

ADVISORY LAND USE COMMISSION

Agenda for the Advisory Land Use Commission Meeting of the Village of Pemberton to be held Tuesday, July 07, 2015 at 5:00pm (7400 Prospect/White Building)

1. CALL TO ORDER

2. MINUTES

- Draft Minutes of February 24th 2015

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3. OR118-Zoning Amendment-Restaurant Uses

- Report to ALUC

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4. OR108-OCP/Zoning Amendments-Hillside Mixed Use Development

- Development Update-Verbal

5. GENERAL DEVELOPMENT UPDATES

6. NEW BUSINESS

7. NEXT MEETING

8. ADJOURNMENT

ADVISORY LAND USE COMMITTEE MINUTES

Minutes for the Advisory Land Use Commission of the Village of Pemberton held February 24, 2015 at 5:30 pm at 7400 Prospect Street.

IN ATTENDANCE:

Saad Hasan, Chairperson
Niki Vanker, Member
Tracy Napier, Member
Drew Meredith, Member

STAFF IN ATTENDANCE:

Pete Neff, Operations & Development Manager
Lisa Pedrini, Village Planner
Suzanne Bélanger, Project Coordinator

PUBLIC IN ATTENDANCE:

Cam McIvor, Agent for "580" Hillside Development

1) CALL TO ORDER

At 5:50pm the Chair called the Meeting to Order.

2) MEMBERS UPDATE & ELECTION OF CHAIR**Members Update**

At the In Camera meeting of December 16 2014, Council reappointed Tracy Napier and Kristen McLeod to the Advisory Land Use Commission for a two year term to expire in December 2016.

Other members (Niki Vanker, Bob Adams, Saad Hassan & Drew Meredith) have terms that will expire December 2015.

It was noted that as per Bylaw 626, 2009 members of the ALUC should not be appointed for more than three (3) consecutive terms. Staff will advise members that have reached that benchmark in early December 2015 prior to recruiting new members.

Election of Chair

Election of Chair and Vice Chair was held as there was a quorum in attendance.

Moved/Second

THAT Saad Hasan be re-elected as the Chairperson of the Advisory Land Use Commission.

CARRIED

Moved/Second

THAT Bob Adams be re-elected as Vice-Chairperson of the Advisory Land Use Committee.

CARRIED

3) **MINUTES**

Moved/Seconded

THAT the minutes of the ALUC meeting held March 31, 2014 be approved as circulated.

CARRIED

4) **OR108-OCP/ZONING AMENDMENTS-HILLSIDE MIXED USE DEVELOPMENT**

The Village Planner gave an overview of the application for Official Community Plan and Rezoning to facilitate a proposed development on lands referred to as the "580" Hillside Development (previously known as "Biro" Development) as a mixed use development including:

- Single Family residential,
- Multi-family residential, and;
- Potential Tourist Accommodation

For clarity, the Committee reviewed a map to identify the location of each parcel and to understand the access (Pemberton Farm Road East), parkland and relation to adjacent lands (Sunstone, Recreational Site and Agricultural Lands). The development is adjacent to, and dependent on the overall servicing concept for, the Sunstone Lands development. The Planner noted that the concept of locating a tourist accommodation use on the "580" lands was presented to Village Council as early as 2011. The Village OCP speaks to the potential for this type of use.

The currently proposed Land Use Plan and Site Plan consist of two concepts for Lot 2 and Lot 3 of the existing subdivision.

- Concept Plan 1- Residential (Single and Multi-Family) with a Tourist Accommodation Node included
- Concept Plan 2- Residential (Single and Multi-Family) without a Tourist Accommodation Node included

The agent for the application requested the opportunity to provide background on the lands when they were within the jurisdiction of the SLRD. The Committee agreed and the agent provided the following:

- Prior to the lands being included in the Village's Boundary in May 2011, the Squamish Lillooet Regional District (SLRD) had issued a Preliminary Layout Approval (PLA) to accommodate 2.5 acre parcels. According to the applicant's representative the land owners were recommended by the SLRD to consider higher density, and therefore they allowed the PLA to lapse.
- The intent for the commercial land would be to develop a "conference centre/lodge".

The Advisory Land Use Commission discussed the application:

- What is the rationale behind allowing a commercial business in the midst of a residential area? It does not seem to make sense as the uses are incompatible.
- What are the benefits to the residential land owners if a commercial use were allowed? Would there be any benefits? Or just drawbacks?

- What is the attraction to support the commercial business? Is this a standalone facility for no reason?
- The concern of the traffic impact of a commercial business in a residential area was noted.
- What is the land size and building size limit (maximum lot coverage)? It was estimated that the conference centre/lodge would be located on a parcel of approximately 20,000sq. meter which would allow up to 10,000 sq. meter (108,000 sq. feet) of floor area coverage with a maximum building height of 11.5m./3 stories. It was noted that this was too big.
- It was mentioned that locating the business here is a bad idea for the town and goes against centralizing the commercial core in the downtown as previously supported.
- The committee briefly discussed the amenities and the Village Planner confirmed that the 219 covenant on title is protecting the delivery of the amenities at a later phase.

The agent commented that local residents would be able to access the restaurant and spa facilities contained in the conference centre and there would also be jobs created by the development. He noted that in previous discussions with former Village staff, no objections had been raised with respect to the concept of a tourist accommodation use on the subject property. He noted that an earlier OCP amendment also contemplates this use. Furthermore, mention was made that the natural site topography gives a natural separation to the site with the proposed conference centre terraced down the hillside, taking advantage of views towards the valley, and protecting the residential areas behind. A disclosure statement on the residential land is proposed to notify residential lot purchasers of the potential future commercial use.

The Village Planner reminded the agent for the application that the purpose of the meeting is not to debate the application but to allow the committee members to review the application and provide their feedback in order to provide advice to council. The agent was there to clarify information or answer questions directed to him, but otherwise it was not the intent of the meeting to debate the merits of the proposal.

It was also noted that previous land use documents relating to the lands in question were high level documents (Planning Status Report, OCP Amendments etc.) which does not automatically provide zoning rights. The land use review is done following the submission of a rezoning application which includes referral for comments to all agencies (ALUC etc.) which is currently on-going.

Following discussion the Advisory Land Use Commission:

Moved/Seconded

THAT the ALUC recommend to Council that support be provided for the application for an OCP Amendment /Rezoning with respect to Concept Plan 2 (without Tourist Accommodation Node included) only due to:

- The lack of rationale provided for locating a commercial business (hotel/conference centre) in a residential neighborhood, and;
- this type of use is more appropriately located in the Downtown Core, in order to protect & support the Village's Downtown growth as previously supported by Council.

CARRIED

5) OR116-ZONING AMENDMENT-MINIMUM PARCEL SIZE

The Village Planner gave an overview of the Zoning Amendment (Minimum Parcel Area Revisions).

- The Zoning Amendment is a Village initiated application in order to amend: The parcel size requirements of the Agricultural Zone of the SLRD Bylaw No. 765, 2002
- The Village adopted/inherited the above noted bylaw following the Village Boundary Extension of 2011.
- The existing Bylaw has a minimum parcel size of 2.43ha
- The parcel in question is 0.809ha
- The current zoning is incompatible with the Village OCP plan/Hillside Designation
- The amendment is solely applicable to a portion of one parcel of land in order to subdivide the subject property to facilitate the Village's Recreational Lease and Option to Purchase agreement.
- The land in question was previously in the Agricultural Land Reserved but was excluded.
- Further rezoning for the parcel will be forthcoming but the Village feels it would be premature to bring forward a Commercial Zoning at this stage.
- It is being recommended that the Public Hearing be waived given the minor nature of the amendment and the fact that the amendment will be consistent with the OCP.

Following discussion the Advisory Land Use Commission:

Moved/Seconded

THAT the ALUC recommend that Council support the rezoning application for the subject property and waive the Public Hearing requirements.

CARRIED

6) DEVELOPMENT UPDATE

The Village Planner gave a verbal update of the Development Services Department since she started as the Village Planner in September 2014.

- Sunstone Development
 - Development Permit-Environmental Protection
 - 2 Development Variance Permits (DVP)-Roads Standards
 - 1 DVP to vary the servicing requirements for the eight (8) Lot Subdivision (with the registration of a 219 (No-Built) Covenant to defer the servicing requirements (in process)
- 580 Hillside Development
 - OCP / Zoning Amendment (in process)
- Recreational Site
 - Rezoning to amend minimum parcel size (in process)
 - Five (5) lot Subdivision (forthcoming)
- School Site
 - Subdivision (in process)
 - DP (in process)
- Pemberton Music Festival-3 year term TUP

- Benchlands-Phase 1b (24 Lots)-TAL issued/Servicing Agreement to be completed (forthcoming)

7) NEW BUSINESS

- The committee expressed concern with having an agent to be able to debate the merits of an application with the committee members during this forum. Staff acknowledged this concern and will work to avoid this happening in the future.

8) NEXT MEETING

TBA-As required

9) ADJOURNMENT

At 7:20 p.m. the meeting was terminated.

This is a true and correct copy of a meeting of the Advisory Land Use Commission of the Village of Pemberton, held February 24, 2015.

Chair

Project: OR118- Restaurant Uses

Civic Address				
Legal Description	Lot	District Lot	Plan	L.L.D.
various				Lillooet Land District
Owner's Name(s)/Address		Agent's Name:		
various		Village of Pemberton		
		Phone 604-894-6135, ext. 234		
		Cell:		
		E-Mail Address: lpedrini@pemberton.ca (Village Planner)		

Application Request	Village-Initiated Removal of "Drive-in Restaurants" as a Permitted Use
Existing OCP Designation	Pemberton Gateway & Portage Road
Existing Zoning Designation	Tourist Commercial C-2, Portage Road Commercial C-3 & Neighbourhood Pub Commercial C-5
Proposed OCP Amendment	n/a
Proposed Zoning Amendment	Bylaw 793, 2015 Drive-in Restaurants


Proposed Lots	n/a
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Proposed Public Road Access	n/a
Proposed Services Connections	n/a
Water	
Sewer	

Village Planning Staff Comments:

In order to create a strong sense of arrival to the Pemberton community through natural, landscaped and built elements distinctive to Pemberton, and to protect the unique commercial characteristics of Pemberton's existing businesses, the Village of Pemberton Council has directed staff to undertake an amendment to the Zoning Bylaw to prohibit drive-through restaurants on the highway frontage lands designated Gateway and Portage Road in the Village's Official Community Plan.

The attached bylaw aims to clarify the definitions of "restaurant" vs. 'drive-in restaurant' and to remove 'drive-in restaurants' as a permitted use on the lands zoned as Tourist Commercial (C-2), Portage Road Commercial (C-3) and Neighbourhood Pub Commercial (C-5) zones in the Village's Zoning Bylaw No. 466, 2001. Currently, these Zones allow for drive-in restaurants explicitly; by omitting them as an outright permitted use, they will only be contemplated via a rezoning application.

	June 26, 2015
Planning Department Signature	Date

Date: June 2, 2015
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Contract Planner
Subject: Zoning Bylaw Amendment to Limit Formula Based Restaurants
in Pemberton's Gateway

PURPOSE

This report provides information to Council about a possible land use restriction that could be applied to limit formula based restaurants in Pemberton.

BACKGROUND

Earlier in 2014, the former Council directed Staff to explore limiting the number of formula based (particularly franchise, fast food) restaurants in Pemberton. There was particular concern with the Gateway (Highway 99 and Portage) corridor as it may negatively impact Pemberton's entry and small town character.

Former Development Services Staff undertook research on the issue and presented a legal opinion to Council In Camera in September 2014 with respect to the legality of undertaking land use restrictions that could be applied to restrict formula based restaurants in Pemberton. More recently, staff brought this issue back to Council In Camera for information and direction on next steps. At the Council Meeting No. 1397 held May 19, 2015, Council rose from In Camera with report on the following:

Moved/Seconded

THAT Staff be directed to research and prepare a report for a Committee of the Whole meeting with respect to enhancing certain zoning and development permit requirements to deter certain formula based businesses in Pemberton's Gateway area.

CARRIED

DISCUSSION & COMMENTS

This report responds to Council's request in terms of zoning amendments¹ that could be made to deter certain formula based businesses in Pemberton's Gateway Area. Formula based businesses have been described as:

"A business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula based") array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than five (5) other businesses regardless of ownership or location. Formula

¹ Staff requires more time to research options for enhancing development permit requirements to deter formula based businesses. A report will be brought forward in due course, and would most likely combine any amendments to the OCP with other village-initiated amendments, for example any changes to Development Permit guidelines associated with species at risk.

based businesses can include, but are not limited to: restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons and hotel/motel/inn/B&B." (Reference from Bristol, Rhode Island Zoning Bylaw)

Formula based Restaurants have been described as:

"A retail establishment primarily devoted to the on-site preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, signs or similar standardized features and which causes it to be substantially identical to more than eleven (11) other restaurants regardless of ownership or location." (Reference from Arcata, California Zoning Bylaw)

The first section of the discussion will focus on the existing policy/practice in Pemberton, and the next section of the report will provide examples of how other municipalities have attempted to limit certain formula based businesses. The final section will provide recommendations to Council as to next steps.

Existing Policy/Practice

The Village of Pemberton Zoning Bylaw No. 466, 2001 currently regulates the locations in which a restaurant or drive-in restaurant would be permitted to operate. Fortunately, the Village Zoning Bylaw makes a clear distinction between restaurant and drive-in restaurants as individual permitted uses. For example, Zoning Bylaw No. 466 uses the following definitions:

drive-in restaurant means a building providing for restaurant use with drive-through takeout facilities or consumption of food in vehicles parked on the lot;

restaurant use means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, but excludes facilities for the consumption of food in motor vehicles parked on the site, or with drive-through takeout facilities.

Both **restaurants** and **drive-in restaurants** are a permitted use in the C-2 (Tourist Commercial), C-3 (Portage Road Commercial), and C-5 (Neighbourhood Pub Commercial Zone). The number of properties potentially impacted is approximately 24 in total and a map depicting the location and the exact properties contained within these three zones, identified in red, is attached as **Appendix A**.

Drive-in restaurants are not a permitted use in the C-1 (Town Centre Commercial), or C-4 (Service Commercial Zones), but restaurants are a permitted use in both these two commercial zones, and in several other non-commercial zones, including the M-1 (Industrial), and the PR-1 (Parks and Recreation).

Research Results

An Internet search done in August of 2014 by the former Manager of Development Services found two communities in Western Canada that had investigated restricting formula based businesses, but in the end did not succeed: Tofino, BC and Banff, AB. Tofino planner Aaron Rodgers advised that their Official Community Plan does not support formula based restaurants but the District of Tofino has not brought forward any specific zoning bylaws to implement this

policy, despite news articles reporting these intentions in 2012 in papers such as the Globe and Mail:

- <http://www.theglobeandmail.com/news/british-columbia/bc-surf-town-proposes-fast-food-ban/article1209762/>
- <http://www.canada.com/Tofino+Starbucks+Hortons+McDonalds/2663552/story.html>

Banff reviewed this matter for more than seven (7) years (which included a public engagement process and a working group) with a focus on defining formula based businesses and then limiting their existence and/or number in certain zoning districts. Their formula based businesses considered both retail (i.e. Bell, Patagonia, North Face, David's Team, Hatley, CD Plus, Athlete's World, Louis Vuitton, La Cache, Tabi and Ardene) and restaurants (i.e. Ricky's, Tim Horton's, and Boston Pizza). The prepared bylaw, however, met its demise in March 2013. Banff is regulated by Alberta's land use legislation.

More recently, Staff research found several examples of local governments in B.C. who have successfully removed drive-through restaurants as a permitted use in their Zoning Bylaws, each with their own motivations.

Nelson, BC

The City of Nelson approved a new Zoning Bylaw in February 2014 that removed the opportunity for any new drive-through restaurants to develop anywhere in their city. In developing their new zoning bylaws, Staff had removed drive-through restaurants as a permitted use in several zones (that formerly had permitted them), but allowed them to remain in the City's highway commercial zone. However, during the Public Hearing for the new Zoning Bylaw many residents opposed the idea and wanted "*all mention of them struck from the bylaw*". The City of Nelson's Councillors agreed with this direction, and removed drive-through restaurants as a permitted use in all zone, as a final amendment before approving the bylaw.

The reasons cited for the change were to protect local businesses (since few to no drive-through restaurants are operated by establishments that are not franchises); to entice the travelling public to stop and patronize businesses in the downtown area; and to meet their sustainability goals. The sentiments of one supporter of the bylaw felt that fast-food drive-through franchises "*did not serve the economic interests of their city aside from providing a few minimum wage jobs, and sending most of the profit to a corporate head office someplace else*".

To see more information on this change, here is link to a 2014 article from the Nelson Star: <http://www.nelsonstar.com/news/243525471.html>

New Westminster, BC

In 2011, the City of New Westminster passed a Zoning Amendment Bylaw to amend and clarify that drive-through restaurants are not permitted in pedestrian oriented commercial districts for several reasons. Drive-through restaurants were thought to pose a safety risk to pedestrians as the business results in additional vehicles crossing sidewalks to enter and exit a site. Drive-through restaurants were also felt to focus on automobile functionality rather than on improving the pedestrian environment. City Staff argued that drive-through restaurants defeated the spirit of the City of New Westminster's Street Traffic Bylaw which prohibits idling for more than three minutes. And finally, it was thought that drive-through restaurants reinforced a transportation

mode split that strongly favours automobiles over other alternative modes, which has an adverse environmental impact.

Resort Municipality of Whistler, BC (RMOW)

Whistler Council directed their Staff in 2012 to bring forward a Zoning Amendment Bylaw to define “restaurant” in order to specifically exclude drive-in and drive-through restaurants in the resort municipality. In the RMOW’s case at the time, their Zoning Bylaw did not include a definition of a “restaurant”; however, all but three zones in their Zoning Bylaw specifically excluded a “drive-in restaurant” as a permitted use. As a result, the RMOW Council approved Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 to bring clarity and consistency across all zones by creating a definition of “restaurant” to exclude drive-in and drive-through restaurants, unless expressly provided otherwise. The bylaw also proposed to amend a certain zone to allow for an existing drive-through restaurant in the Marketplace. Further, they now have regulations in place to state that any future requests for a drive-in or drive-through restaurant in a zone that allows for restaurant use would require a zoning amendment.

Whistler’s rationale was as follows: Whistler Planning Staff examined the zoning amendment against the directions contained in the Whistler 2020 Comprehensive Sustainability Plan. Staff’s analysis determined that by excluding drive-in and drive-through restaurants, this moved Whistler toward their sustainability objectives: it helped support Whistler’s preferred methods of transportation: Pedestrian, bicycle and other non-motorized means; and it continued to reinforce Whistler’s strong pedestrian character. However, they did find that drive-in and drive-through restaurants offer a valuable service for accessibility, people with small children or the older generation with mobility issues. For this reason, they included the potential for a zoning amendment bylaw to allow for any future drive-in or drive-through restaurants on a case by case basis.

Examples from the United States (U.S.)

Many U.S. municipalities have considered regulating the existence and number of formula based businesses by adopting ordinances (in the U.S. zoning bylaws are referred to as ordinances) that prohibit or limit the number of formula based businesses or assign conditional zoning. Some of the regulations limit the number of chain stores or alternatively set certain design criteria to ensure the businesses do not visually compromise the community character. Often the added design requirements deter certain formula based restaurants from setting up business in a town, but not always. In some situations, the land use tools available in the U.S. may not be possible under Canadian or BC law.

Staff Recommendation

Legally, the options available to the Village of Pemberton are far less than that of the U.S., given BC and Canadian legislation. Basically, the Village is only able to regulate a “use” not a “user”; therefore the zoning bylaw shall not regulate uses based on factors such as merchandise, trademarks, menus, interior décor, uniforms, and/or sign logos.

The Village is also able to regulate:

- signs as far as materials, lighting and size;
- building/façade architecture, colour schemes and materials in accordance with approved Development Permit Guidelines (and the *Local Government Act*);

- parking, access, loading and drive-throughs;
- setbacks, height and other site development regulations; and
- location of certain land uses or development permit approvals.

Options available to the Village implementing the above-mentioned additional items will be the subject of a future Staff report. The most straight-forward (and timeliest) change the Village can do at this point is to examine the permitted uses in the Commercial Zones applicable to Pemberton's Gateway Area, and consider excluding particular uses that are often associated with formula based restaurants.

Staff suggests that a municipality-initiated zoning amendment bylaw be prepared to clarify the definition and remove "drive-in restaurants" from the list of permitted uses in the C-2 (Tourist Commercial), C-3 (Portage Road Commercial), and C-5 (Neighbourhood Pub Commercial) zones. Fortunately, the Village of Pemberton already distinguishes between a restaurant use and a drive-in restaurant (which would be normally operated by a franchise). However, Staff would recommend re-visiting the definition of "drive-in restaurant" to clarify that the definition includes the notion of "drive-through" window sales.

This zoning amendment is recommended in order to maintain the small town and unique nature of Pemberton's entrance, and to enhance the commercial characteristics of our existing businesses. This change would also be considered consistent with the Village's Greenhouse Gas Emissions (GHG) Reduction Targets and the Community Principles, Planning Directions, Planning Policies, Strategies and Actions as contained in the Village's Official Community Plan (OCP) given that they all contain initiatives that move the community forward in reducing Pemberton's GHG emissions.

In terms of the existing drive-through restaurant (McDonald's) located in the C2 (Tourist Commercial) Zone at the corner of Highway 99 and Portage Road, this amendment would result in that use being able to continue its operations as a legally non-conforming use (see **Legal Considerations** below). Any future applications for new drive-through restaurants in the applicable zones (C2, C3 and C5) could be considered via the Village's rezoning application process.

COMMUNICATIONS

This issue will be referred to the regular list of referral agencies, including the Advisory Land Use Commission for review and comment. The minutes from the ALUC will be forwarded to Council for consideration prior to Public Hearing.

LEGAL CONSIDERATIONS

Uses and siting which do not conform to the current Zoning Bylaw but existed at the time of adoption of the bylaw are "grandfathered" and are considered to be legally non-conforming.

Non-conforming uses and siting are regulated by section 911 of the *Local Government Act*.

A legally non-conforming use will cease to be legally non-conforming if:

- The use is discontinued for a continuous period of 6 months;
- The building or structure to which the use applies is damaged to an extent of 75% or more of its value; or
- The scale or degree of the non-conforming use is undertaken to a degree that is higher than that which occurred at the time of the adoption of the bylaw.

IMPACT ON BUDGET & STAFFING

The investigations done to date were prepared in-house by the Operations and Development Services Department and the cost associated with legal expenses were accounted for/ included in the current Five Year Financial Plan. Should Council consider introducing the future zoning amendment bylaw, it is estimated that further \$300 would be required for statutory advertising, which can also be accommodated in the current Five Year Financial Plan.

INTERDEPARTMENTAL IMPACT & APPROVAL

The above noted project will not impact the day to day operations of any other department other than the Development Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

An alternative option for consideration is to not move forward with any zoning bylaw amendments, or to only consider removing "drive-in restaurants" in only one or two of the Commercial Zones.

POTENTIAL GOVERNANCE CONSIDERATIONS

As per the Village's Strategic Plan, this initiative supports Theme One: Economic Vitality and Theme Two: Good Governance.

RECOMMENDATIONS

THAT the Committee of the Whole direct staff to prepare a Zoning Amendment Bylaw that clarifies the definition of a drive-in restaurant and excludes drive-in restaurants as a permitted use in the C2, C3 and C5 zones for Council's consideration at the June 19, 2015 Regular Council Meeting.

Attachments:

Appendix A – Map of C2, C3 and C5 Zones.



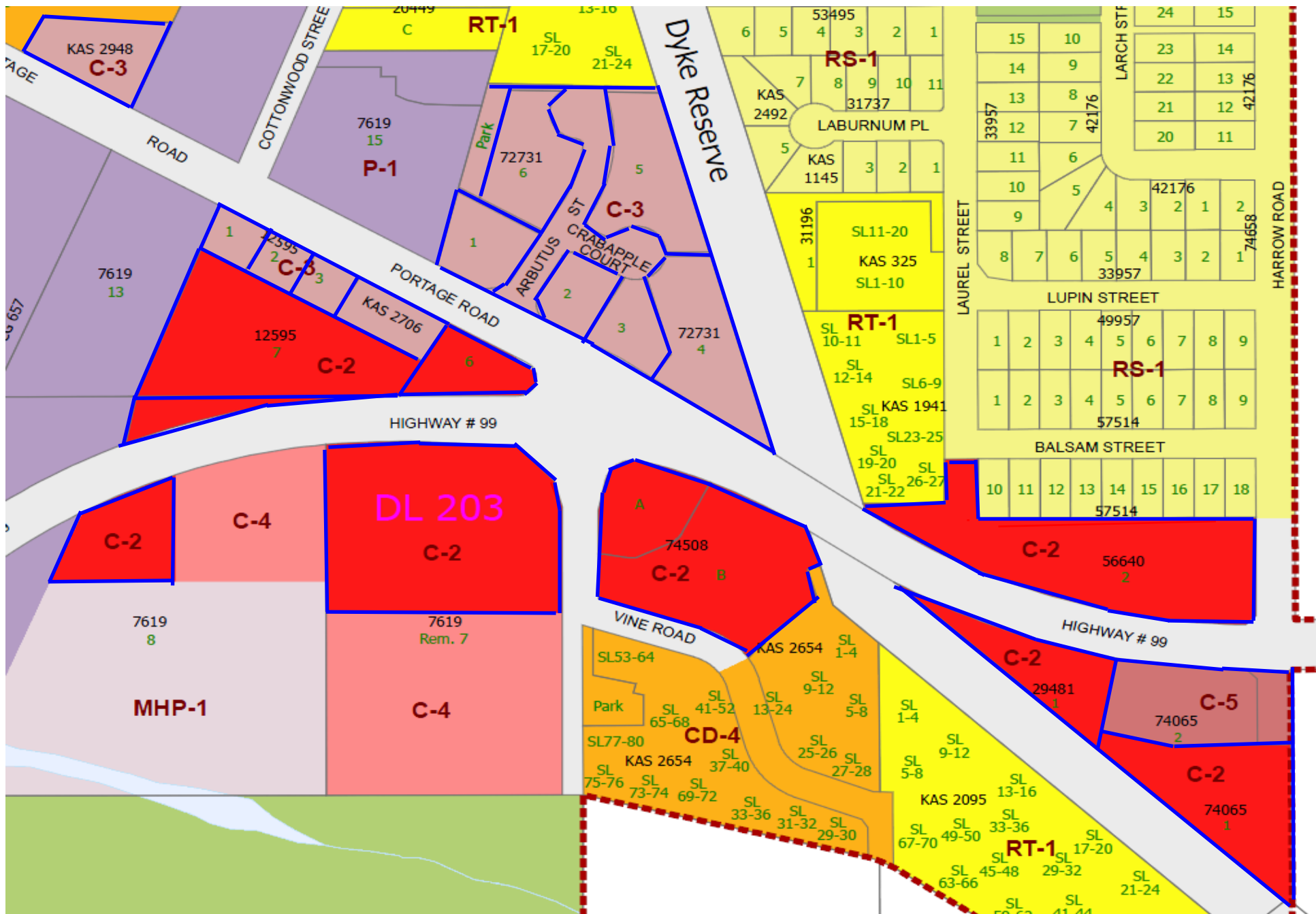
Lisa Pedrini
Contract Planner

Chief Administrative Officer/Acting Manager of Operations and Development Services Review



Nikki Gilmore
Chief Administrative Officer/ Acting Manager of Operations and Development Services

SUBJECT PROPERTIES
C-2, C-3 and C-5 ZONED LANDS



VILLAGE OF PEMBERTON

BYLAW No. 793, 2015

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

WHEREAS pursuant to Section 903 of the *Local Government Act* a Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to create a strong sense of arrival to the Pemberton community through natural, landscaped and built elements distinctive to Pemberton;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to protect the unique commercial characteristics of Pemberton's existing businesses by controlling the development of formula-based restaurants in the Gateway and Frontier Street areas;

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

1. CITATION

This Bylaw may be cited as "Village of Pemberton Zoning (Restaurant Uses) Amendment Bylaw No. 793, 2015"

2. Village Zoning Bylaw No. 466, 2001 be amended as follows:

a) Section 104 Definitions:

- i. by deleting the definition of 'restaurant use' and replacing it with the following:

a. **restaurant use:** means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises. Restaurant use when specified in this bylaw as a permitted use excludes, unless expressly provided otherwise, drive-in restaurants.

b) Section 307.1 Permitted Land Uses (C-2):

- i. by deleting 'Drive-in Restaurant' from the list of Permitted Land Uses under Tourist Commercial C-2.

c) Section 308.1 Permitted Land Uses (C-3):

- i. by deleting 'Drive-in Restaurant' from the list of Permitted Land Uses under Portage Road Commercial C-3.

d) Section 310.1 Permitted Land Uses (C-5):

- i. by deleting 'Drive-in Restaurant' from the list of Permitted Land Uses under Neighbourhood Pub Commercial C-5.

READ A FIRST TIME this ____ day of _____, 2015.

READ A SECOND TIME this ____ day of _____, 2015.

NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning (Restaurant Uses) Amendment Bylaw No. 793, 2015 PUBLISHED IN THE _____ on this ____ day of _____ 2015 and **PUBLISHED IN THE _____** on this ____ day of _____ 2015.

READ A THIRD TIME this ____ day of _____, 2015.

ADOPTED this ____ day of _____, 2015.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser