

VILLAGE OF PEMBERTON

BYLAW NO. 975, 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 has resolved to support diversity of housing development that meets with housing needs as a strategic priority;

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

AND WHEREAS the Council of the Village of Pemberton has entered into an agreement with the federal government through the Canadian Mortgage and Housing Corporation to completed initiatives that will accelerate housing development;

AND WHEREAS the Council of the Village of Pemberton has resolved to proactively pre-zoning select areas and amends parking regulations with the intention to permit more housing;

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. 975, 2024 (HAF Initiatives – SSMUH – Density - Parking).”

GENERAL

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

- a. in part 3, by striking out the definitions for:
 - Carriage House
 - Dwelling Unit, Accessory

and substituting the following definitions:

Carriage House means an accessory dwelling unit located on the second storey of an accessory building over top of a garage, storage building, or similar that are detached from the principal dwelling on the same lot, in accordance with section 7.10 of this bylaw.

Dwelling Unit, Accessory means a dwelling unit that is accessory to a principal dwelling unit on the same lot including a *carriage house, garden suite, lock-off suite, and secondary suite*.

- b. in part 3, by inserting the following definitions:

Co-housing means buildings on typical neighbourhood lots that are designed with independent micro-suites together with large common areas for communal kitchen, living room, lounge/games area and shared laundry facilities. The micro-suites have their own private bathroom and shower, and storage including small refrigeration.

Dwelling Unit, Garden Suite means a one-storey detached accessory dwelling unit within the side or rear yard of a lot.

Dwelling Unit, 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.

Houseplex means multi-unit buildings with up to four (4) dwelling units designed to look like a large house and be compatible in form and massing with the residential neighbourhood.

Small Scale Multi Unit Housing means combinations of detached dwellings, duplexes, Houseplexes, and accessory dwelling units that are eligible for up to four (4) dwelling units on a lot, that are compatible in form and massing with the residential neighbourhood, and in accordance with section 6.8 of this bylaw.

Workforce Housing means housing that is secured through a housing agreement and intended to provide non-market homes affordable to the civic and essential workforce as identified in the most recent housing needs report. It includes home occupations as an accessory use.

c. in part 6, by inserting section 6.8 as follows:

6.8	Small Scale Multi Unit Housing	
	Small Scale Multi Unit Housing is permitted, in accordance with the regulations in this section and regulations in the applicable zones: Residential 1 (R-1) Small Lot Residential 2 (R-2) Duplex Lot Residential 3 (R-3) Residential Amenity 1 (RSA-1) Residential Amenity 2 (RSA-2) Residential Amenity 3 (RSA-3) Residential Townhouse Amenity 1 (RTA-1) Residential Townhouse Amenity 2 (RTA-2) Comprehensive Development Zone 5 (CD-5), Area 2 and Area 3 only	
6.8.1	Permitted Principal Uses	
	(a) Dwelling, Detached	
	(b) Duplex	
	(c) Houseplex	
	(d) Co-Housing	
6.8.2	6.8.2 Permitted Accessory Uses	

	(a) Bed and Breakfast	
	(b) Carriage House	
	(c) Garden Suite	
	(d) Home Occupation	
	(e) Lock-Off Suite	
	(f) Secondary Suite	
6.8.3	Density Regulations	
	(a) Maximum Dwelling Units per lot	4
	(b) For the purpose of calculating (a) Maximum Dwelling Units on lots, each lot shall have at least one (1) principal dwelling and up to three (3) accessory dwelling units.	
6.8.4	Building Regulations	
	(a) Minimum Front Setback:	
	i. Principal Building	6 m
	ii. Carriage House	4 m
	(b) Minimum Rear Setback:	
	i. Principal Building	5 m
	ii. Accessory Building	1.5 m
	(c) Minimum Interior Side Setback:	1.5 m
	(d) Minimum Exterior Side Setback:	4.6 m
	(e) Maximum Lot Coverage:	40%
	(f) Maximum Number of Principal Buildings:	1
	(g) Maximum Number of Accessory Buildings:	2
	(h) Maximum Building Height, Principal:	11.5 m
	i. Notwithstanding the Maximum Building Height in 6.8.4(j), the Maximum Building Height, Principal in Comprehensive Development Zone 5 (CD-5), Area 2 and Area 3, shall not exceed 10 m.	
	(i) Maximum Building Height, Accessory:	4.6 m
	(j) Maximum Building Height, Carriage House	2 storeys
	(k) Maximum Building Height, Garden Suite	1 storey

d. in part 7, by striking out section 7.10 and substituting with the following section:

7.10 Carriage Houses

- (a) Where permitted in a zone, carriage houses shall be subject to the following regulations:
- i. The distance between the permitted dwelling unit and the carriage house shall be a minimum of 3.0 m;
 - ii. The accessory dwelling unit of the carriage house shall be located on the second storey of an accessory building over top of a garage, storage building, or similar; (Amendment Bylaw No. 924, 2022/Adopted May 17, 2022)
 - iii. Notwithstanding any other regulation in a zone, accessory buildings with a carriage house may be constructed to a maximum height of two (2) storeys;

- iv. The gross floor area of the residential dwelling in a carriage house shall not exceed 90 m²;
- v. A carriage house shall be connected to a community sewer system and a community water system; and
- vi. Repealed

e. in part 7, by striking out section 7. 23 and substituting with the following section:

7.23 Secondary Suite

- (a) Secondary suites are permitted only in detached dwelling units and are accessory to the principal residential use.
- (b) Unless a zone specifically provides for otherwise, only two (2) secondary suites are permitted on a lot;
- (c) A secondary suite shall not have more than two (2) bedrooms;
- (d) Where a lot is not serviced by the municipal community sewer system, written confirmation from the applicable licensing body that the capacity of the sewer system will not be compromised by the presence of a secondary suite is required;
- (e) In a detached dwelling, secondary suites shall have a total combined gross floor area of not more than 90 m² and shall have an area less than 40% of the floor area of the detached dwelling unit excluding the garage. (Amendment Bylaw No. 924, 2022/Adopted May 17, 2022)
- (f) Secondary suites shall not be subdivided or strata-titled from the building or structure of which it is part.
- (g) One (1) off-street parking space in addition to those required for the permitted use shall be provided per secondary suite.

f. In part 7, by adding section 7.31 as follows:

7.31	Workforce Housing	
	(a) Where permitted in a zone, Workforce Housing must comply with the following regulations:	
7.31.1	Building Regulations	
	(a) Minimum Front Setback	5 m
	(b) Minimum Rear Setback	3 m
	(c) Minimum Interior Side Setback	3 m
	(d) Minimum Exterior Side Setback	3 m
	(e) Maximum Principal Building Height	Six (6) storeys and 20 m
	(f) Maximum Accessory Building Height	4.6 m
	(g) Minimum Separation Between Buildings on a Single Lot	10 m
7.31.2	Off-Street Parking Requirements	
	(a) Off-Street Parking Requirements must comply with Part 8 of this bylaw.	

	(b) Notwithstanding Part 8 of this bylaw, the minimum number of off-street parking spaces may be reduced to one (1) parking space for each secured rental or affordable dwelling unit.	
	(c) The minimum number of off-street parking spaces may be further reduced and considered through the development permit process or negotiated as part of a housing agreement.	

g. In part 8, by striking out section 8.3 and substituting with the following section:

8.3	Residential Off-Street Parking Requirements	
	(a) Single detached or duplex unit on a lot with 1 or 2 dwellings	2
	(b) Single detached or duplex unit on a lot with 3 or more dwellings	1
	(c) Accessory dwelling unit	1
	(d) Co-Housing	1
	(e) Apartment, strata	1.5
	(f) Townhouse, strata	1.5
	(g) Apartment, rental	1
	(h) Strata, rental	1
	(i) Visitor	0.25

h. In part 8, by striking out section 8.7 and substituting with the following section:

8.7 Off-Street Parking Reductions

(a) Off-Street Parking Requirements may be reduced when the following criteria are met:

- a. Affordable, Rental, and Special Needs Housing
 - i. Where a multi-family development is subject to a Housing Agreement for the provisions of affordable, purpose-built rental, or special needs housing, the minimum number of parking spaces may be reduced to one (1) parking space for each dwelling unit.
- b. Shared Parking
 - i. The minimum number of parking spaces may be reduced if the maximum demand of such parking spaces by the individual uses occurs at different time periods of the day;
 - ii. The maximum demand of such parking spaces for residential visitors and commercial uses occurs at different time periods of the day;
 - iii. The maximum demand of such parking spaces is confirmed by a parking study prepared by a qualified transportation professional on behalf of the applicant and is subject to review and approval of the Village.
- c. Transportation Demand Management

- i. The minimum number of parking spaces may be reduced if supported by a Transportation Demand Management study that considers the availability of non-vehicular travel modes, prepared by a qualified transportation professional on behalf of the applicant and is subject to review and approval of the Village.

i. In part 8, by repealing section 8.10 (a) Tandem Parking;

j. In part 8, by striking out the table in section 8.11 (a) and substituting the following table:

Parking Angle	1- / 2-way Aisle	Aisle Width	Space Width	Space Length	Small Car Width	Small Car Length
0	1	3.7 m	2.75 m	6.7 m	2.4 m	6.2 m
0	2	6.4 m	2.75 m	6.7 m	2.4 m	6.2 m
30	1	3.5 m	2.75 m	6.1 m	2.4 m	5 m
45	1	4.2 m	2.75 m	6 m	2.4 m	5 m
60	1	5.6 m	2.75 m	6 m	2.4 m	5 m
90	2	6.4 m	2.75 m	6 m	2.4 m	5 m

k. In part 8, by striking out section 8.11 (b) and substituting the following section:

(b) Where three (3) or more parking spaces are required, the required parking spaces must be designed with the following breakdown of space dimensions:

- i. A minimum of 33% of the required spaces must be designated and up to a maximum of 66% of the required spaces may be designated as Small Car stalls;
- ii. A maximum of 33% of the required spaces may be designated as Large Vehicle spaces with a minimum Space Width of 3.05m.

l. In Part 12, by adding section 12.3 with the following:

12.3	Residential, Special Multi-Family 3 (RM-3)	
	(a) The Multi-Family Residential 3 Zone is intended for apartment developments with accommodations for affordable and special needs housing.	
12.3.1	Permitted Principal Uses	
	(a) Affordable Housing	
	(b) Community Care Facility	
	(c) Community Services, Non-Profit	
12.3.2	Permitted Accessory Uses	
	(a) Assembly	
	(b) Home Occupation	
12.3.3	Density Regulations	
	(a) Maximum Dwelling Units per Hectare	50

12.3.4	Lot Regulations	
	(a) Minimum Lot Size:	0.5 ha
12.3.5	Building Regulations	
	(a) Minimum Front Setback	4 m
	(b) Minimum Rear Setback	7.5 m
	(c) Minimum Interior Side Setback	4 m
	(d) Minimum Exterior Setback	7.5 m
	(e) Maximum Principal Building Height	
	i. For developments that provide affordable, senior, and special needs housing, secured in a housing agreement:	Six (6) Storeys
	ii. For all other developments:	10.5 m
12.3.7	12.3.6 Off-Street Parking Requirements	
(a)	Off-Street Parking Requirements must comply with Part 8 of this bylaw.	
(b)	Notwithstanding Part 8 of this bylaw, off-street parking regulations may be reduced to one (1) parking space for each residential dwelling unit.	
(c)	Off-street parking requirements may be further reduced and considered through the development permit process or negotiated as part of a housing agreement.	

m. In Part 15, by repealing the following sections:

- (a) 15.1.1 (g) Combined Commercial Residential
- (b) 15.1.3 (i) Combined Commercial Residential

n. In Part 15, by adding the following section:

15.6	Commercial, Downtown Mixed Density Zone 6 (C-6)	
	(a) The Commercial Zone 6 (C-6) Downtown Mixed Density Zone is intended to reserve the former rail maintenance site for future mixed development on the fringe of the Village Centre. The site is situated within walking distance of amenities and will accommodate larger buildings without impeding views of other residents and businesses.	
15.6.1	Permitted Principal Uses	
	(a) Affordable Housing	
	(b) Dwelling, Apartments	
	(c) Dwelling, Townhouses	
	(d) Mixed-Use Building	
15.6.2	Permitted Accessory Uses	

	(a) Community Garden	
	(b) Home Occupation	
	(c) Arts and Culture	
	(d) Child Care Centre	
	(e) Civic	
	(f) Convenience Store	
	(g) Fitness Centre	
	(h) Laundromat	
	(i) Personal Service	
	(j) Restaurant	
	(k) Retail	
15.6.3	Density Regulations	
	(a) Maximum Density	50 units per ha
15.6.4	Lot Regulations	
	(a) Minimum Lot Size:	2.5 hectares
15.6.5	Building Regulations	
	(a) Maximum Lot Coverage	50%
	(b) Minimum Front Setback	2.5 m
	(c) Minimum Rear Setback	4.5 m
	(d) Minimum Interior Side Setback	0 m
	(e) Minimum Exterior Setback	4.5 m
	(f) Maximum Principal Building Height	Three (3) Storeys
	i. When 100% of a building is either purpose-built rental or affordable housing, secured by a housing agreement	Six (6) Storeys
	(g) Maximum Accessory Building Height	Two (2) Storeys
	(h) Minimum Separation Between Buildings on a Single Lot	10 m
15.6.6	Off-Street Parking Requirements	
	(a) Off-Street Parking Requirements must comply with Part 8 of this bylaw.	
	(b) Notwithstanding Part 8 of this bylaw, the minimum number of off-street parking spaces may be reduced to one (1) parking space for each secured rental or affordable dwelling unit.	
	(c) The minimum number of off-street parking spaces may be further reduced and considered through the development permit process or negotiated as part of a housing agreement.	

- o. Amending Schedule "A" Zoning Map by rezoning the lands identified in Schedule "A" of this amending bylaw from RM-1 to RM-3 Residential, Special Multi-Family 3 Zone and from C-1 to C-6 Commercial, Downtown Mixed Density Zone 6.

NOTICE OF NO PUBLIC HEARING was **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on this 8th day of November, 2024, and on this 15th day of November, 2024.

READ A FIRST TIME this 19th day of November, 2024.

READ A SECOND TIME this 19th day of November, 2024.


READ A THIRD TIME this 19th day of November, 2024.

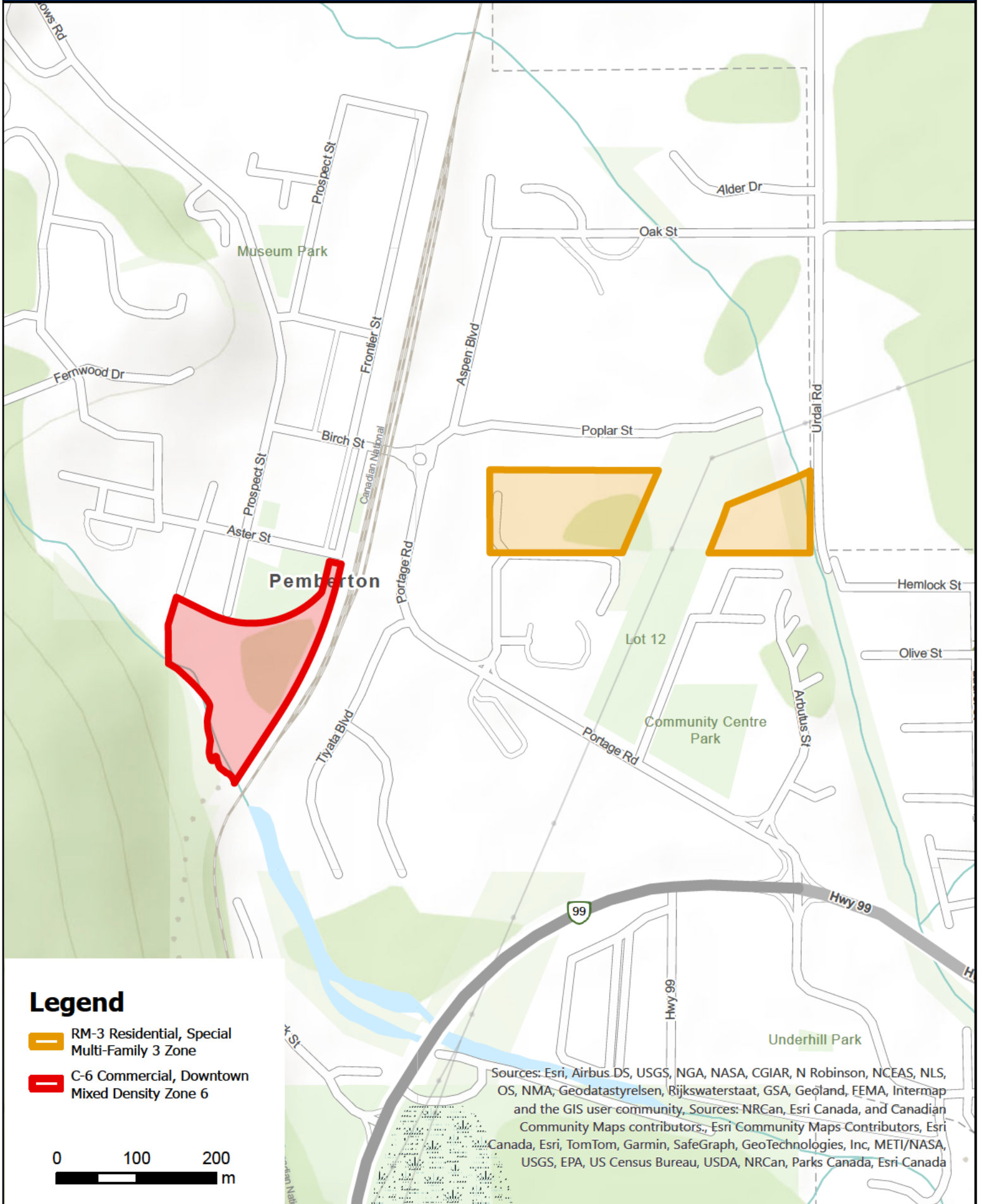
MINISTRY OF TRANSPORTATION AND INFRASTRUCUTRE APPROVAL OF THE BYLAW was granted on 21st day of November, 2024

ADOPTED this 10th day of December, 2024.



Mike Richman
Mayor

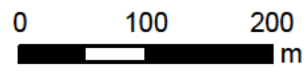
Gwendolyn Kennedy
Corporate Officer

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this 21st day of November, 2024
 Tyler Gaudry
Sr. Development Officer
for Minister of Transportation & Infrastructure



Legend

-  RM-3 Residential, Special Multi-Family 3 Zone
-  C-6 Commercial, Downtown Mixed Density Zone 6



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: NRCan, Esri Canada, and Canadian Community Maps contributors, Esri Community Maps Contributors, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, NRCan, Parks Canada, Esri-Canada