

**VILLAGE OF PEMBERTON
BYLAW No. 903, 2021**

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 necessary to amend the Zoning Bylaw to revise the Comprehensive Development 5 (CD-5) Zone to accommodate a new school use within the Tiyata at Pemberton Neighbourhood;

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

CITATION

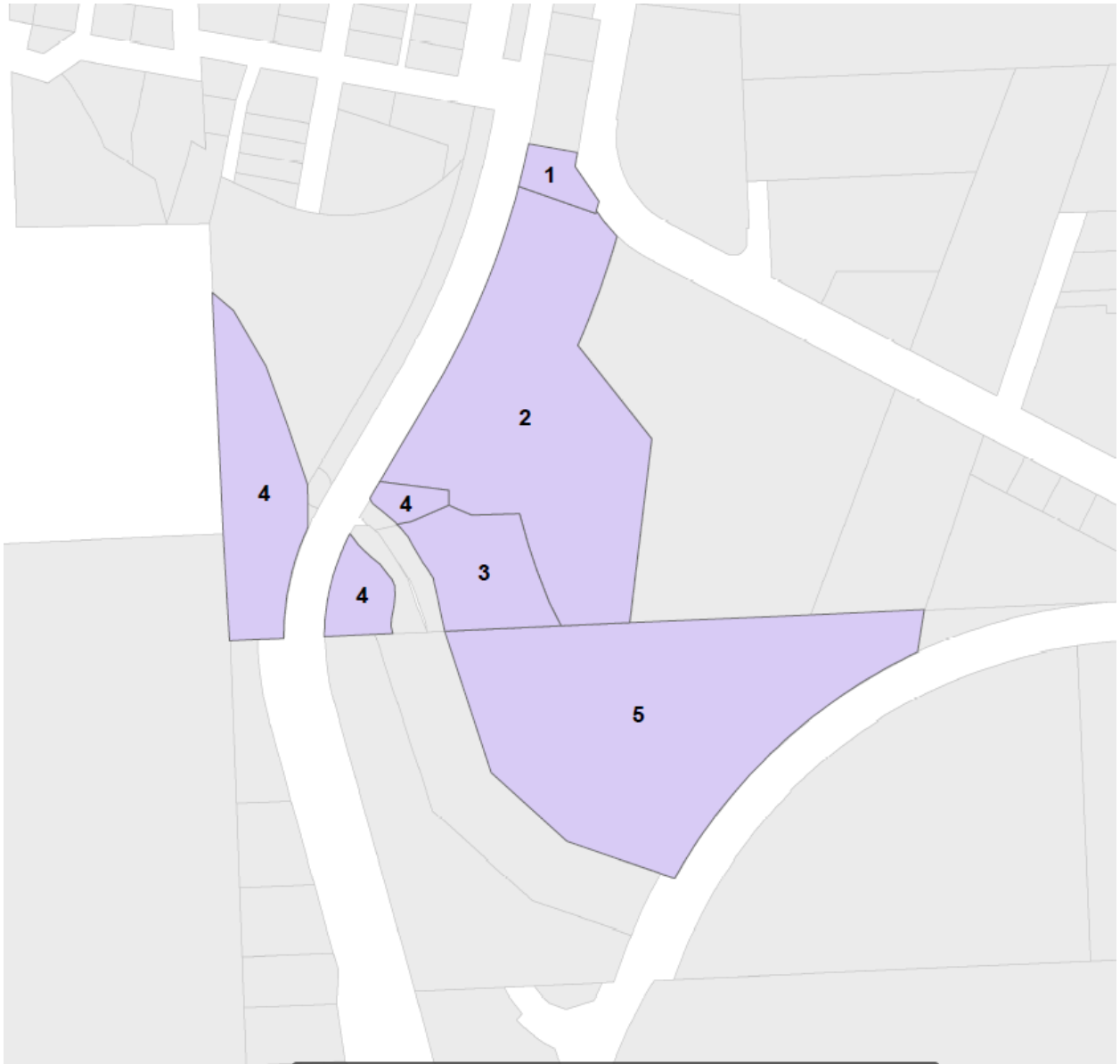
This Bylaw may be cited for all purposes as “Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021”.

1. VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, 2018 IS AMENDED AS FOLLOWS:

That Section 18.5. **CD-5: Comprehensive Development Zone 5 (Tiyata at Pemberton)** be deleted in its entirety and replaced with the following:

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					
<i>Detached Dwelling</i>		•	•		
<i>Duplex</i>		•	•		
<i>Apartment</i> <small>(subject to Conditions of Use)</small>	•				
<i>Business and Professional Office</i>	•				
<i>Personal Service Establishment</i>	•				
<i>Park</i>	•	•	•	•	•
<i>Assembly</i>	•			•	•
<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>					•

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					
<i>Detached Dwelling</i>		50%	50%		
<i>Duplex</i>		50%	50%		
<i>Apartment</i>	50%				
<i>Commercial</i>	50%				
<i>Assembly</i>	50%				
<i>School</i>					50%
Maximum Floor Area Ratio (FAR)					
<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		
<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		
<i>Apartment</i>					
<i>Commercial</i>	1.5				
<i>Assembly</i>	1.5				
<i>School</i>					
Maximum Unit Size (m²)					
<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		
<i>Duplex</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		
<i>Apartment</i>	95				

	Area 1	Area 2	Area 3	Area 4	Area 5
Maximum Number of Dwelling Units	12	80	20		
Maximum Amount of Commercial Floor Area	2,230 m ²				
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, See 18.5.3. (b) ii.</i>	17 m / 4 storeys				
<i>Assembly</i>	17 m / 4 storeys				
<i>School</i>					3 storeys
Minimum Building Setbacks (m)					
Front	6	6	6		5
Rear	7.5	7.5	7.5		3
Side, See 18.5.2. (b) v. & vi. for residential use	3.0	1.6	1.6		3
Minimum Lot Size (m²)					
<i>Detached Dwelling</i>		350	350		
Corner Lot		375	375		
<i>Duplex</i>		465	465		
<i>School</i>					40,994
Maximum Lot Size (m²)					
<i>Detached Dwelling</i>		465	465		
<i>Duplex</i>		558	558		
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 Side Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		

(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*: 1.25 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

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.

READ A FIRST TIME this 1st day of June, 2021.

READ A SECOND TIME this 1st day of June, 2021.

NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 was **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on September 9, 2021 and on September 16, 2021.

PUBLIC HEARING HELD this 21st day of September, 2021.

READ A THIRD TIME this 5th day of October, 2021.

APPROVED PURSUANT TO SECTION 52(3)(a) OF THE *TRANSPORTATION ACT*
this 11th day of May 2022 by

Kattia Woloshyniuk
For the Minister of Transportation and Infrastructure

ADOPTED this 17th day of May 2022.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer