

VILLAGE OF PEMBERTON

BYLAW NO. 587, 2007

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

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**WHEREAS** the *Local Government Act* enables a Council to amend its Zoning Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to create a new zone for small lot residential subdivision;

**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 No. 466, 2001 Amendment Bylaw No. 587, 2007.”
2. Village of Pemberton Zoning Bylaw No. 466, 2001 is amended by adding Section 302A to the Bylaw as follows:

**“302A RESIDENTIAL SMALL LOT - RS-2**

***This zone is intended to provide land for the purpose of permitting one single family dwelling unit on a small lot.***

<b>302A.1</b>	<b>Permitted Land Uses</b>	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>
	Single Residential Dwelling	350 sq. m <sup>(a)</sup>	12 m <sup>(b)</sup>
	Home Occupation <sup>(c)</sup>	n/a	n/a
	Accessory Uses	n/a	n/a

(a) For corner lots, the minimum lot size shall be 375 square meters

(b) For corner lots, the minimum lot width shall be 14 meters

(c) *Home Occupation* shall be subject to the requirements of Section 207

<b>302A.2</b>	<b>Buildings and Structures</b>	<b>Max. No.</b>	<b>Max. Size</b>	<b>Max. Height</b>
	Principal Buildings	1	0.50 FSR <sup>(a) (b)</sup>	2 stories
	Accessory Buildings and Structures	1	10 sq. m	3.0 m

(a) A principal building shall have a Gross Floor Area of not more than 0.50, provided that:

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- i. any portion of the garage that exceeds 45 square meters shall be included in the calculation of floor area;
- ii. the maximum floor area of the second storey shall not exceed 80% of the floor area of the lower floor; and
- iii. the maximum floor area of a principal building excluding the garage shall be 220 square meters;

except that the Gross Floor Area may be increased to 0.6 where the garage or carport does not protrude beyond the front face of the entry to the principal building.

(b) A principal building shall have a minimum Gross Floor Area of 70 square meters.

### 302A.3 Minimum Building Setbacks <sup>(a)</sup>

	Front Setback	Rear Setback	Side Setback <sup>(b)</sup>
Principal Building	6 m <sup>(c)</sup>	7.5 m <sup>(d)</sup>	1.2 m <sup>(f)</sup>
Accessory Building	see (e)	1 m	1 m

- (a) In the case where there is a watercourse on or near the property, the setback requirements outlined in Section 211 shall also apply.
- (b) In the case where a *side lot line* flanks a street the minimum side setback is 2.4m.
- (c) The front setback may be reduced to 4 meters under the following conditions:
  - i) access to a garage or carport is off the side or rear lot line; or
  - ii) in the case where access to a garage or carport is off the front lot line, not less than 6 meters of frontage shall be maintained with a 6 meter building setback and the entry to the garage or the carport is perpendicular to the street.
- (d) The rear setback may be reduced to 6 meters when access to a garage or carport is off the rear lot line.
- (e) No accessory building shall be located nearer to the front property line than the front wall of the principal building.
- (f) One side setback may be reduced to 0.6 meters **for garage area only**, however 0.6 meter setbacks may not abut each other on adjacent lots.

### 302A.4 Off-Street Parking

- (1) Off-Street parking shall be provided in accordance with the requirements of Section 500.
  - (2) All off-street outdoor parking areas and driveways shall be surfaced with a permeable, dust-free surface. Covered parking areas (garages and carports) may have non-permeable surfacing.
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- (3) A maximum of 3 off-street parking spaces are permitted on any one lot including covered or garage parking.
- (4) Driveway width to be a maximum of 6m from the edge of the street pavement to the front property line and the maximum grade is to be 6%.
- (5) The maximum area for garages or covered parking (carports) shall be 41 square meters.

**302A.5 Maximum Lot Coverage: 50 %**

**302A.6 Signage**

Signage shall be limited to that permitted pursuant to Section 207(7) – Home Occupation.

**302A.7 Development Permit Area No. 6**

- (1) All land within the RS-2 zone is located with Development Permit No. 6 – Small Lot Residential.
- (2) Prior to application for a Building Permit, two (2) sets of the proposed site plan, floor plans and elevations to be submitted to the Village Planning Department for review and approval with respect to the Development Permit Guidelines outlined in Section 302A.8 below.
- (3) Once issued, a Notice of Development Permit shall be registered on the title of the lots.

**302A.8 Development Permit Guidelines**

- (1) Purpose  
The Small Lot Residential Development Permit Area No. 4 is designated under Section 919.1 (1) (e) of the *Local Government Act* for the purposes of:
    - Ensuring high quality small lot residential subdivisions that promote livability for its residents; and
    - Ensuring that the small lot residential subdivisions are compatible with and respect the adjacent land uses.
  - (2) Justification  
Small lot residential subdivision requires careful design given the density of development. If not properly designed, the subdivision could generate privacy, massing, and aesthetic issues. To address this matter, guidelines have been established to augment the zoning regulations of this zone.
  - (3) Guidelines
    - a) For each storey constructed, there should be a separate and distinct roof and eave line for each story. Decks over
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living or covered parking areas will be considered as roofs for the purposes of this Section.

- b) All roofs and decks to have a minimum 600mm overhang.
- c) Roofs shall be designed to protect entry areas from snow shed and shall limit snow shed to the lot on which the building is constructed.
- d) Front elevations are to be well articulated and detailed to reduce the dominance of front facing garages and carports.
- e) No building plan shall be repeated within three (3) lot radius.

**302A.9 Landscaping**

- (1) All portion of a lot not covered with buildings, structures, and non-porous or paved surfaces shall be landscaped.
- (2) Non-porous or paved surfaces including a driveway shall not cover more than 30% of the lot area that is not occupied by the principal and accessory buildings or structures.
- (3) At least 50% of the area of the required front yard shall be landscaped, which shall not include any non-porous or paved surfaces, provided that the amount of the required landscape area may be reduced to a minimum of 30% of the front yard of a pie shaped lot.”

**READ A FIRST TIME** this 9<sup>th</sup> day of January, 2007.

**READ A SECOND TIME** this 3<sup>rd</sup> day of April, 2007.

**PUBLIC HEARING HELD** this 1<sup>st</sup> day of May, 2007.

**APPROVED BY THE MINISTER OF TRANSPORTATION** pursuant to the *Transportation Act* this 17<sup>th</sup> day of May, 2007.

**READ A THIRD TIME** this 1<sup>st</sup> day of May, 2007.

**RECONSIDERED AND FINALLY ADOPTED** this 5<sup>th</sup> day of June, 2007.

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Mayor

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Administrator

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