

VILLAGE OF PEMBERTON

BYLAW NO. 636, 2009

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

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. This Bylaw may be cited for all purposes as “Zoning Bylaw Amendment Bylaw No. 636, 2009.”
2. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended by adding by adding the following as Section 316D:

“316D COMPREHENSIVE DEVELOPMENT 5 ZONE (BCR PROPERTIES / SIGNAL HILL HOMES) CD 5

The intent of the CD 5 Zone is to recognize a comprehensively planned area called Gateway Park and Tiyata 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 (BCR Properties / Signal Hill Homes) Zone, as indicated by the column headings. For purposes of regulation, the area within the boundary of the CD 5 Zone is divided into eight (8) separate areas labelled as Area 1 through Area 8 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.

316D.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:

	Area 1	Area 2	Area 3	Area 5	Area 5	Area 6	Area 7	Area 8
Principal Uses of Land, Buildings and Structures								
<i>Single Family Dwelling</i>				•	•			
<i>Duplex Residential Dwelling</i>			•	•	•			
<i>Townhouse / Stacked Townhouse</i>		•	•	•	•	•	•	
<i>Apartment</i>	• 1	• 1	•				•	
<i>Retail Store</i>		•						
<i>Business and Professional Office</i>	•	•						
<i>Personal Service Establishments</i>	•	•						
<i>Restaurant</i>		•						
<i>Park</i>	•	•	•	•	•	•	•	•
<i>Assembly</i>	•	•						
Accessory Uses of Land, Buildings and Structures								
<i>Uses accessory to principal uses</i>	•	•	•	•	•	•	•	•
<i>Home Occupation Use, subject to Section 207</i>		•	•	•	•	•	•	

316D.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	Area 7	Area 8
Maximum Lot Coverage								
Single Family Dwelling				See ⁴ 302A	See ⁴ 302A			
Duplex Residential			40%	40%	40%			
Townhouse / Stacked Townhouse		40%	40%	40%	40%	40%	40%	
Apartment		50%	50%				50%	
Commercial ²	50%	50%						
Assembly	50%	50%						
Maximum Floor Space Ratio								
Single Family Dwelling				See ⁴ 302A	See ⁴ 302A			
Duplex Residential			0.5	0.5	0.5			
Townhouse		0.75	0.75	0.75	0.75	0.75	0.75	
Apartment		1.5	1.5				1.5	
Commercial ²	1.5	1.5						
Assembly	1.5	1.5						
Maximum Unit Size (m²)								
Single Family Dwelling				200	200			
Duplex Residential (Total both units)			325	325	325			
Townhouse / Stacked Townhouse		150	150	150	150	150	150	
Apartment		95	95				95	

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Area 7	Area 8
Maximum Number of Dwelling Units ⁵	12	73	83	29	51	12	36	
Maximum Amount of Commercial Floor Area (m²)	2230	464.5 ³						
Maximum Building Height (meters / stories)								
Single Family Dwelling				See ⁴ 302A	See ⁴ 302A			
Duplex Residential			10 / 2	10 / 2	10 / 2			
Townhouse / Stacked Townhouse		12 / 3	12 / 3	12 / 3	12 / 3	12 / 3	12 / 3	
Apartment	17 / 4	17 / 4	17 / 4			17 / 4	17 / 4	
Commercial ²	17 / 4	17 / 4						
Assembly	17 / 4	17 / 4						
Minimum Building Setbacks	As per Appendix B of the CD-5 Zone							
Minimum Lot Size (m²)								
Single Family Dwelling			See ⁴ 302A	See ⁴ 302A				
Duplex Residential			465	465				
Maximum Lot Size (m²)								
Single Family Dwelling			465	465				
Duplex Residential			558	558				

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

- 1) 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.
- 2) For the purpose of this section, a *commercial use* includes a building that is occupied with a *retail store, business and professional office, restaurant, or personal service establishment* and may contain *residential uses* above the ground storey subject to the provisions of this Zone.
- 3) A *restaurant* use within Area 2 shall be limited to a *gross floor area* of 139.4 square meters.
- 4) See Section 302A - Residential Small Lot Zone.
- 5) The total maximum units within the CD – 5 zone shall not exceed 296

316D.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 space 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

316D.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

316D.5 Appendices to CD-5 Zone

- (1) For the purpose of the CD 5 zone, the following appendices are considered an integral component of the CD-5 zone:
 - a) Appendix 1: Sub Areas
 - b) Appendix 2: Building Setbacks

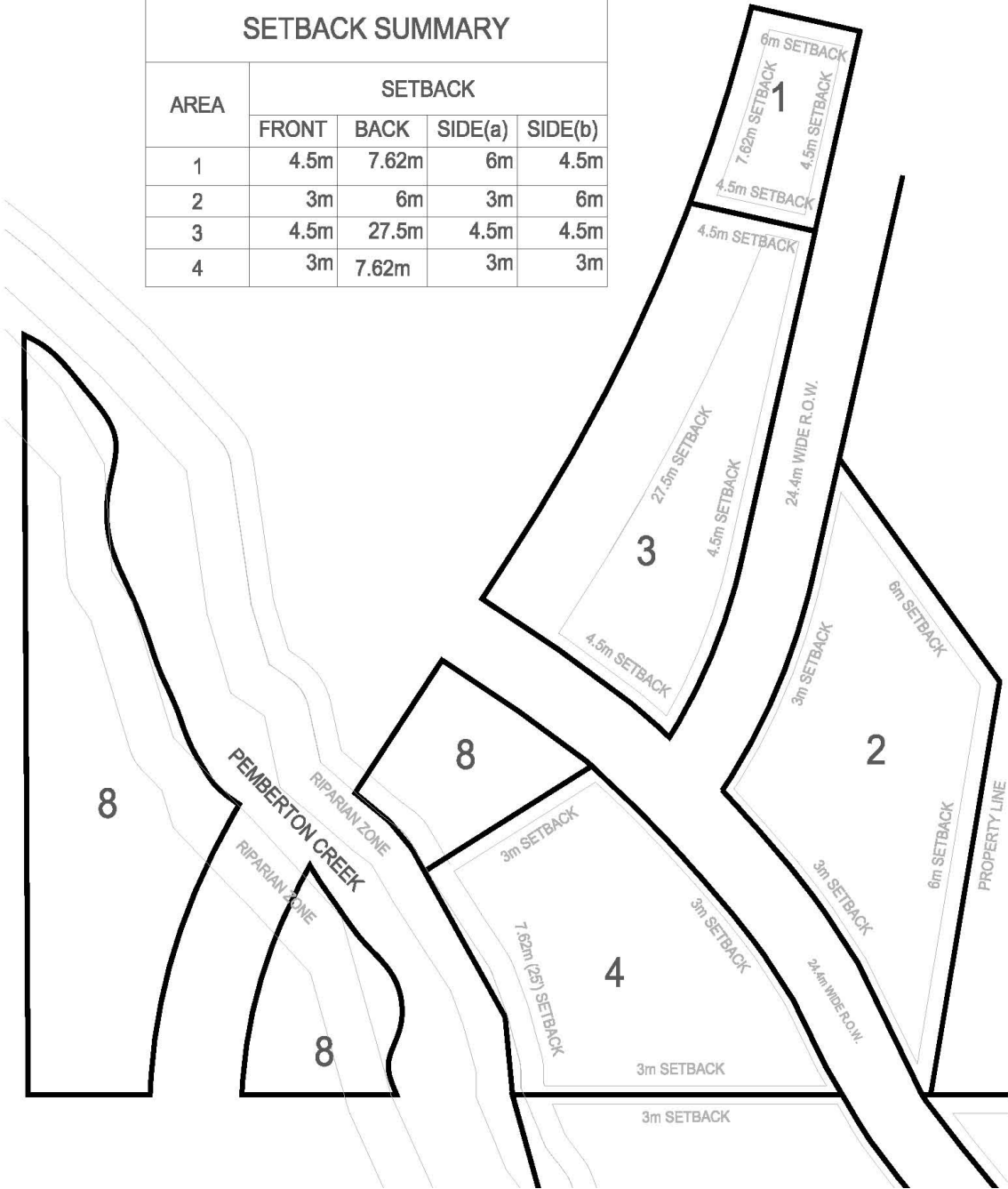
Appendix 1 to CD-5 Zone

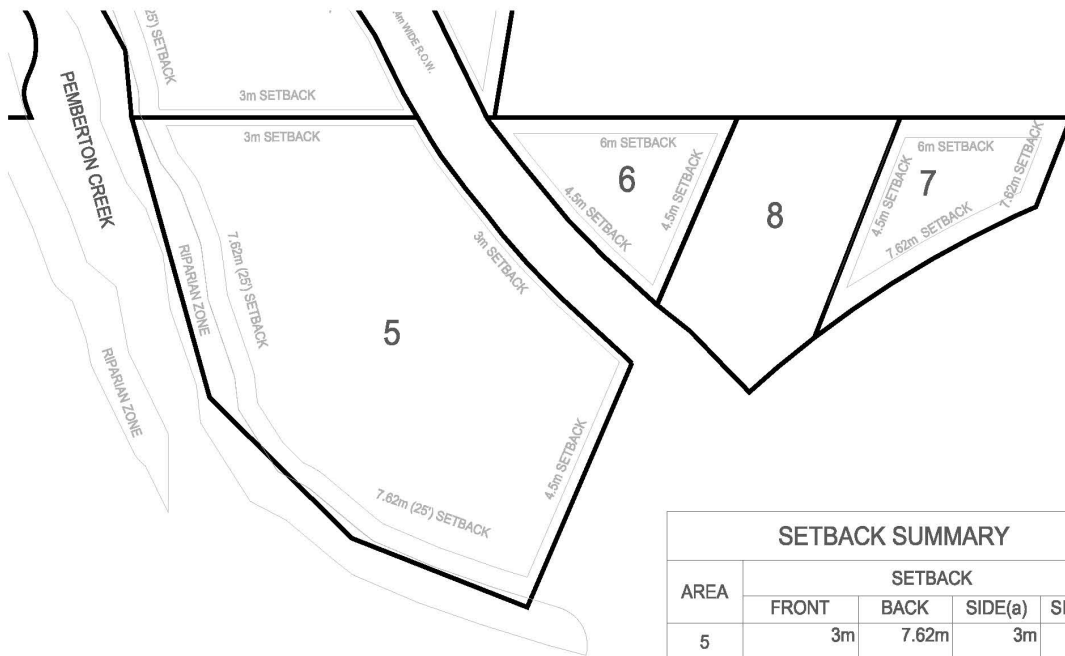
Sub Areas Map

Appendix 2 to CD-5 Zone

Building Setbacks

SETBACK SUMMARY				
AREA	SETBACK			
	FRONT	BACK	SIDE(a)	SIDE(b)
1	4.5m	7.62m	6m	4.5m
2	3m	6m	3m	6m
3	4.5m	27.5m	4.5m	4.5m
4	3m	7.62m	3m	3m





SETBACK SUMMARY				
AREA	SETBACK			
	FRONT	BACK	SIDE(a)	SIDE(b)
5	3m	7.62m	3m	3m
6	4.5m	-	6m	4.5m
7	7.62m	6m	4.5m	7.62m

3. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended by rezoning the lands shown outlined in a solid black line on Schedule 1 of this Bylaw from **Tourist Commercial 2 (C-2), Service Commercial 5 (C-5), Residential (RS-1), and Parks and Recreation (PR-1) to Comprehensive Development 5 (CD 5) Zone (BCR Properties / SIGNAL HILL HOMES)** on Schedule "A" of Village of Pemberton Zoning Bylaw No. 466, 2001.

READ A FIRST TIME this 19th day of May, 2009.

READ A SECOND TIME this 19th day of May, 2009.

PUBLIC HEARING HELD this 2nd day of June, 2009.

PUBLIC HEARING RECONVENED this 7th day of July, 2009.

PUBLIC HEARING RECONVENED A SECOND TIME this 21st day of July, 2009.

READ A THIRD TIME this 21st day of July, 2009.

READ A THIRD TIME this 21st day of July, 2009.

THIRD READING RESCINDED this 9 day of February, 2010.

PUBLIC HEARING ON AMENDED BYLAW HELD this 9 day of February, 2010.

AMENDED BYLAW READ A THIRD TIME this 9 day of February, 2010

APPROVED BY THE MINISTER OF TRANSPORTATION PURSUANT TO SECTION 52 of the *Transportation Act* this 24th day of March, 2010.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 30th day of March, 2010.

Mayor

Corporate Officer

SCHEDULE "1"

Zoning Bylaw Amendment Bylaw No. 636, 2009

Map Amendments to Schedule "A"