

# THE CORPORATION OF THE VILLAGE OF PEMBERTON

## BYLAW NO. 735, 2013

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### Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 466, 2001

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**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 accommodate a mixed use development that is centrally located within the Village;

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

#### 1. CITATION

This Bylaw may be cited for all purposes as “Village of Pemberton Zoning Amendment (Tiyata at Pemberton) Bylaw No. 735, 2013.”

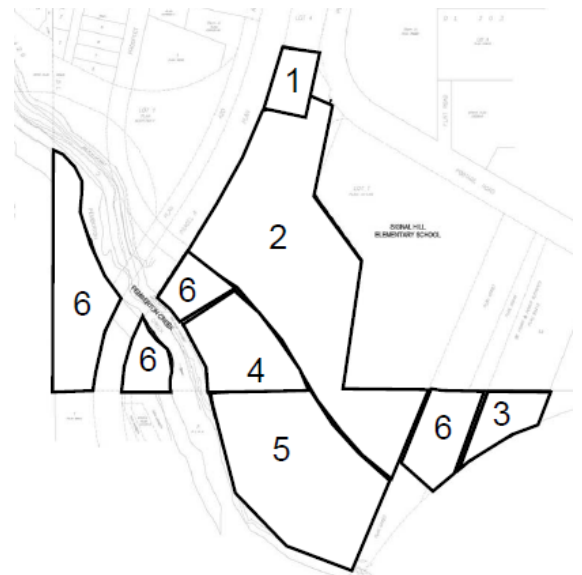
#### 2. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended as follows:

Deleting Section 316E COMPREHENSIVE DEVELOPMENT 5 ZONE (BCR PROPERTIES/SIGNAL HILL HOMES) in its entirety and replacing Section with the following:

##### **“316E COMPREHENSIVE DEVELOPMENT 5 ZONE (TIYATA AT PEMBERTON) CD 5**

*The intent of the CD 5 Zone is to recognize a comprehensively planned area called Tiyata at Pemberton which includes a variety of types of housing, 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 six (6) separate areas labelled as Area 1 through Area 6 inclusive while the location of each separate area is identified on Appendix “A” to this Zone. 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. Minor adjustments to the establishment of the area boundaries will be permitted based upon more detailed site investigations that will be undertaken during the subdivision approval stage.



**316E.1 Permitted Uses of Land, Buildings and Structures**

- (1) The following *uses, buildings and structures* and no others shall be permitted within the Comprehensive Development 5 (BCR Properties/ Signal Hill Homes CD 5) Zone:

	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	<b>Area 4</b>	<b>Area 5</b>	<b>Area 6</b>
<b>Principal Uses of Land, Buildings and Structures</b>						
<i>Single Family Dwelling</i>		•		•	•	
<i>Duplex Residential Dwelling</i>		•				
<i>Townhouse / Stacked Townhouse</i>			•			
<i>Apartment</i>	• a)		•			
<i>Retail Store</i>						
<i>Business and Professional Office</i>	•					
<i>Personal Service Establishments</i>	•					
<i>Restaurant</i>						
<i>Park</i>	•	•	•	•	•	•
<i>Assembly</i>	•					
<b>Accessory Uses of Land, Buildings and Structures</b>						
<i>Uses accessory to principal uses</i>	•	•	•	•	•	•
<i>Home Occupation Use, subject to Section 207</i>		•	•	•	•	

## 316E.2 Density of Permitted Uses, Buildings and Structures

- (1) All uses, buildings and structures in the Comprehensive Development 5 Zone shall comply with the following regulations regarding size, siting, density, and lot size.

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
<b>Maximum Lot Coverage</b>						
Single Family Dwelling		50% of useable site area		50% of useable site area	50% of useable site area	
Duplex Residential		50% of useable site area				
Townhouse / Stacked Townhouse			40%			
Apartment	50%		50%			
Commercial <sup>b)</sup>	50%					
Assembly	50%					
<b>Maximum Floor Space Ratio (FSR)</b>						
Single Family Dwelling		0.50		GFA of 238 m <sup>2</sup> or FSR of 0.5 whichever is less	c)	
Duplex Residential						
Townhouse			0.75			
Apartment			1.5			
Commercial <sup>2</sup>	1.5					
Assembly	1.5					
<b>Maximum Unit Size (m<sup>2</sup>)</b>						
Single Family Dwelling		200		GFA of 238 m <sup>2</sup> or FSR of 0.5 whichever is less	c)	
Duplex Residential (Total both units)		325				
Townhouse / Stacked Townhouse			150			
Apartment	95		95			

	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	<b>Area 4</b>	<b>Area 5</b>	<b>Area 6</b>
<b>Maximum Number of Dwelling Units</b>	12	76	36	13	28	
<b>Maximum Amount of Commercial Floor Area (m<sup>2</sup>)</b>	2230					
<b>Maximum Building Height (meters / stories)</b>						
Single Family Dwelling		9		9	9	
Duplex Residential		9				
Townhouse / Stacked Townhouse			12 / 3			
Apartment	17 / 4		17 / 4			
Commercial <sup>2</sup>	17 / 4					
Assembly	17 / 4					
<b>Minimum Building Setbacks</b>						
Front	6	6	6	6	6	
Rear	7.5	7.5	7.5	7.5	7.5	
Side <sup>d) and e)</sup>	3.0	1.5	3.0	1.5	1.5	
<b>Minimum Lot Size (m<sup>2</sup>)</b>						
Single Family Dwelling		350 m <sup>2</sup>		350 m <sup>2</sup>	350 m <sup>2</sup>	
Corner Lot		375 m <sup>2</sup>		375 m <sup>2</sup>	375 m <sup>2</sup>	
Duplex Residential		465		465	465	
<b>Maximum Lot Size (m<sup>2</sup>)</b>						
Single Family Dwelling		465		465	465	
Duplex Residential		558		558	558	

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
<b>Accessory Buildings</b>						
Maximum floor area	10 m <sup>2</sup>	10 m <sup>2</sup>	10m <sup>2</sup>	10 m <sup>2</sup>	10 m <sup>2</sup>	10 m <sup>2</sup>
Maximum height	3m	3m	3m	3m	3m	3m
Minimum setbacks						
Front yard	6m	6m	6m	6m	6m	6m
Rear yard	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m
Side yard <sup>d) and e)</sup>	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m

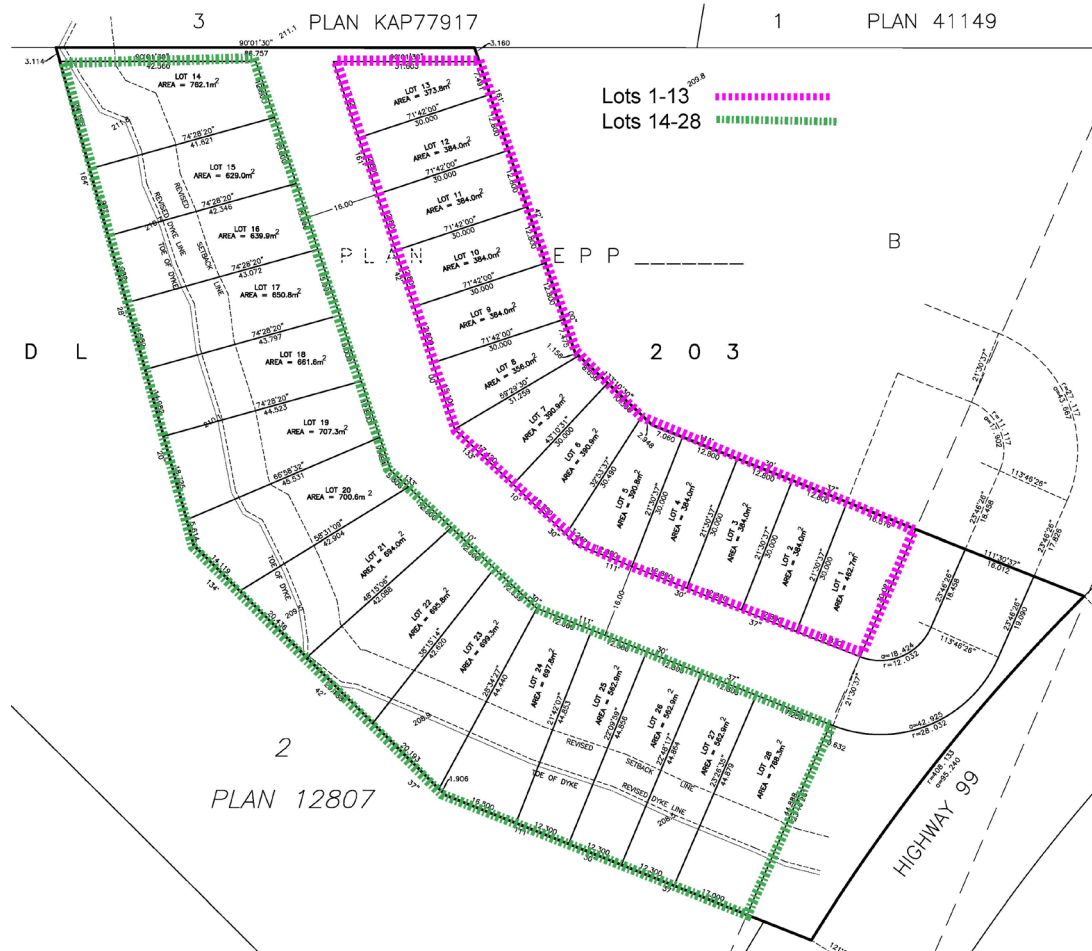
(2) All uses, buildings and structures in the Comprehensive Development 5 Zone must comply with the following additional conditions of use:

- a) An *apartment* use shall be located above a ground storey commercial or assembly use and shall comply with the regulations contained within Section 222 (Combined Commercial and Residential Dwelling Unit) of this Bylaw.
- b) For the purpose of this section, a *commercial use* includes a building that is occupied with a *retail store, business and professional office or personal service establishment* and may contain *residential uses* above the ground storey subject to the provisions of this Zone.
- c) Lots 1 through 13 (inclusive) in the CD-5 Zone as identified Schedule C shall have the lesser of a maximum gross floor area of 225 m<sup>2</sup> or a Floor Space Ratio of 0.5.

Lots 14 through 28 (inclusive) in the CD-Zone as identified in Schedule C shall have the lesser of a maximum gross floor area of 238 m<sup>2</sup> or a Floor Space Ratio of 0.5 based on the following useable lot areas:

Lot #	Useable Lot Area (m <sup>2</sup> )
14	584.1
15	455.3
16	449.7
17	449.3
18	467.1
19	483.5
20	459.6
21	560.4

22	637.8
23	503.4
24	448.6
25	383.5
26	378.5
27	385.4
28	528.6



- d) The side yard setback of a single family 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.
- e) 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.

### **316E.3 Off-Street Parking and Loading**

- (1) Off-street parking and loading shall be provided in accordance with the requirements of Division 500 of this Bylaw.
- (2) Notwithstanding Section 316D.3 (1), the off-street parking requirements for the following uses shall be as follows:
  - a) *Townhouse / Stacked Townhouse*: 2 spaces per unit, plus an additional 0.25 space per unit for Visitor Parking
  - b) *Apartment*: 1.25 space per unit plus an additional 0.25 space per unit for Visitor Parking
  - c) *Commercial Use*: 1 space per 37 square meters of gross floor area
  - d) *Business and Professional Office Use*: 1 space per 37 square meters of gross floor area

### **316E.4 Definitions**

- (1) For the purpose of the CD 5 zone, the following definitions shall apply:
  - a) *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

**READ A FIRST TIME** this 9th day of July, 2013.

**READ A SECOND TIME** this 9<sup>th</sup> day of July, 2013..

**NOTICE OF PUBLIC HEARING FOR VILLAGE OF PEMBERTON ZONING AMENDMENT BYLAW (TIYATA AT PEMBERTON) NO. 735, 2013 WAS PUBLISHED IN THE WHISTLER QUESTION ON July 11<sup>th</sup>, 2013 AND July 18<sup>th</sup>, 2013.**

**PUBLIC HEARING HELD** this 23<sup>rd</sup> day of July, 2013.

**READ A THIRD TIME** this 23<sup>rd</sup> day of July, 2013.

**APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 52 of the *Transportation Act*** this 13<sup>th</sup> day of February, 2014.

**ADOPTED** this 18<sup>th</sup> day of February, 2014.

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Ted Craddock  
Acting Mayor

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Sheena Fraser  
Corporate Officer