

ADVISORY LAND USE COMMISSION

Agenda for the Advisory Land Use Commission Meeting of the Village of Pemberton to be held Tuesday, October 10, 2017 at 5:45pm at 7400 Prospect Street.

	Total Pages
1. CALL TO ORDER	
2. MINUTES	
• Minutes of the ALUC Meeting of September 25, 2017	5
3. NEW DRAFT ZONING BYLAW REVIEW (Continued from September 25)	63
4. NEW BUSINESS	
5. NEXT MEETING	
6. ADJOURNMENT	

ADVISORY LAND USE COMMITTEE MINUTES

Minutes for the Advisory Land Use Commission of the Village of Pemberton held September 25, 2017 at 5:45 pm at 7400 Prospect Street.

IN ATTENDANCE:

Amica Antonelli
Niki Vanerk
Richard Nott
Kirsten McLeod
Annie Oja

STAFF IN ATTENDANCE:

Lisa Pedrini, Village Planner (minutes)
Ken Cossey, Village Planning Consultant
Tim Harris, Manager of Development Services

PUBLIC IN ATTENDANCE:

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1) CALL TO ORDER

At 5:52 pm the meeting was called to Order.

2) MINUTES

The minutes were approved previously by electronic means.

3) DRAFT ZONING BYLAW REVIEW

Ken Cossey, Village Planning Consultant, gave an overview of the Draft Zoning Bylaw No. 3:

- He presented Background Information – What is a Zoning Bylaw; Why Create a New Bylaw; What does a Zoning Bylaw do?
- He explained the Project Approach:
 - Gap Analysis
 - Consultation
 - Current Bylaw Comparisons
 - Review of Draft Bylaw by Staff
 - Review of Draft Bylaw by ALUC (now)
 - Public Review
 - Consideration by Council.
- He summarized highlights of the Bylaw Part by Part:
 - **PART 1.0 Application and Administration**
Definitions
1/. Updated, combined certain definitions and created new ones

- 2/. Listed various Commercial uses as opposed to defining each one
- 3/. Listed what is a Dwelling Unit
- 4/. Listed various Industrial uses as opposed to defining each one
- 5/. Changed Parcel to Lot
- 6/. Micro-Brewery
- 7/. Short-Term Vacation Accommodation

- **PART 2 – Interpretation:** Clarify what we mean in the bylaw
 - **PART 3 – General Compliance:** What is Prohibited (3.3) & Permitted (3.4) in all zones; Subdivision Issues (3.9) and Conversion of Buildings (3.10)
 - **PART 4 – Additional Regulations for Certain Land Uses**
 - Accessory Residential Suites (4.2 – i.e., 90 sq. m or 40%)
 - Amenity Bonus – Affordable Housing or Community Amenities (4.3)
 - Temporary Use Permits (4.6)
 - Intermodal Storage Containers (4.8)
 - Backyard Hen Keeping (4.10)
 - Short Term Vacation Accommodation, i.e.: Airbnb’s (4.11)
 - **PART 5 – Off-Street Parking & Loading Requirements**
 - Payment of Cash in lieu of Parking (5.2)
 - Alternatives to Off-street parking (5.6)
 - **PART 6 – Zoning Boundaries and Requisitions**
 - New Format (to be reviewed next time)
- The Advisory Land Use Commission (ALUC) members agreed to review the Bylaw page by page in order to capture all their comments. The following is a summary of suggested changes:

Section 1.4 DEFINITIONS:

- 1. Definition of Affordable Housing (p. 6) – Lisa to supply a new one based on the CMHC
- 2. Definition of Agriculture (p. 7): should we make the differentiation between “intensive” and “regular” agricultural operations. Want to ensure we do not inhibit agricultural operations as per the *ALC Regs* and the *Right to Farm Act*. It was decided to remove “intensive”.
- 3. Definition of “Building Height” (p. 9) – consistency, make sure all references to Height are clarified as Building Height; also replace picture with another image that is more in keeping with typical hillside lots in Pemberton (on a sloped lot); make reference to the different styles of the roof and how that impacts how building height is measured
- 4. Definition of Cabin/Cottage (p. 10) – consolidate these; make them interchangeable.
- 5. Definition of Commercial Uses (pp. 10/11) – do not use the list which is neither a summary or an exhaustive list
- 6. Definition of Community Uses (p. 11) – again remove the list.
- 7. Definition of Development (p. 12) – change first bullet to “physically altering the landscape in *any way*”
- 8. Definition of Golf Course (p. 14) – remove RV Park as a permitted accessory use
- 9. Definition of Grade, Average (15) – this picture is great; could you represent building height in it?

- 10. Definition of Home Occupation 1 & 2 (pp. 15/16) - Remove upholstery from 2 (it could be done under 1); need to clarify what is meant by Artisan's Quarters (add a definition); and make a distinction between 1 (having no outdoor storage) and 2 (allows outdoor storage)
- 11. Definition of Marihuana (p. 19) – can we not use Cannabis instead – Answer – no, federal government still uses the term Marihuana (with “h” not “j”) so we will be consistent
- 12. Definition of Park (p. 21) – can we mention the use of an Agricultural Park (i.e. Community Garden or Orchard)
- 13. Definition of Professional Services (p. 22) – Add (i) “Computer Consulting Services”; change lettering - there are three (f)’s
- 14. Definition of Residential Use (p. 23) – discussion of the difference between Accessory Residential Dwelling – which can be separate from principal residential use (i.e. industrial park residential units or Carriage house) & Accessory Residential Suite (which is a secondary suite, contained within the footprint of the principal residence). We allow one or the other, but not both – but should we consider allowing lane houses or granny flats as well as secondary suites in RS-1 zones due to a lack of affordable rental housing?
- 15. Definition of Restaurant Use (p. 23) – need to add back in the definition of “Drive Through Restaurant”
- 16. Definition of Short term Vacation Accommodation (p. 24) - **to be discussed next time**
- SECTION 1.6 – question about what “BNEB” meant (Municipal Ticketing Info)
- SECTION 1.9.1 (d) – this sentence needs revamping
- SECTION 1.9.2 – RC-1 Zone – only applies to Log House B&B, do we still need it?
- SECTION 2.1 (c) – should say Part 6, not Part 5
- SECTION 2.2.1 Conversions – why are they needed – because they relate to common numerals in the Bylaw; Add 10.5 m (maximum height)
- SECTION 2.2.2 Measurements – this is repetitive - remove
- SECTION 2.14 – correct “treehouse” not teehouse
- SECTION 2.16 – include exemptions for passive house standards (walls thicker than 6” or whatever the standard is)
- SECTION 3.3 – Uses Prohibited in Zones – add to the list of wrecked motor vehicles “trailers, RV’s, watercraft” etc.
- SECTION 3.3 (b) (iii) Buffer of 500 m for Marihuana Dispensary to be discussed at next meeting - **to be discussed next time**
- SECTION 3.3 (c) (i) – the ALUC had questions about this regulation, i.e., how would this affect a Butcher Shop? Answer: It would be listed as a permitted use in the appropriate zone
- SECTION 3.4 (c) & (n) seem redundant
- SECTION 3.6 (iv) add the word “interior” to the end of the sentence in front of “side setback”
- SECTION 3.6 (viii) questions were raised about the Village allowing scree slopes/retaining walls on the Hillside; we should be doing something to prevent really large retaining walls; do we have Hillside Development Standards for development lots?
- SECTION 3.6 (ix) seems redundant with Section 3.5.1- Farm Stands
- SECTION 3.7 – should be referred to as “Building” Heights to be consistent with the definitions section
- SECTION 3.7 (d) allowed projections – should we include Solar Panels to the list?
- SECTION 3.7 (e) – question about projections on top of Agricultural Buildings on land zoned A-1 – should there be a maximum height of projection if we do not regulate the height of Agricultural Buildings in the A-1 zone?
- SECTION 3.9.3 (b) (iii) – this section was difficult to interpret
- SECTION 3.9.4 (b) – 10 m seems high, 6 m can be adequate but it was explained that Village wants it this big to discourage panhandles

- SECTION 3.9.5 – why is there a “?”
- SECTION 4.3 Amenity Bonusing Provisions – **to be discussed next time**
- SECTION 4.4.1 – more should be done to ensure fences are not unsightly
- SECTION 4.4.1 (b0 (ii) 2.5 m is too high
- SECTION 4.2 – Screening – question, does the Village require enclosed solid waste, recycling and composting areas – Answer – yes through DP area guidelines
- SECTION 4.5 Home Occupations – what about a home based carpenter? They would be allowed to run an office in the home, but not allowed to conduct work outside of the house
- SECTION 4.7 – does the Village building permit expire after a year?
- SECTION 4.7.1 – consider a deposit of \$10,000 -> to ensure RV gets removed as a temporary home
- SECTION 4.7.1 (a) (v) remove the word “no” (double negative)
- SECTION 4.8 Intermodal Storage Containers - **to be discussed next time**
- SECTION 4.9 – should hot tubs be required to have a cover? Decided this wasn't in the muni's jurisdiction
- SECTION 4.10 Backyard Hen Keeping (g) – Numbering Change - Make a new SECTION 4.11 Compost bins and Composting, starting at (g)
- SECTION 4.11 Short Term Vacation Accommodation (Numbering Change - Make this SECTION 4.12)
- SECTION 4.11 – Short Term Vacation Rental - **to be discussed next time**
- SECTION 5.1.1 – “Required Number of Off-Street (not On site) Parking Stalls” at the top of the table; Change Apartment to 1.25 m (not .75m); clarify whether tandem parking spaces are allowed as off-street (Lisa thinks they should be)
- SECTION 5.1 (k) use “Accessibility” instead of “Disability”, or whatever term is best practice right now
- SECTION 5.1 (m) – there is no separate line for Professional Service Establishment
- SECTION 5.1.2, 5.1.3, 5.1.4 – Use “Off-Street” not On-site at the top of the tables
- SECTION 5.2 – Need to dramatically increase the cost of paying cash-in-lieu from current price (\$7500) to a more realistic price (~\$20,000+?); Cash in lieu should only be allowed through a variance application?
- SECTION 5.3 (b) “Changes in elevations between the entrance and the parking space *must be non-existent*,” – this may not be practical – change to “*a grade no greater than x*”
- SECTION 5.4 (a) Table is missing 90 degrees two way drive aisle width (6.5 m in old bylaw)
- SECTION 5.4 (i) (ii) – replace cobblestones with gravel? Re-look at this Section
- SECTION 5.5 (a) - Off Street Loading Requirements – Revisit this table – maybe just require wider spaces rather than requiring 2 spaces
- SECTION 5.5 (b) – replace Civic with Community (Consistency)
- SECTION 5.6 Alternatives to Off-Street Parking - to be reviewed in more detail at staff level first
- SECTION 6.0 Zoning Boundaries and Regulations - **to be discussed next time**

4) **NEW BUSINESS**

No new business. More review and discussion of the Draft Zoning Bylaw required.

5) **NEXT MEETING**

The Commission members agreed to meet again on Tuesday October 10 at 5:45pm to continue their review of the zoning bylaw. Topics to include expanded discussion on: Short term Vacation Rentals, Marihuana Dispensaries, Amenity Zoning, and Intermodal Storage Containers as well as a thorough review of the provisions of each Zone.

6) ADJOURNMENT

At 9:30 p.m. the meeting was closed.

This is a true and correct copy of a meeting of the Advisory Land Use Commission of the Village of Pemberton, held September 25, 2017.

CHAIR Signature

DRAFT

ZONING BYLAW
FOR
THE CORPORATION OF THE
VILLAGE OF PEMBERTON

BYLAW No. XXXX, 2017



Draft Number 3

**VILLAGE OF PEMBERTON
BYLAW NO XXXX, 2017
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DRAFT

**Village of Pemberton
Zoning Bylaw No. XXXX**

**A BYLAW TO REGULATE THE ZONING AND DEVELOPMENT OF REAL PROPERTY
WITHIN THE VILLAGE OF PEMBERTON**

WHEREAS section 479 of the *Local Government Act* authorizes a local government to enact a Bylaw respecting Zoning;

AND WHEREAS section 482 of the *Local Government Act* authorizes a local government to offer density benefits for the provision of amenities, affordable housing and special needs housing;

AND WHEREAS section 492 of the *Local Government Act* authorizes a local government to designate a Temporary Use Permit area in a Zoning Bylaw;

AND WHEREAS section 523 of the *Local Government Act* authorizes a local government to create runoff control requirements;

AND WHEREAS section 525 of the *Local Government Act* authorizes a local government to create off-street parking and loading requirements;

AND WHEREAS section 527 of the *Local Government Act* authorizes a local government to create screening and landscaping requirements;

NOW THEREFORE the Municipal Council of the Village of Pemberton in open meeting assembled enacts as follows:

PART 1.0 Application and Administration

1.1 Title

This Bylaw may be cited for all purposes as the "Village of Pemberton Zoning Bylaw No. XXXX, 2017".

1.2 Purpose

- a) The principal purpose of this Bylaw is to regulate Land Use and Development within the Village of Pemberton for the benefit of the community; and
- b) For the implementation of the long-term goals of the Village's Official Community Plan Bylaw, No. 654, 2001.

1.3 Application of Bylaw

This Bylaw applies to all Lands, including the surface of water, and all uses, Buildings and other Structures located within the boundaries of the Village of Pemberton, as amended from time to time, and as shown on Schedule "A", the Zoning Map, which is attached to and forms part of this Bylaw

1.4 Definitions

(Notes - underlined means changed or added)

The following definitions apply to this Bylaw;

Accessible

means that a person with disabilities is, with or without assistance, able to approach, enter, pass to and from one area to another and make use of an area and its facilities;

Accessory Use

means a Land Use that is clearly incidental or subordinate to the Permitted Use and located on the same Lot;

Accessory Building or Structure

means a Building or Structure, the use or intended use of which is Accessory to a Permitted use and located on the same Lot;

Accessory Residential Dwelling Unit

means a Residential Dwelling Unit which is subordinate to the Permitted Use of the Lot upon which the Accessory Use is located;

Accessory Residential Suite

means a separate and self-contained Residential Dwelling Unit located within a Detached Dwelling Unit, that meets the requirements of the *BC Building Code* and is subordinate to the Permitted Use of the Lot upon which the Accessory Use is located;

Affordable Housing

means any sort of relief, based upon an individual's circumstances, provided for a Residential Dwelling which may be subject to a housing agreement with the Village of Pemberton;

Aggregate Extraction

means with a permit issued by the appropriate provincial authority the user can mine, quarry, dig or remove materials or minerals from neither the surface or below the surface of a Lot, including, such as but not limited to the following:

- earth, soil, peat, sand and gravel;
- rock and natural substances that are used for a construction purpose on land that is not within a mineral title or group of mineral titles from which the rock or natural substance is mined; and
- rock or a natural substance prescribed under the *Mineral Tenure Act*, as amended from time to time;

Aggregate Processing

means the processing of extracted quarry materials which includes but is not limited to one or more of the following:

- material sorting;
- crushing;
- screening;

- stockpiling;
- washing;
- truck loading; and
- the on-site operation of a portable asphalt or cement plant;

Agriculture

means the use of the Land, Buildings or Structures involved on carrying on a farm business that is complying with normal farming practices and includes but is not limited to:

- (a) the growing, producing, rearing, or keeping of animals or plants including without limiting the following:
 - i) apiculture, (beekeeping)
 - ii) berries,
 - iii) greenhouses, nurseries, specialty wood and turf crops,
 - iv) livestock and farmed game,
 - v) tree, field and forage crops.
- (b) the processing of agricultural products harvested, reared or produced by the farm business, and
- (c) the retail sales of the products;

Agriculture, Intensive

means the use of the Land, Buildings or Structures involved on carrying on a farm business that is complying with normal farming practices and includes but is not limited to:

- (a) the growing, producing, rearing, or keeping of animals or plants including without limiting the following:
 - i) fur farms,
 - ii) mushrooms,
 - iii) feedlots,
 - iv) caged poultry operations, and a
 - v) piggery operation.

Airport

means a Land Use that hosts a complex of runways for the takeoff and landing of airplanes and includes airstrips, terminal Buildings or Structures, hangars and Accessory uses;

Alter

means any change to a Building or Structure that would result in either a change to the appearance of the Building or Structure, increase the floor area or both;

Animal Kennel

means the use of Land, Buildings or other Structures in which domestic animals are kept, boarded, bred or trained for commercial gain;

Animal Hospital

means the use of Land and or any Building or Structure in which animals are medically treated or hospitalized;

Approving Officer

means the Approving Officer appointed pursuant to the *Land Title Act*, as amended from time to time;

Apartment

means a residential Building or Structure containing three or more individual dwelling units in a Building or Structure where each dwelling unit has its principal access from an entrance or hallway that is common to at least one other dwelling unit on the same storey;

Automobile-Oriented Uses

means a use providing for the retail sale of automobiles, trucks, boats, recreational vehicles and related parts and accessories, and includes facilities to service, wash or repair; excludes gasoline service stations;

Automobile Salvage and Wrecking Yard

means a use providing for towing, unenclosed and closed storage, and or the dismantling from time to time, of more than one unlicensed or Disabled Motor Vehicle, which may include the retail sale of automobile parts;

Average Finished Grade

means the average of the elevations taken at the outermost corners of the finished elevation adjoining each exterior wall of a Building or Structure;

Aviation Business

means a commercial or industrial activity that is directly related to airport operations or activities, but specifically excludes Short-Term Vacation Accommodation;

Basement

means the floor of a Building or Structure consisting of a room or rooms that are either partially or entirely below the natural grade level;

Boarding Residence

means accommodation ancillary to an educational facility use that has been provided for either the students and staff or both;

Buffer

means a Land Use planning technique used to create a neutral space between two different

types of Land Uses;

Building or Structure

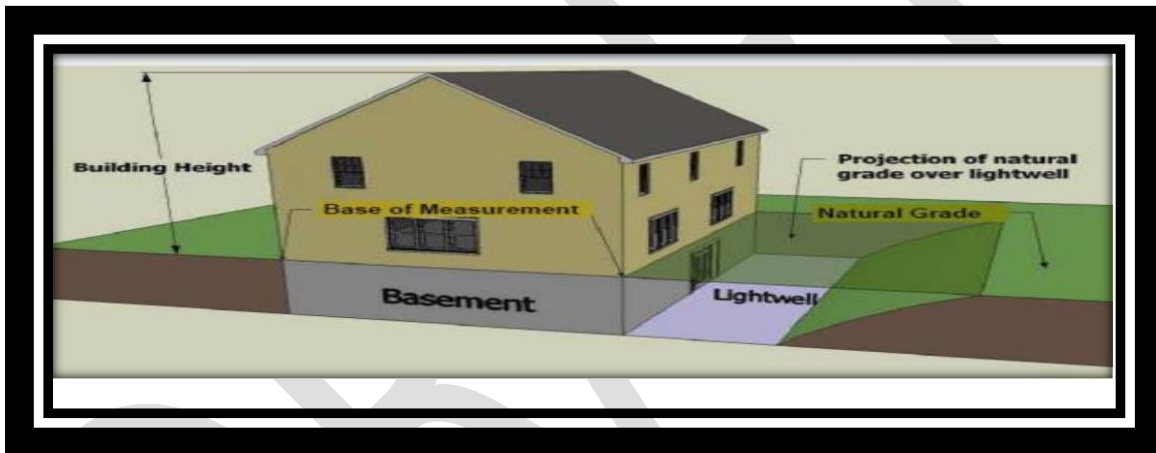
means any Structure and portion thereof, including affixed mechanical devices, that is used or intended to be used for the purpose of supporting or sheltering any use or occupancy on the Land;

Building Area

means the greatest horizontal area of a Building or Structure above grade within the outside surface of the exterior walls or within the outside surface of the exterior walls and the centre line of firewalls and includes the entire Building footprint including the non-habitable areas such as the garage and carports;

Building Height

means the average vertical distance from the natural grade level at the outermost corners of a Building or Structure to the highest part of the roof surface, as illustrated below;



Building Officer

means the individual appointed or under contract as the Building Officer of the Village of Pemberton;

Building Line

means the extended line of the exterior wall of a Building or Structure, and in particular;

- (a) **Front Building Line** – means the extended line of the exterior wall of a Building or Structure which faces the front Lot line,
- (b) **Rear Building Line** – means the extended line of the exterior wall of a Building or Structure which faces the rear Lot line,
- (c) **Side Building Line** – means the extended line of the exterior wall of a Building or Structure which faces the side Lot line;

Bulk Storage

means the use of Land, Buildings or other Structures for above or below ground storage containers, or any combination thereof, of petroleum, petroleum products, water,

chemicals, gases, or similar substances for subsequent resale to distributors or retail dealers or outlets;

Business and Professional Offices

means the use of a Building or Structure, outside of a Home Occupation 1 or 2, for the purposes of carrying out business and professional activities in an office environment;

Cabin

means a simple Building or Structure providing temporary accommodation for travelers at a motel or tourist camp;

Campground

means the use of Land, managed as a unit and includes Buildings or other Structures for a range of camping experiences which provides Temporary Accommodation for any or all of the following:

- Cabins and cottages,
- tenting sites,
- tent trailers,
- travel trailers,
- recreational vehicle sites and campers, and

includes Accessory facilities which support this use, such as administration offices, laundry facilities or general washroom facilities, but excludes the habitation of manufactured homes, modular homes or any other Buildings or Structures, conveyances or Motor Vehicles;

Carriage House

means a Residential Dwelling Unit which is separate from the Permitted Detached Dwelling Unit but is on the same Lot;

Carport

means an open or enclosed structure attached to the Permitted Building or Structure for the use of parking or for temporary storage of private Motor Vehicles;

Chief Administrative Officer

means the individual appointed as the Chief Administrative Officer of the Village of Pemberton;

Commercial Uses

means the provision of goods and services as a Land Use activity that is carried out for financial gain or profit, by any person and has a current and valid business license provided by the Village of Pemberton. This includes but is not limited to the following Land Use activities:

- artisan activities
- arts and craft shops and arts and culture shops,

- automobile-orientated uses – excluding automobile storage and wrecking yards, but including; auto body shops and automobile sales facilities,
- banks and or credit unions,
- building supply outlets,
- bulk storage facilities,
- business and professional office,
- Campground,
- commercial kitchens and catering services,
- Community Care Facility,
- convenience stores,
- country inn,
- drive-in restaurant,
- equipment rental and repair operations,
- food concessions,
- gas bar – solely for the retail sale of Motor Vehicle fuels and lubricants and may include the sale of automobile accessories,
- gasoline service station, - which includes the servicing and repairing of Motor Vehicles and may include an Accessory car wash, but excludes all body repairs and painting of Motor Vehicles
- general retail or wholesale operations,
- grocery store,
- medical clinics
- motel and hotel,
- neighborhoods pub,
- neighborhood store
- personal services uses,
- recreation and leisure retail uses,
- restaurant uses,
- short-term vacation accommodations;

Community Care Facility

means the use of Buildings or other Structures where a person provides care of three or more persons and is under permit by the Provincial Government pursuant to the *Community Care and Assisted Living Act*, as amended from time to time;

Community Uses

means the use of Land, a Building or Structure which provides a function under the auspices of either the federal, provincial or municipal government or a community body which includes but is not limited to the following:

- government offices,
- Parks,
- water treatment plants,
- sewer treatment plants,
- kindergartens, playschools, daycare and child care,
- Community Care Facility,
- Community Gardens,
- school,

- college,
- hospital,
- community recreation centre,
- community hall,
- library,
- museum,
- police station,
- fire hall,
- places of worship,
- auditorium,
- youth centre,
- social hall,
- sports fields, and
- group camps;

Community Gardens

means a Lot that is provided to the residents of Pemberton for the purposes of growing fruits, vegetables and flowers;

Community Sewer System

means a system of waste water collection, treatment and disposal that is serving two (2) or more Lots;

Community Water System

means a system for the distribution of fresh potable water serving two (2) or more Lots;

Comprehensive Development Zone

means a Land Use Zone that permits a mix of Land Uses such as Commercial, Residential and parks;

Cottage

means a simple Building or Structure providing temporary accommodation for travelers at a motel or tourist camp;

Council

means the Council of the Village of Pemberton;

Disabled Vehicle

means all or part of any irreparable or salvageable vehicle or all or part of any Motor Vehicle which is not validly registered and licensed in accordance with the *Motor Vehicle Act*, and which is not located in a garage or carport;

Development

means any of the following:

- physically altering the landscape in any number of ways,
- changing the landform, from a natural state to a semi natural state,
- subdividing the land,
- applying for a Land Use change,
- a change in the use of any Building or Structure, and
- the carrying out of any, engineering or the construction, addition or alteration of any Building or Structure;

Detached Dwelling

means a Residential Building or Structure containing not more than one Permitted Residential Dwelling Unit;

Duplex Dwelling

means a Residential dwelling consisting of two dwelling units placed one above the other or attached by a common wall;

Dwelling Unit

means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking, sanitation and not more than one kitchen. The use is as a residence for the occupant and includes but is not limited to the following types:

- (a) Accessory Residential Dwelling,
- (b) Accessory Residential Suite,
- (c) Apartment,
- (d) Carriage House,
- (e) Detached Dwelling,
- (f) Duplex Dwelling,
- (g) Manufactured Homes,
- (h) Townhouse, and

does not include any of the following:

- (i) buses,
- (j) Cabins or Cottages
- (k) any type of Motor Vehicle,
- (l) recreation vehicle
- (m) tents, and
- (n) travel trailers;

Elevation

means, with respect to the definition of Average Finished Grade, a measurement of the height of Land above an assumed datum;

Farmers' Market

means a physical retail market featuring foods sold directly by farmers to consumers and typically consisting of booths, tables or stands, outdoors or indoors, where farmers sell their

Agricultural products and sometimes prepared foods and beverages. It may include mobile Food Trucks and the sale of arts and crafts but excludes the sale of farm machinery, implements, tools and durable goods of every kind, other than gardening supplies.

Fence

means a protective, enclosing or visual barrier made of wood, metal or other substances that is constructed for any purpose, such as marking the boundary of a property and enclosing a property, except as required elsewhere in this Bylaw; it generally is providing privacy; preventing access by people or animals; or dividing a property into sections. This excludes the use of hedges, trees, and other types of vegetation;

Floor Area Ratio (FAR)

means a ratio between the Building or Structure size and the Lot size that is used to control the bulk of the Building or Structure.

Floor Area, Gross (GFA)

means the total area of space on all storeys and the basement of a Residential Building or Structure measured to from the exterior wall to the exterior wall, and for the purposes of a commercial Building or Structure excludes areas used for storage and warehouse;

Food Truck

means the use of a licensed vehicle equipped with facilities for the preparation, cooking and serving of food to consumers from a temporary location, and may include a mobile food cart capable of dispensing food. The Food Truck operator must have a valid and current business license issued by the Village of Pemberton and must have a valid Vancouver Coastal Health Authority food service permit;

Garage

means an Accessory Building, Structure or that portion of a Permitted Building or Structure, that is used for the parking of one or more Motor Vehicles and is totally enclosed with a roof, walls, and one or more doors;

Golf Course

means an area of Land that typically consists of 9 or 18 holes, with each hole generally consisting of; a tee area, a fairway area, a putting area and one or more natural or artificially created hazards. The course may also supply any accessories uses such as but not limited to the following:

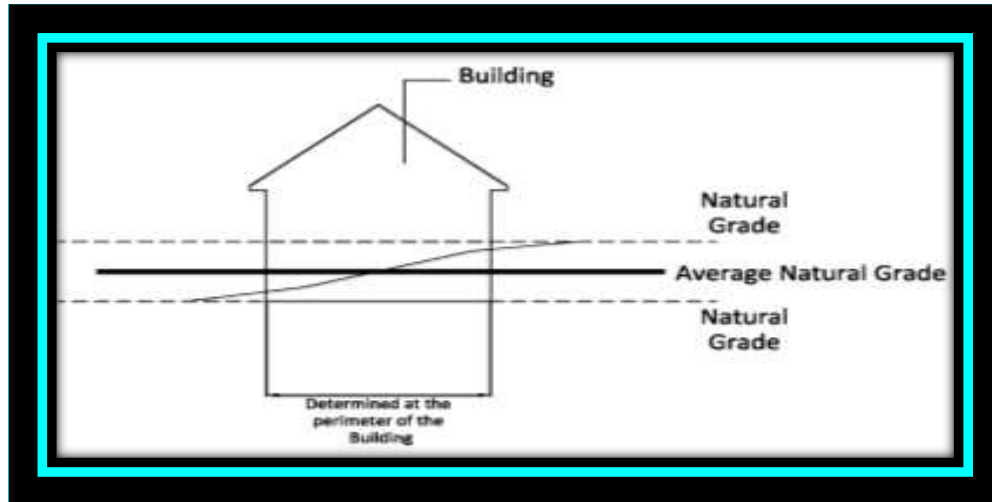
- club house,
- retail sales of golf equipment,
- driving range,
- putting green,
- mini putt area,
- golf schools, and a
- RV Park;

Grade

means the lowest of the average levels of finished ground adjoining each exterior wall of a Building or Structure, except that localized depressions such as for vehicle or pedestrian entrances must be excluded in the determination of average levels of finished ground;

Grade, Average

means the average of the highest and lowest Grade elevation on a Lot as illustrated below:



Greenhouse

means a Building or Structure covered with translucent material and used for the purpose of horticulture;

Highway

has the same definition as outlined in the British Columbia *Transportation Act*, as amended from time to time, but specifically excludes the following:

- Ferry Approach,
- Ferry Terminal,
- Right-of-ways on any Lot, and
- Tunnel;

Home Occupation 1

means an Accessory use of a Lot in conjunction with a Permitted Residential Use for businesses purposes that is contained entirely within the permitted Residential Use or any of the Accessory Buildings or Structures required for this Residential Use, such as but not limited to the following Land Use activities:

- art and photographer's studio,
- artisan activities,
- arts and craft shops,
- day care facilities,
- home workshops, and

- household equipment repair services, and
- professional services;

Home Occupation 2

means an Accessory use of a Lot in conjunction with a Permitted Residential Use for businesses purposes that requires outside storage of either the product or the equipment used to create the product, such as but not limited to the following Land Use activities:

- contractor services,
- logging operations,
- resource extractions,
- trucking company, and
- upholstering services;

Industrial

means a use providing for the manufacturing, processing, fabricating, assembling, storage, transporting, distributing, wholesaling, warehousing, testing, servicing, repairing, wrecking, or salvaging of goods, materials, or things and may include Land Uses such as but not limited to the following;

- bulk fuel storage,
 - chemical storage,
 - aggregate Processing,
 - Motor Vehicle washing facilities,
 - log storage,
 - Agricultural processing plants and non-agricultural processing plants, and
- it may include Accessory use such as but not limited to the following;
- heavy equipment sales and or rentals,
 - recycling services, and
 - retail sales;

does not include any of the following uses;

- the burning of any salvaged or recycled materials,
- any uses for which a permit is required under the *Environmental Management Act* or Regulations, as amended from time to time,
- the burning of any vehicles, and
- refuse and garbage dumps;

Intermodal Shipping Container

means a standardized intermodal freight container that can be used as a reusable transport and storage unit for moving products and raw materials between locations;

Lane

means a Highway located abutting to the Rear Lot Line and is a maximum of 6.0 M wide;

Land

means real property without improvements, and includes the surface of water;

Licensed Premises

means premises licensed to serve liquor and food under the *Liquor Control and Licensing Act*, as amended from time to time. Licensed Premises may provide Accessory live entertainment and dancing;

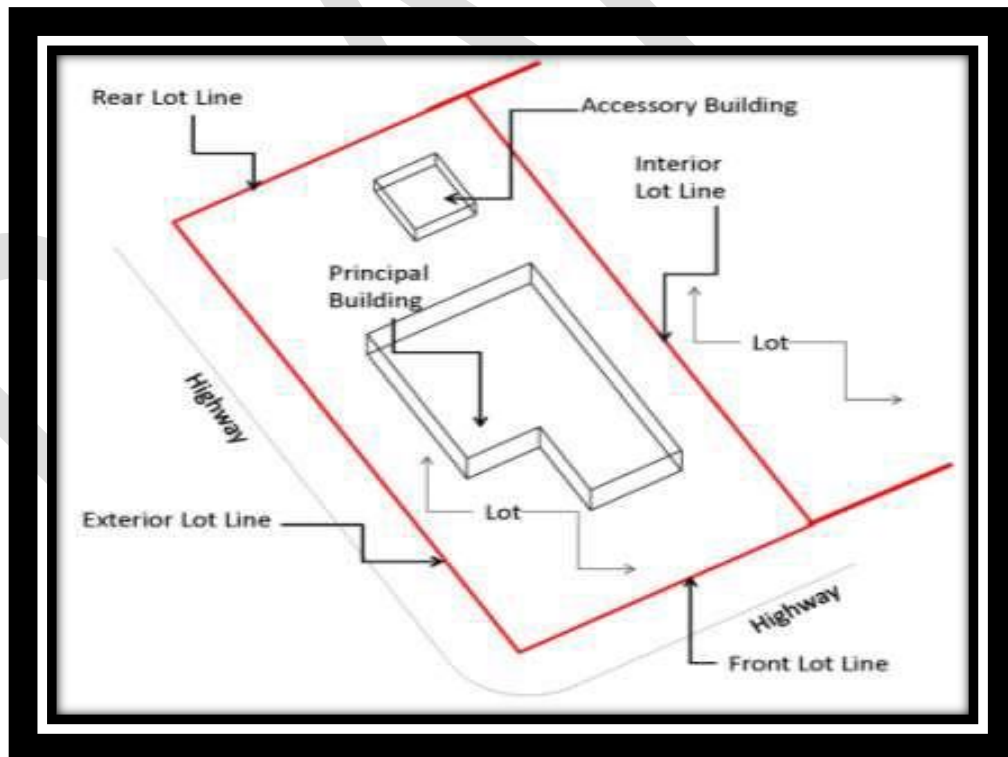
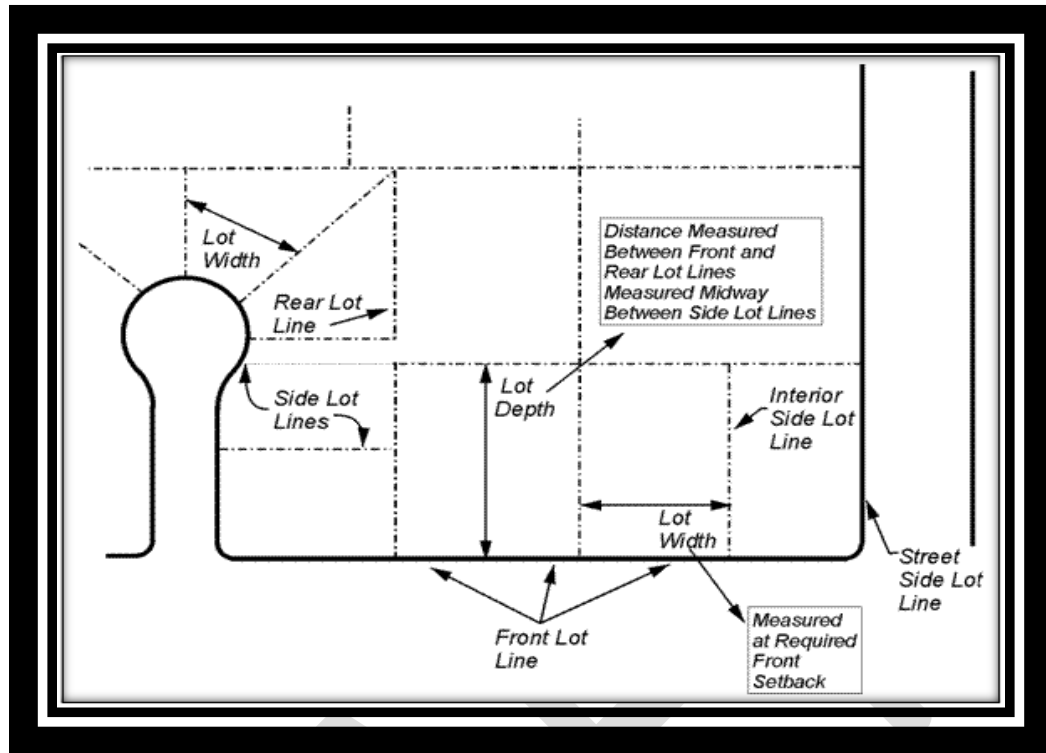
Livestock

means chickens, horses, turkeys, cattle, mules, donkeys, hogs, rabbits, sheep, goats, bison, llamas and alpacas as well as any other animal or fowl used in the production of food, fur or similar products;

Lot

means an area of Land in which real property is held and improved or subdivided and includes a strata Lot created pursuant to the *Condominium Act* and the related Bare Land Strata Regulations, as amended from time to time and in particular;

- (a) **Lot Coverage** – means the Building Area of all the Buildings and Structures that are allowed to cover a Lot and is expressed as a percentage figure of the total area of the Lot;
- (b) **Exterior or Street Side Lot Line** – means a Lot Line common to the Lot and abutting a Highway and excludes a Lane or sidewalk. Please see the Lot diagrams below;
- (c) **Front Lot Line** – means the Lot Line common to the Lot and an abutting Highway, provided that in the case of a Lot having more than one Lot Line abutting a Highway, the shortest Lot Line abutting a Highway must be considered as the Front Lot Line. Please see the Lot diagrams below;
- (d) **Interior Side Lot Line** – means a side Lot Line that is not common to or abutting a Highway and excludes a lane or sidewalk. Please see the Lot diagrams below;
- (e) **Lot Depth** – means the distance between the Front Lot Line and the most distant part of the Rear Lot Line of a Lot. Please see the Lot diagrams below;
- (f) **Lot Line** – means a line that is used to mark the boundaries of a Lot. Please see the Lot diagrams below;
- (g) **Lot Width** – means the greatest distance between the Side Lot Lines, excluding the access strip of a Panhandle Lot. Please see the Lot diagrams below;
- (h) **Minimum Lot Size** – means the smallest size of a Lot that can be created by Subdivision;
- (i) **Panhandle Lot** – means any Lot, the Building Area of which is serviced and gains access or egress and has a Highway frontage by means of a narrow strip of land or the “access strip”. The access strip is not included in the minimum Lot calculations;
- (j) **Lot Width** – means the greatest distance between the Side Lot Lines, excluding any access strip. Please see the Lot diagrams below;



Marihuana

has the same meaning as outlined in the federal governments Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, as amended from time to time;

Marihuana Dispensary

means a use of Land, a room, Building or Structure where marihuana or any marihuana by-product is prepared and provided to any member of the public for a fee or if applicable to any club member that may or may not include any payment of club fees. This includes but is not limited to the delivery of the product and the operation of any club, or any not for profit or profit organization that provides this type of product or service, but excludes a Medical Marihuana Production Facility;

Marihuana Operation

means the cultivating, growing, producing, packaging, storing, distributing, dispensing, advertising, trading or selling of cannabis (marihuana) or its derivatives but excludes Medical Marihuana Production Facility;

Market Garden

means the use of Land for commercial growing and harvesting, which contributes to the production of agricultural, floricultural, or horticultural products for on-site or off-site sales;

Medical Marihuana Production Facility

means the use of Buildings and Structures for the purposes of growing, processing, packaging, testing, destroying, storing or shipping Marihuana as authorized by a license issued under the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, as amended from time to time;

Micro-Brewery, Winery and Distillery

means the use of land, Buildings and Structures, licensed under the *Liquor Control and Licensing Act* as amended from time to time, on which there is small scale manufacturing of beer, ale, cider, wine or spirits, and may include the Accessory use of wholesaling, tours, tastings, retail sales and consumption of liquor produced on-site, as well as the sale of related non-liquor products;

Motor Vehicle

has the same meaning as in the *Motor Vehicle Act* and includes a Disabled Vehicle;

Manufactured Home

means a factory built Residential Dwelling Unit, certified prior to a placement on the Lot as having been built:

- (a) as a modular home in accordance with CSA A277 building; or
- (b) as a mobile home in accordance with CAN/CSA Z240 building regulations and registered in the BC Manufactured Home Registry.

arriving at the Lot ready for occupancy apart from incidental operations and connections into a sewer system and water system.

Municipality

means the Village of Pemberton;

Natural Boundary

means

- (a) the visible high watermark of any body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the water body a character distinct from its banks, in vegetation, as well as in the nature of the soil itself, and
- (b) the edge of the dormant side channels of the water body;

Natural Conservation Area

means Land that is retained in its natural state for the purposes of protecting and preserving natural ecosystems and the biological diversity;

Natural Grade

means with reference to a Building or Structure not requiring subdivision, the elevation of the ground surface in its existing state at each of the points used in calculating the Height Datum Points, prior to any disturbance, alteration, excavation or filling, as determined by a registered land surveyor;

Neighbourhood Pub

means an establishment licensed to serve liquor in conjunction with or without live entertainment and or dancing as a Liquor-Primary establishment under the *Liquor Control and Licensing Act* as amended from time to time, and must offer full lunch and dinner menus complete with hot and cold meals;

Off-Street Parking

means the use of Land for the parking of Motor Vehicles other than on a Highway including the parking spaces and the maneuvering aisle. **(The Off-Street Parking may or may not be contained within a Building or Structure or on a Lot) -keep or not;**

Off-Track Betting

means the payment of funds to and or the receiving of funds from a provincially licensed, by the BC Lottery Corporation and or the BC Gaming Policy and Enforcement Branch, facility and includes any of the following:

- (a) teletheatre wagering,
- (b) simulcast wagering, and
- (c) satellite wagering;

Outdoor Storage and Equipment

means the use of land or Buildings and Structures for the keeping of any goods, material, merchandise or vehicles associated with a Permitted Use, in an unroofed area or a roofed area with unenclosed sides, and on the same Lot for more than 24hours.

Park

means an area of Land created or established under any of the following pieces of legislation:

- (a) the *Park Act*,
- (b) the *Park (Regional) Act*,
- (c) the *Local Government Act*, or the
- (d) *Land Title Act*,

and includes but may not be limited to anyone of or any combination or all of the following:

- (e) an open space with general public access for active or passive recreational use and includes natural and manmade landscaping, facilities, playing fields, Buildings, and other Structures that are consistent with the general purposes of the parkland, and includes but is not limited to the following: tot Lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, and water features, and
- (f) ecological or conservation reserves;

Permitted Use

means a use, Building or Structure, which occupies the majority or central portion of Land and constitutes, the primary purpose for which the Land is to be used as outlined by this Zoning Bylaw;

Personal Service Establishment

means the use of a Building or Structure where personal services are provided and goods Accessory to the provision of such services may be sold, and includes but is not limited to the following;

- (a) barber shop,
- (b) beauty salon,
- (c) shoe repair shop,
- (d) dry cleaning and or laundromats,
- (e) electrical appliance repair,
- (f) upholstery,
- (g) watch repair,
- (h) photographer,
- (i) tailor or dressmaker, and
- (j) travel agency,
- (k) tanning salons,
- (l) printing shops, and
- (m) other similar services;

Pervious Surface Coverage (add to the zone regulations – yes 40%)

means the total area of a Lot that is incapable of allowing precipitation to penetrate to underlying soils due to the presence of Buildings or Structures or other impermeable surfaces, except impermeable surfaces that are naturally occurring on the Lot;

Places of Worship

means the use of a Building or Structure wherein persons assembly for religious worship and which is maintained and controlled by a religious body which is recognized as exempt from taxation under the Canadian Income Tax Act;

Professional Service

means the use of Land, Buildings or other Structures where services are provided directly to the customer, patient, or client, with or without the Accessory retail sales of goods related to the service provided, and includes but is not limited to the following:

- (a) accounting services;
- (b) chiropractic services,
- (c) engineering services
- (d) financial services,
- (e) legal services,
- (f) medical health and dental practice,
- (f) real estate services, and
- (f) therapeutic massage services,

Recreation and Leisure Retail

means a retail store that specializes in the selling, renting and repairing of goods and articles that are used in the pursuit of recreation and leisure activities of the outdoor variety, such as skiing, snowboarding, cycling and mountain biking, hiking, camping, mountain climbing, kayaking, canoeing, and other similar activities, and would exclude stores where the merchandise is not the Permitted focus of such activities;

Recreational Facility

means the use of Land, Buildings or other Structures for sports and leisure activities and may include but is not limited to any or a combination of the following:

- (a) health spas,
- (b) racquet sports,
- (c) swimming pools,
- (d) skating rinks,
- (e) curling rinks,
- (f) weight rooms,
- (g) dance studios,
- (h) physical fitness instructional courses, and
- (i) equipment rentals,

and any Accessory uses but specifically excludes outdoor Riding Academies, Golf Courses and Campgrounds;

Recycling Facility

means the use of Land, Buildings or other Structures used as a collection facility and distribution point for materials regulated under the *Environmental Management Act* Product Stewardship program, but specifically excludes tires. All materials must be collected and stored within a Building or Structure. A recycling facility does not include processing, except packaging for shipping, and does not include outdoor storage;

Refuse Disposal Site

means the use of Land, Buildings or other Structures as a sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site approved or registered pursuant to the *Environmental Management Act* for the processing, treatment, storing, recycling or land filling of municipal, hazardous or industrial waste, but does not include automobile wrecking yard;

Resource Extraction

means uses that accommodate the extraction of primary resource activities relating to forestry and mining;

Resource Processing

means the use of Land, Buildings or other Structures providing for the processing, storage and wholesaling of Resource materials and includes value added wood processing;

Residential Use

means a Building or Structure that is used as a fixed place of living, and excludes any Temporary Accommodation and Short-Term Vacation Accommodation, to which a person intends to return to when absence. This includes but is not limited to the following Land Use activities:

- Accessory Residential Dwelling,
- Accessory Residential Suite,
- Apartments,
- Detached dwelling,
- Duplex dwelling,
- Manufactured Homes, and
- Townhouse;

Restaurant Use

means a use of Land, Building or Structure for 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, which may or may not be licensed pursuant to the *Liquor Control and Licensing Act*, as amended from time to time;

Retail Store

means the use of a Building or Structure for the retail sale or rental of goods, wares, articles and other merchandise to the general public;

Riding Academy

means the use of Land, Buildings or other Structures where horses are boarded and cared for, and include instruction for in riding, jumping and showing, horses rentals for riding, and Accessory Equestrian related events or shows.

Screening

means a continuous planting of vegetation or other similar solid fence like barriers or any combination thereof, that effectively obstructs the view or denies physical access to Land or a portion thereof and may be broken by driveways or walkways;

Self-Service Storage Facility

means a use of Land, Building or Structure for the purpose of providing individual storage spaces.

Setback

means the minimum distance, measured from the respective Lot line, that a Use, Building or Structure must be setback from that Lot line;

Short-Term Vacation Accommodation (name change?)

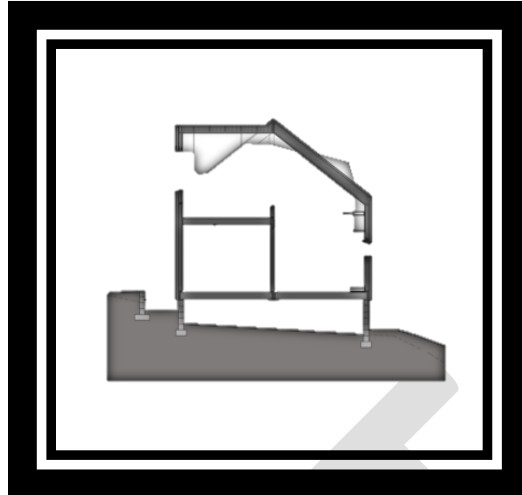
means a Building or Structure containing one or more rooms or a dwelling unit that are used primarily for Temporary Accommodation by visitors for a certain fee. The operators of the Short-Term Vacation Accommodation must have a valid and current Village of Pemberton business license and includes but is not limited to the following Land Use activities:

- (a) bed and breakfasts,
- (b) country inns,
- (c) temporary farm tourist accommodation
- (d) hostels,
- (e) hotel,
- (f) motel,

Storey has the same meaning as under the *BC Building Code*;

Storey, First

means the lowest storey of a Building or Structure having its floor not more than 2 m above grade. See the diagram below;



Storey, Half

means the uppermost level of a Building or Structure where the floor area, existing, proposed or as may be extended over open-to-below space, and having a minimum ceiling height of 1.2 m, does not exceed 50% of the storey immediately below. See the diagram above;

Subdivision

means the division of Land or Lots into two (2) or more Lots or Lots of Land, whether by plan, apt descriptive words or otherwise and includes a plan consolidating two or more Lots or Lots of Land into the same or a lesser amount of Lots or Lots of Land;

Temporary Accommodation

means a total of 28 days or less in a calendar year;

Townhouses

means a Building or Structure containing three (3) or more Residential Dwelling Units, each which has its own separate access not located through a common lobby or corridor;

Utilities

means a use providing for the essential servicing of the Village of Pemberton with water, sewer, electrical, telephone and similar services where such use is established by the Village, by another governmental body or by a person or company regulated by and operating under Federal and Provincial legislation, and includes broadcast transmission facilities but excludes a Works Yard;

Watercourse

means a river, creek, stream, wetland or other natural body of water;

Waste Transfer Station

means the use of Land, or a Building or Structure for the temporary deposition of waste and

the deposit of recyclable materials. Waste Transfer Stations are generally used as places where local collection vehicles will deposit their waste and or recyclable cargo prior to loading it into larger vehicles;

Wetland

has the same meaning as under the *Riparian Areas Regulation*;

Works Yard

means the use of Land, Buildings and Structures operated by, or on behalf of, the Village of Pemberton, Province of British Columbia or Government of Canada, for the interior and exterior storage, maintenance or repair of buildings, infrastructure, materials or equipment. The use may include office space but excludes communication tower &/or electrical sub-station, and

Zone

means an area of the Municipality for which specific Land Use regulations are hereinafter outlined in this bylaw and its schedules.

1.5 Violation

- a) Any person who:
- i) Violates any of the provisions of this Bylaw;
 - ii) Causes or permits any act or thing to be done in contravention or violation of any provision of this Bylaw;
 - iii) Neglects to do or refrains from doing any act or thing which is required to be done by any provisions of this Bylaw;
 - iv) Carries out, causes or permits to be carried out any Development in a manner prohibited by or contrary to this Bylaw;
 - v) Fails to comply with an order, direction or notice given under this Bylaw; or
 - vi) Prevents or obstructs or attempts to prevent or obstruct the authorized entry of any of the Enforcement persons noted in Section 1.8 below,

commits an offence against this Bylaw and is liable to the penalties imposed under this Bylaw;

- b) Each day that an offence of this Bylaw is caused to continue, allowed to continue, constitutes a separate offence.

1.6 Penalty

A person who contravenes this Bylaw is liable on summary conviction to a penalty of not less than \$200 and not more than the maximum prescribed under the *Offence Act* of British Columbia and to the costs of prosecution. **(Use MTI and not Summary)**

1.7 Severability

If any part, section, subsection, paragraph, sentence, clause, phrase or schedule of this Bylaw is for any reason found invalid by the decision of any Court of competent jurisdiction,

such decision must not affect the validity of the remainder of this Bylaw or the validity of the Bylaw as a whole.

1.8 Enforcement

The following person is hereby appointed by Council to administer this Bylaw, the;

- i) Chief Administrative Officer and his or her designate.

1.9 Establishment of Zones

1.9.1 Creation of Zones

- a) The Village of Pemberton is divided into Zones depicted on Schedule A which is attached to and forms a part of this Bylaw and is paper copy of the official Zoning map for the Municipality.
- b) The official version of the Zoning Maps shown as Schedule A is kept in electronic form in the Municipality's GIS System. In the case of conflict between the contents of a paper document copy of the Zoning Map and the electronic form of the Zoning Map, the contents of the electronic version must prevail.
- c) The location of each Zone is defined on Schedule A.
- d) Where a Zone boundary is shown on Schedule A as following a highway, rail right-of-way, utility line, easement or watercourse must be the Zone boundary.
- e) Any dashed Zoning boundary lines used in Schedule A must be interpreted as if they were solid lines.
- f) Where a Zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary must be determined by scaling from the Zoning Map by a surveyor.
- g) Where a Lot is divided by a Zone boundary, the areas created by such division must be regulated based upon the requirements of each Zoning boundary.

1.9.2 Zone Names (current zones inserted at this time)

The Zoning boundaries, as shown on the Schedule A, are as follows:

Column 1	Column 2
Zone Name	Abbreviation
Residential	RS-1
Residential Small Lot	RS-2
Residential Townhouse	RT-1
Residential Amenity Zone	XX
Residential Townhouse Amenity Zone	XX
Residential Country Inn	RC-1
Residential Manufactured or Mobile? Home	MHP-1
Town Centre Commercial	C-1
Tourist Commercial	C-2
Portage Road Commercial	C-3
Service Commercial	C-4

Neighbourhood Pub Commercial	C-5
Industrial	M-1
Public	P-1
Park and Recreation	PR-1
Agricultural	A-1
Airport	AP-1
Comprehensive Development	CD
Educational Use	E-1
Resource Zone	R-1

1.10 Covenants against Buildings or Structures and Subdivision or use

Where under this Bylaw an owner of Land or a Building or Structure is required or authorized to grant a covenant restricting Subdivision, strata plan registration, use or Development of Land, the covenant must be granted to the Municipality and registered pursuant the *Land Title Act*, as amended from time to time, with priority over all financial charges, and under the terms of the covenant the owner must indemnify the Municipality for any fees or expenses the Municipality may incur as a result of a breach of the covenant by the owner.

PART 2.0 INTERPRETATION

2.1 Measurements and Calculations

- a) All dimensions and measurements in this Bylaw are expressed in the Standard International Units (metric) system;
- b) Any imperial conversions are provided for convenience only and have no force or effect; and
- c) For the purposes of Part 6 Parking and Loading Requirements, in this Bylaw, units of measure must be interpreted as follows:
 - i) where the sum of the calculation of the required total stall or special stall designation results in a fraction, unless otherwise stated, the required stalls are to be the next higher whole number if the fraction is 0.5 or greater, and the next lower whole number if less than 0.5;
 - ii) words used in the present tense include the future tense; and
 - iii) words used in the singular include the plural.

2.2 Metric Conversion, Measurements and Abbreviations

2.2.1 Conversions

The following metric conversions are provided for the convenience of the reader of this Bylaw:

1 metre=3.28 feet	1 sq. ft. = .093 sq. m
1 foot = 0.30 metre	1 hectare (ha) = 2.47 acres
1 sq. metre (m ²) = 10.76 sq. ft.	1 acre = 4047 sq. m or 0.405 ha
1.5 metres = 4.92 feet	3 metres = 9.84 feet
7.5 metres = 24.60feet	4.5 metres = 14.76 feet
1400 sq. m = 15,064 sq. ft. or 0.34 acres	2000 sq. m = 21,520 sq. ft. or 0.49 acres
4047 sq. m = 43,560 sq. ft. or 1 acre	2 ha = 4.94 acres
4 ha = 9.88 acres	20 ha = 49.4 acres

2.2.2 Measurements

All dimensions and measurements in this Bylaw are expressed in the Standard International Units metric system;

2.2.3 Abbreviations

For the purposes of this Bylaw, the following units of measure may be abbreviated as specified in brackets:

- i) metre (m);
- ii) cubic metre (m³);
- iii) square metre (m²);
- iv) hectare (Ha);
- v) units per hectare (u/Ha);
- vi) per cent (%).

2.3 Explanatory Notes and Figures

All text in this Bylaw which are either capitalized or italicized, except titles of legislative acts, statutes and regulations, and explanatory figures have a definition applied to them. Where a conflict between explanatory notes and figures and a regulation in this Bylaw occurs, the regulation must be taken as correct.

2.4 Conflicting Regulations

Where this Bylaw contains two or more regulations that could apply to a situation, the most restrictive regulation must apply to the extent of any conflict. Where this Bylaw conflicts with other regulations the restrictive legislation must apply, unless the conflict is outside of the responsibility of the Municipal Council.

2.5 General and Specific Regulations

Where this Bylaw contains both general and specific regulations that could apply to a situation, the more specific regulation must apply.

2.6 Bylaw Format

The format of this Bylaw follows a simple layout intended to facilitate its use. Major divisions within the Bylaw are called Parts and major divisions within Parts are called Sections and

major divisions within Sections are called Sub-Sections. The divisions are as described.

2.7 Minimum Lot Size

Where a Minimum Lot Size regulation applies in a Zoning boundary, the dimensions which follow such regulations are to be interpreted as:

- a) The minimum dimensions permissible for a Lot which is to be used as the site of Buildings or Structures for the use specified therein;
- b) The minimum dimensions permissible for a new Lot that is to be created by Subdivision; and
- c) Applies to a Lot of Land as well.

2.8 Minimum Lot Width

Where a Minimum Lot Width regulation applies in a Zoning boundary, the dimensions which follow such regulations are to be interpreted as the minimum dimensions permissible for the width of a new Lot, and where a percentage is used it must mean the percentage of the perimeter of the new Lot.

2.9 Maximum Number, Density and Size

Where a Building and Structure and a Maximum Number, Maximum Density and Maximum Size regulation applies in a Zoning boundary, such regulation must be interpreted as meaning that a Lot which is designated on the Zoning Map of the Village of Pemberton as being regulated by that schedule must not be occupied by:

- a) A greater number of Residential Dwellings than the number specified, and
- b) A Building or Structure that exceeds or is greater than the amount of floor area that is specified.

For the purposes of density, it must include the number of Permitted and Accessory Buildings or Structures or dwelling units permitted per Lot, and it includes; maximum floor area size, Lot coverage permitted on a Lot and the required parking spaces if applicable.

2.10 Maximum Heights

The specification of measurements for Buildings, Structures or Accessory Buildings or Structures under the general heading of Maximum Heights in a Zoning boundary schedule must be interpreted as meaning the greatest height, as height is defined in this Bylaw, to which a Building, Structure or Accessory Building or Structure may be constructed on a Lot which is designated on the Zoning Map as being regulated by that schedule.

2.11 Minimum and Maximum Setbacks from Property Lines

The specification of measurements for front yard, side yard and rear yard under the general heading of Minimum Building Setbacks in a Zoning boundary schedule must be:

- a) Interpreted as defining the minimum distance permitted for Buildings and Structures, excluding fences, between the Front, Side or Rear Lot line and the appropriate setback line on a Lot which is designated on the Zoning Map as being regulated by that schedule; such setback areas constituting the front yard, side yard and rear

- yard respectively, and
- b) Where a use, Building or Structure is specifically referenced with a following measurement, it must be interpreted as meaning that the minimum Lot Line requirement from a property line for that use Building or Structure must be the measurement specified.

2.12 Maximum Lot Coverage

Where a Zoning boundary schedule includes a regulation entitled Maximum Lot Coverage, such regulation must be interpreted as meaning that a Lot which is designated on the Zoning Map as being regulated by that schedule must not have a Lot coverage, as defined in this Bylaw, which exceeds the percentage specified, as defined in this Bylaw for the respective Zone.

2.13 Maximum Floor Area Ratio or Maximum Floor Area

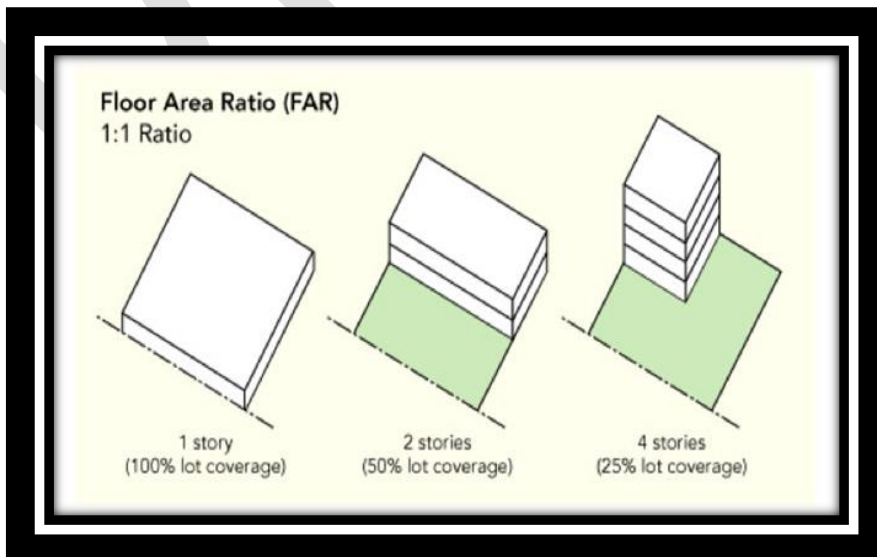
Where a Zoning boundary Schedule includes a regulation entitled Maximum Floor Area Ratio or Maximum Floor Area, it must be interpreted to mean that a Lot in an area designated as being regulated by that Zoning boundary Schedule must not have any Buildings or Structures erected on that Lot that exceeds the maximum floor area or Floor Area Ratio, as defined in this Bylaw for the respective Zone.

2.14 Types of Non-Residential Dwelling Units

A Cabin, Cottage, tent, travel trailer, tee houses, recreational vehicle, bus or other Motor Vehicles or a yurt **are not** considered a Residential Dwelling or an Accessory Residential Dwelling use for the purposes of this Bylaw.

2.15 Calculations of the Floor Area Regulation and the Gross Floor Area

- a) Where a Zone includes a regulation entitled Floor Area Ratio (FAR), the floor area of all Buildings or Structures, including Accessory Buildings or Structures, on the Lot divided by the total area of the Lot must not exceed the ratio identified for the Zone in which the Lot is located. See the FAR illustration below as to how the FAR functions, with respect to controlling the bulk of the Building or Structure:



2.16 Calculation of Gross Floor Area, Floor Area Ratio and Exemptions

- a) Without limiting the generality of the definition of either the Gross Floor Area Ratio or the Floor Area Ratio, the following are excluded from the calculation of the Floor Area Ratio:
 - i) underground parking garages;
 - ii) unenclosed balconies, decks, porches, and verandas;
 - iii) carports;
 - iv) staircases and stairwells;
 - i) elevator shafts;
 - ii) swimming pools and open sundecks; and
 - iii) any portion of either an area or Building or Structure assigned exclusively to mechanical or electric use for the Building or Structure
- b) For the purpose of computing the Floor Area Ratio for a development that includes the conservation or provision of an amenity through density-bonusing, the floor space of the Building or Structure that is occupied by an amenity must not be included as part of the Floor Area Ratio, and
- c) The ratio is calculated as follows:

$$\frac{\text{Gross Floor Area of the Building or Structure}}{\text{Total area of the Lot}} = \text{FAR}$$

PART 3.0 GENERAL COMPLIANCE, PROHIBITIONS AND REGULATIONS

3.1 General Compliance

- a) No person can use, occupy or permit any person to use or occupy any Land, Building or Structure in contravention of this Bylaw.
- b) Nothing contained within this Bylaw relieves any person from the responsibility to seek and comply with other legislation applicable to that use, activity or other matter regulated under this Bylaw.
- c) Every use of Land, Building or other Structure Permitted in each Zone must conform to all the regulations of the applicable Zone and all other regulations of this Bylaw.
- d) A use is only permitted if lawfully established and ongoing in accordance with:
 - i) any applicable Conditions of Use, as identified in each Zone; and
 - ii) such further general regulations applicable to the use, as identified throughout this Bylaw.
- e) A Lot must not be created by Subdivision unless such Lot is equal to or greater than the minimum Lot size and minimum Lot width specified for the Zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.
- f) A Building or Structure must not be constructed, sited, moved or altered unless it complies with the following;

- i) the General Regulations of this Bylaw; and
 - ii) all regulations and requirements specified for the Zoning boundary in which it is located.
- g) A Building or Structure must not be constructed, sited, moved, or altered unless its Screening requirements are provided as specified for the Zone in which it is located in accordance with the Zoning Map, unless otherwise specified in this Bylaw.
- h) A continuation of a non-conforming use, the use of Buildings or Structures must be subject to the provisions of the *Local Government Act*, as amended from time to time.

3.2 General Prohibitions

Any use not expressly permitted in this Bylaw is prohibited in every Zone, and where a particular use is expressly permitted in one Zone, such use is prohibited in every Zone where it is not expressly permitted.

3.3 Uses Prohibited in Zones

The following uses are prohibited in every, unless explicitly mentioned as a permitted use in the respective Zone;

- a) A person must not keep or permit on any Lot in any Zone, any object or chattel which is unsafe, unsightly, or adversely affects the amenities of the Zone. This includes but is not limited to dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, and diesel fuel and gasoline products;
- b) For greater certainty, the following uses are prohibited in all Zones except where permitted for in this Bylaw:
 - i) a track for the racing of Motor Vehicles;
 - ii) the on street parking of PWC other watercraft trailers,
 - ii) storage of explosives, unless authorized by government agencies under the *Canada Explosive Act*;
 - iii) a use involving the storage of scrap metal, Disabled Vehicles, disused items, or as an Automobile Salvage and Wrecking Yard, and a
 - iv) Marihuana Dispensary within 500 metres of any school, Park or community facility, whether in a retail storefront format or through a non-profit compassion club, society or otherwise; **(REVISIT THE 500 M issue)**
- c) The following uses are prohibited in all Residential Zones, Commercial and Community Use Zones except where permitted for in this Bylaw:
 - i) the slaughtering, rendering or processing of any fish or animal products or by-products;
 - ii) barb wire fencing; and
 - iii) a shipping/cargo container or other form of container;
- d) Any Land Use which produce malodorous, toxic or noxious matter, or generates vibrations, heat, glare or radiation discernible beyond the boundaries of the Lot;
- e) Recycling Facility unless it is listed as a permitted use in the respective Zone;
- f) Refuse Disposal Site unless it is listed as a permitted use in the respective Zone;

- g) Waste Transfer Station unless it is listed as a permitted use in the respective Zone;
- h) Temporary accommodation in any Residential Dwelling Unit unless a Short-Term Vacation Accommodation use is permitted in the respective Zone,
- i) Any Resource Processing operation unless it is listed as a permitted use in the respective Zone,
- j) Gaming and gambling establishments, other than charity gaming; and
- k) Medical Marihuana Production Facility.

3.4 Permitted Uses in All Zones (Includes Temporary Buildings and or Structures)

Except as otherwise stated in this Bylaw, the following uses are permitted in all Zones subject to compliance with all regulations that apply to such uses under this Bylaw:

- a) Accessory Buildings, Structures, uses or works customarily incidental to a Permitted Use, provided they are located on the same Lot or within the same strata plan as the Permitted Use and includes Show Homes and Sales Offices;
- b) Community garden, horticulture;
- c) Any approved environmental protection, restoration and enhancement project;
- d) Flood control works undertaken by a government agency;
- e) Highway;
- f) Landscaping, landscape buffer, landscape screen, fence;
- g) Park;
- h) Utility services, excluding offices, maintenance garages and storage areas;
- i) Temporary Buildings, Structures or storage of materials for a maximum of one year, required for an approved construction project on the same Lot provided such temporary Buildings, Structures and storage areas are removed within 30 days of the completion of the project;
- j) Temporary occupancy of a mobile home or recreational vehicle by an owner of a Lot during construction of a permitted Residential Dwelling on the same Lot, that is hooked up to a Community Water and Sewer System and approved by the Village of Pemberton;
- k) Trails, subject to approval of the Agricultural Land Commission if located in the Agricultural Land Reserve;
- l) Government services;
- m) Ecological reserves;
- n) Fish and wildlife habitat enhancement or protection projects;
- o) Watershed protection projects;
- p) Places of Worship; and
- q) Community Gardens.

3.5 Uses Permitted and Prohibited in the Agriculture Zone

- a) Activities explicitly designated as farm uses pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002, as amended from time to time, are permitted in all Agricultural Zones within the Agricultural Land Reserve;
- b) Unless an activity is explicitly designated a farm use, or permitted by this Bylaw pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002, as amended from time to time, the use is prohibited unless approval has been granted by the Agricultural Land Commission for a non-farm use or is subject to Section 23(1) of the *Agricultural Land Commission Act*, as amended from time to time, and the non-farm use is permitted by this Bylaw;

- c) Activities permitted by this Bylaw pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002, as amended from time to time, are explicitly identified as permitted uses within individual agricultural Zones; for such activities, conditions of use apply in accordance with this Bylaw.

3.5.1 Farm Stands

For Zones within which a farm stand is a Permitted use, the farm stand must:

- i) offer for sale food products grown and produced on the Land, except on Lots located within the Agricultural Land Reserve in accordance with the Agricultural Land Use, Subdivision and Procedure Regulation, BC 171/2002, as amended from time to time;
- ii) roadside stands are permitted within a required setback; however, the structure must not obstruct any vision or sight lines to and from a Highway, driveway or Lane and may need permission from the Ministry of Highways and Infrastructure;
- iii) not occupy a Lot area in excess of 10 m², except on Lots located within the Agricultural Land Reserve in accordance of the Agricultural Land Use, Subdivision and Procedure Regulation, BC 171/2002, as amended from time to time;
- iv) not exceed 2.5 m in height; and
- v) not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which must not exceed 0.4 m² in area.

3.6 Projections into Required Setbacks and Exceptions to Siting Requirements

Every part of any Setback required by this Bylaw must be open and unobstructed by any Building or Structure, except that:

- a) A Setback may contain architectural or functional structures or a Building or Structure feature of a such as but not limited to; window sills, sunlight control projections, balconies, cornices, eaves, gutters, chimneys, pilasters, canopies, ornamental features or window bays, provided that:
 - i) no such structure or feature must project more than 0.6 m into any required Setback;
 - ii) the total combined length of all projections must not exceed 40% of the length of each applicable facade on each Storey;
 - iii) a fence that complies with the height restrictions of this Bylaw is allowed along any Lot Line or between a Lot Line and a Permitted Building or Structure for the purpose of establishing a barrier between any Setback areas;
 - iv) stairs accessing a deck, porch or verandas may be located within a front Setback, exterior side Setback, or rear Setback but must not be located within any side Setback;
 - v) Structures necessary to ensure that a Building or Structure and its facilities can be approached, entered, and used by persons with physical or sensory disabilities in accordance with the *BC Building Code*, may project into any required front, rear or side Setback provided that the structure is not closer than 0.3 m from any side Lot line; and
 - vi) an uncovered patio or terrace no greater than 0.6 m above grade, which may

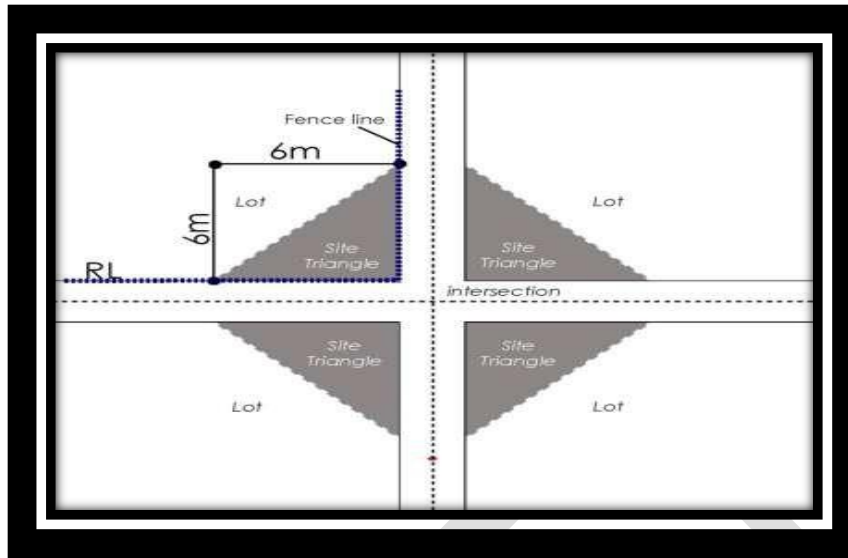
- be open or enclosed, may be sited in any portion of a Lot except as otherwise provided for in this Bylaw;
- vii) an uncovered swimming pool may project into a front, side or rear Setback area provided that the pool must not be constructed within 1.8 m of a Lot line;
- viii) a retaining wall to a maximum height of 1.2 m may be sited on any portion of a Lot; and
- ix) roadside stands are permitted within a required setback; however, the structure must not obstruct any vision or sight lines to and from a Highway, driveway or Lane and may need permission from the Ministry of Highways and Infrastructure

3.7 Height of Buildings and Structures

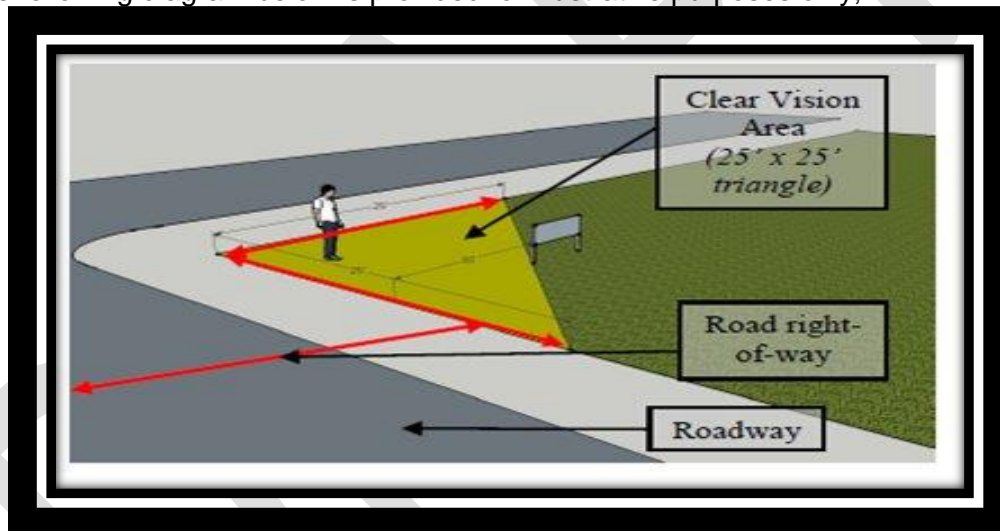
- a) Where a Zone or other part of this Bylaw includes a maximum height regulation entitled, no Building or Structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the height specified. For certainty;
 - i) the maximum height in a Zone may vary according to the use of the Building or Structure, as specified in the Zone;
 - ii) where the regulation refers to a specific type of Building or Structure, the regulation must be applied to that type of Building or Structure only; and
 - iii) if more than one regulation applies, the most restrictive governs.
- b) The height of Buildings and Structures permitted in this Bylaw must be calculated based on the vertical distance from the average natural grade level of the Building or Structure footprint to the highest part of the roof surface;
- c) The height of a fence, wall or similar screen must be determined by measurement from the ground level at the average natural grade level within 1.0 m of both sides of such fence, wall or similar screen;
- d) Despite the above, the maximum Building Height may be exceeded for the following, provided that portions of, or projections from, Buildings or Structures must not exceed 18.0 m:
 - i) communication towers and antennas;
 - ii) spires, belfries and domes;
 - iii) chimneys;
 - iv) flag poles;
 - v) apartment elevator shafts; and
 - vi) stair and hose towers.
- e) Agricultural Buildings and Structures constructed on Land Zoned Agricultural (A-1) are exempt from the Building Height requirements.

3.8 Sight Line Requirements at Intersections

Nothing must be constructed or maintained, nor must any type of hedge be maintained or allowed to grow, exceeding a height greater than 3.0 m above the established grade of the Highway or otherwise so as to obstruct the clear vision and/or and sight triangle lines formed by extending 6.0 m in an area bounded by the intersecting Lot lines at a street corner and a line joining points along said Lot lines, as illustrated below:



The following diagram below is provided for illustrative purposes only;



3.9 Subdivision of Land

The purpose of this section is to regulate the requirements of Lots of Land and Lots which may be created by Subdivision. The use of the term Lots of Land and Lot are interchangeable.

3.9.1 Minimum Lot Size and Width

- a) The size and width of a Lot to be created by subdivision and which may lawfully be used as the site for Development must not be less than the minimum dimensions and area for the construction of Buildings or Structures, as set out in the minimum Lot size and width statement in the applicable Zoning boundary schedule, where such minimum area and width have been specified.

3.9.2 Minimum Frontage

- a) As required by the *Local Government Act*, no Lot in any proposed subdivision must have less than 10% of its perimeter fronting on a Highway. This requirement may be relaxed by the Council upon application by the property owner; and
- b) Notwithstanding Section 3.9.2 (a) above, the minimum frontage for Lots of Land in a cul-de-sac, may be less than 10% of the perimeter of the Lot, provided that the minimum frontage is not less than 7.5 m and the width of the Lot is not less than 10 m measured 5 m back in a perpendicular manner from the front Lot line.

3.9.3 Lots Exempt from the Minimum Lot Size Requirements

- a) The consolidation of two or more Lots into a single Lot is permitted, notwithstanding that the consolidated Lot may not comply with the minimum Lot size requirement as specified in the Zoning boundary in which the new Lot is situated.
- b) The realignment of Lot lines to create new Lots may be permitted provided that:
 - i) the number of new Lots created by Subdivision would be equal to or less than the number of Lots that existed prior to the subdivision;
 - ii) the boundary change would not result in the creation of a Lot having less than 80% of the area of any of the original Lots;
 - iii) where a subdivision is created through the use of density bonusing provisions of the Local Government Act, as amended from time to time and any applicable Municipal Bylaws and policies;
 - iv) where a subdivision is created through the use of density averaging as permitted in applicable Municipal Bylaws or in the provisions of the Strata Property Act, as amended from time to time. Provided that the Owner voluntarily registers a restrictive covenant pursuant to the Land Title Act, as amended from time to time, which prohibits the further Subdivision of any part of the Land Used in the averaging calculation;

3.9.4 Lot Shape

- a) Unless the pattern of existing Subdivision precludes it, and unless it is impracticable, side Lot lines must be perpendicular or radial to the adjoining Highway; and
- b) A panhandle Lot must not be created where the access strip is narrower than 10.0 M.

3.9.5 Subdivision to Provide a Residence for a Relative

- a) The minimum size for a Lot that may be subdivided under the *Local Government Act*, as amended from time to time, is outlined in the chart below:

Zone category	Lot Size allowed
Residential	2.5 Ha
Commercial	N/A
Agricultural	10 Ha

3.9.6 Subdivision of Lots Separated by Roads or another Lot

Notwithstanding the minimum Lot area provisions of each Zone, where a portion of a Lot is physically separated from the remainder of the Lot by a Highway or another Lot, which separation was in existence as of the date of adoption of this Bylaw, the physically separated portion may be subdivided from the remainder of the Lot provided that:

- a) The Highway or other Lot is used as the subdivision boundary;
- b) If the Lot lies in the Agricultural Land Reserve, the approval of the Agricultural Land Commission has first been obtained; and
- c) No Lot created pursuant to this section must not be less than 1 ha in area where connection to a Community Water System is not available and 0.4 ha in area where Community Water System connections are made to each Lot.

3.9.7 Current Subdivision of Lots

In each Zone, all Lots that have a lesser Lot area, frontage or depth than required herein, and that were registered on a plan in the Land Titles Survey Authority of British Columbia prior to the date of adoption of this Bylaw, are established as locations where the minimum Lot area, frontage or depth requirements of the Zone do not apply, but only to the extent necessary to permit the use of that Lot for a Permitted Use in that Zone, and only on the condition that all other requirements of this Bylaw applying in that Zone must be observed.

3.10 Conversion of Buildings or Structures

Buildings or Structures may be converted, altered or remodeled for another use, provided that:

- a) The Building Officer certifies that the Building or Structure is structurally suitable for such conversion, and
- b) The converted Building or Structure must conform to all the provisions and regulations prescribed for the Zoning boundary in which it is located.

PART 4.0 ADDITIONAL ZONING REGULATIONS FOR CERTAIN USES

4.1 Accessory Buildings or Structures and Uses

Buildings, Structures or uses must comply with the following:

- a) An Accessory Building or Structure must not be situated on a Lot unless the Permitted Building or Structure, to which the Accessory Building or Structure is incidental, has already been erected or will be erected simultaneously with the Accessory Building or Structure on the same Lot, with the exception of one Accessory Building or Structure not exceeding 25 m² of gross floor area, used only for storage purposes;
- b) On Lots Zoned for Residential Uses that are less than 0.4 ha in area, the combined total area of greenhouses must not exceed 25% of the Lot area;
- c) Greenhouses associated with Agriculture or Limited Agriculture use must comply with the required Lot line setbacks for Agriculture and Limited Agriculture uses;
- d) A Garage or Carport attached to a Permitted Building or Structure, by an enclosed, heated area that is not more than 5 metres in length, is deemed to be a portion of the Permitted Building or Structure;
- e) Land comprising the common property in a strata plan may be used for purposes Accessory and customarily incidental to Permitted Uses on the strata Lots within the same strata plan. For the purposes of Accessory Buildings or Structures that may be constructed on common property, the same setbacks, Building Height, Lot Coverage and other Building or Structure standards apply as those which apply to strata Lots in the same Zone; and
- f) No part of an Accessory Building or Structure must be used for Residential Use purposes or Short-Term Vacation Accommodations, except as otherwise provided for in this Bylaw.

4.2 Accessory Residential Suites

- a) Accessory Residential Suites will be permitted for all Uses, except in a Duplex Dwelling, Townhouse, Apartments, Mobile Homes;
- b) Unless a Zone specifically provides for otherwise, only one (1) Accessory Residential Suite is permitted per Lot;
- c) Where a Lot is not serviced by the Municipal Community Sewer System, written confirmation from the applicable licensing body that the capacity of the Lot's sewer system will not be compromised by the presence of an Accessory Residential Suite is required;
- d) Accessory Residential Suites must have a total Gross Floor Area of not more than 90.0 M² and must have an area less than 40% of the habitable of the Detached Dwelling Unit. For the purposes of this section, the Gross Floor Area does not include areas used for common storage, common laundry facilities, or common areas used for access or egress. For the purposes of the 40% calculation, the habitable area calculation does not include the attached garage;
- e) Accessory Residential Suites cannot be subdivided from the Building or Structure of which it is part of under the *Strata Property Act*, as amended from time to time; and

- f) One off-street parking space in addition to those required for the Permitted Use must be provided.

4.3 Amenity Bonusing Provisions

4.3.1 Amenity Factors

Notwithstanding the individual density requirements of the respective Zone, the use of the Amenity Bonusing provisions is applicable in all Zones. The following factors, on a case-by-case analysis, should be considered where relevant:

- a) Environmental values are identified prior to any site clearing and design;
- b) The development is located away from areas with high environmental values, and natural buffers are placed between the development site and sensitive features;
- c) The development is concentrated in areas with lower environmental values;
- d) The site plan protects both the area's biodiversity and clean water;
- e) The development is located away from areas that may be subject to erosion, flooding and wildfire conflicts;
- f) The impacts of Highways are minimized and Development is in proximity to and accessible to existing Highways, and if possible transit;
- g) The development should have the potential to contribute to the overall reduction of community dependence of travel by automobile;
- h) The fragmentation of habitat is minimized; and
- i) The amenity zoning priorities as outlined in the Village's Official Community Plan, as amended from time to time, have been addressed to the satisfaction of the Municipality.

4.3.2 Additional Reports

The Municipality may request that the applicant provide reports and other information that the Municipality considers relevant, including provision of a site plan that shows how additional Lots, Building sites and accesses will be designed to minimize any potential impacts.

4.3.3 Amenity Zoning Tools

The Municipality may consider the use of any of the following tools for the implementation of the amenity;

- a) site-specific zoning or the use of a comprehensive development zone;
- b) covenants;
- c) an increase in the permitted Lot coverage or Floor Area Ratio for that zone;
- d) designation of development permit areas;
- e) the use of cash-in-lieu; or
- f) any combination of the above tools.

4.4 Fences, Screening and Retaining Walls

4.4.1 Fences and Retaining Walls

Except as otherwise specifically stated in this bylaw;

- a) The height of a fence or wall must be measured to the highest point from, and perpendicular to, a line representing the average natural grade level at its base, including where a fence or wall is constructed above a retaining wall;
- b) The maximum height of a fence must not exceed 1.2 m in a front yard and not more than 1.8 m on all other parts of a Lot in a residential zone;

Notwithstanding paragraph (b) above;

- i) the fence height may be increased to 2.0 m in a front yard provided transparent mesh is used for the portion of fence that is more than 1.2 m in height;
 - ii) the maximum height of a fence must not exceed 2.5 m in any other zone;
 - iii) fences used in association with recreational uses, such as playing fields, golf courses, driving ranges and tennis courts must not be limited in height, provided such fences are constructed of materials that permit visibility, such as transparent mesh; and
 - iv) fences may be constructed on any portion of a Lot, including within a required setback area, except closed fences and landscape screens must be less than 2.0 m in height when sited in a required setback area from a Lot line adjoining any Residential Use;
- c) The use of barbed wire, razor wire, construction fences used as a permanent fence, electric current, or any hazardous material for fencing is prohibited within all zones designated by this Bylaw, except where such fencing is required in conjunction with activities explicitly designated as farm uses pursuant to the Agricultural Land Use, Subdivision and Procedure Regulation, 171/2002; and
 - d) In a residential zone, a single retaining wall must:
 - i) Not exceed a height of 1.2 m measured from the Average Natural Grade level at its base; and
 - ii) Not be located within 0.6 m, measured horizontally, of any other retaining wall.

4.4.2 Screening

- a) Where a Lot is Developed for a Commercial, Industrial, or Public use

as permitted within a Commercial, Industrial, Public or Comprehensive Development Zone, and where such a Development shares a Lot line with an adjacent Lot that is either:

- i) within a Residential Zone; or
- ii) occupied with a Residential Use;

the owner must provide Screening along such Lot line. The Screening must be not less than 1.8 m in height or more than 2.0 m in height, except where the Screening consists of 100% plant material, in which case there must be no maximum height.

- b) Notwithstanding the paragraph (a) above, Screening will not be required along the shared Lot line in cases where:
 - i) a Building or Structure is built on the Lot line; or
 - ii) a Residential Use is developed on a Lot that is Zoned Commercial, Industrial, or Public at the time of adoption of this Bylaw.
- c) Notwithstanding paragraph (a) above, where a Lot is Developed for a Commercial, Industrial, or Public use as permitted within a Commercial, Industrial, Public or Comprehensive Development Zone and where such a Lot is separated by a lane from a Lot that is:
 - i) within a Residential Zone; or
 - ii) occupied with a Detached, Duplex, or Townhouse Residential Dwelling;

the owner must provide Screening along the entire Lot line abutting the lane. The screening must be not less than 1.8 m in height nor more than 2.0 m in height, except where the Screening consists 100% of plant material, in which case there must be no maximum height;

- d) Notwithstanding paragraph (a) above, where a Lot in a non-Agricultural; Lot is Developed, the owner must provide Screening along the entire length of any Lot line adjoining land in the Agricultural Land Reserve. The Screening must be designed to minimize any potential Land Use conflicts with the Permitted Agricultural use. The screening must be not less than 1.8 m in height or more than 2.0 m in height, except where the Screening consists of 100% plant material, in which case there must be no maximum height.
- e) Notwithstanding paragraph (a), (b) and (c) above, Screening will not be required for the points of Motor Vehicle ingress and egress and for a distance of 3.0 M on either side of the points of ingress and egress;
- f) Screening, where required by this Bylaw, must be maintained at all times by the owner of the Lot on which they are required; and
- g) If there are any solid waste enclosure requirements in any Zone, then the following regulations apply:

- i) solid waste must be stored in an animal proof enclosure and such enclosure must contain enough space for separate containers for sorting recyclable products;
- ii) such enclosure, must have unblocked access; and
- iii) the enclosure must match in character and the exterior finish for the Building or Structure which it serves, if this type of enclosure is not located within a permitted Building or Structure.

4.5 Home Occupations

For Zones within which a home occupation is a permitted use, the following regulations apply:

- a) All Home Occupation 1 uses, must be conducted within a Residential Detached Dwelling Unit or a wholly enclosed Accessory Building or Structure. This does not include a Community Care Facility;
- b) All home occupation categories must be clearly subservient and incidental to a Permitted Residential Dwelling Use of the Lot;
- c) The Home Occupation must not have a Gross Floor Area that exceeds 100 M² or 40% of the Gross Floor Area of the Permitted Residential Detached dwelling in which the Home Occupation use is located, whichever is less;
- d) There must be no Alteration from a Permitted use of the Land or Building or Structure where the Home Occupation is located;
- e) The Home Occupation must not create excessive traffic or a nuisance of any kind;
- f) The Home Occupation must not discharge wastewater to a watercourse, groundwater or septic field, except as permitted pursuant to the *Environmental Management Act*, as amended from time to time or the *Public Health Act*, as amended from time to time;
- g) The Home Occupation must not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which must not exceed 0.4 M² in area;
- h) The Home Occupation 1 use must not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product;
- i) The Home Occupation must comply with all applicable provincial and federal regulations and have a valid and current Municipal Business Licence;
- j) Automobile body shop, automobile service, boat service, automobile salvage or wrecking yard, Micro-Brewery, distillery, and process plant are not permitted as Home Occupations;
- k) Except as permitted in accordance with the *Agricultural Land Commission Act*, fish, livestock, Medical Marijuana or poultry processing are not permitted as Home Occupations;
- l) The external storage of items such as but not limited to; raw materials, cut timber, and waste material, for Home Occupation category 1 and 2 uses must be located not less than 30 m from any Lot line, and must be Screened from view from any Highway and adjacent Lots;
- m) No off-site parking associated with the home occupation use is permitted and the use must provide parking in accordance with the Parking Requirements of this Bylaw, as amended from time to time; and
- n) Home Occupations must not discharge or emit the following across Lot lines:
 - i) odorous, toxic or noxious matter or vapours;

- ii) heat, glare, electrical interference or radiation;
- iii) recurring ground vibration; and
- iv) noise level requirements must follow any applicable noise regulations created by the Village of Pemberton.

4.6 Temporary Use Permit Requirements

Notwithstanding the Permitted uses as outlined in each Zone, a Temporary Use Permit may be issued for each Lot located within the Municipality.

4.7 Temporary Buildings or Structures used during construction of a new Detached Dwelling Unit

A temporary Building or Structure may be placed on site for construction purposes on a Lot being Developed, for a period not to exceed the duration of such construction or one year, whichever is less.

4.7.1 Use of a Modular Home or Recreational Vehicle

- a) An owner of a Lot may occupy a modular home or recreational vehicle (RV) while in the process of constructing a Detached Dwelling Unit on the same Lot, provided that all of the following conditions are met:
 - i) The modular home or RV occupancy must not commence until a Building Permit has been issued for the construction of a Detached Dwelling Unit located on the same Lot;
 - ii) The period of modular home or RV occupancy must not extend beyond twelve (12) months from the issuance of the Building Permit;
 - iii) Occupancy of the modular home or RV must cease within 30 days of the date upon which occupancy is granted for the newly constructed Detached Dwelling Unit;
 - iv) Sewage must be disposed of at approved off-site locations, or if it is disposed of on-site, in a location and manner that is permitted by the jurisdiction having authority or hooked into a Community Sewer System;
 - v) The modular home or RV must not be located no closer than 4.5 m to any Lot line; and
 - vi) No extensions to the Building Permit or the temporary occupancy are permitted, without the expressed approval of the Building Officer,
 - vii) the owner of the Lot agrees to and enters into a restrictive covenant in favour of the Municipality pursuant to the *Land Title Act*, as amended from time to time, to the effect that the owner undertakes to remove the existing Detached Dwelling Unit or render it uninhabitable to the satisfaction of the Building Officer following the granting of the certificate of occupancy for the new Detached Dwelling Unit. A Letter of Undertaking is not applicable in this situation;
 - viii) a covenant is required and the covenant must specify that an Irrevocable Letter of Credit or other security satisfactory to the

Municipality, in the amount of \$10,000, must be issued in favour of the Municipality by the owner, to be forfeited to the Municipality in the event that the other terms of the covenant are not complied with, in which case the Municipality must use the \$10,000 to offset any costs of legal action to obtain compliance. The Irrevocable Letter of Credit term must be for the entire term noted in the required covenant;

4.7.2 Temporary Use of an Existing Detached Dwelling Unit during Construction

- a) despite a restriction under this Bylaw on the number of dwellings permitted on a Lot, an owner of a Lot which already has an existing Detached Dwelling Unit located on it, while in the process of constructing a new Detached Dwelling Unit and with an approved Building Permit on the same Lot, may continue to occupy the existing Detached Dwelling Unit during construction of the new Detached Dwelling Unit, subject to the following conditions being met:
 - i) the owner of the Lot agrees to and enters into a restrictive covenant in favour of the Municipality pursuant to the *Land Title Act*, as amended from time to time, to the effect that the owner undertakes to remove the existing Detached Dwelling Unit or render it uninhabitable to the satisfaction of the Building Officer following the granting of the certificate of occupancy for the new Detached Dwelling Unit. A Letter of Undertaking is not applicable in this situation;
 - ii) when a covenant is required in accordance with subparagraph i), the covenant must specify that an Irrevocable Letter of Credit or other security satisfactory to the Municipality, in the amount of \$10,000, must be issued in favour of the Municipality by the owner, to be forfeited to the Municipality in the event that the other terms of the covenant are not complied with, in which case the Municipality must use the \$10,000 to offset any costs of legal action to obtain compliance. The Irrevocable Letter of Credit term must be for the entire term noted in the required covenant;
 - iii) that the actions required by covenant under Subparagraph i) must be completed within a maximum time period of two (2) years from the date of issuance of the Building Permit to completion and occupancy of the new Detached Dwelling Unit, and that this time period must be specified in the covenant.

4.8 Intermodal Storage Containers

Storage containers when allowed as a Permitted use in a Zoning boundary contained within this Bylaw, must be used in accordance with the following requirements:

- a) The containers must be used for auxiliary storage purposes only;
- b) They must not be reconstructed, altered or modified in any way to be used for living accommodation or human habitation for either personal or business purposes;
- c) Not be used to store animals, trash, refuse, contaminated or hazardous materials; stacked one upon another;
- d) They must be placed on a hard dust free surface pad area made with concrete, asphalt or similar materials and they must not be permanently fixed to the ground;
- e) They may be used for temporary storage during the construction of a permitted Building or Structure. The terms and conditions of the temporary storage container during construction must be identified in the Building Permit;
- f) Outside of the Lots where containers are permitted, they must not be stacked one upon another or laid out in a row;
- g) They must not occupy any of the Permitted Uses required parking spaces and if applicable the required loading spaces or interfere with the circulation of Motor Vehicles or pedestrians;
- h) The container must comply with the setback requirements for any Accessory Buildings or Structures in the applicable Zone;
- i) the container must comply with all other applicable regulations contained within this Bylaw;
- j) In addition to the above, storage containers in Commercial Zones must also be subject to the following requirements:
 - i) no more than one storage container is permitted per Lot;
 - ii) not permitted within any front yard area and not project beyond the front face of the Permitted Building and Structure;
- k) In addition to the above, storage containers in the Airport Zone must also be subject to the following requirements:
 - i) no more than three (3) storage containers are permitted per Lot; **(REVISIT)**
- l) The above section applies to intermodal shipping containers, railroad cars, truck vans, converted manufactured homes, travel trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and Structures originally built for purposes other than storage are not permitted as Accessory Storage Buildings or Structures.

4.9 Swimming Pools, Spas and Hot Tubs

- a) Where a Residential Use is permitted, a swimming pool, spa or hot tub is permitted as an Accessory use, in accordance with the following provisions:
 - i) any swimming pool, spa or hot tub must not be located within 15 m of a front Lot line or within a required side or rear Lot line setback;
 - ii) above ground pools must have a maximum Height of 2.5 m;
 - iv) swimming pools must be enclosed in a Structure or surrounded by a fence not less than 1.5 m and not more than 1.8 m in Height, designed to prevent climbing, and where equipped with gates, be operated by hinges and a lock and be able to be opened freely only from the inside; and

- v) the combined area of the swimming pools, spa or hot tub must not exceed 15% of the total Lot area.

4.10 Backyard Hen Keeping (Open House discussion)

For Zones within which backyard hen keeping is a permitted use, the following regulations apply:

- a) Backyard hen keeping is permitted on Lots greater than 700 m² and less than 0.4 ha in area; on Lots that are 0.4 ha or greater, backyard hen keeping must comply with regulations and conditions of use for Agriculture;
- b) A maximum of five hens is permitted and no roosters are permitted;
- c) An enclosure for the keeping of hens must be provided, which is fenced and secured;
- d) Buildings, Structures and enclosures used for the keeping of hens must:
 - i) not be located within a front yard and within 6 m of a side or rear Lot line;
 - ii) not occupy an area in excess of 10 m²;
 - iii) not exceed a height of 2.5 m; and
 - iv) be enclosed in an electric fencing enclosure,
- e) Backyard hen keeping must not create a nuisance of any kind;
- f) Backyard hen keeping must comply with all other Municipal Bylaws including applicable animal control Bylaws; and
- g) Compost bins and composting must:
 - i) be located at least 3.0 m from any Lot line; however, this setback may be reduced to 0.0 m when opaque Screening is in place or a solid bin is in use; and
 - ii) only consist of plant, plant based material, or animal manure and must not utilize any mechanized processes.

4.11 Short-Term Vacation Accommodation (proper name?)

In any Zone where a Short-Term Vacation Accommodation use is permitted the following regulations apply:

- a) No noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary must be produced by the Short-term Vacation Accommodation;
- b) Meals may be provided to customers of a Short-Term Vacation Accommodation only and not the public; and
- c) Any person intending to operate a Short-Term Vacation Accommodation must hold a valid and current business license from the Village.

4.12 Carriage Houses

- a) Carriage Houses will be allowed in the following Residential Zones only:
 - i) ?
- b) The distance between the Permitted Residential Dwelling Unit and the Carriage House must be a minimum of 3.0 M;

- c) The combined Gross Floor Area of all Accessory Buildings or Structures on the Lot, including the Carriage House must not exceed 90 M²;
- d) Carriage Houses must be hooked up to a Community Sewer System and a Community Water System.

PART 5.0 PARKING AND LOADING REQUIREMENTS

5.1 Off-street Parking General Requirements

- a) Minimum off-street parking spaces and facilities must be provided in accordance with the following table below and the requirements of this section. Where a specific Use is not identified, a similar use to one listed in the following table must be selected as an applicable standard;
- b) Parking stalls may be provided as off-street parking, or as cash-in-lieu of parking payments for on-street parking as set out below in this Bylaw;
- c) When off-street parking is required, a plan of the proposed parking arrangement, drawn at a reasonable scale, showing the off-street parking spaces and access driveways must be part of the site plan submitted as a part of the application package, if this is not possible then it must be filed with the Building Officer prior to issuance of a Building Permit;
- d) Where the calculation of the required off-street parking spaces results in a number that is a whole number plus a fraction, the number of required spaces must be rounded up to the next whole number;
- e) Where a Building or Structure or a Lot contains more than one function or Use, the required number of parking spaces must be the total sum of the requirements for each function or Use;
- f) At least two parking spaces must be provided for each Lot unless no Building or Structure is located on such Lot;
- g) Where seating accommodation is the basis for a unit of measurement and consists of benches, pews, booths or similar seating accommodation, each 0.5 m² of seating area must be deemed to be one seat;
- h) All Multiple Unit Residential, mixed Residential and Commercial Development must provide bicycle parking at a rate of 20% of the required vehicle parking;
- i) All Multiple Unit Residential, mixed Residential and Commercial Developments requiring at least 10 parking spaces must provide at least one electric vehicle charging outlet, which is readily accessible for charging a vehicle in a required parking space;
- j) For any Use required to be accessible to persons with a disability by the BC Building Code, a minimum of one parking space for a person with a disability must be provided;
- k) Where 10 or more parking spaces are required by this Bylaw, the required spaces must be accessible to persons with a disability, as outlined in the table below;

Total Required Parking Stalls	Required Number of Disability Parking Spaces
1-20	2
21-50	4
81-110	6
111-140	8
141-170	10

- l) The parking requirements established in this section do not apply to a Building or

Structure or Use existing prior to the adoption date of this Bylaw, provided there is no change, expansion or addition to the Building or Structure or Use that requires more parking spaces than were required for the existing Building or Structure or Use when this Bylaw was adopted. If there is an expansion or addition to an existing Use or Building or Structure, then the provisions of this section apply to the expansion or addition; and

- m) For the purposes of this Bylaw the required parking spaces have been broken into the following categories of uses:
 - i) Residential;
 - ii) Commercial;
 - iii) Industrial;
 - iv) Community.

5.1.1 Residential Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Residential and Similar Land Uses	
Accessory Building & Structure	N/A
Home Occupation 1	1 per 100 m ² GFA of Home Occupation use and 1.25 per employee
Home Occupation 2	1.25 per employee
Accessory Residential Suites	1 per suite
Short-Term Vacation Accommodation	1 per room offered
Detached Dwelling	2 per Dwelling Unit
Apartment	.75 per Dwelling Unit (includes a visitor parking area)
Duplex	2 per Dwelling Unit
Townhouse	.25 per Unit for the visitor parking area, plus
1 Bedroom	1.25 spaces per unit
2 Bedroom	1.75 spaces per unit
3 (+) Bedroom	2.0 spaces per unit
Manufactured Home	2 per Dwelling Unit and if in a park .25 per Unit for the visitor parking area

5.1.2 Commercial Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Commercial and Similar Land Uses	
Animal Hospital	1 space per 35 M ² of GFA ¹
Bank/Credit Union	1 space per 20 M ² of GFA
Building Supply	1 per 20 M ² of retail floor area
Campgrounds	2.5 spaces per campsite, includes visitor parking
Car Wash	2 spaces per wash bay
Club/Lounge	1 space per 4 seats
Gas Station only	1.25 spaces per 50M ² of GFA
Golf Course (excludes restaurant/lounge)	4 spaces per hole and 1 per 2 employees
Golf Course Driving Range	1 space per tee
Health Club, Spa, Games Court, Entertainment Centre	1 space per 20 M ² of GFA plus .25 per employee
Heavy Equipment Sales	1 space per 70 M ² of GFA space
Hotel/Motel	1 space per room plus 1 space per 4 seats for any restaurant or bar
Laundromat	1 space per 4 washing machines
Personal Service Establishment	1 space per 28M ² of GFA
Pubs/Lounge	1 space per 2 seats
Nursey/Garden Supply	1 space per 15 M ² of GFA
Office – Medical and Dental Other	4 spaces per dentist/doctor 1 space per 28 M ² of GFA
Restaurant	1 space per 3 seats
Retail Store	1 space per 28 M ² of GFA

Shopping Centre	
Community Care Facility – Day care Group Care	1 per person in care 1 per 4 beds
Indoor Recreation	1 space per 20 M ² of GFA
Retail Liquor	3.25 per 140 M ² of GFA
Convenience Stores	.25 per 100 M ² of GFA

5.1.3 Industrial Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Industrial and Similar Land Uses	
Manufacturing Plants	1 space per 93 M ² of GFA ¹
Service and/or Repair facilities	1 space per 50 M ² of GFA
Warehousing or Storage	1 space per 106 M ² of GFA
Wholesale Bakery	1 space per 93 M ² of GFA
Catering Establishment	1 space per 93 M ² of GFA
Laboratory	1 space per 50 M ² of GFA
Radio, Television or Recording Studio	1 space per 50 M ² of GFA
Equipment Rental and Repair Outlet	1 space per 28 M ² of GFA
Accessory Retail	1 space per 28M ² of GFA
Micro-Brewery or Distillery	1 space per 100 M ² of GFA
Cold Storage facility	1 space per 100 M ² of GFA
Aggregate Processing	.75 per employee

5.1.4 Community Parking Requirements

Land Use	Required Number of On-site Parking Stalls
For All Community and Similar Land Uses	
All Community uses (unless listed)	1 space per 37 M ² of GFA ¹
Places of Worship	1 space per 8 seats
Day Care	See the Commercial parking requirements

School Elementary Secondary Craft or Vocational Independent	2 spaces per classroom 5 spaces per classroom 5 spaces per classroom .5 spaces per classroom
Medical Marihuana Production Facility	1 space per 93 M ² of GFA
Indoor Recreation	1 space per 20 M ² of GFA
Compost facilities	.75 per employee
Recycling facilities	.75 per e3mployee

Notes: 1/. GFA is Gross Floor Area

5.2 Cash-in-Lieu of Parking

- a) As an alternative to meeting the parking standards of this Bylaw for a change to an existing use or new Development that would result in an increase in the number of required parking spaces, cash in lieu may be paid to the Municipality by the owner or occupier of the land subject to the following requirements:
 - i) The cash-in-lieu of parking payments collected will be placed into the Municipal Parking Reserve Fund; and
 - ii) If Cash-in-lieu is to be provided it must be in accordance with the following table, which represents 2017 dollars, and adjusted in accordance with Subparagraph iii);
(insert figure – cost to build a space)
 - (iii) The cash-in-lieu amount must be adjusted for inflation each year beginning in 2017, according to the British Columbia Consumer Price Index, annual average for “all items”, as published by BC Stats each January.

5.3 Parking for Persons with a Disability

- a) Each parking space designated as a disability vehicular parking stall must be signed and pavement marked with the International Symbol of Accessibility for the handicapped; and
- b) Disability vehicular parking stalls must be located as near as practical to the Building or Structure entrance designed for handicapped persons. Changes in elevations between the entrance and the parking space must be non- existent; and
- c) Be surfaced with material conducive to providing access for wheelchairs.

5.4 Off-Street Parking Design Criteria, Development and Maintenance

- a) The minimum required dimensions for parking spaces and drive aisles must be in accordance with the table below and the other requirements of this section:

Angle of Parking	Parking Space Width	Parking Space Length	Drive Aisle Width
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30	3.05 M	6.10 M	3.50 M
45	3.05 M	6.10 M	4.20 M
60	3.05 M	6.10 M	5.60 M
90	3.05 M	6.10 M	6.40 M
Parallel	2.60 M	6.70 M	6.40 M

- b) Where three or more parking spaces are required, 33% of the required parking spaces may be reduced to 4.6 m in length provided that such spaces are clearly marked **small vehicle only** within the parking space or on the facing wall or fence, if available;
- c) Despite the minimum required dimensions for parking spaces in paragraph (a), all parking spaces for persons with a disability must be a minimum of 4 M in width;
- d) Where any required parking space abuts, along its length any portion of a Fence, Building or Structure, the minimum parking space width must be increased by 0.3 M for that space only;
- e) Except for Residential Uses, Highway access or egress from parking areas must be not less than 15 M from the nearest point of intersection of any two Highways;
- f) The required parking spaces are not permitted to be located within 1 M of a Lot line adjoining any Highway;
- g) All parking areas must be provided with adequate curbs to retain all Motor Vehicles within such permitted parking area and to ensure that adjacent Buildings or Structures, Fences, walkways and landscaped areas are protected from the parked Motor Vehicles;
- h) The maximum grade and cross slope for a parking space or parking area required by this Bylaw must not exceed 8%;
- i) Each parking stall must be surfaced with asphalt, concrete, or permeable drivable surface, such as but not limited to the following: including:
 - (i) porous pavers;
 - (ii) cobblestones;
 - (iii) turf block; and
 - (iv) honeycomb grid.
- j) All parking areas required for Commercial, multiple dwelling, and Industrial uses must include one or more oil-water separators, and it must be the responsibility of the owner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal;
- k) If any lighting is used to illuminate any parking area it must be arranged to direct light upon such parking area and not any adjoining Lots or Lands;
- l) That portion of any Lot used as a driveway from the Lot line to a required parking area must not exceed a grade of 20%;
- m) All the required parking spaces for all Uses must be located on the same Lot as the uses they serve;
- n) Each parking area must be graded and drained in accordance with best engineering practices. In no case must drainage be allowed to cross any sidewalk;
- o) Within any Commercial or Industrial Zone, off-street parking areas must not be located within 60 M of a Lot Line of any Lot that adjoins a Residential Zone; and
- p) The access to all off-street parking from a Highway must not be less than 6.0 M and not more than 9.0 M wide.

5.5 Off-Street Loading Requirements

- a) Minimum off-street loading spaces and facilities must be provided in accordance with the following table below and the requirements of this section;

Use of Lot, Building or Structure	Minimum Number of Off-Street Loading Spaces
Commercial or Industrial	1 space for the 300 M ² to 500 M ² of GFA or 2 spaces for 501 M ² to 2,500 M ² of GFA, and 1 space for each GFA above 2,500 M ² or fraction thereof
Office Building	1 space for the 300 M ² to 3,000 M ² of GFA and 1 space for each GFA above 3,000, or fraction thereof
Medical Marihuana Production Facility	1 space for the 300 M ² to 500 M ² of GFA or 2 spaces for 501 M ² to 2,500 M ² of GFA, and 1 space for each GFA above 2,500 M ² or fraction thereof

- b) A minimum of one off-street loading space must be provided on each Lot in a Commercial, Mixed Use, Industrial or Community Use Zone;
- c) Off-street loading spaces must not be credited against the requirements for any off-street parking;
- d) Each off-street loading space involving the receipt and delivery of goods or materials by vehicles must be not less than 3 M wide, 9.2 M in length and have a vertical clearance of not less than 4.3 M;
- e) Each off-street loading space must always have access to an aisle that intersects with a Highway;
- f) Each off-street loading space must be surfaced with asphalt, concrete, or similar hard surface to provide a durable, dust-free surface, and must be graded and drained to properly dispose of all surface water;
- g) Any lighting used to illuminate any loading area must be so arranged to direct light upon such parking area and not any adjoining Lands or Lots.
- h) Loading areas must include one or more oil-water separators, and it must be the responsibility of the owner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal;
- i) The loading requirements established in this section do not apply to any Use or a Building or Structure that existed prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing Use, Building or Structure then the provisions of this section apply to such expansion or addition.

5.6 Alternative to Off-Street Parking

- a) As an alternative to meeting the parking standards of this Bylaw for a change to an existing Use or new Development that would result in an increase in the number of required parking spaces, the additional required off-street parking spaces may be located on a Lot other than that upon which the Use, Building or Structure intended to be served are located, provided the off-site parking is secured by an agreement in accordance with the following:
- i) The agreement must indicate;
- the location and number of parking spaces provided off-site,

- the terms of any lease or rental agreement between the owner of the off-site parking area and the owner of the Building, Structure or use requiring off-site parking spaces, and
 - terms for the maintenance and where applicable the construction of the off-site parking area;
 - The agreement must require the approval of the Municipality and the Municipality must be a co-signatory; and
- ii) All costs associated with preparing the agreement must be paid by the owner of the Use, Building or Structure that the off-site parking spaces are intended to serve.

PART 6.0 ZONING BOUNDARYS AND REGULATIONS

6.1 Zones

The Zones, as shown on Schedule A which is attached to and forms part of this Bylaw have the following the regulations assigned to each Zone as outlined below:

6.1.1 Residential Uses

Permitted Residential Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE RESIDENTIAL USES

Residential Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a relative (m ²)				

Minimum Lot Width (m)				
Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

6.1.2 Commercial Uses

Permitted Commercial Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE COMMERCIAL USES

Commercial Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a relative (m ²)				

Minimum Lot Width (m)				
Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

6.1.3 Industrial Uses

Permitted Industrial Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE INDUSTRIAL USES

Residential Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a relative (m ²)				

Minimum Lot Width (m)				
Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

6.1.4 Community Uses

Permitted Community Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE COMMUNITY USES

Community Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a relative (m ²)				

Minimum Lot Width (m)				
Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

6.1.5 Agricultural Uses

Permitted Agricultural Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE AGRICULTURAL USES

Agricultural Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a				

relative (m ²)				
Minimum Lot Width (m)				
Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

6.1.6 Airport Uses

Permitted Airport Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE AIRPORT USES

Airport Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a relative (m ²)				
Minimum Lot Width (m)				

Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

6.1.7 Comprehensive Development (CD)

Permitted CD Uses	Zone	Zone	Zone	Zone
PERMITTED USES				
ACCESSORY USES				

DEVELOPMENT REGULATIONS FOR THE COMPEHENSIVE DEVELOPMENT USES

Comprehensive Development Regulations	Zone	Zone	Zone	Zone
Minimum Lot Size for subdivision purposes(m ²)				
Subdivision for a relative (m ²)				
Minimum Lot Width (m)				

Maximum Density (units / ha)				
Maximum Lot Coverage (%)				
Minimum Front Setback (m)				
Minimum Rear Setback (m)				
Minimum Interior Side Setback (m)				
Minimum Exterior Side Setback (m)				
Maximum Height (m)				
Number of Permitted Buildings or Structures				
Off-Street Parking				

Notes:

Additional Requirements:

PART 7.0 REPEAL

The Village of Pemberton Zoning Bylaw, 466, 2001, and all amendments, are repealed upon adoption of this Bylaw.

7.1 Effective Date

READ A FIRST TIME THIS _____ **DAY OF** _____, 2017

READ A SECOND THIS _____ **DAY OF** _____, 2017

PUBLIC HEARING HELD THIS _____ **DAY OF** _____, 2017

READ A THIRD TIME THIS _____ **DAY OF** _____, 2017

Schedule "A" of this Bylaw is approved by the Minister of Transportation and Infrastructure this _____ **DAY OF** _____, 2017

ADOPTED THIS _____ **DAY OF** _____, 2018

Mayor

Corporate Officer