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. Detached Dwelling
- ii. Duplex Dwelling
- iii. *Nkwúkwma Houseplex*

- iv. Secondary Suites
- v. *Nkwúkwma Carriage Home*
- vi. *Nkwúkwma 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. Detached Dwelling
- ii. Duplex Dwelling
- iii. *Nkwúkwma Houseplex*
- iv. Secondary Suites
- v. *Nkwúkwma Carriage Home*
- vi. *Nkwúkwma 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
- vii. Childcare Centre

18.7.4.4 Nkwúkwma Apartment Residential (NRM-2) Within the Nkwúkwma Townhouse Residential (NRM-1) sub-zone the following uses are permitted:

- i. Apartment
- ii. Townhouse, stacked
- iii. *Nkwúkwma Lock-off Suite*
- iv. Home Occupation
- v. Park and Playground
- vi. Childcare Centre

18.7.4.5 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. Childcare Centre
- vi. *Nkwúkwma Local Commercial*
- vii. Park and Playground

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

- i. *Nkwúkwma Open Space*
- ii. Park and playground
- iii. Assembly use
- iv. Recreation passive and open land
- v. Community garden
- vi. Childcare Centre

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

- i. *Nkwúkwma Open Space*
- ii. Conservation of Natural Sub-zones and Archeological Sub-zones
- iii. Park and Playground
- iv. Childcare Centre

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 Detached Dwelling Unit, Duplex Dwelling Unit, or Nkwúkwma Houseplex as the principal residential use, and all other uses shall be accessory.
- ii. On a lot with a Detached Dwelling Unit as the principal use, the following *Nkwúkwma 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; or
 - iii. A maximum of one Nkwúkwma Garden Suite;

- iii. In a Duplex Dwelling building, each 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 *Nkwúkwma Carriage Home*; or
 - ii. A maximum of one *Nkwúkwma Lock-off Suite*.
- iv. On a lot with a *Nkwúkwma 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) *Nkwúkwma Lock-off Suite*.
 - ii. *Nkwúkwma Lock-off Suites* may not be added to existing townhouse dwellings.
 - iii. A minimum of one (1) parking stall per *Nkwúkwma 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 Childcare Centre 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	NRM-2	NMU-1	NC-1	NC-2
Minimum Lot Sub-zone	580 m ²	400 m ²	700 m ²	700 m ²	939 m ²	1.5 ha	-
Minimum Lot Width	18 m	12 m	18 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	-	-	-	-	-
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- 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

- a. Within the Nkwúkwma Neighbourhood (CD-8) zone, all buildings and structures shall be sited in accordance with the following requirements:

	NR-1	NR-2	NRM-1	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	4.0 m	3.0 m	-	-
Minimum Front Garage <i>Setback</i>	6.0 m	4.0m	6.0	6.0	-	-	-
Minimum Rear <i>Setback, Principal Building</i>	6.0 m	6.0 m	7.5 m	7.5 m	3.0 m	-	-
Minimum Rear <i>Setback, Accessory Building</i>	1.5m	1.5m	2m	2m	2m		
Minimum Side <i>Setback</i> ¹	1.5m	1.5 m	4.0 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	3.0 m	-	-
Maximum <i>Lot Coverage</i>	50%	55%	-	-	-	-	-
Maximum <i>Building Height</i>	11 m	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	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.

PURSUANT TO SECTIONS 464(3), AND 467 OF THE LOCAL GOVERNMENT ACT, NOTICE OF VILLAGE OF PEMBERTON ZONING AMENDMENT BYLAW NO. 958, 2024 (NKWÛKWMA NEIGHBOURHOOD) WAS ADVERTISED IN THE PIQUE NEWSMAGAZINE ON _____, 2024

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

ADOPTED this _____ day of _____, 2024.

Mike Richman
Mayor

Gwendolyn Kennedy
Corporate Officer