

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, May 8, 2018 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 176.

"This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010."

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. ADOPTION OF MINUTES	2
a) Committee of the Whole No. 175, Tuesday, April 10, 2018	
Recommendation: THAT the minutes of the Committee of the Whole Meeting No. 175, held Tuesday, April 10, 2018, be adopted as circulated.	
4. Zoning Bylaw Review Workshop – Lisa Pedrini, Senior Planner & Cameron Chalmers, Planning Consultant	5
5. ADJOURNMENT	

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

Minutes for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, April 10, 2018 at 1:00 p.m. in Council Chamber, 7400 Prospect Street. This is Meeting No.175.

ATTENDING: Mayor Mike Richman
Councillor Ted Craddock
Councillor Jennie Helmer
Councillor James Linklater
Councillor Karen Ross

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Tim Harris, Manager of Operations and Development Services
Jill Brooksbank, Senior Communications & Grants Coordinator
Gwendolyn Kennedy, Legislative Assistant

Public: 2

1. CALL TO ORDER

At 12:59 p.m. Mayor Richman called the April 10, 2018 Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded
THAT the agenda be approved as circulated.
CARRIED

3. ADOPTION OF MINUTES

a) Committee of the Whole No. 174, Tuesday, March 20, 2018

Moved/Seconded
THAT the minutes of Committee of the Whole Meeting No. 174, held Tuesday, March 20, 2018, be adopted as circulated.
CARRIED

4. DOWNTOWN ENHANCEMENT PROJECT REVIEW

Graham Schulz, P. Eng. of ISL Engineering and Staff presented three options for the Downtown Enhancement Project. Option One is the draft concept plan presented at the announcement; Option 2A and Option 2B identified minor changes depicting similar traffic flow patterns but differing with respect to the number and location of parking spaces, the extent of green space, and the location of the intersection of Birch and Frontier Streets. Discussion focussed on prioritizing walkability, safety and green space while maintaining adequate parking. Designating Frontier Street from Birch to Camus as a one-way street was considered. Scenario 2A was preferred with some modifications to ensure adequate parking be included.

The \$1.1 million cost of upgrades to Birch Street was discussed and discussion was had regarding whether the Ministry of Transportation and Infrastructure (MOTI) could contribute towards the costs for this work. Schulz indicated that the cost of upgrades would be less than the estimated \$1.1 million if the scope were limited to replacement of just the curbs and lighting.

Staff presented the Downtown Enhancement Communications Program. It was recommended that the Communications Plan emphasize the value of infrastructure upgrades that may be invisible to the community and that a mail out to the community be included with tax notices at the end of May.

Moved/Seconded

THAT the following suggested alterations, as discussed at the Committee of the Whole meeting, be referred to Staff;

- Relocate bus stop from Frontier Street east to the south side of Aster Street;
- Extend angle parking on the east side of Frontier Street S (Birch to Aster) to make use of space no longer needed for bus parking;
- Explore moving the crosswalk on Frontier Street S that connects the Train Station to the AG Mall to accommodate more parking and provide options for consideration;
- Realign Birch/Frontier Street intersection by moving it westward as far as possible;
- Adjust the Frontier Street N intersection to improve parking on the east side of Frontier Street N (along the Community Barn) and to consider angle parking;
- Update parking stall numbers;

AND THAT a modified Option 2A, incorporating the above suggestions, be presented at the April 24, 2018 Regular Meeting of Council.

CARRIED

Moved/Seconded

THAT Staff begin discussions with MOTI representatives to discuss funding for resurfacing of Birch Street and for other upgrades.

CARRIED

Moved/Seconded

THAT Staff present a revised estimate for the Birch Street upgrades to include lighting and curb upgrades only at the April 24, 2018 Regular Meeting of Council.

CARRIED

Moved/Seconded

THAT the Committee of the Whole recommend to Council that correspondence be sent to Martha Sturdy thanking her for the extended loan of artwork located in the centre of the roundabout at Birch/Portage Road and advising that it will be removed by May 31, 2018 in anticipation of the Downtown Enhancement Project.

CARRIED

Moved/Seconded

THAT the Downtown Enhancement Communications Program be supported.

CARRIED

5. ADJOURNMENT

At 3:05 p.m. the Committee of the Whole was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: May 8, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Senior Planner
Cameron Chalmers Consulting, Consulting Planner

Subject: Zoning Bylaw Review Workshop

PURPOSE

The purpose of this report is to present the draft Zoning Bylaw to the Committee of the Whole in a workshop setting in advance of consideration of the Bylaw by Council. The workshop will provide an update on the proposed amendments and feedback consultation process, with a focus on the topics identified in Council's Terms of Reference for the Zoning Bylaw Review.

BACKGROUND

Since January 2018, Planning Staff and Cameron Chalmers Consulting have undertaken the final stages of the Zoning Bylaw review process. The majority of this effort has aimed to meet Council's stated objectives in the Terms of Reference (attached as **Appendix A**) and compile all of the updates into a consistent and user-friendly Draft Zoning Bylaw document.

On April 17, 2018, Staff held an Open House at the Pemberton Community Centre to engage the general community and meet with individual landowners to receive public feedback on the 'Draft for Discussion Purposes' Bylaw. Forty-one (41) people attended the Open House, and were instructed to gauge their support for certain amendments using dot stickers. Four (4) feedback forms were filled out as most participants opted to fill out the feedback form after a more thorough review of the Draft. Following the Open House, Staff posted the Open House storyboards on the Village's website on April 18, 2018 with a link to an online survey. As of April 30th, 2018, the Village has received twenty-three (23) responses to the survey.

In terms of stakeholder engagement, Planning Staff met with the Airport Users Group on April 23rd, the Chamber Executive on April 25th, the Village's Advisory Land Use Commission on April 26th and May 3rd, and representatives of Lil'wat Management Services LP on April 30th. A meeting with the Industrial Park Businesses/Owners is scheduled to occur on May 7th at the Passive House. The period for overall feedback on the draft bylaw is scheduled to end on May 11, 2018¹, after which Staff will review all comments received and incorporate applicable feedback into a revised Draft Zoning Bylaw which will be presented to Council for consideration of First and Second Reading at their Regular Meeting on May 29th, 2018.

¹ If a certain land owner or stakeholder would like additional time to comment, the deadline can be extended by one week upon request.

DISCUSSION & COMMENTS

This workshop will provide the Committee of the Whole an opportunity to provide direction with respect to the attached 'Draft for Discussion Purposes' Zoning Bylaw (**Appendix B**) and Draft Zoning Map (**Appendix C**) before its introduction to Council. It will provide the Committee an opportunity to gain a deeper understanding of the proposed Draft Bylaw and its workings. The topics identified in the Terms of Reference and the issues raised at the identification phase of the review process will be highlighted to demonstrate the Zoning Bylaw approach to these topics. A general overview of the revised bylaw will identify the measures taken to update the bylaw throughout to make the bylaw as clear and consistent as possible.

Rationale

The intent of the workshop is not to seek a decision or recommendation from the Committee of the Whole, unless a resolution is warranted to provide policy direction to Staff.

COMMUNICATIONS

The Draft Zoning Bylaw is the result of an ongoing community engagement process.

LEGAL CONSIDERATIONS

Once adopted, the Zoning Bylaw will regulate the use of land, buildings, and structures in the Village of Pemberton.

IMPACT ON BUDGET & STAFFING

The Zoning Bylaw was approved as part of the 2018 Budget Deliberations.

INTERDEPARTMENTAL IMPACT & APPROVAL

The Zoning Bylaw review process has involved several departments, and upon adoption, several departments will be involved in its implementation and enforcement.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The Zoning Bylaw will be the primary land-use regulatory tool for lands within the municipality only. However, the update of the Village Zoning Bylaw does have an indirect impact on neighbouring jurisdictions such as Squamish-Lillooet Regional District (SLRD) Electoral Area C and the Lil'wat Nation. Both the SLRD and the Lil'wat Nation will be invited to comment on the new Zoning Bylaw once it receives First Reading.

ALTERNATIVE OPTIONS

There are no alternative options at this time, as this is a workshop.

POTENTIAL GOVERNANCE CONSIDERATIONS

A review and update of the Village's Zoning Bylaw meets with:

Strategic Priority No. Three: Excellence in Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

THAT the report be received for Information.

Attachments:

- Appendix A: Zoning Bylaw Update Terms of Reference
- Appendix B: Draft Zoning Bylaw – Draft for Discussion, April 17, 2018
- Appendix C: Draft Zoning Map, April 18, 2018

Prepared by:	Lisa Pedrini, Senior Planner Cameron Chalmers Consulting, Consulting Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

2017 Zoning Bylaw and Sign Bylaw Review

A. INTRODUCTION:

The Village of Pemberton has identified the review to the current Zoning Bylaw 466, 2001 and the Sign Bylaw No. 380, 1995 as a priority for 2017. To accomplish this, the Village has endorsed an approach that will utilize the services of a consultant - one focused on the technical components of the two Bylaws, while the Village of Pemberton Operations and Development Services Department will focus on developing and facilitating a consultation program. As such, the Village of Pemberton has retained a qualified consultant experienced with Best Practices and progressive land development principles, and with proven recent experience in zoning and sign regulations and bylaw preparation, to assist with the Village of Pemberton Zoning Bylaw and Sign Bylaw Review.

B. BACKGROUND:

The current Zoning Bylaw No. 466, 2001 has been amended from time to time within the last 15 years including some major revisions relating to new residential developments. The Village underwent a review and adoption of its Official Community Plan (Bylaw No. 654, 2011) several years ago which included new policies that must be incorporated into the zoning provisions. The Village is experiencing growth and development of home-based businesses and businesses involved in the sharing economy – technology driven businesses that did not exist and were never contemplated when the original bylaw was adopted. Regulating these types of emerging uses requires a thoughtful and reasonable approach. The Village is also committed to taking progressive climate action through sustainable and energy efficient land use planning & practices, and therefore sees the benefits in taking this opportunity to examine options to ‘green’ its Zoning Bylaw.

The Village’s Sign Bylaw No. 380, 1995 has never been amended, and despite being twenty years old and on the Village’s work plan for several years, it has never been reviewed or updated. There has been much confusion and non-compliance with the Sign Bylaw that has come to light in the last few years.

The Village is committed to undertaking a thorough review of the Zoning Bylaw and the Sign Bylaw, including recommendations from the Pemberton and District Chamber of Commerce, and business owners on how to better reflect today’s land use and marketing practices.

C. PURPOSE & SCOPE OF WORK:

1. Purpose

The purpose of the Zoning Bylaw review is to support the policies and vision contained in the Official Community Plan adopted in 2011, to address issues and constraints within the existing bylaw, and to reflect current Best Practices in the industry that are relevant to the unique characteristics and development trends in Pemberton. The updated bylaw must be creative, innovative, promote sustainable development and ensure a cohesive and complementary approach to development.

The purpose of the Sign Bylaw review is to identify issues with the existing Sign Bylaw and recommend opportunities for improvement. The existing Sign Bylaw and particularly how it relates to businesses in the Downtown and the Village's Business Park has not been consistently reflected in much of the signage businesses have installed in recent years and therefore warrants a review to:

- Determine whether changes to the Sign Bylaw are warranted;
- Improve layout;
- Improve readability and interpretation;
- Support the current needs of the business community; and
- Have meaningful community involvement.

Proponents must have demonstrated relevant experience working with municipal government and be knowledgeable of British Columbia's *Local Government Act*, *Community Charter*, *Land Titles Act*, current municipal subdivision and servicing regulations, Master Municipal Construction Documents, and Best Management Practices in urban design, land use planning and road & infrastructure design.

2. Description of Work

The Village of Pemberton will update certain elements of the Zoning Bylaw and Sign Bylaw in conjunction with the work carried out by our consultant. The assignment includes, but is not limited to, the following items:

- Issue Identification
- Research
- Technical Review
- Bylaw Preparation
- Approval

The selected consultant will be required to undertake the comprehensive review of all sections of the Zoning Bylaw and Sign Bylaw and to provide organizational options for review by the Operations and Development Services Department. The selected consultant is also required to attend key workshop sessions held as part of the consultation program.

While the details and timeline for the Consultation Program are being finalized by the Operations and Development Services Department, the following review Phase descriptions are anticipated:

➤ Phase 1-Preliminary Issue Identification

Phase 1 consist of meetings with staff and the Consultant to identify the strengths and weaknesses of the Zoning Bylaw and the Sign Bylaw. The Consultant will then prepare a summary report delineating the results of this discussion which will be used to structure discussion in later phases. The Consultant will also be expected to begin to research examples of zoning and sign bylaw organization and structure for discussion with staff.

The Village will set up opportunities to consult with business and land owners in February and March of 2017 to assist in Issue Identification.

➤ Phase 2-Technical Review

Phase 2 will begin with a review of the content of the summary report and consultation findings to identify the key issues that need attention. The order in which the Zoning and Sign Bylaw will be reviewed will be determined by the Operations and Development Services Department.

A. ZONING BYLAW

The Village's Zoning Bylaw No. 466, 2001 requires a complete and thorough review and update. Below is an incomplete list of some of the areas of the Zoning Bylaw that require special attention:

i. Parking Standards

A key part of Phase 2 will be the review and evaluation of the parking standards in the Bylaw. The Consultant will compare the current standards with municipalities that may include:

- Sea to Sky Communities;
- Municipalities that have similar Flood Construction Level issues;
- BC municipalities of a similar area and population or that have similar geographic attributes;
- Parking Exemptions for green developments, i.e., multi-family residential developments that provide electric car share vehicles.
- Input from Developers and Investors working in the community will be sought.

ii. Vacation/Short Term Rentals Regulations

Another key part of Phase 2 will be to research and review of zoning approaches used by other municipalities to address the proliferation of unregulated vacation, nightly and/or short term rentals through online accommodation booking sites such as Airbnb and VRBO. Crafting new

content around provisions to regulate vacation and short term rentals in Pemberton would follow. Input from operators of Bed and Breakfasts, Hotels, Inns and other short term accommodation rentals will be sought.

iii. Home-based Business Regulations

Phase 2 will include a review and evaluation of the current provisions in the Zoning Bylaw that regulate Home-based Businesses. The Village would like to strengthen the regulations in a manner that would prevent the operation of certain commercial operations that impact the sanctity of residential neighbourhoods, but still encourage the legitimate conducting of home-based businesses in Residential Zones. Input from home-based business owners will be sought.

iv. Airport Regulations

Phase 2 will include a review of the zoning provisions that apply to airport lands. In particular, a review of the setbacks related to hangars or buildings that facilitate aviation uses must be considered. Input from the Airport users, businesses and flying community will be sought.

v. Green Policy Development

The Village of Pemberton is a signatory of the Climate Action Charter, and is committed to taking action on climate change, and endeavouring to reduce corporate and community-based greenhouse gas emissions (GHG).

As such, Pemberton recognizes that municipalities have a role in encouraging climate action through the creation of policies that promote green development practices, minimize the creation of GHG's, and use passive design practices to reduce energy demands. Green development practices are methods of building our communities in a manner that respects our natural environment, and that recognize that conventional development practices can negatively impact the natural ecosystems that we depend on. By adopting a greener approach to development the Village of Pemberton would like to look at ways we can lessen or eliminate ecosystem degradation and improve our quality of life through land use regulations. A key part of Phase 2 will be the presentation of potential measures to "green" the Village's Zoning Bylaw in keeping with other progressive zoning approaches and best practices.

vi. Mapping

The Review will also include updating the zoning maps to incorporate new changes or zones resulting from the discussion in Phase 1 and 2. The Village will contact the owners of properties that were incorporated into the

Village since 2001 and seek their input around the creation of new Village zones.

vii. Medical Marihuana Dispensary Regulations

The Village recognizes that the retail sale of medical marijuana (i.e., dispensary) is currently illegal, but that the federal government has announced that it intends to legalize marihuana more broadly (presumably beyond medical marihuana) by the Spring of 2017.

Thus Phase 2 will also include a discussion of the Village's options and approach to develop regulations, licensing procedures and security standards to regulate the use of retail space within the Village for medical marihuana dispensaries, depending on the direction of federal legislative changes, and input from the community gained through public consultation. Depending on the outcome, the new Zoning Bylaw will include regulations to regulate the use of land to legally dispense medical marijuana or cannabis and medical marijuana or cannabis related products, if indeed there are imminent legislative changes.

SIGN BYLAW

The Village's Sign Bylaw No. 380, 1995 regulates the type, size and number of signs permitted on commercial establishments to maintain the Village's visual appeal. A review and update of the Sign Bylaw Review will primarily focus on issues with the existing bylaw that are identified through the stakeholder engagement process while supporting the needs of the business community. The review will also identify shortcomings of the current bylaw and improve the usability of the document for the community. Below is an incomplete list of some of the areas of the Sign Bylaw that require special attention:

- i. Relevance: some of the terminology used, and approach to sign management and marketing is outdated and no longer relevant. An update to current sign types and practices is necessary.
- ii. Wayfinding Program: suggest a wayfinding program or other creative approach to orientating residents and visitors
- iii. Sandwich Boards: Sandwich board signs (a-frame sidewalk signs) are a flexible solution for an extra advertising push that are used by many small businesses in Pemberton. However, currently Sandwich Board signage is not permitted, therefore a recommended approach to regulating this type of sign is being sought.
- iv. Comprehensive Sign Plans: more detail on what these are, how to prepare and amend them is needed.

➤ Phase 3- Bylaw Preparation

The Village will continue to review and revise those sections of the Zoning Bylaw and Sign Bylaw that have been identified as needing attention and any specific regulations that staff or Council has identified as needing revision.

In addition, the examples and evaluation of bylaw arrangement and structure will be reviewed by the Operations and Development Services Department to determine the final format of the draft Bylaw(s).

Following completion of the draft Zoning/Sign Bylaw(s), a Public Open House will be held to present the drafts and seek input from the community. The Village and the consultant will present the key changes to the community at this Open House. The engagement process will also utilize various consultation methods such as web-based social media tools.

➤ Phase 4- Approval

The final Phase of the Review will follow the regular bylaw approval process. Staff will begin this process with a summary presentation to the Committee of the Whole on the process, consultation activities, issue discussion and key changes to the draft Bylaw. The Consultant will participate with the Operations and Development Services Department staff in the presentation of the draft Bylaw(s) to the Council for First and Second Readings of the bylaw(s). Final comments on the Draft Bylaw will be sought as the Public Hearing following Second Reading.

VILLAGE OF PEMBERTON PROJECT MANAGER

The consultant will report directly to the Village Planner. The Village Planner will provide information to the consultants as required, and will be available for meetings, discussion and review of draft concepts. Community members, key stakeholders and groups/agencies are free to contact the Village Planner to request a meeting or give input.

Lisa Pedrini, Village Planner
Village of Pemberton
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Pemberton, BC, V0N 2L0
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604-894-6135, ext 234

TIME-LINE

The time-line for the project is January 2017 to December 31, 2017.

ZONING BYLAW

VILLAGE OF PEMBERTON

BYLAW No. XXX, 2018



Draft for Discussion Purposes Only
#1

April 17, 2018

VILLAGE OF PEMBERTON BYLAW NO XXX, 2018

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Effective Date 87

DRAFT

**Village of Pemberton
Zoning Bylaw No. XXX, 2018**

**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: Application

1.1 Title

- (a) This Bylaw may be cited for all purposes as the “Village of Pemberton Zoning Bylaw No. XXXX, 2018” or “Zoning Bylaw No. XXX, 2018

1.2 Schedules

- (a) The following schedules are attached to and form a part of this Bylaw:
 - i. Schedule A – Zoning Map

1.3 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, 2011.

1.4 Application of Bylaw

- (a) This Bylaw applies to all lands, including the surface of water, and all land uses, buildings and structures located within the boundaries of the Village of Pemberton, and as shown on Schedule “A”, the Zoning Map, which is attached to and forms part of this Bylaw.

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 the Village of Pemberton’s Municipal Ticket Utilization 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) Where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty of not less than One Hundred Fifty Dollars (\$150) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, any other order imposed or any combination thereof;
- (b) The penalties and remedies imposed under subsection a) shall be in addition to and not in substitution for, any other penalty or remedy imposed by or permissible under this Bylaw or any other enactment.
- (c) Where a person fails to pay a penalty required by this Bylaw, or where a person subject to an order under this Bylaw fails to take action required by the order and the Village carries out the work or otherwise fulfills the requirement, the Village may recover its costs from the owner, occupier or person responsible for the work or for payment of the costs, as a debt to the Village. Money owed to the Village under this Bylaw is payable upon receipt of an invoice from the Village.
- (d) If an amount owing under this Bylaw for work done or services provided to land or improvements remains unpaid on December 31st of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be collected from the owner of the land or improvements in the same manner and with the same remedies as for property taxes.

1.7 Severability

- (a) 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 shall not affect the validity of the remainder of this Bylaw or the validity of the Bylaw as a whole.

1.8 Enforcement

- (a) The Chief Administrative Officer of the Village of Pemberton, or his or her designate, is hereby appointed by Council to administer this Bylaw.

PART 2: Interpretation

2.1 Interpretation

- (a) All references to Bylaws of the Village of the Pemberton, or provincial or federal statutes and regulations refer to the most current version, as amended from time to time.
- (b) Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word "person" includes a corporation, firm, partnerships, trusts, and other similar entities as well as an individual.
- (c) Words have the same meaning whether they are capitalized or not.
- (d) Words defined in this Bylaw that contain multiple words separated by a comma in the definition carry the same definition if the words are reversed. For example, "grade, natural", and "natural grade" carry the same meaning.
- (e) The words "shall" and "is" require mandatory compliance except where a variance has been granted pursuant to the *Local Government Act*.
- (f) Words, phrases, and terms neither defined in this section nor in the *Local Government Act* shall be given their usual and customary meaning.
- (g) The definitions of uses group individual land uses into a specified number of classes, with common functional or physical impact characteristics. They define the range of uses which are principal and secondary, with or without conditions, within various zones of this Bylaw.
- (h) The following guidelines shall be applied in interpreting the use class definitions:
 - i. Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive; and
 - ii. Where a specific use does not conform to the wording of any use class definition or generally conforms to the wording of two or more definitions, the use conforms to and is included in that use class which is most appropriate in character and purpose.
 - iii.

2.2 Explanatory Notes and Figures

- (a) All text in this Bylaw which are italicized, except titles of legislative acts, statutes and regulations, and explanatory figures have a definition specified in this Bylaw.
- (b) Where a conflict between explanatory notes and figures and a regulation in this Bylaw occurs, the regulation shall be taken as correct.

2.3 Conflicting Regulations

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

2.4 General and Specific Regulations

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

2.5 Bylaw Format

- (a) 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.

2.6 Covenants against buildings or Structures and Subdivision or use

- a) 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 shall be granted to the Municipality and registered pursuant the *Land Title Act*, with priority over all financial charges, and under the terms of the covenant the owner shall 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 3: Definitions

The following words, terms, and phrases, are italicized wherever they occur in this Bylaw, and shall have the meaning assigned to them as follows:

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 customarily incidental, subordinate in area, extent and purpose and ancillary to the conforming principal use on the same lot.

Accessory Building or Structure

means a detached building or structure, the use of which is, or is customarily incidental, subordinate in size, extent or purpose and ancillary to the conforming principal building or land use on the same lot.

Accessory Residential Dwelling

means an accessory dwelling unit, for residential use only, primarily intended for the caretaking, management, staffing, or security of the principal non-residential building on the same lot.

Affordable Housing

means dwelling units constructed and occupied under the terms of a registered housing agreement approved pursuant to section 483 of the *Local Government Act*.

Accessory Retail Sales

means the accessory use of a maximum of 20% portion of the gross floor area of a permitted principal commercial, industrial, institutional, or artisan use for the retail sales directly related to the principal use.

Agriculture

means the use of the land, buildings and structures for the growing, producing, raising or keeping of animals and plants including:

- i. Livestock (cattle, bison, sheep, goats, hogs, horses)
- ii. Poultry production (chickens, turkeys, waterfowl)
- iii. Dairy operations
- iv. Apiculture (beekeeping)
- v. Agroforestry
- vi. Grapes, berries, tree fruits, nuts, grains, oilseeds, mushrooms, forage crops, ornamentals, and vegetables (field or greenhouse).

- vii. the processing of agricultural products harvested, reared or produced by the farm business, and (i) the retail sales of the products
- viii. Horse-riding, training and boarding
- ix. Greenhouse and Nursery uses
- x. Winery and Cideries

but specifically excludes Animal Kennel or Cannabis, Medical Production Facility.

Agri-tourism Activity

Means the use of land that is classified as a farm under the *Assessment Act* for tourism related activities, such as displays, demonstrations, and exhibits subject to the regulations of **section XXX** of this Bylaw.

Agri-tourism Accommodation

means the provision of *tourism accommodation*, on a property classified as farm under the *BC Assessment Act*, up to a maximum of ten (10) sleeping units. Typical uses include, but are not limited to, farm inns, seasonal farm cabins, campsites/recreational vehicle sites.

Agricultural land Commission (ALC)

means Agricultural Land Commission pursuant to British Columbia *Agricultural Land Commission Act*.

Agricultural land Reserve (ALR)

means Agricultural Land Reserve pursuant to British Columbia *Agricultural Land Commission Act*.

Arts and Culture

means a use which provides for the presentation and display of artistic and cultural creations, and includes art galleries, museum, theatres, and accessory retail of goods and articles that are produced primarily by local artists.

Airport

means the use of land, buildings and structures for runways for the takeoff and landing of airplanes and includes airstrips, terminal buildings or structures, hangars, airport related businesses, and accessory uses.

Airport Related Business

means the use of land, buildings, or structures for commercial operations directly related to the operation, maintenance, and storage of aircraft, or business uses that necessarily rely upon or support aviation uses or the airport, but specifically excludes tourism accommodation.

Alter

means, in relation to land, the removal or deposit of soils or other materials or clearing of natural vegetation, and in relation to buildings or structures means any change that would result in either a change to the appearance of the building or structure, an increase or decrease to the gross floor area or both.

Animal Kennel

means the use of land, buildings or other structures in which domestic animals are kept, boarded, bred, cared for or trained for commercial gain.

Approving Officer

means the Village of Pemberton Approving Officer appointed pursuant to the *Land Title Act*.

Artisan

means the use of a building or structure by an artist or group of artists who create or produces artistic goods.

Assembly

means the use of land, or a building, or structure for civic, cultural, educational, political, public recreational, religious or social purposes; and includes schools, places of worship, auditoriums, council chambers, community centres, arenas, youth centres, day care centres, and similar uses.

Automotive and Recreational Vehicle Sales

means the use of land, buildings, or structures for the retail sale of automobiles, trucks, boats, recreational vehicles and related parts and accessories.

Automotive Salvage

means the use of land, buildings, or structures for towing, storage, or dismantling of automobiles, trucks, boats, and recreational vehicles, and may include the accessory retail sale of automobile parts.

Automotive Service Shop

means a use providing for the general repair, servicing and maintenance of motor vehicles including brakes, mufflers, tire repair and change, tune-ups and transmission work, provided it is conducted within a completely enclosed building.

Basement

means the floor of a building or structure that is 50% or more below the average finished grade level and is unused, or used for utilities, laundry, storage or other non-habitable space accessory to the principal building, specifically excluding residential or commercial use.

Bed and Breakfast

means the accessory use of a dwelling, detached unit for tourism accommodation in which a maximum of two (2) bedrooms of an owner-occupied dwelling, detached are available as tourism accommodation in accordance with **section XXX** of this Bylaw and the Village of Pemberton Business License Bylaw.

Bed and Breakfast Inn

means the accessory use of a dwelling, detached unit in which three (3) or more, but less than five (5) bedrooms, are available for tourism accommodation, accommodation in accordance with **section XXX** of this Bylaw and the Village of Pemberton Business License Bylaw.

BMX Race Track

means a facility or track for BMX (off-road) bicycle racing, consisting of a starting gate, a groomed dirt race course made of various jumps and rollers and a finish line, but specifically excludes use by motorized vehicles.

Boarding School

means the use of land, buildings, or structures for a school where students and staff reside on the same or immediately adjacent lot, and includes tourism accommodation for groups accessory to the principal school use.

Buffer

means a landscaped, or naturally vegetated area intended to separate and screen land uses, buildings, structures, or properties from one another.

Building

means a structure or any portion thereof, including affixed mechanical devices, intended to be used for sheltering a use or occupancy.

Building Area

means the horizontal area of a building or structure within the outside surface of the exterior walls or within the outside surface of the exterior walls and the centre line of firewalls for all storeys and includes the non-habitable areas such as the basement, garages and carports.

Building Footprint

means the total area of a lot occupied by a building or structure, measured from the outside of exterior walls, and includes garages and carports, but excludes covered exterior stairwells.

Building Official

means the individual appointed or under contract as the Building Official for the Village of Pemberton.

Building Supply

means the use of lands buildings or structures for the supply and sale of building materials, fixtures, hardware, equipment and other similar goods related to construction and home improvement.

Bulk Storage

means the use of land, buildings or 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, and includes card-lock and bulk sales.

Cabin

means a detached building or structure providing tourism accommodation in a rural or remote setting, associated with a motel, bed and breakfast inn or campground, and includes cottages.

Campground

means the use of land, managed as a unit and includes the buildings and structures for a range of camping experiences which provides Tourist Accommodation for any or all of the following:

- i. Cabins,
- ii. Yurts,
- iii. tenting sites,
- iv. tent trailers,
- v. travel trailers,
- vi. recreational vehicle sites and campers, and
- vii. accessory uses and structures 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 for residential use.

Cannabis

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

Cannabis Dispensary

means a use of land, building or structure where cannabis or any cannabis by-product is prepared and provided to any member of the Community 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 Cannabis Medical Production Facility.

Cannabis Operation

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

Cannabis, Medical Production Facility

means the use of buildings and structures for the purposes of growing, processing, packaging, testing, destroying, storing or shipping cannabis as authorized by a license issued under the *Access to Cannabis for Medical Purposes Regulations, SOR/2016-230*.

Carriage House

means an accessory dwelling unit situated above a detached garage that is separate from the principal dwelling, detached, but located on the same lot in accordance with **section XXX** of this Bylaw.

Carport

means an open or partially enclosed structure attached to the permitted building or structure for the use of covered parking or temporary storage of private motor vehicles.

Catering Establishment

means an establishment that prepares and supplies food to be consumed off premises.

Chief Administrative Officer

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

Child Care Centre

means the use of land and buildings for a provincially-licensed for care and supervision of children through a prescribed program.

Civic

means the use of land, buildings, or structures for functions provided by a government body and service clubs, includes federal, provincial and municipal offices, and works yards, schools and colleges, hospitals, community centres, swimming pools, libraries, museums, parks, playgrounds, day cares, cemeteries, police and fire stations, fire training grounds and waterways.

Commercial Use

means the use of land, buildings, or structures for an occupation, employment or enterprise that is carried on for gain or monetary profit by any person.

Community Care Facility

means the use of buildings or structures where a person provides care of three (3) or more persons and is under permit by the Provincial Government pursuant to the *Community Care and Assisted Living Act*.

Community Garden

means a lot, or portion thereof, that is provided for public use 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 Watershed

means all or part of the drainage area above the most downstream point of diversion for a water use that is for human consumption and that is licensed under the *Water Act*, for a domestic purpose or a waterworks purpose as defined under the *BC Forest and Range Practices Act*.

Community Water System

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

Convenience Store

means a use that provides for the sale of a limited line of groceries, food and drink for immediate consumption, and other items intended for the convenience of the neighbourhood.

Council

means the Council of the Village of Pemberton.

Child Care Centre

means the use of land and buildings for a provincially-licensed for care and supervision of children through a prescribed program.

HOME CHILD CARE – ADD FOR SFD AND TOWNHOMES SUBJECT TO LICENSING**Development**

means any of the following:

- i. altering the land,
- ii. changing the landform, from a natural state to a semi natural state,

- iii. subdividing the land,
- iv. applying for a land use change,
- v. changing in the use of any building or structure, and
- vi. carrying out of any, engineering or the construction, addition or alteration of any building or structure.

Density

means a measure of the intensity of development on a lot, including the number of units on a lot measured in maximum units or units per hectare, or floor area ratio as determined in section xxx of this Bylaw.

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.

Drive-Through Business

means the commercial use of land, buildings and structures for providing goods and services, from a use otherwise permitted on the lot, to customers in their vehicles, such as a fast food restaurant or bank.

Dwelling Unit

means a self-contained set of habitable rooms capable of occupancy by one (1) or more persons, including provisions for living, sleeping, cooking, and sanitation facilities and not more than one kitchen facility. Unless specifically permitted, use of a dwelling unit for tourism accommodation, or rental for a period of less than 30 days is prohibited. The use is as a residence for the occupant and includes but is not limited to the following types:

- i. Accessory Residential Dwelling,
- i. Apartment
- ii. Carriage House,
- iii. Detached Dwelling,
- iv. Duplex Dwelling,
- v. Manufactured Home,
- vi. Row House,
- vii. Secondary Suite, and
- viii. Townhouse.

And specifically excludes the occupancy of any of the following:

- i. Buses,
- ii. Cabins or Cottages,

- iii. Motor Vehicle,
- iv. Tents, and
- v. Recreational vehicles

Dwelling Unit, Apartment (Apartment) - means a residential building other than a townhouse containing three (3) or more individual dwelling units, where each dwelling unit has its principal access from an entrance or hallway that is common to at least one (1) other dwelling unit on the same storey.

Dwelling Unit, Detached (Detached Dwelling) - means a residential building designed exclusively for single family residential use, separated from other dwelling units by open space, and includes a modular home.

Dwelling Unit, Duplex (Duplex) - means a residential building containing two (2) separate dwelling units either placed one above the other or attached by a common wall, each of which has direct access to the outside.

Dwelling Unit, Manufactured Home

means a factory built detached dwelling unit, certified prior to a placement on the lot as having been built:

- i. as a modular home in accordance with CSA A277 building; or
- ii. 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 community sewer and water system.

Dwelling Unit, Multi-family (Multi-family Dwelling) - means a residential building containing three (3) or more separate dwelling units, and includes apartments, townhouses, and row houses.

Dwelling Unit, Row House (Row House Dwelling) - means a residential building containing a minimum of three (3) dwelling units attached to each in a row with each dwelling unit located on its own lot.

Dwelling Unit, Townhouse (Townhouse Dwelling) - means a residential building containing three (3) or more dwelling units, each of which has its own separate access, not located through a common lobby or corridor, and includes dwelling units stacked vertically.

Ecological Reserve

means land that is retained in its natural or semi-natural state for the purposes of protecting and preserving natural ecosystems and the biological diversity.

Farm Residence

means the principal detached dwelling that accommodates one dwelling unit and located on a lot within the agricultural land reserve.

Farm Residential Facilities, Accessory

means the following buildings, structures, or improvements associated with a principal farm residence and/or additional farm residence on a farm:

- i. Attached or detached garages or carports,
- ii. Driveways to residences,
- iii. Decorative landscaping,
- iv. Attached or detached household greenhouse or sunroom,
- v. Residential-related workshop, tool and storage sheds,
- vi. Artificial ponds not serving farm drainage, irrigation needs, or aquaculture use,
- vii. Residential-related recreation areas limited to outdoor non-motorized and/or non-mechanized recreational activities. Permitted recreational activities exclude any uses involving motorized and non-motorized vehicles.

Farmers' Market

means the use of land, buildings, or structures for retail sales 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 material 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.

Financial Institution

means an institution providing financial or banking services including a bank, credit union, currency exchange, mortgage office or automated teller machine (ATM).

Fitness Centre

means the use of land, buildings, or structures for commercial fitness, and includes health clubs, gyms, yoga studios, and similar uses.

Flanking Street

means a street, excluding a lane, abutting a lot line not being the front or rear lot line.

Floor Area

means the total usable floor space of a building or structure on all storeys excluding the

basement, corridors, and service areas, as measured in accordance with **section XXX** of this Bylaw.

Floor Area Ratio (FAR)

means a ratio between the floor area of a building or structure and the lot size, measured in accordance with **section XXX** of this Bylaw.

Floor Area, Gross (GFA)

means the total area enclosed by the exterior walls of a building or structure on all storeys, measured in accordance with **section XXX** of this Bylaw.

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, subject to the regulations in **section XXX** of this Bylaw and the *Village of Pemberton Business License Bylaw*.

Garden Centre

means the use of land, buildings, or structures for the purpose of retail sales of trees, plants, flowers, and associated gardening or landscaping supplies and outdoor garden equipment.

Garage

means an accessory building, structure or that portion of a permitted building or structure that is used for the parking of one (1) or more motor vehicles and is totally enclosed with a roof, walls, and one (1) or more doors.

Gasoline Station

means a facility limited to retail sales to the public of motor fuel products, motor oil, lubricants, minor automobile accessories, travel aides and convenience food items, but specifically excludes automobile repair services.

Gathering, Event

means the use of land, buildings, or structures for a gathering of people on a farm for the purpose of attending a wedding, a music festival, or other event other than an agri-tourism related event or family-related celebration which is permitted as a non-farm use in the Agricultural Land Reserve in accordance with the regulations in **section XXX** of this Bylaw:

Golf Course

means the use of land for playing golf, consisting of a least nine holes, with each hole generally consisting of tees, greens, fairways and hazards, and the following accessory uses, buildings, and structures:

- i. club house (licensed restaurant),
- ii. pro shop (retail sales of golf equipment),

- iii. driving range,
- iv. putting green,
- v. mini putt area, and
- vi. golf schools.

Grade, Building

means, in relation to building height, the lowest of the average levels of grade of the natural grade or finished grade adjoining each exterior wall of a building, excluding localized depressions such as for vehicle or pedestrian entrances, as determined in accordance with **section XXX** of this Bylaw.

Grade, Finished

means, in relation to a building or structure, the elevation of the ground surface, or the angled plane of a sloped lot, after development as measured in accordance with **section XXX** of this Bylaw.

Grade, Natural

means, in relation to a building or structure, the elevation of the ground surface, or the angled plane of a sloped lot, in its natural or semi-natural state, prior to any development as measured in accordance with **section XXX** of this Bylaw.

Greenhouse

means a building or structure covered with translucent material and used for the purpose of horticulture.

Height

with respect to a building or structure refers to the vertical distance between the building grade, and the highest point of the structure of a flat roof, or the mid- point of a sloping roof, measured in accordance with **section XXX** of this Bylaw.

Highway

means a public street, road, trail, lane, bridge, trestle, any other public way or any other land or improvement that becomes or has become a highway as per the British Columbia *Transportation Act*.

Home Occupation

means the use of a residential dwelling unit for a licensed commercial occupation, profession or craft by the primary occupant of the residential unit that is contained entirely within the permitted residential use, and conducted in accordance with the regulations in **section XXX** of this Bylaw.

Hostel

means the use of a building for tourism accommodation in which dormitory style sleeping units are provided along with common bathrooms, cooking areas, and communal spaces.

Hotel

means use of a building for tourism accommodation in which four (4) or more furnished accommodation units are provided, with separate entrances to each room from a common corridor, operated and staffed from an on-site office or lobby, and may include publicly accessible accessory uses such as restaurant, health club, liquor primary establishment, or retail store not to exceed a maximum of 33% of the gross floor area.

Industrial

means the use of land, buildings, or structures providing for the manufacturing, processing, fabricating, assembling, storage, transporting, distributing, wholesaling, warehousing, testing, servicing, reduction, repairing, wrecking, or salvaging of articles, substances, or commodities or any other treatment thereof to change the form, character or appearance.

And specifically excludes any of the following uses:

- i. the burning of any salvaged or recycled materials,
- ii. any uses for which a permit is required under the *Environmental Management Act* or *Regulations*,
- iii. the burning of any vehicles, and
- iv. 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 flanking a rear or side lot line with a maximum width of 6.0 metres.

Land

means real property without improvements and includes the surface of water.

Licensed Premises

means premises licensed as a Liquor Primary or Food Primary establishment to serve liquor under the *Liquor Control and Licensing Act*.

Liquor License, Food Primary

means a liquor license issued under the *Liquor Control and Licensing Act* for a commercial business where the service of food, rather than liquor, is the primary purpose.

Liquor License, Liquor Primary

means a liquor license issued under the *Liquor Control and Licensing Act* for a commercial business where the service of liquor is the primary purpose, and includes neighbourhood pubs, bars, lounges, and night clubs, with accessory food service.

Liquor Store

means the use of a building or structure for the retail sale of liquor, beer or wine for consumption off premises, and includes government liquor stores and commercial beer and wine stores.

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 a parcel of land with boundaries registered in the Land Title Office Registry and includes strata lots created by bare land strata subdivision, but specifically excludes land dedicated as road or park on a plan of subdivision.

Corner Lot means a lot which abuts two or more intersecting highways.

Lease Lot means a lot defined by lease boundaries registered in the land titles office.

Panhandle Lot – means any lot which achieves access to a highway only by means of a narrow strip of land or access strip.

Through Lot - means a lot abutting two parallel or approximately parallel highways or any combination of highway common property access route and a body of water.

Lot Coverage

means the portion of a lot, expressed as a percentage, covered by the footprint of all buildings and structures on the lot.

Lot Depth

means the average distance between the front lot line and the rear lot line of a lot, measured along the side lot lines, and at 10-metre intervals in between.

Lot Line

means a line that is used to mark the boundaries of a lot on a survey, lease boundary, or other description registered in the Land Titles Office to identify the boundaries of a lot as follows:

Exterior Side Lot Line– means the lot line(s) common to the lot and an abutting highway, other than a path, lane, walkway, trail, which is not the front lot line.

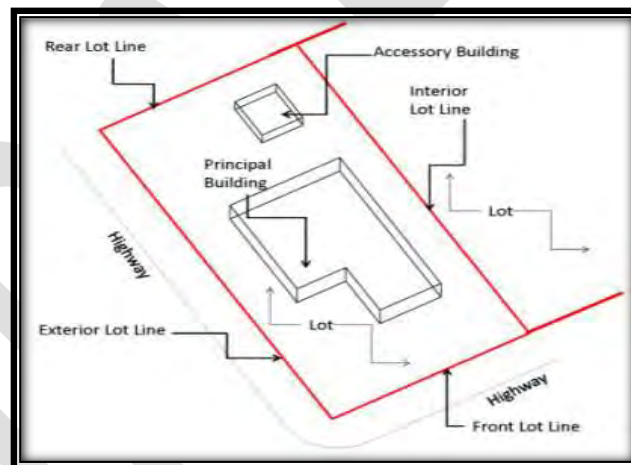
Front Lot Line– means the property boundary line of the lot and the highway it abuts and gains primary access from, however:

- i. in the case of a corner lot, means the shortest lot line abutting the highway;
- ii. in the case of a panhandle lot, means the lot line or lines common to a lot and an abutting highway and the lot line approximately parallel to such line at the end of the panhandle access strip; and
- iii. in the case of a through lot, means both the lot lines abutting two parallel or approximately parallel highways or combination of highway, common property access route or the water.

Interior Side Lot Line – means the lot line(s) connecting the front and rear lot lines, common to the lot and another lot or lane.

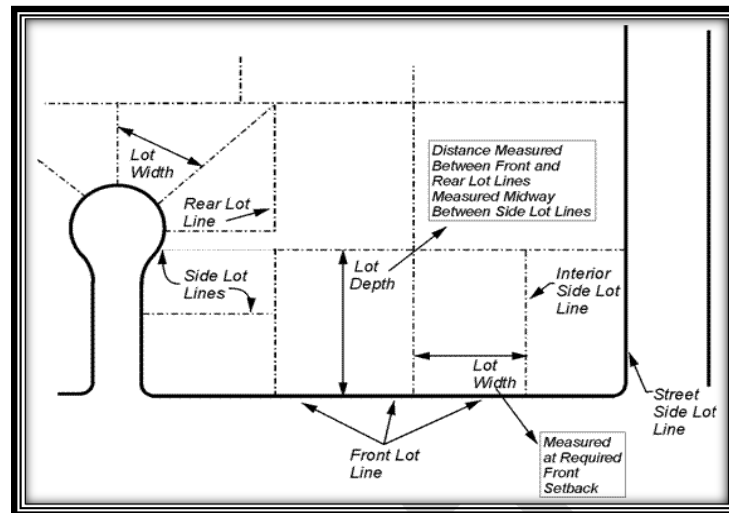
Rear Lot Line – means the lot line furthest from, and opposite to, the front lot line, and, in the case of a triangular shaped lot, a line 3 m (10 ft.) in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Side Lot Line – means an exterior side lot line or interior side lot line interchangeably.



Lot Width

means the average distance between the side lot lines, measured at the front and rear lot lines, and at 5-metre intervals in between, excluding the access strip of a panhandle lot.



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.

Materials Recovery Facility

means a solid waste management facility that processes recyclable materials to sell to manufacturers as raw materials for new products, and may accept other municipal waste. Such facilities assist in reducing the waste stream, the demand for raw materials, and pollution associated with the manufacturing of new products.

Micro-Brewery, Winery and Distillery

means the use of land, buildings and structures, licensed under the *Liquor Control and Licensing Act*, on which there is small scale manufacturing of beer, ale, cider, wine or spirits, and may include the Accessory uses of wholesaling, tours, tastings, retail sales and a manufacturer's lounge up to a maximum size of **___% of total sq. ft.**, as well as the sale of related non-liquor products.

Minimum Lot Size

means the minimum area of a lot that can be created by subdivision under the regulations in this Bylaw.

Mixed Use Building

Means the use of a building for both commercial and multi-family dwellings, subject to the regulations in section XXXX of this Bylaw.

Motel

means a building, or group of buildings on the same lot, providing four (4) or more separate guest rooms, with or without cooking facilities, for tourism accommodation, with the entrance to each room being to the outside of the building, with parking provided in close proximity to

the guest rooms, and operated from a staffed office on-site.

Motocross Track

means the use of land for a constructed off-road circuit used for motorcycle riding.

Motor Vehicle

means any vehicle that is designed to be self-propelled including passenger cars, trucks, recreational vehicles, vans, busses, motorcycles but does not include a motor assisted bicycle, and includes inoperable and abandoned vehicles.

Municipality

means the Village of Pemberton.

Natural Boundary

means

- i. 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
- ii. the edge of the dormant side channels of the water body.

Neighbourhood Pub

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

Neighbourhood Commercial

means a commercial use specifically intended to fit in with its neighborhood surroundings to cater to the needs and desires of the local neighbourhood and includes a convenience store.

Nursery

means the use of land, buildings, or structures for the purpose of growing and propagating plants, and includes retail nurseries, wholesale nurseries, private nurseries which supply the needs of institutions or private estates, and the sale of gardening retail items are permitted.

Office, Business

means the use of a building, outside of a home occupation, for conducting business in an office environment, but does not generate a continuous flow of customers, and may include a tourism booking offices, industrial related offices, design offices, technology offices, or consulting offices, but specifically excludes medical and dental offices, real-estate, and insurance offices.

Office Professional

Means the use of a building, outside of a home occupation, for conducting business in an office environment for any purpose.

Off-Street Parking

means the use of private land for the parking of motor vehicles other than on a highway and includes the parking spaces, loading spaces and the maneuvering aisle.

Outdoor Storage

means the use of land or 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 twenty-four (24) consecutive hours.

Park

means land used or intended to be used for active and passive public use, and includes land dedicated as "Park" on a legal plan or otherwise created or designated by any instrument at the Land Title Office.

Permitted Use

means the permissible purpose for which land, buildings or structures, may be used under the regulations of this Bylaw.

Personal Service Establishment

means the use of a building or structure where non-medical related 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:

- i. barber shop,
- ii. beauty salon,
- iii. dry cleaning and or laundromat,
- iv. dog groomer,
- v. electrical appliance repair,
- vi. esthetics,
- vii. fitness studio,
- viii. clothing or shoe repair,
- ix. photography studio,
- x. psychic reader,
- xi. tattoo parlour,
- xii. travel agency,
- xiii. tanning salon,

- xiv. spa facility
- xv. printing shop, and
- xvi. other similar services.

Impervious Surface

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.

Place of Worship

means the use of a building or structure wherein persons assemble for religious worship, and accessory uses, and which is maintained and controlled by a religious body which is recognized as exempt from taxation under the *Canadian Income Tax Act*.

Principal Building

means a building or structure which contains the principal use of the lot and shall include attached garages or carports, but does not include an accessory building.

Principal Residence

means the dwelling where an individual primarily lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the Dwelling Unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.

Principal Use

means the main purpose for which land, buildings or structures are ordinarily used.

Public Art

means an original work of art in a publicly accessible location and created with the intention of reflecting and/or engaging the community. Public art works may be permanent, temporary or mobile, may be integrated into a site, or may be a stand-alone piece and may have functional and/or aesthetic qualities.

Recreation, Indoor

means the use of a building or structure for recreational pursuits primarily undertaken within the building or structure that require either a minimum two-storey interior space or a minimum of 186 m² of gross floor area, such as a bowling alley, climbing gym, gymnastics, parkour or trampoline facility.

Recreation, Outdoor

means the use of land and accessory buildings and structures, for commercial or club organized outdoor recreational pursuits such as motocross and stock car racing, paintball, standing wave surf park, and whitewater kayaking facility, where the primary recreation activity occurs outdoors.

Recreational Facility

means the use of land, buildings or structures for recreation, sports and leisure activities and assembly uses and may include but is not limited to any or a combination of the following:

- i. Sports Academy,
- ii. Playing Fields,
- iii. Aquatic Centre,
- iv. Skating and/or Curling Rink,
- v. Field house.
- vi. Gymnasium,
- vii. Concession.
- viii. Fitness Studio; and
- ix. Equipment Rentals.

and accessory uses but specifically excludes campgrounds, golf course, BMX track, motocross track, riding academy, and speedway.

Recycling Facility

means the use of buildings or structures for the collection, packaging, and distribution of materials regulated under the *Environmental Management Act* Product Stewardship program, but specifically excludes the recycling of vehicle tires, outdoor storage, and processing.

Refuse Disposal Site

means the use of land, buildings or 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 the use of land for provincially licensed mining, quarrying, digging, or removal of natural materials from either the surface or below the surface of a lot, including the following:

- i. earth, soil, peat, sand and gravel,
- ii. 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,

- iii. forestry, and
- iv. rock or a natural substance prescribed under the *Mineral Tenure Act*.

Resource Processing

means the use of land, buildings, or structures for the processing of extracted quarry materials which includes but is not limited to one or more of the following:

- i. value added wood processing;
- ii. material sorting;
- iii. crushing;
- iv. screening;
- v. stockpiling;
- vi. washing;
- vii. truck loading;
- viii. the on-site operation of a portable asphalt or cement plant; and
- ix. wholesaling of resource products.

Residential

means the use of a building or Structure as a fixed place of living, and unless expressly permitted under this Bylaw, specifically excludes any tourism accommodation and short-term vacation rental, and includes the following buildings and Structures:

- i. Accessory Residential Dwelling,
- ii. Accessory Residential Suite,
- iii. Apartments,
- iv. Carriage Houses,
- v. Detached Dwelling,
- vi. Duplex Dwelling,
- vii. Manufactured Homes, and
- viii. Townhouse Dwelling.

Restaurant Use

means an eating establishment where food is prepared and served, in a building on the same lot, for sale to the public for consumption primarily at tables within the building or on a patio on the same lot, specifically excluding drive through uses, neighbourhood pubs and liquor primary establishments.

Retail

means the commercial selling goods, wares, articles, or merchandise to the ultimate

consumer for personal consumption or household use, and not for resale purposes, but specifically excluding personal services, outdoor sales, convenience store and mobile vending.

Retail, Industrial

means the use of land, buildings and structures for the retail of industrial, automotive, or agricultural related products and equipment, and may include uses such as automotive and agricultural parts, specialty tools, manufacturing, moving and other similar uses.

Retail, Recreation and Leisure

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

Riding Academy

means the use of land, buildings or structures for the boarding and care of horses, and includes instruction for riding, jumping and showing, horse rentals, and accessory equestrian related events or shows, but excludes a commercial horse racing track.

School

means the use of land, buildings or structures for the provision of education to children or adults, and includes pre-school, kindergarten, elementary, middle, secondary and post-secondary institutions, as well as language and other professional or technical education.

Screening

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

Secondary Suite

means a separate dwelling unit which is completely contained within a detached dwelling, which meets the requirements of the *BC Building Code*, and is subordinate in size, extent or purpose to the residential principal building on the lot upon which the suite is located.

Setback

means the minimum distance, measured from the respective lot line, that a building or structure shall be setback from that lot line.

Short Term Vacation Rental

means the use of a dwelling unit, or up to a maximum of four (4) bedrooms in a dwelling unit, for tourism accommodation, but does not include bed and breakfast establishment, bed and breakfast inn, hostel, motel or hotel.

Speedway

means the use of land as a stadium or out-door track for automobile (i.e., stock car) or motorcycle racing.

Storage Facility, Self-Service

means the use of land, building or structure for the commercial purpose of providing individual storage spaces for the public.

Storage Facility, Outdoor Equipment

means the use of land for the storage of equipment, vehicles, products and materials outside the principal or accessory buildings on a property. Outdoor Equipment Storage Facility is only permitted whereby there is compliance with the following requirements:

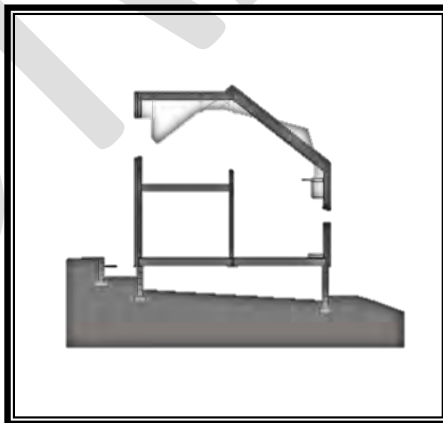
- The yard is enclosed by durable fencing whereby stored materials are screened from adjacent properties with significant buffering or a dark mesh/slat insert;
- All storage areas shall be of a hard (i.e. paved or compacted/treated) dust-free surface; and
- Site drainage shall not negatively impact adjacent properties or watercourses.

Storey

means the same meaning as under the *BC Building Code*.

Storey, First

means the lowest storey of a building or structure, excluding a basement, but having its floor not more than two (2) meters above building grade.

**Storey, Half**

means a storey 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.

Structure

means anything that is constructed, fixed to, supported by, or sunk into land or water.

Subdivision

means the division of land or lots into two (2) or more lots, whether by plan, apt descriptive words or otherwise and includes a long-term land lease, boundary adjustment, consolidation of two (2) or more lots, or creation of bare land strata lots.

Temporary Use

means a temporary commercial or industrial use permitted under a Temporary Use Permit issued pursuant to section XXX of this Bylaw and the *Local Government Act*.

Tourism Accommodation

means the use of land, buildings, or structures for providing temporary commercial lodging by visitors for a period not to exceed thirty (30) consecutive days or 182 days in a twelve-month period, and specifically excludes residential occupancy by any person other than the owner and short-term vacation rental unless specifically permitted in this Bylaw.

Unit

Means a building, or a portion thereof that is individually demised by interior or exterior walls and has a separate entrance, which may be leased or sold individually.

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.

Veterinary Clinic

means the use of land or a building or structure in which animals are medically treated or hospitalized.

Watercourse

means a river, creek, stream, wetland or other body of water as defined by the British Columbia *Riparian Area Regulation*.

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 intended for removal in vehicles.

Wetland

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

Wholesale

means the sale of goods to retail operators or to other wholesale operators or to contractors or manufacturers for resale or for incorporation into other products.

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 or structures, infrastructure, materials or equipment, include office space but specifically excludes communication towers and electrical sub-stations.

Zone

means an area of land established under **section XXX** and the Schedules of this Bylaw and subject to regulations in this Bylaw.

PART 4: Measurements and Calculations

4.1 Measurement Guidelines

- (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.

4.2 Abbreviations

- (a) For the purposes of this Bylaw, the following units of measure may be abbreviated as specified in brackets:
 - i. metre (m);
 - ii. square metre (sq. m or m²);
 - iii. cubic metre (m³);
 - iv. hectare (Ha);
 - v. units per hectare (u/Ha);
 - vi. per cent (%).

4.3 Metric Conversion, Measurements and Abbreviations

- (a) The following metric conversions are provided for the convenience of the reader of this Bylaw:

1 m = 3.28 feet	1 sq. ft. = .093 sq. m
1 foot = 0.33 metre	1 hectare (ha) = 2.47 acres
1 sq. m (m ²) = 10.76 sq. ft.	1 acre = 4047 sq. m or 0.405 ha
1.5 m = 4.92 feet	3 m = 9.84 feet
7.5 m = 24.60 feet	4.5 m = 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

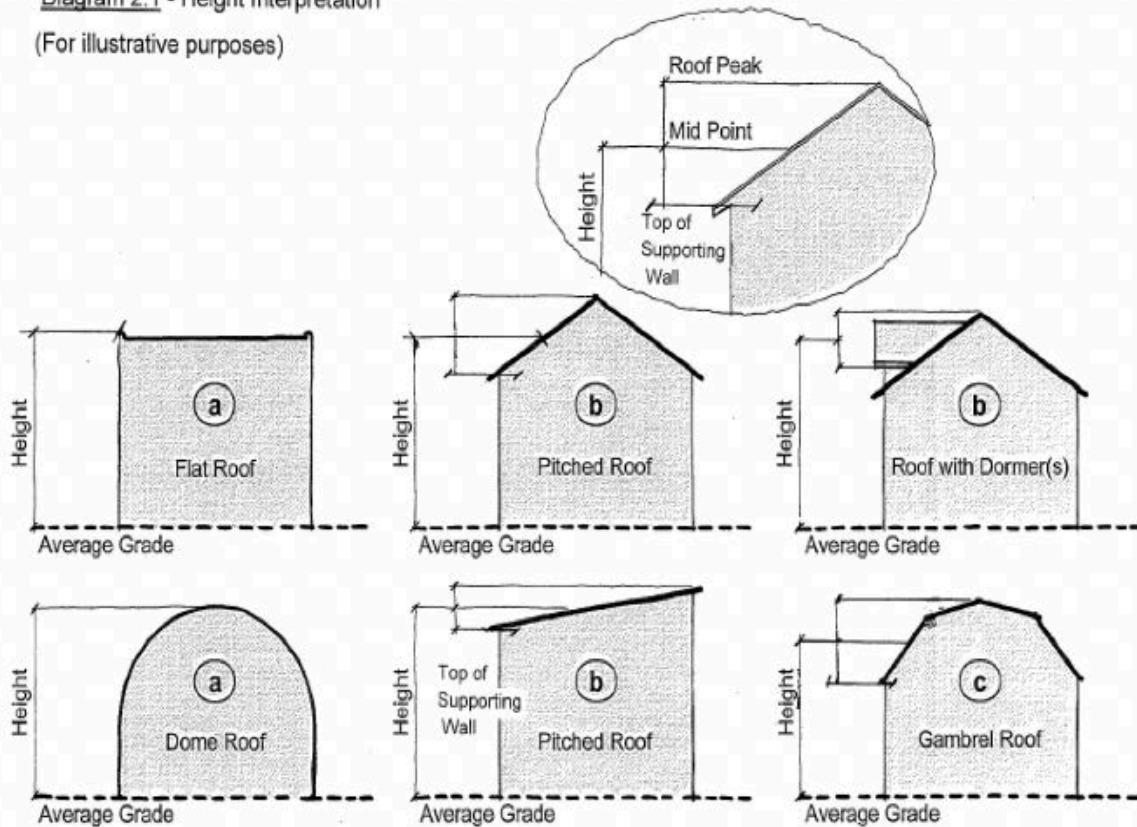
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4.4 Building and Structure Heights

- (a) Where a zone or regulation establishes a maximum height for a building or Structure, the building or Structure shall be constructed no higher than the maximum height as determined by this Bylaw.
- (b) Height shall be measured by a vertical line from the building grade to the point of the roof structure determined by the roof type as follows:
 - i. For flat or domed roofs, height shall be measured to the highest point of the roof structure.
 - ii. For sloped, pitched, butterfly, or gambrel roofs, height shall be measured to the mid-point between the top of the exterior wall to the highest point of the roof structure.
 - iii. For roofs with dormers, height shall be measured to the mid-point between the top of the exterior wall forming the dormer and the highest point of the roof structure.
- (c) For clarity:
 - i. the maximum building 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 shall be applied to that type of building or structure only; and
 - iii. if more than one regulation applies, the most restrictive governs.
- (d) Despite the height regulations in any zone or regulation, the maximum building height may be exceeded for the following, provided that portions of, or projections from, buildings or Structures shall not exceed 18.0 m:
 - i. communication towers and antennas;
 - ii. architectural feature such as a clock tower, water tower, etc.;
 - iii. chimneys;
 - iv. flag poles;
 - v. elevator shafts;
 - vi. stair and hose towers
 - vii. micro-wind turbines; and
 - viii. solar panels.
- (e) Agricultural buildings and structures constructed on land Zoned Agricultural (A-1) are exempt from the building Height requirements.
- (f) The height of a fence, wall or similar screen shall 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.

Diagram 2.1 - Height Interpretation
(For illustrative purposes)



4.5 Density Calculation with Land Dedication

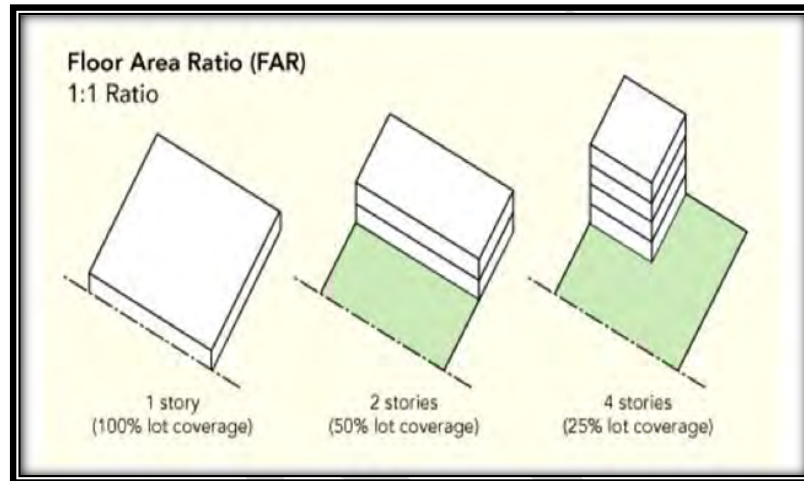
- (a) When calculation of density involves the dedication of land to any government agency for environmental, park, or other public purpose, the density calculation shall be based on the area of the lot before dedication.

4.6 Floor Area

- (a) Where a zone or regulation establishes a maximum floor area for a building, the floor area of the building shall not be greater than the established maximum.
- (b) Floor area is a measurement of the usable floor space of the interior of a building including all storeys and half-storeys, measured as follows:
- i. Floor area is measured from the mid-point of each exterior wall.
 - ii. Basements, common corridors providing access to individual units, interior stairwells, elevator shafts, common mechanical and electrical rooms, laundry rooms, under-building parking, unenclosed decks, and other similar common areas necessary to service the building or its inhabitants are excluded from the calculation of floor area.
 - iii. Buildings and Structures utilizing energy efficient building techniques that result in thicker wall construction, may calculate floor area by determining mid-point of the exterior walls, and calculating floor area from the interior side of the

exterior wall.

- (c) The area of an amenity provided in a building under the terms of density bonus provisions in any amenity zone is excluded from the calculation of maximum floor area.
- (d) provisions in any amenity zone is excluded from the calculation of FAR.



4.7 Floor Area Ratio (FAR)

- (a) Where a zone or regulation establishes a maximum Floor Area Ratio (FAR), the floor area of the buildings or structures shall not exceed the maximum FAR.
- (b) The calculation of FAR is a measure of density and is determined as follows:
 - i. FAR is the ratio of floor area of the principal and accessory buildings and structures on a lot to the lot area, and shall be calculated by dividing the floor area of the buildings on a lot by the total gross area of the lot, expressed as a ratio.
- (c) The area of an amenity provided in a building under the terms of density bonus

4.8 Gross Floor Area

- (a) Gross floor area is measured from mid-point of all exterior walls of the building or structure and includes a garage.
- (b) Buildings and Structures utilizing energy efficient building techniques that result in thicker wall construction, may calculate floor area by determining mid-point of the exterior walls, and calculating floor area from the interior side of the exterior wall.

4.9 Lot Coverage

- (a) Where a zone establishes maximum lot coverage, the building footprints of buildings and structures, shall not exceed the maximum specified in any zone or regulation.

- (b) Lot coverage shall be calculated by dividing the sum of the building footprints for all buildings and structures on the lot by the total area of the lot, expressed as either an area or a percentage.

4.10 Maximum Number, Size, and Density

- (a) Where a zone or regulation establishes a maximum number of buildings, structures, or units, there shall be no greater number of buildings, structures, or units than the specified maximum.
- (b) When calculation of density involves a number of units per lot and yields a fractional number, the required number of units permitted shall be rounded down to the lowest whole number.
- (c) Measures of density in this Bylaw include the following measures established in any zone or regulation:
 - i. Maximum number of buildings or structures;
 - ii. Maximum number of units, including Units Per Hectare (u/Ha);
 - iii. Maximum floor area;
 - iv. Maximum percentage of a lot, building or structure;
 - v. Maximum lot coverage;
 - vi. Maximum Floor Area Ratio (FAR).

4.11 Minimum Lot Size and Dimensions

- (a) Where a zone or regulation establishes a minimum lot size, the minimum lot size is the minimum area of a lot that may be created by subdivision in that zone.
- (b) Where a zone or regulation establishes minimum parcel dimensions for frontage, depth, and width, the minimum dimensions are the minimum dimensions of a lot that may be created by subdivision in that zone.
- (c) For lots fronting a cul-de-sac, or having an irregular lot boundary, the lot width frontage shall be measured from a point on each side lot line 7.5 metres from the intersection of the side and front lot lines.
- (d) For panhandle lots, the front lot line measurement includes the width of the access strip and the front lot line.
- (e) For panhandle lots, a maximum of 10% of the measurement of lot area may be comprised by the area of the access strip. For clarity, the area of the panhandle may be greater than 10%, but only maximum of 10% shall be included in the calculation of lot area for the purpose of measuring the minimum lot size.

4.12 Projections into Required Setbacks and Exceptions to Siting Requirement

- (a) Every part of any setback required by this Bylaw shall be open and unobstructed by any building or structure, except that, a setback may contain architectural or functional structures or a building or structure feature 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:

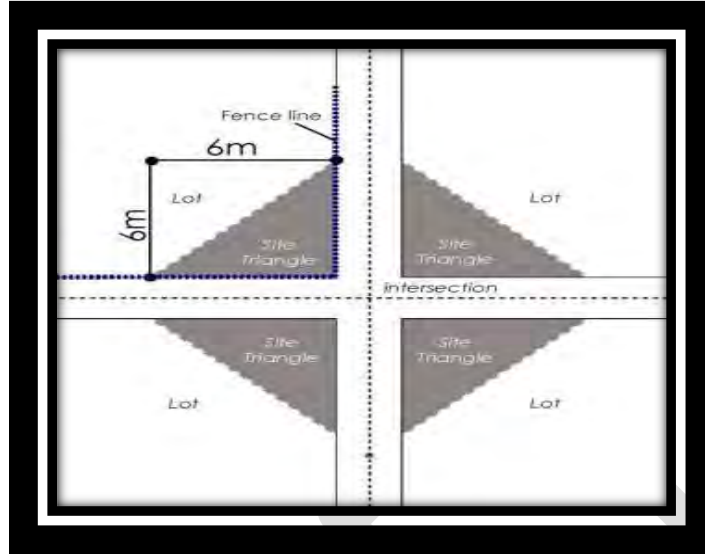
- i. no such structure or feature shall project more than 0.6 m into any required setback;
- ii. the total combined length of all projections shall not exceed 40% of the length of each applicable facade on each storey;
- iii. a fence that complies with the height restrictions of this Bylaw is allowed 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 area;
- iv. stairs accessing a deck, porch or verandas may be located within a front Setback, exterior side setback, or rear setback but shall not be located within any interior 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 shall 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.

4.13 Setbacks from Lot Line

- (a) Where a zone or regulation establishes a minimum or maximum setback for front yard, side yard or rear yard setbacks, buildings and structures must be located outside of the minimum setback, or inside the maximum setback.
- (b) Setbacks shall be determined in accordance with the following measurement guidelines in any zone:
 - i. setbacks shall be the minimum distance between the closest point of a building or structure and the lot line measured perpendicular to the lot line.
 - ii. the minimum setbacks for buildings and structures at the Airport zone shall be measured from the leasehold boundaries.
 - iii. fences are exempt from setbacks unless a setback is specifically established in this Bylaw.
 - iv.

4.14 Sight Line Requirements at Intersections

- (a) For corner lots, nothing shall be constructed or maintained, nor shall any type of hedge be maintained or allowed to grow, exceeding a height greater than 3.0 m above the finished 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:



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PART 5: Establishment of Zones

1.1. Creation of Zones

- (a) The entire Village of Pemberton is divided into zones, the location of which is depicted on Schedule A, which is attached to and forms a part of this Bylaw.

5.1 Zone Boundaries

- (a) The official version of the Zoning Map 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 shall prevail.
- (b) Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centreline, unless otherwise clearly indicated on the Zoning Map;
- (c) Any dashed Zoning boundary lines used in Schedule A must be interpreted as if they were solid lines.
- (d) 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.
- (e) Where a zone boundary is shown as approximately following the edge, shoreline, or high water mark of a river, lake, or other water body, it follows that line. In the event of change, it moves with the edge or shoreline;
- (f) Where a zone boundary is shown as approximately following a property line, it follows the property line;
- (g) Where a zone boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line;
- (h) In circumstances not covered above, the zone boundary shall be determined by the scale of the Zoning Map.
- (i) When any street is closed, the roadway lands have the same zoning as the abutting land. When abutting lands are governed by different zones, the centre of roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's zoning designation applies to affected portions of the roadway.

5.2 Zone Names

- (a) The Zoning boundaries, as shown on the Schedule A, are as follows:

Zone Name	Abbreviation
Agriculture	A-1
Airport	AP-1
Commercial - Town Centre	C-1
Commercial - Tourist	C-2
Commercial - Portage Road	C-3
Commercial - Service	C-4

Commercial – Neighbourhood Pub	C-5
Commercial - Convenience	C-6
Community Watershed Protection	CWP-1
Comprehensive Development	CD-#
Educational	E-1
Industrial	M-1
Resource Industrial	M-2
Manufactured Home Park	MHP-1
Outdoor Recreation	OR-1
Parks and Recreation	PR-1
Public/Community	P-1
Residential One – Single Family Detached	R-1
Residential Two – Small Lot	R-2
Residential Three - Duplex	R-3
Residential Four – Rural Residential	R-4
Residential Amenity Zone 1 (Sunstone)	RA-1
Residential Amenity Zone 2 (Ridge)	RA-2
Residential - Townhouse	RT-1
Residential – Townhouse	RT-2
Residential -Townhouse Amenity (Sunstone)	RTA-1
Residential – Townhouse Amenity (Ridge)	RTA-2
Residential Country Inn	RC-1
Resource	RES-1

5.3 Comprehensive Development Zones

- (a) Comprehensive Development Zones shall be numbered in sequence, prefaced by “CD-“, be attached to and form part of this Bylaw.

PART 6: GENERAL REGULATIONS

6.1 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 shall 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 shall 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 shall 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 zone in which it is located.
- (g) A building or structure shall not be constructed, sited, moved, or altered unless its screening requirements are provided as specified for the zone in which it is located, unless otherwise specified in this Bylaw.
- (h) A continuation of a non-conforming use, the use of buildings or structures shall be subject to the provisions of the *Local Government Act*.

6.2 General Prohibitions

- (a) 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.

6.3 Uses Permitted in All Zones

- (a) 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:
 - i. 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;
 - ii. Community garden, horticulture;
 - iii. Any approved environmental protection, restoration and enhancement project;
 - iv. Flood control works undertaken by a government agency;

- v. Highway;
- vi. Landscaping, landscape buffer, landscape screen, fence;
- vii. Park;
- viii. Utility services, excluding offices, maintenance garages and storage areas;
- ix. Temporary buildings, structures or storage of materials for a maximum of one (1) year, required for an approved construction project on the same lot provided such temporary buildings, structures and storage areas are removed within thirty (30) days of the completion of the project;
- x. 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;
- xi. trails, subject to approval of the Agricultural Land Commission if located in the Agricultural Land Reserve;
- xii. government services;
- xiii. ecological reserves;
- xiv. watershed protection;
- xv. filming; and
- xvi. Places of worship.

6.4 Uses Prohibited in Zones

- (a) A person shall 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 personal water craft and other watercraft trailers, campers, utility trailers and recreation vehicles,
 - iii. Storage of explosives, unless authorized by government agencies under the *Canada Explosive Act*, and
 - iv. A use involving the storage of scrap metal, disabled vehicles, disused items, or as an automobile salvage and wrecking yard,
 - v. Short term vacation rental,
 - vi. Cannabis Dispensary.
- (c) The following uses and structures are prohibited in all residential, 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;
- iii. a shipping/cargo container or other form of container;
- iv. any land use which produces malodorous, toxic or noxious matter, or generates vibrations, heat, glare or radiation discernible beyond the boundaries of the lot;
- v. recycling facility unless it is listed as a permitted use in the respective zone;
- vi. refuse disposal site unless it is listed as a permitted use in the respective zone;
- vii. waste transfer station unless it is listed as a permitted use in the respective zone;
- viii. Resource processing;
- ix. Gaming and gambling establishments, other than charity gaming;

6.5 Subdivision of Land

- (a) The purpose of this section is to regulate the requirements of lots of land and lots which may be created by subdivision.
- (b) The size and width of a lot to be created by subdivision shall not be less than the minimum dimensions and area established by this Bylaw.
- (c) No lot shall be created by subdivision that has less than 10% of its perimeter fronting on a Highway.
 - i. Notwithstanding the minimum frontage requirement, Council, or Councils delegate, may exempt parcels of land from the 10% minimum frontage requirement.
 - ii. Notwithstanding the minimum frontage requirement, 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.
- (d) The consolidation of two or more lots into a single lot is exempted from minimum lot size requirements in any zone.
- (e) The realignment of lot lines to adjust the boundaries between two or more 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 for lots conforming to minimum lot size requirements;
 - iii. that the boundary change would result in equal parcel areas equivalent to the original lots for lots that do not conform to minimum lot size requirements.
- (f) Unless the pattern of existing subdivision precludes it, and unless it is impracticable, side lot lines shall be perpendicular or radial to the adjoining highway.
- (g) A panhandle lot shall not be created where the access strip is narrower than 10.0 m.

6.6 Undersized Lots

- (a) In each zone, all lots that have a lesser lot area, frontage or depth than required in this Bylaw, and that were lawfully created and registered at the BC Land Title Office prior to the date of adoption of this Bylaw, are hereby deemed conforming to the parcel dimension and size requirements of this Bylaw.

6.7 Conversion of Buildings or Structures

- (a) buildings or Structures may be converted, altered or remodeled for another use, provided that:
 - i. The Building Official certifies that the building or structure is structurally suitable for such conversion;
 - ii. The converted building or structure conforms to all provisions and regulations of the zone in which the lot is located; and
 - iii. The parking requirements for the intended use are met.

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PART 7: ADDITIONAL ZONING REGULATIONS FOR CERTAIN USES

7.1 Accessory Buildings or Structures and Uses

- (a) Accessory buildings, structures or uses shall comply with the following:
- i. An accessory building or structure shall 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;
 - ii. On lots zoned for residential uses that are less than 0.4 Ha in area, the combined total area of greenhouses shall not exceed 25% of the lot area;
 - iii. Greenhouses associated with agriculture use shall comply with the required lot line setbacks for agriculture uses;
 - iv. A garage or carport attached to a permitted building or structure, by an enclosed, heated area that is not more than five (5) metres in length, is deemed to be a portion of the permitted building or structure;
 - v. 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;
 - vi. No part of an accessory building or structure shall be used for residential use purposes or short-term vacation rental, except as otherwise provided for in this Bylaw; and
 - vii. No accessory building shall be located in the front yard except a garage or carport.

7.2 Accessory Residential Dwellings

- (a) If an accessory residential dwelling is permitted in a commercial, industrial, or institutional zone, the accessory residential dwelling shall comply with the following regulations:
- i. Only one (1) accessory residential dwelling is permitted per commercial, industrial, or institutional unit;
 - ii. An accessory residential unit shall not exceed 20% of the gross floor area of the principal
 - iii.

7.3 Agricultural 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*, 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, 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*, 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*, are explicitly identified as Permitted Uses within individual agricultural zones; for such activities, conditions of use apply in accordance with this Bylaw.

7.4 Agri-tourism

- (a) Agri-tourism shall be carried out only on land within the Agricultural Land Reserve and as a use accessory to an agricultural use.
- (b) The use shall be carried out on land that is classified as a farm under the *Assessment Act* and shall not use, construct or erect any permanent facilities for agri-tourism activities without an approved non-farm use application from the Agricultural Land Commission and a valid building permit for assembly use.
- (c) Agri-tourism activities shall be temporary and seasonal and promote or market farm products grown, raised, or processed on the farm.
- (d) Agri-tourism includes the following tourism related activities:
 - i. Agritourism Accommodation
 - ii. An agricultural heritage exhibit display
 - iii. Farm tour or farm operation demonstration
 - iv. Cart, sleigh or tractor rides on the land comprising the farm
 - v. Activities that promote or market livestock from the farm, (e.g. horseback rides, cattle show, petting zoo)
 - vi. Dog trials held at the farm (agility and stock dog events)
 - vii. Harvest festivals and other seasonal events (e.g. pumpkin patch, garlic festival or corn mazes) for the purpose of promoting farm products produced on the farm
 - viii. accessory services or sales
- (e) The following activities are specifically excluded from??? Agri-tourism use:
 - i. Bistros, cafes and restaurants
 - ii. Paint ball
 - iii. Dirt Bike/ATV trails
 - iv. Mini-trains or model airplane runways
 - v. Activities operated as a commercial business

7.5 Agricultural Gathering for an Event

- (a) On land designated as farm under the *Assessment Act*, event gatherings are subject to the following regulations:
 - i. permanent facilities are not constructed or erected in connection with the event;

- ii. Parking for those attending the event are available on the farm, but shall not be permanent nor interfere with the farm's agricultural productivity;
- iii. No more than 150 people, excluding residents and employees of the farm may be gathered on the farm at one time for the purpose of attending the event;
- iv. The event shall be of no more than 24 hours duration;
- v. No more than ten (10) gatherings for an event of any type may occur on the farm within a single calendar year.

7.6 Backyard Hen Keeping

- (a) For Zones within which backyard hen keeping is a Permitted, the following regulations apply:
 - i. backyard hen keeping is Permitted on lots greater than 600 m² and less than 0.4 ha in area; on lots that are 0.4 ha or greater, backyard hen keeping shall comply with regulations and conditions of use for Agriculture;
 - ii. a maximum of five hens is Permitted and no roosters are Permitted; and
 - iii. an enclosure for the keeping of hens shall be provided, which is fenced and secured with electric fencing.
- (b) buildings, structures and enclosures used for the keeping of hens shall:
 - i. not be located within a front yard and within six (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,
- (c) Backyard hen keeping shall not create a nuisance of any kind.
- (d) Backyard hen keeping shall comply with all other Municipal Bylaws including applicable Animal Control Bylaws.

7.7 Bed and Breakfast

- (a) Where permitted in a zone, one (1) Bed and Breakfast use per lot is permitted in a detached dwelling subject to the following regulations:
 - i. The bed and breakfast use is accessory to the principal residential use, and operated by the full-time and present resident;
 - ii. A maximum of two (2) bedrooms in a detached dwelling are used for bed and breakfast;
 - iii. One (1) additional parking space shall be provided per bedroom made available for Tourism Accommodation; and
 - iv. A bed and breakfast use cannot be combined with any other home occupation.
- (b) The area designated for Bed and Breakfast use (including guest rooms and any common room provided outside of the residential occupant's personal area) must not

contain cooking facilities or refrigerators in excess of six (6) cubic feet.

- (c) A bed and breakfast shall not be combined with any other tourism accommodation use.
- (d) A valid Village of Pemberton business license is required.

7.8 Bed and Breakfast Inn

- (a) Where permitted in a zone, one (1) Bed and Breakfast Inn use per lot is permitted in a detached dwelling subject to the following regulations:
 - i. The bed and breakfast inn use is accessory to the principal residential use, and operated by the full-time and present resident;
 - ii. A minimum of three (3) and a maximum of five (5) bedrooms in a detached dwelling are used for bed and breakfast inn;
 - iii. One (1) additional parking space per bedroom rented out as Bed and Breakfast inn is required;
 - iv. A bed and breakfast use cannot be combined with any other home occupation
- (b) The area designated for bed and breakfast inn use (including guest rooms and any common room provided outside of the residential occupant's personal area) must not contain cooking facilities or refrigerators in excess of six (6) cubic feet.
- (c) A bed and breakfast shall not be combined with any other tourism accommodation use.
A valid Village of Pemberton business license is required.

7.9 Cannabis, Medical Production

- (a) Where permitted in a zone a medical cannabis production use shall not discharge odours beyond the boundary of the lot on which it is located

7.10 Carriage Houses

- (a) Where permitted in a zone, carriage houses shall be subject to the following regulations:
 - i. The distance between the Permitted Dwelling Unit and the Carriage House shall be a minimum of 3.0 m;
 - ii. The carriage house shall be located only on the second story of a detached accessory.
 - iii. Notwithstanding any other regulation in a zone, accessory buildings with a carriage home may be constructed to a maximum height of 7.6 m.
 - iv. The combined Gross Floor Area of all Accessory buildings or Structures on the lot, including the Carriage House shall not exceed 90 m²;
 - v. Carriage Houses shall be hooked up to a Community Sewer System and a Community Water System; and
 - vi. There shall be either an Accessory Residential Suite or a Carriage House located on the same lot as the Principal Residential Dwelling Unit but not both.

7.11 Compost Bins

- (a) Compost bins and composting shall:
 - 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 shall not utilize any mechanized processes.

7.12 Farm Stands

- (a) For zones within which a farm stand is a permitted use, the farm stand shall:
 - 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;
 - ii. roadside stands are permitted within a required setback; however, the structure shall not obstruct any vision or sight lines to and from a Highway, driveway or Lane and may need permission from the Ministry of Transportation 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;
 - 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 shall not exceed 0.4 m² in area

7.13 Fences, Screening and Retaining Walls

- (a) Except as otherwise specifically stated in this Bylaw;
 - i. The height of a fence or wall shall 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;
 - ii. The maximum height of a fence shall 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.
- (b) Notwithstanding paragraph (a) 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 shall 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 shall 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 shall 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* ;

7.14 Food Truck

- (a) Food truck's may be permitted in any non-residential zone and are subject to the following regulations:
- i. Food trucks shall not occupy a highway for a period of more than eight (8) consecutive hours in any day.
 - ii. Food trucks shall not locate in manner that impedes pedestrian or vehicle traffic on a highway.
 - iii. The Food Truck operator shall have a valid and current business license issued by the Village of Pemberton and shall have a valid Vancouver Coastal Health Authority food service permit.

7.15 Home Occupation

- (a) In any zone in which a home occupation use is permitted, the following conditions shall be satisfied:
- i. The activities shall be conducted entirely within the principal building or accessory building except where such activity involves horticulture or a family day care.
 - ii. The home occupation shall not involve external structural alterations to the dwelling unit or show any exterior indications that the dwelling unit is being utilized for any purpose other than that of a dwelling unit.
 - iii. The use shall not involve the storing, exterior to the building or buildings, of any materials used directly or indirectly in the processing or resulting from the processing or any product of such craft or occupation.
 - iv. The use may involve the display and the sale of a commodity that is produced on the premises; however in no case shall the retailing of the commodity be the primary home occupation use.
 - v. The use within the principal building shall occupy no more than 20% of the floor area of the principal building, up to a maximum of 50 m².
 - vi. The use within one or more accessory buildings shall occupy a total of not more than 50 m².
 - vii. In no case shall the aggregate floor area of all buildings used for home occupation use exceed 50 m² on a parcel of land.
 - viii. The total display area of any outdoor advertising sign shall not exceed 0.4 m².
 - ix. Not more than the equivalent of two (2) full-time persons shall be engaged in a home occupation, one (1) of which shall be a resident of the dwelling unit.
 - x. Home crafts or occupations shall not discharge or emit the following across lot lines:

- xi. odorous, toxic or noxious matter or vapours;
 - xii. heat, glare, electrical interference or radiation;
 - xiii. recurring ground vibration;
 - xiv. excessive noise levels;
 - xv. The use shall provide parking in accordance with the requirements in the applicable zone.
 - xvi. No automobile, boat, or other machinery servicing or repair is permitted as a home occupation use.
- b) In addition to the above, a Home Occupations use shall 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 shall follow any applicable noise regulations created by the Village of Pemberton.

7.16 Intermodal Storage Containers

- (a) Intermodal containers may be used for storage in industrial, Airport, Public, Parks and Recreation, and Outdoor zones. Where permitted, intermodal storage containers shall:
- i. be used for accessory storage purposes only;
 - ii. be limited to a maximum of one per lot, two per lot in public, parks and recreation zones, and three for the aerodrome use at the Airport;
 - iii. not be reconstructed, altered or modified in any way to be used for living accommodation or human habitation for either personal or business purposes;
 - iv. not be used to store animals, trash, refuse, contaminated or hazardous materials;
 - v. not be stacked one upon another; or laid out in a row, unless authorized by a building permit;
 - vi. shall be placed on a hard dust free surface pad area made with either concrete, asphalt or similar materials and they shall not be permanently fixed to the ground;
 - vii. be used for temporary storage during the construction of a permitted building or structure, only when included in the building permit issued for the principal building;
 - viii. shall not occupy any required parking or loading spaces, or interfere with the circulation of motor vehicles or pedestrians;
 - ix. comply with the setback requirements for any accessory buildings or structures in the applicable zone;
 - x. comply with all other applicable regulations contained within this Bylaw;
- (b) For the purposes of this Bylaw railroad cars, truck vans, converted manufactured

homes, travel trailers, cube vans, 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; and

- (c) Stamped engineering drawings may be required as a part of a building permit application, if the intermodal storage containers are to be stacked one upon the other or laid in a row.

7.17 Mixed Use Buildings

- (a) Where a building is used for a combined Commercial and Residential use, unless otherwise specified in the applicable zone, the residential use shall:
 - i. be contained in the same building as the at-grade commercial use; and
 - ii. have a separate entrance from the commercial use.
- (b) Residential and commercial uses shall not be mixed on the same storey unless expressly permitted in the applicable zone.

7.18 Retaining Walls

- (a) In a residential zone, a single retaining wall shall:
 - 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.

7.19 Screening

- (a) Where a lot is Developed for a Commercial, Industrial, or Community Use as permitted within a Commercial, Industrial, Community 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 shall provide Screening along such lot line. The Screening shall 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 is 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 Community at the time of adoption of this Bylaw.
- (c) Notwithstanding paragraph (a) above, where a lot is Developed for a Commercial, Industrial, or Community use as Permitted within a Commercial, Industrial, Community 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 shall provide Screening along the entire lot line abutting the lane. The screening shall 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 is no maximum height;

- (d) Where a lot in a non-Agricultural zone is developed; the owner shall provide Screening along the entire length of any lot line adjoining land in the Agricultural Land Reserve. The Screening shall be designed to minimize any potential land Use conflicts with the Permitted Agricultural use. The screening shall 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 shall 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, shall be maintained at all times by the owner of the lot on which they are required; and

7.20 Solid Waste Enclosures

- (a) If there are any solid waste enclosure requirements in any zone, then the following regulations apply:
 - i. solid waste shall be stored in an animal proof enclosure and such enclosure shall contain enough space for separate containers for sorting recyclable products;
 - ii. such enclosure, shall have unblocked access; and
 - iii. the enclosure shall 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.

7.21 Secondary Suites

- (a) Secondary Suites are permitted only in detached dwelling units and are accessory to the principal residential use.
- (b) Unless a zone specifically provides for otherwise, only one (1) secondary suite is permitted on a lot;
- (c) A secondary suite shall not have more than two (2) bedrooms.
- (d) Where a lot is not serviced by the municipal community sewer system, written confirmation from the applicable licensing body that the capacity of the sewer system will not be compromised by the presence of a secondary suite is required.
- (e) In detached dwellings, accessory residential dwelling shall have a total gross floor area of not more than 90.0 M² and shall have an area less than 40% of the habitable gross floor area of the detached dwelling unit.
- (f) Secondary suites shall not be subdivided or strata-titled from the building or structure of which it is part.
- (g) A secondary suite is not permitted in a detached dwelling that is a bed and breakfast, or bed and breakfast inn.
- (h) One off-street parking space in addition to those required for the permitted use shall

be provided.

7.22 Short Term Vacation Rental

- (a) Where permitted in a zone, short-term vacation rental use shall be subject to the following regulations:
 - i. Short-term vacation rental is only permitted in a lawful dwelling unit that is a principal residence.
 - ii. Short term vacation rental is not permitted in an accessory building or vehicle, recreation vehicle, tent or trailer, other than a carriage house.
 - iii. Occupancy shall not exceed two (2) persons per available bedroom, to a maximum of eight (8) guests.
 - iv. One (1) off-street parking space shall be provided for each bedroom used as short term vacation rental.
 - v. Any person intending to operate a short term vacation rental shall hold a valid and current business license from the Village of Pemberton.
 - vi. Any person intending to operate a short term vacation rental will be required to enter into a Good Neighbour Agreement.
 - vii. Operators of Short term vacation rental will be required to maintain a \$2,500 infraction deposit, which will be drawn upon in the case of complaints warranting staff time.
- (b) Operators of Short term vacation rental will be subject to the same utility rates as bed and breakfast operators.

7.23 Subdivision to Provide a Residence for a Relative

- (a) The minimum size for a lot that may be subdivided shall be that prescribed under the *Local Government Act*.

7.24 Subdivision of Lots Separated by Roads or another lot

- (a) 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:
 - i. the Highway or other lot is used as the subdivision boundary;
 - i. if the lot lies in the Agricultural Land Reserve, the approval of the Agricultural land Commission has first been obtained; and
 - ii. no lot created pursuant to this section shall be less than 1 Ha in area where connection to a community water system is not available and 0.4 Ha in an area where community water system connections are made to each lot

7.25 Temporary Use Permits

- (a) Temporary commercial and industrial uses may be allowed under Section 493 of the *Local Government Act* within all industrial and commercial zones.
- (b) In considering the issue of a temporary use permit, the Council or its delegate shall consider the following:

- i. Whether the proposed use is consistent with the Official Community Plan designation for the land;
- i. Whether the proposed use is consistent with any relevant Village of Pemberton policies.
- ii. In the case of any proposed use that is not consistent with any such plan or Council policy, the nature and extent of any community benefit from the use;
- iii. Whether the proposed use is of a temporary nature or whether it would be more appropriate for the Village to consider permitting the use by rezoning;
- iv. The suitability and compatibility of the proposed use with the surrounding area, including its operation, function, appearance and intensity of use; and
- v. The impact of the proposed use on the operation of adjacent uses, including future land uses permitted by the Zoning Bylaw and designated by the Official Community Plan.

7.26 Temporary Buildings or Structures During Construction

- (a) A temporary building or structure may be temporarily placed on a lot during construction of a detached dwelling on the same lot, for a period not to exceed the duration of the construction or one (1) year, whichever is less.
- (b) An owner of a lot with a minimum lot size that exceeds 2,023.5 m² may use a mobile home or recreational vehicle (RV) while in the process of constructing a detached dwelling on the same lot, provided that all of the following conditions are met:
 - i. the mobile home or RV occupancy shall not commence until a building permit has been issued for the construction of a detached dwelling located on the same lot;
 - ii. the period of mobile home or RV occupancy shall not extend beyond twelve (12) months from the issuance of the building permit;
 - iii. occupancy of the mobile home or RV shall cease within thirty (30) days of the date upon which occupancy is granted for the newly constructed detached dwelling;
 - iv. sewage shall 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 mobile home or RV shall not be located closer than 4.5 m to any lot line;
 - vi. no extensions to the building permit or the temporary occupancy are permitted, without the expressed approval of the Building Official;
 - 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*, to the effect that the owner undertakes to remove the existing detached dwelling or render it uninhabitable to the satisfaction of the Building Official following the granting of the certificate of occupancy for the new detached dwelling unit.
 - viii. The covenant shall specify that an Irrevocable Letter of Credit or other security satisfactory to the Municipality, in the amount of \$10,000, shall 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. If the funds are forfeited the Municipality shall use the \$10,000 to offset any costs of legal

action to obtain compliance. The Irrevocable Letter of Credit term shall be for the entire term noted in the required covenant.

7.27 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 Residential Dwelling Unit located on it, while in the process of constructing a new Detached Residential Dwelling Unit and with an approved Building Permit on the same lot, may continue to occupy the existing Detached Residential Dwelling Unit during construction of the new Detached Residential 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*, to the effect that the owner undertakes to remove the existing detached dwelling unit or render it uninhabitable to the satisfaction of the Building Official following the granting of the certificate of occupancy for the new detached dwelling unit.
 - ii. when a covenant is required in accordance with subparagraph i., the covenant shall specify that an Irrevocable Letter of Credit or other security satisfactory to the Municipality, in the amount of \$10,000, shall 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 shall use the \$10,000 to offset any costs of legal action to obtain compliance. The Irrevocable Letter of Credit term shall be for the entire term noted in the required covenant; and
 - iii. that the actions required by covenant under Subparagraph i) shall 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 shall be specified in the covenant.

7.28 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 shall not be located within fifteen (15) m of a front lot line or within a required side or rear lot line setback;
 - ii. above ground pools shall have a maximum height of 2.5 m;
 - iii. swimming pools shall 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
 - iv. the combined area of the swimming pools, spa or hot tub shall not exceed 15% of the total lot area.

PART 8: PARKING AND LOADING REQUIREMENTS

8.1 Off-street Parking General Requirements

- (a) Minimum off-street parking spaces and facilities shall 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 shall 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 shall be part of the site plan submitted as a part of the application package, if this is not possible then it shall be filed with the building Official prior to issuance of a building Permit;
- (d) Where the calculation of required off-street parking spaces results in a fractional number, the number of required spaces shall be the nearest whole number above that calculation;
- (e) Where a building or structure or a lot contains more than one function or Use, the required number of parking spaces shall be the total sum of the requirements for each function or Use;
- (f) At least two parking spaces shall 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 shall be deemed to be one seat;
- (h) All Multiple Unit Residential, mixed Residential and Commercial Development shall 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 shall provide one electric vehicle for every 10 parking stalls required, 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 shall be provided;
- (k) Where 20 or more parking spaces are required by this Bylaw, the required spaces shall 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.
 - v.

8.2 Measurement

- (a) For the purposes of Part 5 Parking and Loading Requirements, in this Bylaw, units of measure shall be interpreted as follows:
- i. where the sum of the calculation of the required total stall or special stall designation results in a fraction, 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.

8.3 Residential Parking Requirements

Apartment Dwelling One Bedroom Two Bedroom Three Bedroom Visitor Parking	1 per dwelling unit 1.75 per dwelling unit 2 per dwelling unit 0.25 per dwelling unit
Detached Dwelling Detached Dwelling Unit Duplex Bed and Breakfast Bed and Breakfast Inn Secondary Suite Short Term Vacation Rental Manufactured Home	2 per dwelling unit 2 per dwelling unit +1 per available bedroom +1 per available bedroom +1 per unit +1 per available room 2 per dwelling
Townhouse Dwelling One Bedroom Two Bedroom Three Bedroom Visitor Parking	1 per dwelling unit 2 per dwelling unit 2 per dwelling unit 0.25 spaces per dwelling unit

8.4 Commercial Parking Requirements

Veterinarian Clinic	1 space per 35 m ² of GFA
Financial Institution	1 space per 20 m ² of GFA
Campground	2 spaces per campsite 1 space per site visitor parking
Liquor Primary Establishment	1 space per 4 seats
Gas Station	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
Fitness Centre	1 space per 20 m ² of GFA plus .25 per employee
Automotive Sales	1 space per 70 m ² of GFA space
Tourist Accommodation	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
Neighbourhood Pub	1 space per 4 seats
Nurse/Garden Supply	1 space per 15 m ² of GFA
Office – Medical and Dental	4 spaces per dentist/doctor
Other	1 space per 28 m ² of GFA
Restaurant, Food Primary Establishment	1 space per 4 seats
Retail Store	1 space per 28 m ² of GFA
Community Care Facility – Day care	1 per person in care
Group Care	1 per 4 beds
Liquor Store, Beer and Wine Store	3.25 per 140 m ² of GFA
Neighbourhood Commercial	.25 per 100 m ² of GFA

8.5 Industrial Parking Requirements

General Industrial	
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
Building Supply	1 space per 20m ² retail floor area
Car Wash	2 stacking spaces per wash bay

8.6 5.1.4 Community Parking Requirements

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	2 spaces per classroom
Secondary	5 spaces per classroom
Craft or Vocational	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 employee

8.7 Affordable and Rental Housing Parking

- (a) Where a multiple family building is subject to a Housing Agreement for the provision of affordable or rental housing, the parking ratios may be reduced by 0.25 stalls per unit.

8.8 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 a 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 shall be in accordance with the following table, which represents 2018 dollars, and adjusted in accordance with Subparagraph iii);

\$7500.00

 - iii. the cash-in-lieu amount shall be adjusted for inflation each year beginning in 2018, according to the British Columbia Consumer Price Index, annual average for “all items”, as published by BC Stats each January.

8.9 Parking for Persons with a Disability

- (a) Each parking space designated as a disability vehicular parking stall shall be signed and pavement marked with the International Symbol of Accessibility for the handicapped; and
- (b) Disability vehicular parking stalls shall 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 shall be non-existent; and
- (c) Be surfaced with material conducive to providing access for wheelchairs.

8.10 Tandem Parking

- (a) Tandem parking in a garage is permitted in townhouse dwellings less than 110 square metres.
- (b) Tandem parking in a garage is permitted in the RS-3 zone for single detached dwellings less than 110 square metres

8.11 Off-Street Parking Design Criteria, Development and Maintenance

- (a) The minimum required dimensions for parking spaces and drive aisles shall 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
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 shall 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 shall be increased by 0.3 M for that space only;
- (e) Except for Residential Uses, Highway access or egress from parking areas shall 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 shall 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 shall not exceed 8%;
- (i) Each parking stall shall 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;
 - iv. honeycomb grid; or
 - v. crushed gravel.
- (j) All parking areas required for Commercial, multiple dwelling, and Industrial uses shall include one or more oil-water separators, and it shall 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 shall 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 shall not exceed a grade of 20%;
 - (m) All the required parking spaces for all Uses shall be located on the same lot as the uses they serve;
 - (n) Each parking area shall be graded and drained in accordance with best engineering practices. In no case shall drainage be allowed to cross any sidewalk;
 - (o) Within any Commercial or Industrial zone, off-street parking areas shall 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 shall not be less than 6.0 M and not more than 9.0 M wide.

8.12 Off-Street Loading Requirements

- (a) Minimum off-street loading spaces and facilities shall 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 shall be provided on each lot in a Commercial, Mixed Use, Industrial or Community Use zone;
- (c) Off-street loading spaces shall 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 shall 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 shall always have access to an aisle that intersects with a Highway;

- (f) Each off-street loading space shall be surfaced with asphalt, concrete, or similar hard surface to provide a durable, dust-free surface, and shall be graded and drained to properly dispose of all surface water;
- (g) Any lighting used to illuminate any loading area shall be so arranged to direct light upon such parking area and not any adjoining lands or lots.
- (h) Loading areas shall include one or more oil-water separators, and it shall 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.

8.13 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 which shall include the following:
 - i. the location and number of parking spaces provided off-site,
 - ii. 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
 - iii. terms for the maintenance and where applicable the construction of the off-site parking area;
 - iv. The agreement shall require the approval of the Municipality and the Municipality shall be a co-signatory; and
- (b) All costs associated with preparing the agreement shall be paid by the owner of the Use, building or structure that the off-site parking spaces are intended to serve.

PART 9: ZONING BOUNDARIES AND REGULATIONS

9.1 Zones

- (a) 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:

9.2 Agricultural Zones

Permitted Uses	A-1	RR-1
	Agriculture (ALR)	Rural
<i>Agriculture</i>	Yes	Yes
<i>Agri-Tourism</i>	Yes	
<i>Agri-Tourism Accommodation</i>	Yes	
<i>Cannabis, Medical Production Facility</i>	Yes	
<i>Dwelling, Single Detached</i>	Yes	Yes
<i>Farm Stands</i>	Yes	Yes
<i>Gathering for an Event</i>	Yes	
<i>Riding Academy</i>	Yes	Yes
<i>Resource Extraction</i>		Yes
<i>Accessory Uses</i>	A-1	RR-1
<i>Secondary Suite</i>	Yes	Yes
<i>Bed and Breakfast</i>	Yes	

<i>Home Occupation</i>	Yes	Yes
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Accessory Uses	A-1	RR-1
<i>Secondary Suite</i>	Yes	Yes
<i>Bed and Breakfast</i>	Yes	Yes
<i>Bed and Breakfast Inn</i>	Yes	Yes
<i>Home Occupation</i>	Yes	Yes

Development Regulations	A-1	RR-1
Minimum Lot Size	2 Ha	2 Ha
Minimum Front Setback (m)	7.5m	7.5m
Minimum Rear Setback (m)	7.5m	7.5m
Minimum Interior Side Setback (m)	7.5m	7.5m
Minimum Exterior Side Setback (m)	7.5m	7.5m
Maximum Height (m) of Principal Buildings	10.5m	10.5m
Maximum Height of Accessory Buildings		4.6m

9.3 Detached Residential Uses

Permitted Uses	R-1	R-2	R-3	RA-1	RA-2	RC-1	MHP-1
	Single Detached	Small Lot	Duplex Lot	Sunstone	Ridge	Residential Country Inn	Manufactured Home Park
<i>Dwelling, Single Detached</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Dwelling, Duplex</i>			Yes	Yes	Yes		
<i>Manufactured Home</i>							Yes
<i>Mobile Home</i>							Yes
<i>Bed and Breakfast Inn</i>						Yes	

Accessory Uses	R-1	R-2	R-3	RA-1	RA-2	RC-1	MHP-1
	Single Detached	Small Lot	Duplex Lot	Sunstone	Ridge	Residential Country Inn	Manufactured Home Park
<i>Secondary Suite</i>	Yes		Yes*	Yes	Yes	Yes	
<i>Carriage House</i>				Yes**	Yes**		
<i>Bed and Breakfast</i>	Yes		Yes*	Yes	Yes		
<i>Home Occupation</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Short-term</i>	Yes		Yes*	Yes	Yes	Yes	

Vacation Rental							
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Conditions of Use:

*In the RS-2, Secondary Suite, Bed and Breakfast, and Short-term Vacation Rental uses are permitted only in single detached dwellings

** In the RA-1 and RA-2 Zones, either a Secondary Suite or a Carriage House is permitted, but not both on the same lot.

Development Regulations	R-1	R-2	R-3	RA-1	RA-2	RC-1	MHP-1
	Single Detached	Small Lot	Duplex Lot	Sunstone	Ridge	Residential Country Inn	Manufactured Home Park
Maximum Lot Size	700m ²	350m ²	700m ² or 1,050m ²	930m ²	1,400m ²	800m ²	
Minimum lot Width (m)	18 m	12m	18m* or 27m	?	?	18m	
Maximum Density							20 pads/Ha
Maximum lot Coverage (%)	40%	50%	40%	40%	40%	40%	
Minimum Front Setback (m)	6 m	6 m	6 m	6 m	6m	6m	
Minimum Rear Setback	5m	7m	5m	5m	5m	5m	
Minimum Interior Side Setback (m)	1.5m	3m	1.2m	1.5m	1.5m	1.5m	
	R-1	R-2	R-3	RA-1	RA-2	RC-1	MHP-1

<i>Minimum Exterior Side Setback (m)</i>	4.6m	2.7m	4.6m	4.6m	4.6m	4.6m	4.6m
<i>Maximum Height of Principal Dwellings (m)</i>	10.5m	10.5m	10.5m	10.5m	10.5m	10.5m	10.5m
<i>Maximum Height of Accessory buildings (m)</i>	4.6m	4.6m	4.6m	4.6m or 7.6m for carriage home	4.6m or 7.6m for carriage home	4.6m	
<i>Number of Permitted buildings or Structures</i>	Principal: 1 Accessory : 2	Principal:1 Accessory : 1	Principal: 1 Accessory : 2	Principal: 1 Accessory : 2	Principal: 1 Accessory : 2	Principal: 1 Accessory : 2	
<i>Off-Street Parking</i>	2	2	2	2	2	2	2

Condition of Use: /Side by Side vs. detached or stacked.

9.4 Multi-Family Residential Uses

<i>Permitted Uses</i>	RM-1	RM-2	RTA-1	RTA-2
	Residential Multi Family One (Townhouse)	Residential Multi-Family Two (Apartment)	Residential Townhouse Amenity One (Sunstone)	Residential Townhouse Amenity Two (Ridge)
<i>Dwelling, Duplex</i>	Yes	Yes	Yes	Yes
<i>Townhouse</i>	Yes	Yes	Yes	Yes
<i>Row House</i>		Yes		
<i>Apartment</i>		Yes		

<i>Accessory Uses</i>	RM-1	RM-2	RTA-1	RTA-2
	Residential Multi Family One (Townhouse)	Residential Multi-Family Two (Apartment)	Residential Townhouse Amenity One (Sunstone)	Residential Townhouse Amenity Two (Ridge)
<i>Home Occupation</i>	Yes	Yes	Yes	Yes

Development Regulations	RM-1	RM-2	RTA1	RTA-2
	Residential Multi Family One (Townhouse)	Residential Multi-Family Two (Apartment)	Residential Townhouse Amenity One (Sunstone)	Residential Townhouse Amenity Two (Ridge)
<i>Minimum lot Width (m)</i>			12m	12m
<i>Maximum Density (units / ha)</i>	25/Ha		25/Ha	25/ha
<i>Maximum Density (FAR)</i>		1.0		
<i>Maximum lot Coverage (%)</i>	60%		40%	40%
<i>Minimum Front Setback (m)</i>	6m	6m		
<i>Minimum Rear Setback (m)</i>	7.5m	7.5m		
<i>Minimum Interior Side Setback (m)</i>	4m	4m		
<i>Minimum Exterior Side Setback (m)</i>	7.5m	7.5m		
<i>Maximum Height of Principal Dwellings (m)</i>	10.5m	10.5m		
<i>Maximum Height of Accessory buildings (m)</i>	4.6m	4.6m		

9.5 Commercial Uses

<i>Permitted Uses</i>	C-1	C-2	C-3	C-4	C-5	C-6
	Town Centre	Tourism Commercial	Portage Commercial	Service Commercial	Neighbourhood Pub Commercial	Neighbourhood Commercial
<i>Apartment</i>			Yes			
<i>Arts and Culture</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Automotive Service Shop</i>				Yes		
<i>Bed and Breakfast Inn</i>		Yes				
<i>Beer and Wine Store</i>	Yes	Yes				Yes
<i>Catering Establishment</i>	Yes				Yes	
<i>Civic</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Convenience Store</i>	Yes	Yes				Yes
<i>Drive Through Business</i>		Yes*			Yes	
<i>Financial Institution</i>	Yes					
<i>Fitness Centre</i>	Yes**		Yes**			
<i>Food Truck</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Garden Centre</i>	Yes			Yes		
<i>Gasoline Station</i>	Yes***	Yes		Yes		

	C-1	C-2	C-3	C-4	C-5	C-6
<i>Glass Shop</i>	Yes*** *					
<i>Hostel</i>	Yes	Yes				
<i>Hotel</i>	Yes	Yes	Yes			
<i>Laundromat</i>	Yes					
<i>Liquor License, Primary</i>	Yes				Yes	
<i>Liquor</i>	Yes					
<i>Mixed Use Building</i>	Yes		Yes			
<i>Motel</i>		Yes				
<i>Neighbourhood Commercial</i>						Yes
<i>Neighbourhood Pub</i>	Yes				Yes	
<i>Office, Business</i>	Yes	Yes	Yes			Yes
<i>Office, Professional</i>	Yes		Yes			
<i>Personal Service</i>	Yes	Yes	Yes		Yes	Yes
<i>Restaurant</i>	Yes	Yes	Yes		Yes	Yes
<i>Retail</i>	Yes			Yes		Yes
<i>Retail, Recreation and Leisure</i>		Yes	Yes			
<i>Veterinary Clinic</i>	Yes					

Conditions of Use:

*Drive Through Restaurant permitted only at Lot 6, DL 203, Plan 7619, LLD

**The maximum size of a Fitness Centre use is 300 square metres.

***Gas Station permitted only at Lot 1, Plan 38251, DL 203, LLD

****Glass Shop permitted only at Lot 8, Plan 7706, LLD.

Accessory Uses	C-1	C-2	C-3	C-4	C-5	C-6
	Town Centre	Tourism Commercial	Portage Commercial	Service Commercial	Neighbourhood Pub Commercial	Neighbourhood Commercial
<i>Accessory Beer and Wine Store</i>					Yes	
<i>Accessory Retail</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Accessory Residential Dwelling</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Home Occupation</i>	Yes	Yes	Yes	Yes	Yes	Yes

Development Regulations	C-1	C-2	C-3	C-4	C-5	C-6
	Town Centre	Tourism Commercial	Portage Commercial	Service Commercial	Neighbourhood Pub Commercial	Neighbourhood Commercial
<i>Minimum Lot Size</i>	220m ²	900m ²	900m ²	500m ²	900m ²	700 m ²
<i>Minimum Lot Width</i>	12m					
<i>Maximum Density</i>	1.5 FAR	1.0FAR	1.0FAR	0.5FAR	0.5FAR	0.5 FAR

	C-1	C-2	C-3	C-4	C-5	C-6
<i>Maximum Lot Coverage</i>	100%	50%	50%	50%	50%	50%
<i>Minimum Front Setback</i>	0m	7.5m	4.5m	7.5m	4.5m	4.5m
<i>Minimum Rear Setback</i>	0m	3m	3m	4.5m	7.5m	7.5m
<i>Minimum Exterior Side Yard Setback</i>	0m	4.5m	4.5m	4.5m	3m	3m
<i>Minimum Interior Side Yard Setback</i>	0m	3m	3m	4.5m	3m	3m
<i>Maximum Building Height</i>	10.5m	10.5m	10.5m	10.5m	10.5m	10.5m
<i>Maximum Height of Accessory Buildings</i>	4.5m	4.5m	4.5m	4.5m	4.5m	4.5m

9.6 Industrial and Airport Uses

<i>Permitted Uses</i>	M-1	M-2	AP-1
	Industrial Park	Resource Industrial	Airport
<i>Agriculture</i>			Yes
<i>Airport</i>			Yes
<i>Airport Related Business</i>			Yes
<i>Animal Kennel</i>	Yes		Yes
<i>Artisan</i>	Yes		
<i>Automotive and RV Sales</i>	Yes		
<i>Automotive Salvage</i>	Yes		
<i>Automotive Service Shop</i>	Yes		
<i>Building Supply</i>	Yes		
<i>Bulk Storage</i>	Yes	Yes	
<i>Cannabis Medical Production Facility</i>	Yes		
<i>Catering Establishment</i>	Yes		
<i>Car Wash</i>	Yes		
<i>Civic</i>	Yes		Yes
<i>Convenience Store</i>	Yes		
	M-1	M-2	AP-1

<i>Composting Facility</i>		Yes	
<i>Fitness Centre</i>	Yes		
<i>Food Truck</i>	Yes		Yes
<i>Garden Centre</i>	Yes		
<i>Gasoline Station</i>	Yes		Yes
<i>Industrial</i>	Yes		
<i>Industrial Fuel Facility</i>	Yes		
<i>Industrial Publishing and Printing</i>	Yes		
<i>Laboratory</i>	Yes		
<i>Laundromat</i>	Yes		
<i>Liquor License, Primary</i>	Yes		
<i>Materials Recovery Facility</i>	Yes	Yes	
<i>Microbrewery, Winery and Distillery</i>	Yes		
<i>Neighbourhood Pub</i>	Yes		
<i>Nursery</i>	Yes		
<i>Office, Business</i>	Yes		
<i>Outdoor Storage</i>	Yes		
<i>Photography</i>	Yes		
	M-1	M-2	AP-1

<i>Radio, TV, Recording Studio</i>	Yes		
<i>Recreation, Indoor</i>	Yes		
<i>Recycling Facility</i>	Yes	Yes	
<i>Resource Extraction</i>		Yes	
<i>Resource Processing</i>		Yes	
<i>Restaurant</i>	Yes		
<i>Retail, Industrial</i>	Yes		
<i>Storage Facility, Self Service</i>	Yes		
<i>Storage Facility, Outdoor Equipment</i>	Yes		
<i>Trade Contractor Facilities</i>	Yes		
<i>Veterinary Clinic</i>	Yes		
<i>Waste Transfer Station</i>	Yes	Yes	
<i>Works Yard</i>	Yes	Yes	Yes

Accessory Uses M-1 M-2 AP-1

	Industrial	Resource	Airport
<i>Accessory Residential Dwelling</i>	Yes		
<i>Accessory Retail</i>	Yes	Yes	Yes
<i>Beer and Wine Store</i>	Yes		
<i>Intermodal Container Storage</i>	Yes	Yes	Yes

Development Regulations M-1 M-2 AP-1

	Industrial	Resource	Airport
<i>Minimum Lot Size</i>	1,8000m2	3,600m2	
<i>Minimum lot Width (m)</i>	36m	36m	
<i>Maximum Density</i>	0.5FAR	0.5	
<i>Maximum lot Coverage (%)</i>	50%	50%	
<i>Minimum Front Setback (m)</i>	7.5m	7.5m	7.5m
<i>Minimum Rear Setback (m)</i>	7.5m	7.5m	7.5m
<i>Minimum Interior Side Setback (m)</i>	3m	3m	3m

	<i>M-1</i>	<i>M-2</i>	<i>AP-1</i>
<i>Minimum Exterior Side Setback (m)</i>	7.5m	7.5m	7.5m
<i>Maximum Height (m)</i>	10.5m	10.5m	

Notes:

Additional Requirements:

DRAFT

9.7 Civic, Institutional, and Recreation

<i>Permitted Uses</i>	P-1	PR-1	OR-1	E-1	CWP-1
	Public	Parks and Recreation	Outdoor Recreation	Education	Community Watershed Protection
<i>Agriculture</i>		Yes		Yes	
<i>Arts and Culture</i>	Yes				
<i>Artisan</i>	Yes				
<i>Assembly</i>	Yes	Yes	Yes	Yes	
<i>BMX Track</i>	Yes		Yes		
<i>Boarding School</i>				Yes	
<i>Campground</i>	Yes	Yes	Yes	Yes	
<i>Child Care Centre</i>	Yes	Yes		Yes	
<i>Civic</i>	Yes	Yes	Yes	Yes	Yes
<i>Community Care Facility</i>	Yes				
<i>Community Watershed Protection</i>					Yes
<i>Concession Stand</i>	Yes	Yes	Yes	Yes	
<i>Farmers Market</i>	Yes	Yes	Yes	Yes	
<i>Fitness Centre</i>	Yes	Yes	Yes	Yes	
<i>Food Truck</i>	Yes	Yes	Yes	Yes	
<i>Golf Course</i>	Yes	Yes			
<i>Motocross Track</i>			Yes		

	P-1	PR-1	OR-1	E-1	
<i>Picnic Grounds</i>	Yes	Yes			
<i>Recreation, Indoor</i>	Yes	Yes		Yes	
<i>Recreation, Outdoor</i>	Yes	Yes	Yes	Yes	
<i>Riding Academy</i>			Yes	Yes	
<i>School</i>	Yes			Yes	
<i>Recreational Facility</i>	Yes	Yes		Yes	
<i>Speedway</i>			Yes		

Accessory Uses P-1 PR-1 OR-1 E-1

	Public	Parks and Recreation	Outdoor Recreation	Education
<i>Accessory Retail</i>	Yes	Yes	Yes	Yes

Development Regulations P-1 PR-1 OR-1 E-1

	Public	Parks and Recreation	Outdoor Recreation	Education
<i>Minimum Lot Size</i>				1,850 m2
<i>Maximum lot Coverage</i>	50%	50%		50m
<i>Minimum Front Setback</i>	5m	5m		7.6m
<i>Minimum Rear Setback</i>	3m	3m		7.6m
<i>Minimum Interior Side Setback (m)</i>	3m	3m		3m

	<i>P-1</i>	<i>PR-1</i>	<i>OR-1</i>	<i>E-1</i>
<i>Minimum Exterior Side Setback</i>	3m	3m		6m
<i>Maximum Height</i>	10.5m	10.5	10.5m	10.5m
<i>Max Height – Access Building</i>	4.5m	4.5m	4.5m	4.5m

DRAFT

PART 10: REPEAL

- (a) The Village of Pemberton Zoning Bylaw, 466, 2001, and all its amendments, and all previous zoning Bylaws are hereby repealed upon adoption of this Bylaw.

Effective Date

READ A FIRST TIME THIS _____ DAY OF _____, 2018

READ A SECOND THIS _____ DAY OF _____, 2018

COMMUNITY HEARING HELD THIS _____ DAY OF _____, 2018

READ A THIRD TIME THIS _____ DAY OF _____, 2018

Schedule "A" of this Bylaw is approved by the
Minister of Transportation and Infrastructure this _____ DAY OF _____, 2018

ADOPTED THIS _____ DAY OF _____, 2018

Mayor

Corporate Officer

Village of PEMBERTON

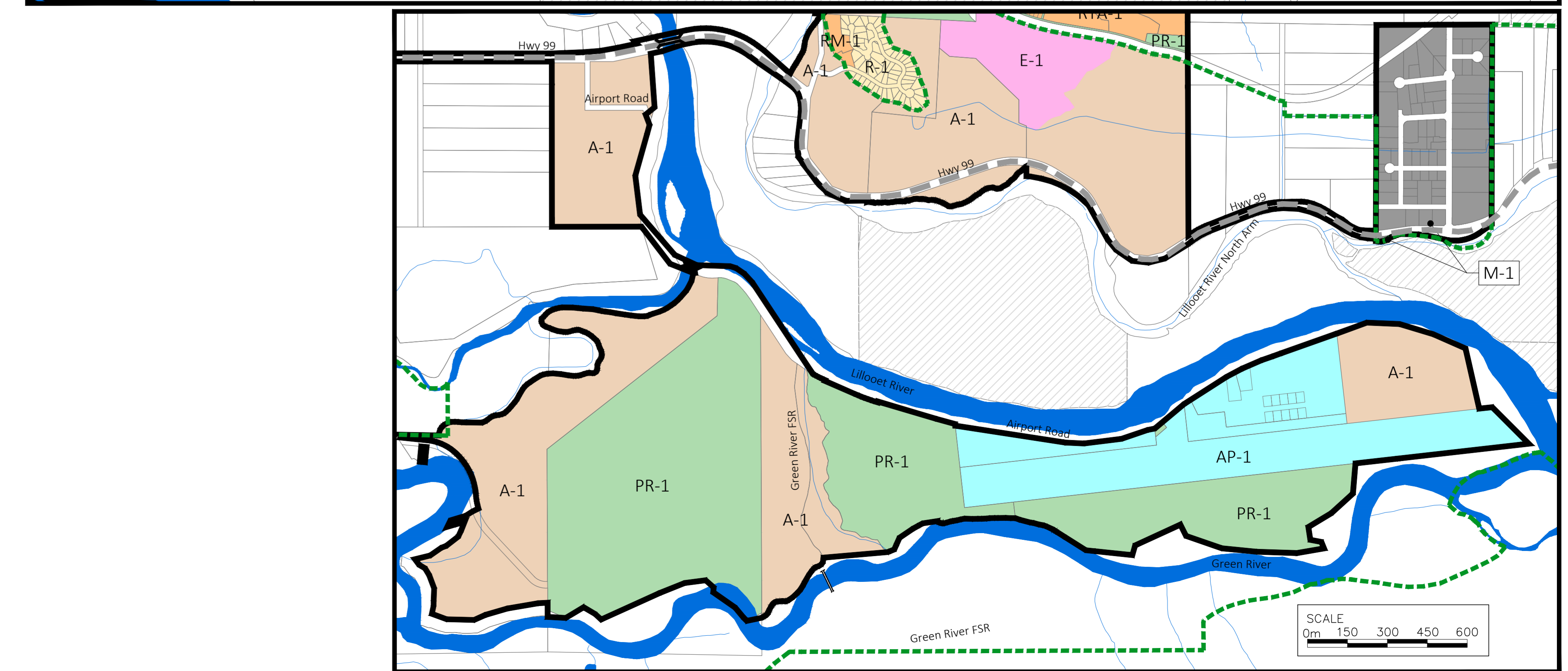
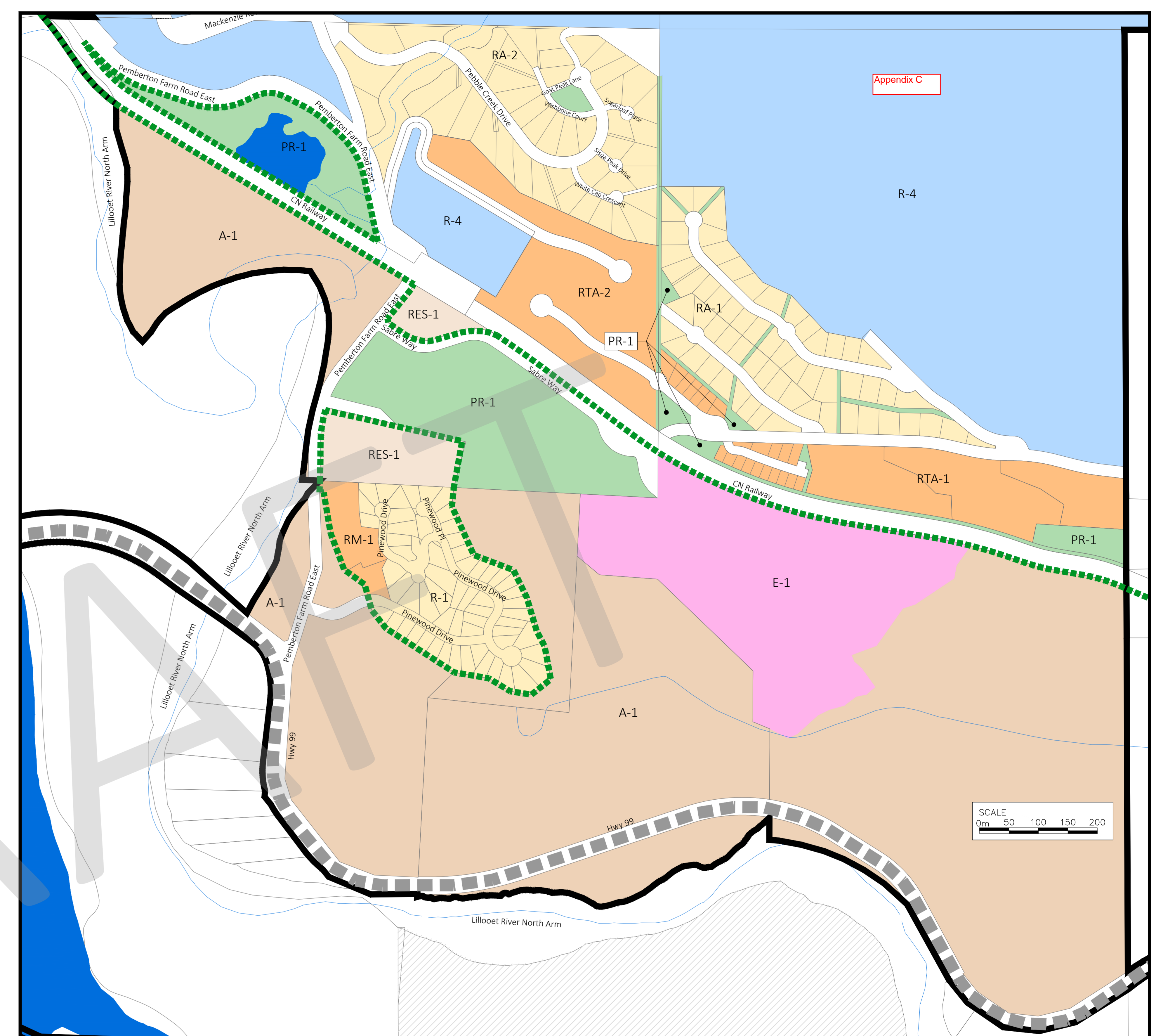
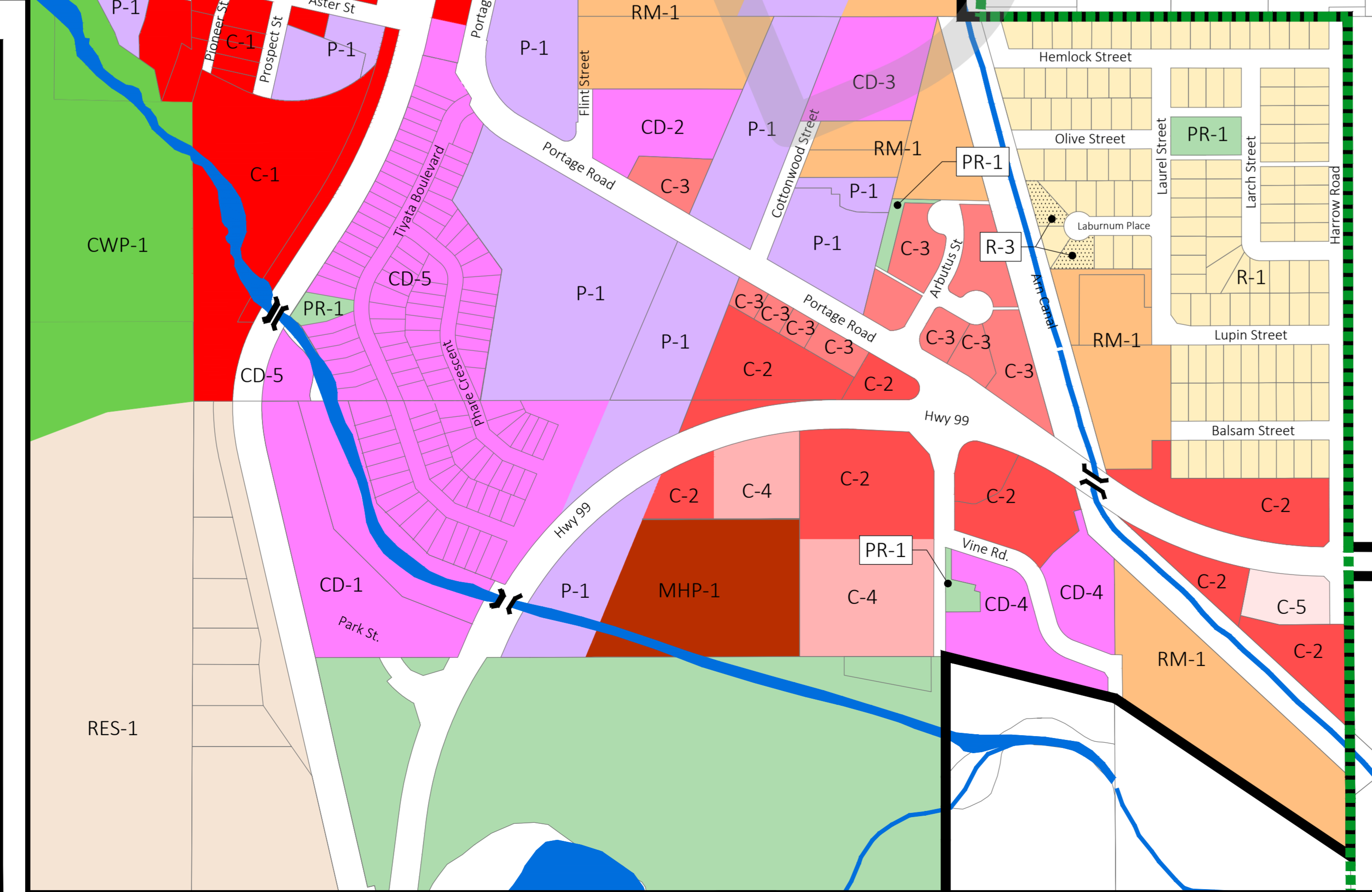
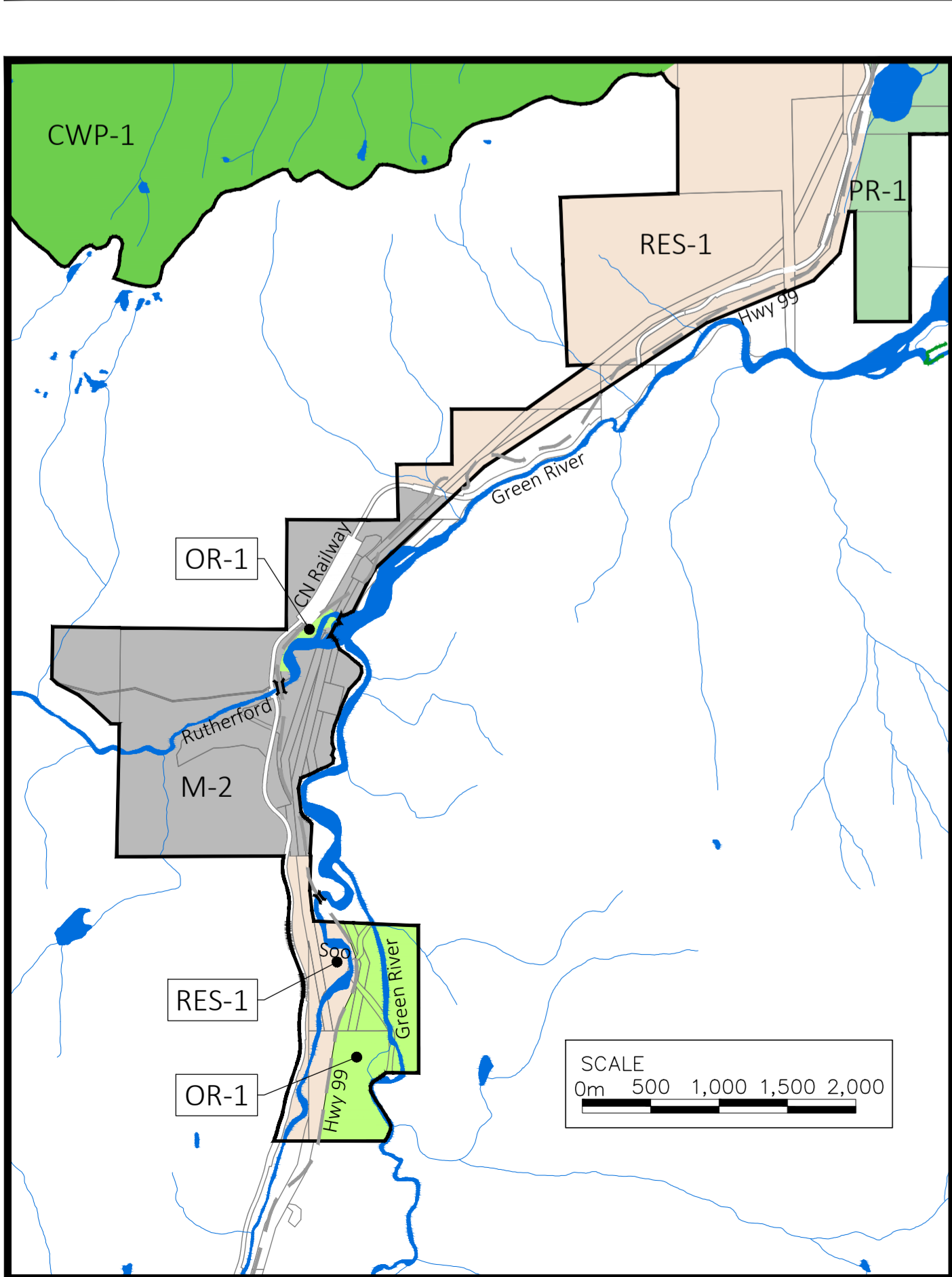
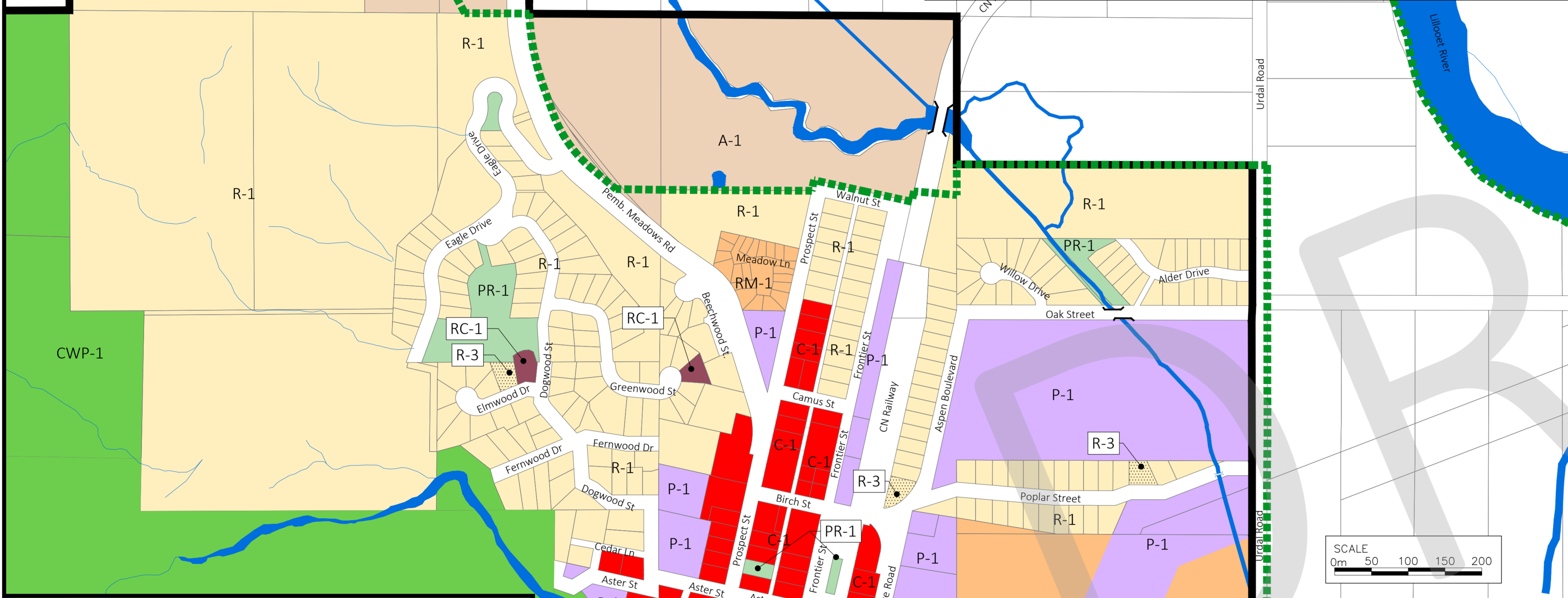
SCHEDULE A Village of Pemberton Zoning Map, April 2018

LEGEND:

A-1	Agriculture	M-1	Industrial
AP-1	Airport	M-2	Resource Industrial
C-1	Commercial, Town Centre	MHP-1	Manufactured Mobile Home Park
C-2	Commercial, Tourist	OR-1	Outdoor Recreation
C-3	Commercial, Portage Road	P-1	Public
C-4	Commercial, Service	PR-1	Parks & Recreation
C-5	Commercial, Neighbourhood Pub	RC-1	Residential Bed & Breakfast
C-6	Commercial, Convenience	RES-1	Resource
CD-1	Comprehensive Development 1	R-1	Residential, Single Family
CD-2	Comprehensive Development 2	R-2	Residential, Small Lot
CD-3	Comprehensive Development 3	R-3	Residential, Duplex
CD-4	Comprehensive Development 4	R-4	Residential, Rural
CD-5	Comprehensive Development 5	RA-1	Residential Amenity (Sunstone)
CWP-1	Community Watershed Protection	RA-2	Residential Amenity (The Ridge)
E-1	Educational	RM-1	Residential, Townhouse
		RM-2	Residential, Multi-Family
		RTA-1	Residential Amenity, Townhouse (Sunstone)
		RTA-2	Residential Amenity, Townhouse (The Ridge)

Rev. 2, 24/04/2018, SMV

Legal Lot Boundary
VOP Boundary
ALR Boundary



SCALE
0m 50 100 150 200

SCALE
0m 500 1,000 1,500 2,000

SCALE
0m 150 300 450 600