

Date: June 12, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Senior Planner
Subject: Consideration of Zoning Bylaw No. 832, 2018 for First and Second Reading

PURPOSE

The purpose of this report is to present a summary of referral agency and stakeholder comments and community feedback on the *Zoning Bylaw – Draft for Discussion Purposes, April 17, 2018* and to seek Council's support for First and Second Reading of Zoning Bylaw No. 832, 2018 in addition to the scheduling of a Public Hearing.

BACKGROUND

The development of a new Zoning Bylaw was identified as a priority by previous Councils and supported by the current Council as part of the 2015 Council Strategic Priorities. The Zoning Bylaw Review was brought forward as an initiative and approved as part of the 2017 budget.

The process was launched in early 2017 with an eye to finalize the review in December 2017. Terms of Reference for the project were developed that highlighted some of the key issues the review and update of the Zoning Bylaw would address. The Terms of Reference, attached as **Appendix A**, included:

- a) Parking Standards
- b) Vacation/Short Term Nightly Rentals
- c) Home Based Business Regulations
- d) Airport Regulations
- e) Green Regulations (encouraging energy efficient land use)
- f) Medical Marihuana Dispensary Regulations
- g) Map Updates

In mid-January 2017, a consultant was hired to assist with the preparation of a draft. The process began with a Gap Assessment and in the spring of 2017, the Senior Planner undertook general issue identification. Technical review followed.

On February 7, 2017, at the Regular Council Meeting No. 1443, the Village of Pemberton passed Zoning Bylaw No. 466, 2001, Amendment (Marihuana Operations) Bylaw No. 809, 2017 prohibiting the retail sale of medical marihuana, as a result of the following resolution:

Moved/Seconded

THAT the minutes of the Public Hearing, held Tuesday, January 31, 2017, respecting Zoning Amendment (Marihuana Operations) Bylaw No. 809, 2017 be received for information.

CARRIED

Moved/Seconded

THAT the Zoning Amendment (Marihuana Operations) Bylaw No. 809, 2017 be given Third and Fourth Reading.

CARRIED

In July, 2017 Staff, with the assistance of a consultant from the Whistler Centre for Sustainability, undertook special consultation on the issue of short term vacation rentals. The results of this consultation were presented to the Committee of the Whole held on September 12, 2017 and recommendations from the Committee were presented to Council at their Regular Meeting No. 1456 held September 12, 2017. As a result, the following resolution was passed:

¹*Moved/Seconded*

THAT staff be directed to create a definition of short-term vacation rental in the draft new Zoning Bylaw and permit their use under the following conditions:

- Only in those zones that currently permit a bed and breakfast (as defined by Zoning Bylaw No. 466, 2001);
- Only permitted within the principal dwelling, unless the property owner receives a Temporary Use Permit (TUP) for their property to allow this use in a secondary suite (a TUP would allow the use on a temporary basis for up to a maximum of three (3) years, with the ability to renew once for a maximum of three (3) more years, and would require an application fee, notification as per the Local Government Act, and the opportunity to include other specific conditions as needed), thus keeping a majority of secondary suites in the long term rental pool;
- Up to a maximum of two (2) guests per bedroom, to a total household maximum of eight (8) guests with one (1) off-street parking space provided per bedroom used for short term vacation rental;
- Operators of short term vacation rentals will be required to apply for a business licence, which entails zoning, building and fire safety inspections;
- The total number of business licences issued for short term vacation rental properties would be limited to a certain number for the community as a whole with appropriate caps per neighbourhood and per street at a number to be determined, and applications would be accepted on an annual first come first served basis;
- Operators of short term vacation rentals would be required to maintain a \$2,500 infraction deposit with the Village of Pemberton, which would be drawn upon in the case of complaints warranting staff time;
- Operators of short term vacation rentals would be required to enter into a 'Good Neighbour Agreement', details of which to be developed;
- Operators of short term vacation rentals will be subject to the same utility rates as bed and breakfast operators;
- Breakfast would not have to be included.

CARRIED

OPPOSED: COUNCILLOR CRADDOCK

¹ It should be noted that some of the elements noted in the resolution are not Zoning related but rather regulatory through the Business Licence Bylaw or established as part of a Policy. As such, upon adoption of the Zoning Bylaw Staff will be preparing an updated Business Licence Bylaw and accompanying policy related to Short Term Vacation Rentals.

Moved/Seconded

THAT upon adoption of the Zoning Bylaw, staff be directed to amend the Business Licence Bylaw to include a definition of short term vacation rentals (in alignment with the Zoning Bylaw definition), establish a separate Business Licence fee, and require proof of insurance for short term vacation rental business licences;

AND THAT and the Municipal Ticketing Information Utilization Bylaw be amended to support the regulation of this new type of home-based commercial business.

CARRIED

OPPOSED: COUNCILLOR CRADDOCK

Draft Bylaw Development began in fall of 2017, with the intent to undertake public engagement on a Draft Zoning Bylaw in the late fall. As a result of an increased workload due to an increase in new development applications, and the discouragement of holding public outreach in December because of the holiday season, outreach was postponed until 2018.

In the spring of 2018, Cameron Chalmers Consulting was contracted to help finalize the Draft and prepare a bylaw for readings with the intention of completing the project by the summer of 2018.

At the April 10, 2018 Regular Council Meeting No. 1467, Council addressed the issue of permitting Non-Medical Cannabis retail sales in anticipation of the upcoming federal *Cannabis Act*. As a result of their discussion, Council passed the following resolutions:

Moved/Seconded

THAT Staff be directed to undertake the development of Policy respecting the retail sales of non-medical cannabis (NMC) in anticipation of the Cannabis Act coming into effect.

CARRIED

Moved/Seconded

THAT Staff be directed to investigate the Cannabis Licencing application process and report back at a future Committee of the Whole meeting.

CARRIED

Pursuant to section 30 of Council Procedure Bylaw No. 788, 2015, the resolutions directing Staff to investigate the Cannabis Licencing application process was brought back for reconsideration to allow for further discussion by Council on this matter. In particular, discussion took place respecting whether or not this was a good use of Village resources and staff time and if it is appropriate for the Village to be in a business that competes with other potential commercial operations.

The resolution was then put forward for reconsideration.

Moved/Seconded

THAT Staff be directed to investigate the Cannabis Licencing application process and report back at a future Committee of the Whole meeting.

CARRIED

OPPOSED: Councillor Ross; Councillor Helmer

At the Committee of the Whole Meeting No. 176, held on May 8, 2018, a workshop was held to present the *Draft Zoning Bylaw for Discussion Purposes* and seek feedback from the Committee on some of the proposed amendments. Minutes from this meeting are attached as **Appendix B**.

COMMUNITY CONSULTATION

A series of stakeholder engagement events to gain specific input on the *Draft Zoning Bylaw for Discussion Purposes*, were held between April 17 and May 10, 2018. The table below summarizes the dates, the different methods used, where events took place, and the targeted stakeholder.

Table 1: Consultation Events

Date, 2018	Type of Event/Location	Stakeholder
April 17	Open House / Pemberton Community Centre (PCC)	Residents/Business Owners/General Public
April 18	Storyboard Content & Survey / Online (Village website)	Residents / Public
April 23	Presentation & Discussion / Council Chambers	Airport Users Group
April 25	Presentation & Discussion / Chamber Office	Chamber of Commerce Executive
April 26	Advisory Land Use Commission (ALUC) Meeting No. 1 / Council Chambers	Advisory Land Use Commission (ALUC)
May 3	ALUC Meeting No. 2 / Council Chambers	Advisory Land Use Commission (ALUC)
May 4	Preliminary Referral / Email	Agricultural Land Commission (ALC)
May 7	Presentation and Discussion / BC Passive House	Industrial Park Businesses and Landowners
May 8	Workshop / Council Chambers	Committee of the Whole
May 10	Pop Up Consultation / Downtown	Downtown & Portage Road Businesses

An online survey was conducted as part of community outreach between April 18 and May 18th. A Consultation Report further describing all the formal community consultation that was undertaken in support of the development of a new Zoning Bylaw is attached as **Appendix C**.

This report summarizes the consultation comments heard and includes copies of all correspondence received.

DISCUSSION / COMMENTS

The Draft Zoning Bylaw includes a range of proposed amendments, undertaken for the following key reasons:

1. Improve Clarity/Ease of Use
2. Update & Modernize
3. Meet Legislative Requirements
4. Reflect Best Practices
5. Reflect Current Land Use Practices
6. Implement Official Community Plan (OCP) Policies
7. Address Deficiencies
8. Zone land previously incorporated from SLRD Area C (following previous boundary extensions)
9. “Green” the Bylaw (support energy efficient buildings and land use practices)
10. Council Directive

The table below summarizes the proposed amendments to the Bylaw.

Table 2: Proposed Changes to Draft Zoning Bylaw

Suggested Amendment:	Initiated to:	Reference:
Part 1: Application		
Completed Housekeeping Edits	Improve Clarity/Ease of Use; Address Deficiencies	Through-out
Revised Legislative References	Update & Modernize	Through-out
Part 2: Interpretation		
Part 3: Definitions		
Added New Definitions & Revised Terminology	Improve Clarity/Ease of Use; Update & Modernize	Through-out
Part 4: Measurements and Calculations		
Allowance for passive house thickness of walls	Reflect Best Practices/Current Land Uses; “Green” the Bylaw	Section 4.9 (b)
Part 5: Establishment of Zones		
Part 6: General Regulations		
Continued to Prohibit Cannabis Dispensaries (to be revisited once Cannabis Act is enacted, and Staff undertakes the development of Policy)	Council Directive	6.4 (b) (vi)
Part 7: Additional Zoning Regulations for Certain Uses		

Increased the maximum size of an Accessory Dwellings from 75 m ² to 90 m ²	Update & Modernize	Section 7.3
Added Agricultural Uses permitted in the ALR to the A-1 Zone	Update & Modernize; Meet Legislative Requirements	Section 7.4 & 7.5
Added Back Yard Hen Keeping regulations	Reflect Best Practices / Current Land Use Practices	Section 7.7
Added Bee Keeping regulations	Reflect Best Practices / Current Land Use Practices; Meet Legislative Requirements (ALC)	Section 7.8
Revised Bed and Breakfast Regulations to remove condition to provide meal before noon	Update & Modernize; Reflect Current Land Use Practices	Section 7.9
Revised Bed and Breakfast Inn Regulations to remove condition to provide meal before noon	Update & Modernize; Reflect Current Land Use Practices	Section 7.10
Added Conditions of Use for Carriage Homes	Update & Modernize	Section 7.11
Added Conditions of Use for Compost Bins	Update & Modernize	Section 7.12
Added Conditions of Use for Farm Stands	Update & Modernize	Section 7.13
Added Food Trucks as a Permitted Mobile Use and conditions of Use	Update & Modernize	Section 7.15
Revised Regulations for Home Occupations	Update & Modernize	Section 7.16
Removed Intermodal Storage Containers as a Permitted Use in all Commercial Zones	Implement OCP Policies	Section 7.17
Amended Combined Commercial Residential to Mixed Use Development to clarify intent	Improve Clarity/Ease of Use; Update & Modernize	Section 7.18
Added Conditions of Use for Secondary Suites	Improve Clarity/Ease of Use	Section 7.22
Created a definition of Short Term Vacation Rentals and Conditions of Use	Council Directive	Part 3 Section 7.23
Added in the Authority to use Temporary Use Permits	Meet Legislative Requirements	Section 7.26
Allowed Temporary Buildings or Structures during Construction	Reflect Best Practices	Section 7.27
Allowed Use of Existing Detached Unit during Construction	Reflect Best Practices	Section 7.29

Part 8: Off-Street Parking & Loading Requirements		
Added Electric Vehicle & Bike Parking requirements in Multi-Family or Mixed Use Zones	Implement the OCP – Alternative Transportation; Reflect Best Practices; “Green” the Bylaw	Section 8.1 (h)&(i)
Created Parking Standards for Apartments	Update & Modernize	Section 8.3
Revised Parking Standards for Townhouses	Update & Modernize	Section 8.3
Reduced Restaurant Parking Ratio in All Commercial Zones	Update & Modernize; “Green the Bylaw”	Section 8.4
Created a Reduction in Parking Standards for Affordable and Rental Housing	Implement OCP Policies – Affordable Housing; “Green” the Bylaw	Section 8.7
Increased the rate of payment for Cash in Lieu of Parking	Council Directive	Section 8.8
Created allowances for Tandem Parking in smaller townhouses	Implement OCP Policies – Affordable Housing; “Green” the Bylaw	Section 8.10
Created Alternatives to Off-Street Parking	Reflect Best Practices / Current Land Use Practices	Section 8.13
Part 9 - 17: Zones	Meet Legislative Requirements	Through-out
Adjusted Setback regulations	Reflect Best Practices	Through-out
Part 10: Agricultural Zones		
Revised the A-1 Zone to include uses permitted in the ALR by the ALC	Meet Legislative Requirements	Part 10, Section 10.1
Created a Minimum Lot Size for Subdivision in the A-1 zone	Address Deficiencies	Section 10.1.4
Created New Rural Residential Zone	Reflect Current Land Use Practices	Section 10.2
Part 12: Residential Zones, Multi-Family		
Created new names for Residential Multi-Family Development (MFD) Zones	Reflect Best Practices	Part 12
Added Maximum Density (FAR) to all MFD Zones	Reflect Best Practices	Sections 12.1, 12.2
Part 13: Residential Amenity Zones (Sunstone)		
Consolidated existing Amenity Zones	Improve Clarity/Ease of Use	Part 13
Removed 80% maximum Second Floor Area	Reflect Best Practices; “Green” the Bylaw	Section 13.2

requirement for Small Lots		
Part 14: Residential Amenity Zones (The Ridge)		
Consolidated existing Amenity Zones	Improve Clarity/Ease of Use	Part 14
Removed 80% maximum Second Floor Area requirement for Small Lots	Reflect Best Practices; “Green” the Bylaw	Section 14.2
Part 15: Commercial Zones		
Removed Storage Containers as a Permitted Use in All Commercial Zones	Implement OCP Policies – Downtown Revitalization	Part 15
Eliminated Rear Lot Setback in C-1 Zone from 4.5 m to 0 m	Reflect Best Practices	Section 15.1.6 (c)
Added Business Office as a permitted use in the C-2 Zones	Reflect Best Practices	Section 15.2.1
Restricted new Drive Through Restaurants in the C-2 Zone and Applied site specific zoning to the existing Drive Through	“Green the Bylaw”	Section 15.2.3
Removed Drive-In Restaurants as a permitted use from the C-3 (Portage Road Commercial) Zone	“Green the Bylaw”	Section 15.3.1
Added ‘Arts and Culture’, ‘Fitness Centre’ and ‘Food Truck’ as a permitted uses in the C-3 Zones	Reflect Best Practices / Current Land Use Practices	Section 15.3.1
Added ‘Arts and Culture’, ‘Catering Establishment’ and ‘Food Truck’ to C-5 Zone	Reflect Best Practices	Section 15.5.1
Part 16: Industrial and Airport Zones		
Added Brewery, Cidery, Distillery and Winery and Dance Studio as permitted uses in the M-1 Zone	Reflect Current Land Use Practices	Section 16.1 (f) & (n)
Added Food Truck, Materials Recovery Facility, Works Yard as permitted principal uses in the M-1 Zone	Reflect Best Practices	Section 16.1
Added Accessory Liquor Store, Private as a permitted Accessory Use in the M-1 Zones	Reflect Current Land Use Practices	Section 16.1.2.(a)
Created a minimum lot size	Address Deficiencies	Section 16. 1.4 (a)

for subdivision in the M-1 Zone		
Created a new M-2 Resource Industrial Zone (Tisdale/Rutherford)	Reflect Current Land Use Practices	Section 16.2
Added Accessory Retail as a permitted use in the M-2 Zone	Reflect Current Land Use Practices	Section 16.2.2.(a)
Added Conditions of Use to M-2 Zone to require screening and buffering	Address Deficiencies	Section 16.2.3
Adjusted the minimum Airport Leasehold Lots Setback in the AP-1 Zone	Address Deficiencies; Improve Clarity/Ease of Use	Section 16.3
Part 17: Public, Institutional and Parks & Rec Zones		
Added a Broader Range of Community Uses to the Public Zone	Implement the OCP; Address Deficiencies	Section 17.1.1
Added New Outdoor Recreation Zone for MX Track, Stock Car Track and Whitewater Facility	Reflect Current Land Use Practices	Part 17
Zoning Map		
Applied Village Zoning Designations to Boundary Extension Properties	Zone land previously incorporated from SLRD Area C	Schedule A
Updated the map to reflect newly created zones and zoning amendments since the last consolidation	Reflect Best Practices; Address Deficiencies	Schedule A
Eliminated Split Zones where applicable	Reflect Best Practices	Schedule A

Staff are confident that the changes outlined in Village of Pemberton Zoning Bylaw No. 832, 2018 (attached as **Appendix D**) allow for a more manageable and practical approach to land use regulation and enforcement, and recommend that Council give the Bylaw First and Second Reading and direct Staff to arrange formal referrals to Lil'wat Nation, Squamish-Lillooet Regional District, Ministry of Transportation and Infrastructure and the Agricultural Land Use Commission and schedule a Public Hearing.

COMMUNICATIONS

The Draft Zoning Bylaw is the result of an extensive community and stakeholder engagement process. This process and the results are outlined in the attached Consultation Report (**Appendix C**).

LEGAL CONSIDERATIONS

The adoption of a Zoning Bylaw by a municipality is authorized under various section of the *Local Government Act*.

- Section 479 authorizes a local government to enact a Bylaw respecting Zoning;

- Section 480 authorizes a local government to adopt a Zoning Bylaw at the same meeting at which the Bylaw passed Third Reading
- Section 481 states that a local government must not restrict or prohibit farming in farm areas;
- Section 482 authorizes a local government to offer density benefits for the provision of amenities, affordable housing and special needs housing;
- Section 492 authorizes a local government to designate a Temporary Use Permit Area in a Zoning Bylaw;
- Section 523 authorizes a local government to create runoff control requirements;
- Section 525 authorizes a local government to create off-street parking and loading requirements;
- Section 527 authorizes a local government to create screening and landscaping requirements;

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

The holding of a Public Hearing is a requirement before the adoption of a Bylaw as laid out in numerous sections of the *Local Government Act* (Sections 464 – 470).

If a use/building that was previously permitted does not conform to an amended bylaw, but continues to be lawfully used, the use may be continued as a non-conforming use. Lawful Non-Conforming uses and buildings are covered by Sections 528 – 532 of the *Local Government Act*. In summary, if a use is discontinued for a continuous period of six (6) months, any subsequent use must conform to the Village's bylaw. If the use of the building and structures conform to a land use regulation bylaw but:

- The siting, size and dimensions of the building or structures constructed before the bylaw was adopted does not conform with the bylaw; or
The siting, size dimensions or number of off-street parking or loading spaces constructed or provided before the bylaw was adopted does not conform to the bylaw;
- the building or other structure or spaces may be maintained, extended or altered to the extent that when completed does not involve any further contravention of the bylaw than that existing at the time of the repair, extension or alteration was started.

A Non-Conforming use of land may continue on a scale or to an extent or degree equal to that at the time of the adoption of the land use regulation, but no greater.

A structural alteration or addition must not be made while a Non-Conforming use continues in a building, unless required by an enactment or permitted by the Board of Variance.

If a building or other structure which contains a use that is lawful Non-Conforming is damaged or destroyed to the extent that 75% or more of its value above its foundation (as determined by a Building Inspector), the structure must not be repaired or reconstructed except for a conforming use in accordance with the Zoning Bylaw.

A change in ownership/tenancy/occupancy does not affect the use of the land or building or structures.

IMPACT ON BUDGET & STAFFING

The Zoning Bylaw review is a funded policy project of the Village of Pemberton and has been incorporated into the work plan of the Development Division of the Operations & Development Services Department.

INTERDEPARTMENTAL IMPACT & APPROVAL

The Zoning Bylaw review process has involved the support of the Office of the CAO and Corporate and Legislative Services, and upon adoption, implementation and enforcement will

be facilitated by both the Operations & Development Services Department and the Corporate & Legislative Services Department as applicable.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The Zoning Bylaw will be the primary land-use regulatory tool for lands within the Village of Pemberton 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 Draft Zoning Bylaw once it receives First and Second Reading.

ALTERNATIVE OPTIONS

An alternative option would be to not give the Bylaw First and Second Reading to Zoning Bylaw No. 832, 2018 (attached as **Appendix D**) but to refer it back to Staff for more review and/or more consultation.

Staff does not support this option.

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

Recommendation One:

THAT Village of Pemberton Zoning Bylaw No. 832, 2018 be given First and Second Reading;

Recommendation Two:

THAT Village of Pemberton Zoning Bylaw No. 832, 2018 be referred to Lil'wat Nation, Squamish-Lillooet Regional District, Ministry of Transportation and Infrastructure and the Agricultural Land Commission for comment;

Recommendation Three:

THAT a Public Hearing for Village of Pemberton Zoning Bylaw No. 832, 2018 be scheduled for 7PM on Tuesday June 26, 2018 at Council Chambers.

Attachments:

- Appendix A: Terms of Reference
- Appendix B: Committee of the Whole Minutes, May 8, 2018
- Appendix C: Consultation Report, June 12, 2018
- Appendix D: Village of Pemberton Zoning Bylaw No. 832, 2018

Prepared by:	Lisa Pedrini, Senior Planner and Cameron Chalmers Consulting, Consulting Planner
Manager Approval:	Tim Harris, Manager of Operations and Development Services
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
7400 Prospect Street-Box 100
Pemberton, BC, V0N 2L0
lpedrini@pemberton.ca
604-894-6135, ext 234

TIME-LINE

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

**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, May 8, 2018 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 176.

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

ABSENT: Councillor Jennie Helmer

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Gwendolyn Kennedy, Legislative Assistant
Tim Harris, Manager of Operations and Development Services
Lisa Pedrini, Planner

Public: 1

1. CALL TO ORDER

At 1:21 p.m. Mayor Richman called the May 8, 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. 175, Tuesday, April 10, 2018

Moved/Seconded

THAT the minutes of Committee of the Whole Meeting No. 175, held Tuesday, April 10, 2018, be adopted as circulated.

CARRIED

4. Draft Zoning Bylaw Review Workshop – Lisa Pedrini, Senior Planner & Cameron Chalmers, Planning Consultant

Lisa Pedrini and Cameron Chalmers presented the Draft Zoning Bylaw Review, seeking input and direction from the Committee of the Whole as part of the consultation process, and presenting highlights from recent public and stakeholder feedback sessions.

Public consultation to date includes meetings with the Airport Users Group, Lil'wat Development Corporation, Industrial Park Users Group, Advisory Land Use Commission, Chamber of Commerce and a public open house. A pop-up public information session for downtown businesses is scheduled for Thursday, May 10 at the Community Barn.

The primary objective of the bylaw revision is to improve clarity and consistency. Definitions and language have been updated and regulations clarified. The workshop addressed the terms of reference previously identified by Council. The revisions also approach permitted uses in different zones with the intent of avoiding over-regulating. In general, the changes presented broaden permissions rather than narrowing them. Further discussion took place respecting the following:

Commercial Parking

At 1:40 p.m. Mayor Richman declared a conflict of interest pursuant to Section 100(2) (b) of the *Community Charter* and left the room.

Staff pointed out an inconsistency in the required number of off-street parking spaces for Commercial uses; namely, that stand alone restaurants are required to provide one (1) space per three (3) seats, but that restaurants associated with a hotel/motel only require one (1) space per four (4) seats. Furthermore, that other similar uses also call for one (1) space per four (4) seats, for example a Club/Lounge and Theatre/Cinema. For consistency, the number of parking spaces required for restaurants is being proposed to decrease from one space for three (3) seats to one space for four (4) seats.

Chalmers noted that the commercial fabric in Pemberton's downtown is small, and that off-street parking requirements in the downtown area can be a deterrent to development. It may impact downtown vitality if retail and commercial property must be devoted to parking. Accepting cash in lieu of parking may encourage commercial development in the downtown core. Downtown parking is a policy issue that should be further addressed in the OCP.

At 1:56 p.m. Mayor Richman returned to Council Chambers and took the chair.

Residential Parking

Staff reviewed proposed changes to the Residential parking ratios for Townhomes, allowance for tandem parking in small townhome developments and the addition of new parking requirements for apartment dwellings.

Drive-Through Businesses in C-2, C-3 and C-5 Zones

The Committee of the Whole supported Staff's proposed removal of drive-through businesses as a permitted use C-2 zone (while maintaining site-specific permission for McDonald's), and in the C-3 zone, and supported continuing to permit drive-through business in the C-5 zone.

Airport and Industrial/Business Park

Staff advised that maintaining a mix of uses at the Industrial/Business Park is beneficial to the community. Given that there is currently no minimum parcel size in the M-1 Zone, Staff is proposing adding a minimum parcel size of 1,800 m² or approximately ½ acre. Preventing subdivision of lots below ½ acre size will ensure that larger tracks of land will be available for industrial use in the future. As property values rise, development permit regulations may be needed to ensure that the park continues to serve community needs.

The Committee of the Whole had no comments respecting the review of these amendments.

Civic, Public & Recreation Zones

Staff noted that in keeping with the intention to broaden permitted uses, a new Outdoor Recreation - OR-1 zone has been created to capture uses such as the motocross (MX), speedway and associated campground at the MX facility south of Pemberton.

The Committee of the Whole had no comments respecting this change.

Short Term Vacation Rentals

Staff provided an overview of the proposed regulations for short term vacation rentals use and the Committee reviewed the suggested amendments as set out in the Draft Bylaw.

The Committee supported Staff's recommendation to broaden the regulations around short term vacation rentals to permit short term rental in certain Residential zones of either a secondary suite or the primary residence, but not both. The Committee also showed support the inclusion of a cap of 5% for each neighborhood. It was noted that short term vacation rentals would not be permitted in multi-family buildings or zones. Implementation and enforcement of the cap will need to be addressed in business licence regulations.

Green Policy Development

Staff noted that the scope of the zoning bylaw is limited to ensuring that green development is not discouraged. To this end, FAR exemptions were included for passive wall constructed buildings. In addition, bicycle and electric vehicle parking is also proposed as a new requirement.

The Committee of the Whole had no concerns with the proposed draft.

Intermodal Storage Containers

Staff advised that in the Draft Bylaw the number of storage containers for accessory storage use is not limited at the Industrial Park (M-1 zone) but it is proposed that they be removed as a permitted use in Commercial Zones and limited in Airport, Park and Recreation and Civic zones.

The Committee had questions regarding whether commercial properties with existing storage containers would become legal non-conforming which is correct. The reason for removing them as a permitted use from Commercial Zones, especially the Town Centre, has to do with storage containers taking up required off-street parking spaces, detracting from the Village's efforts to revitalize the area (unsightly) and not complying with development or building permit requirements.

Staff was asked to seek clarity with respect to Building Permit requirements. Staff noted that storage containers will also apply to the Agriculture Zone.

Temporary Use Permits

Staff noted that the Draft Bylaw has been updated to include language respecting the use of Temporary Use Permits. It was noted that Temporary Use Permits are a useful tool that can provide guidance for Council in permitting a variety of uses that are not permitted in a zone over a limited amount of time.

Staff noted that temporary use permits will also apply to the Agriculture Zone.

Cannabis, Medical Production

Staff noted that regulations and definitions around this use have been prepared but are not included in the Draft Bylaw in keeping with Council's earlier decision to prohibit this use. This allows the Village the option to revisit this issue once the federal *Cannabis Act* is passed.

The Committee raised concern about how regulation of off-site odours will be addressed. Staff noted that odour nuisance is addressed in the Nuisance Bylaw and does not necessarily need to be addressed in the Zoning Bylaw. Staff further noted that this definition has been broadened by removing the specific reference to medical. This was done in anticipation of the legislation changing to allow for production of recreational cannabis.

Other

The Committee of the Whole had further discussion respecting the following:

- Off-street parking requirements and ensuring that the regulations require parking spaces to be dust free/compacted
- Definition of Grade, Natural – clarification was sought with respect to the definition
- Secondary Suites related to Duplex Dwellings and ensuring that a secondary suite is not permitted
- Accessory Buildings – clarification with respect to whether or not a woodshed would be exempt if under a certain size
- Section 7.6 - Hen Keeping – concern was raised with impacts as a result of allowing hen keeping. The Committee recommended revisiting the requirements established in section 7.6 (b) and that the Animal Control Bylaw be updated should Hen Keeping be permitted.
- 7.10 - Carriage Houses – clarification with respect to water and sewer rates for a carriage house
- 8.21 – Secondary Suites - off-street parking for suites – clarification respecting the requirements and related regulations as noted above
- 7.20 – Solid Waste Enclosures – need to consider increased needs for recycling and is compliance achievable. Staff noted that details respecting enclosures would be worked out through the Development Permit process.
- 7.26/7.27 – Temporary Structures – clarification was sought with respect to the length of time for a permit
- Campground Parking Requirements – considered to be onerous
- 9.2 – Permitted Land Uses in the A-1 Zone - clarification with respect to whether or not 'Gathering for Events' is allowed in the RR-1 Zone. Staff advised that this is a use specific to ALR land and only applies in the A-1 zone.

Ms. Pedrini and Mr. Chalmers will address the points raised when the bylaw is brought forward for consideration of readings at an upcoming Regular Council Meeting..

5. ADJOURNMENT

At 4:24 p.m. the Committee of the Whole was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer



Zoning Bylaw

Consultation Report

June 2018



Introduction

Purpose

The purpose of this document is to describe the formal community consultation undertaken in support of the development of an updated/revised Zoning Bylaw. This report describes both the processes undertaken and a summary of the consultation comments received.

The document is a companion to Zoning Bylaw No. 832, 2018 to provide information and background for the land use regulations outlined in the Bylaw. This document does not describe the details of the amended Zoning Bylaw, but it does summarize the consultation process and the comments heard to date, providing a rationale for some of the amendments and a formal record of the consultation in advance of Council's consideration of the new Zoning Bylaw.

The document has been prepared by the Project Coordinator for the Zoning Bylaw Review – the Senior Planner for the Village of Pemberton. Submissions including emails, correspondence and survey results have been included as appendices to this report.

Background

The current Zoning Bylaw No. 466, 2001 has been amended from time to time within the last 17 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 also undertook a major boundary extension in 2011, and the majority of properties incorporated into the Village since that time retained their Squamish-Lillooet Regional District (SLRD) Electoral Area C Zoning unless they were the subject of a developer or Village-led rezoning process. There is a need to assign these Village properties with Village zoning to consistent land use regulation.

The Village is experiencing growth and development of new types of land uses including technology driven businesses involved in the sharing economy and other commercial pursuits that did not exist and were never contemplated when the original bylaw was adopted. Regulating these new types of emerging uses required a thoughtful and reasonable approach, supported by community priorities.

The Village also took the opportunity to incorporate progressive measures to encourage sustainable and energy efficient land use planning and practices, by examining options to 'Green' its Zoning Bylaw.

For these reasons and more, the Village embarked on a thorough review of the Zoning Bylaw and the Sign Bylaw, with an emphasis on seeking and including recommendations from community stakeholders like the Pemberton and District Chamber of Commerce and Tourism Pemberton, the business community, representatives of the development industry, residents, the Village's Advisory Land Use Commission (ALUC) and the Provincial Agricultural Land Use Commission (ALC).

Consultation Approach

General Approach

The general approach to consultation was to inform and offer a variety of consultation opportunities, and wherever possible, schedule and locate meetings and events in close proximity with where stakeholders are located and at times that worked for them. Consultation began with general issue identification, continued with targeted consultation; where needed and then moved to more extensive public consultation events and targeted engagement once a draft of the Zoning Bylaw was ready.

Issue identification, which occurred in the Spring of 2017, was primarily an effort to inform the public and stakeholders that the Village had begun its review of the Zoning Bylaw, to uncover issues or deficiencies not identified in the Terms of Reference for this initiative and to solicit ideas on and comments from the public on sections or issues where the Bylaw had proved problematic and could use improvement.

Targeted consultation was undertaken around the issue of Short Term Vacation Rentals in the summer of 2017 as this issue had been identified as a key issue in the Terms of Reference that required more input from operators and proponents who supported the use, and residents and community members who had expressed concern with its regulation (or lack thereof) and neighbourhood impacts.

Consultation Contacts

The Village of Pemberton uses many tools and tactics to contact and consult with residents, business owners, developers and land owners on the review and update to the Zoning Bylaw. As such the Village utilized its website, Facebook, sandwich boards at corner of Prospect and Birch and the entrance to Industrial Park, roundabout signage, posters, and print ad. Staff also made every effort to reach out directly to stakeholders and individually to land owners through correspondence, emails and hand-delivered flyers.

A sample of some of the contact made during the Consultation is shown in the table below.

Consultation Contact	Date
Letter to Black's Hot Wheels informing of the proposed change to their site specific zoning in the C-1 Zone	May 11, 2018
Letter to Valley Chainsaw Ltd. informing of the proposal to change their site specific zoning in the C-1 Zone	May 11, 2018
Emails and phone calls to Individual Developers and vacant land owners informing them of proposed amendments that would impact their property holdings	April/May/June, 2018
Emails to Industrial Park Owners to invite them to the May 7 th Consultation Event	May, 2018

Hand delivered flyers to every downtown and Portage Road Business to invite them to the May 10 th Pop-Up consultation Event	May, 2018
Emails and phone calls to the Agricultural Land Commission	May 2018
Emails and meetings with the Chamber of Commerce and Tourism Pemberton to discuss their concerns	May/June, 2018

Public Outreach

Issue Identification

In March 2017, the Village of Pemberton began initial public engagement with the public and stakeholders on general aspects to be covered by the Zoning Bylaw review. These efforts included hosting targeted information gathering sessions and creating customized surveys for different stakeholder groups, with specific questions pertaining to known issues. The Village offered many opportunities to both inform and seek opinions from the public and stakeholders on issues and constraints with the current Zoning Bylaw and Sign Bylaw.

A summary of initial issue identification events is shown in the table below.

Date	Method/Location	Stakeholder
April 6, 2017	Lunch Presentation/Pemberton Legion	Chamber of Commerce Members
April 23, 2017	Meeting/Council Chambers	Airport Users Group
April 24, 2017	Presentation/BC Passive House	Industrial Park Businesses and Landowners
April 25, 2017	Open House & Presentation/Pemberton Community Centre (PCC)	Home Based Business Owners
April 25, 2017	Open House & Presentation/PCC	All Other Businesses
April 26, 2017	Open House & Presentation/Council Chambers	Residents / Landowners

The results of this initial round of public consultation can be found on storyboards posted on the Village's website www.pemberton.ca under *Projects and Initiatives – Zoning & Sign Bylaw Update*. Input received during the initial issue identification stage helped confirm some of the key topics and inform the eventual development of the Draft Zoning Bylaw.

The Village also had the opportunity to present to the Grade 11 Social Studies Class of the Pemberton High School on February 7, 2018.

Short Term Vacation Rental Engagement

In the summer of 2017, the Village wanted to seek targeted input on short term vacation rentals in order to develop clear regulations as part of the revised Zoning Bylaw. As per the Terms of Reference, one of the key parts of the Zoning Bylaw review was to research zoning approaches used by other municipalities to address unregulated vacation, nightly and/or short term rentals through online accommodation booking platforms such as Airbnb and VRBO.

In July 2017, the Village contracted with the Whistler Centre for Sustainability to provide assistance with public engagement on this issue. Village Staff and the Centre developed and facilitated a public engagement process consisting of key stakeholder interviews, three public information sessions and an online survey. To inform the process, three background briefs were circulated during the information session and posted on the Village website. Over the months of July and August, the Village held a number of sessions that helped to garner feedback from residents both opposed and supportive of using detached dwellings as short term vacation rental accommodations.

During this engagement the Village wished to build a common understanding of the issues; understand short-term rental approaches from other communities; gather community feedback; and understand how to maintain or adjust policy. The Results of this engagement are attached as **Attachment A**.

The results of the targeted engagement demonstrated mixed opinions. There was general agreement that short term vacation rentals should be regulated, and there was good support for using tools such as business licencing, payment of an infraction deposit to act as an incentive for good management, and good neighbour agreements. However, the community was divided on whether or not proposed regulations should be aimed at rolling back the use, maintaining the status quo or expanding the use. Based on the results of the public engagement, Staff recommended to Council to take a blended approach to regulating short term vacation rentals that would see the use being permitted in Single Family Residential Neighbourhoods under certain conditions.

Public Open House on Draft Zoning Bylaw

A public open house was held on April 17th 4:30pm to 7:30pm at the Pemberton Community Centre inviting the public to review and comment on the Draft Zoning and Sign Bylaws. Storyboards, drafts bylaws, information sheets and a paper copy of the Feedback Survey were available. A total of thirty (30) people attended the Open House. Participants were offered red, yellow and green dot stickers to add an interactive piece to the event and instructed to place on the proposed amendments to indicate concepts they did not like/were concerned about/or supported, respectfully. There was a lot of draw to the storyboard on Short Term Accommodation regulations, with participants noting both positive and negative feedback to the draft regulations. There was general support for the “Green” Initiatives, although it did appear there was concern with the suggested amendment to lower parking requirements for affordable and rental multi-family residential dwellings. A total of four (4) feedback forms were received from Open House participants, with a majority of them preferring to submit their comments online. Staff took their feedback and inputted into the web survey so these responses were aggregated in the analysis of the Survey Monkey data.

Online Content and Feedback Survey on Draft Zoning Bylaw

Following the Open House, the same materials (storyboards) presented during the event were uploaded to the Village's website to provide information and background on the proposed changes to the Zoning Bylaw. This content can be found on line on the Village's website under *Projects and Initiatives*: <https://www.pemberton.ca/public/download/documents/49128>.

Once informed by the storyboards, persons were encouraged to fill out the online public input survey (using the Survey Monkey platform). This option was launched to gain feedback from those unable to attend the Open House or those that prefer to use more private methods of sharing their thoughts. The survey included open ended questions that generated interesting qualitative findings rather than quantitative data.

The survey that was available from April 18th to May 18th to solicit feedback from the community at large on the 'Draft for Discussion Purposes' garnered thirty-six (36) responses. While this may appear to be a low response rate, the comments received offered thoughtful and meaningful input that was taken into account in the drafting of the revised Zoning Bylaw and echoed many of the verbal information Staff received during face to face consultation events.

A general summary of the online survey results follows:

- **Demographics** - The majority of respondents identified themselves as property owners (88%) and the next highest group as residents (62%). Just over one quarter of the respondents noted they were commercially zoned business owners. The remainder identified themselves as bed and breakfast owners (9%), short term vacation rental owners (15%), home-based business owners (9%) or 'Other' (i.e., developers, Chamber members).
- **Short Term Vacation Rentals:**

With respect to the proposed regulation of Short Term Vacation Rentals, the survey revealed that respondents **liked** these aspects of the proposed regulations:

- *It is being addressed and monitored in a limited capacity x 6*
- *Fairer approach/levels the playing field for B&B operators x 3*
- *The requirement to get a Business Licence (legitimizes the operation) x 3*
- *Parking Restrictions x 2*
- *Accountability (if enforced)*
- *Limit of one per cul de sac (although enforcement is key)*
- *Involving neighbours i.e., Good Neighbour Agreement*
- *Strata Permission for Nightly Rentals (bare land stratas)*
- *That it has to be principal residence – creates economic opportunity for residents but doesn't skew the market to foreign investors*
- *Only in lawful dwelling unit*
- *Only in principal residence or accessory suite but not an accessory*
- *Business Licence required*
- *Bare land strata permission from Strata Council required*
- *Well thought-out*

The following is what respondents **did not like** about the proposed regulation of Short Term Vacation Rentals:

- *Proposed \$2,500 infraction deposit too high x 4*
- *Occupancy of Up to 8 guests is too high x 3;*
- *Doesn't go far enough re: parking issues x2*
- *Utility increase is too high x 2*
- *Good Neighbour Agreement is too restrictive x 2*
- *Good Neighbour Agreement is undefined /does not go far enough*
- *5% cap per neighbourhood too low x 2*
- *5% cap per neighbourhood is too high*
- *Allowed in Residential but not in C-3*
- *Overly restrictive x 2*
- *Enforcement will be challenging*
- *Secondary Suites should not be allowed / should be limited to rooms in owner occupied home or whole home*

▪ **Cannabis Dispensaries:**

With respect to the continued prohibition of Cannabis Dispensaries until the Federal legislation is in place, the survey revealed that respondents **liked**:

- *waiting until the Federal Cannabis Act is enacted x 11*
- *Would like to see Cannabis Dispensaries prohibited even when legalized x 5*
- *Flexible/ Sensible Approach x 2*

The following is what respondents noted that they **did not like** about continuing the prohibition of Cannabis regulations:

- *Unprogressive x 5*
- *Doesn't address security*

▪ **Storage Containers:**

In terms of the proposed amendments to prohibit storage containers from Commercial Zones, the following is what respondents **like**:

- *Supportive of this initiative x 4*
- *Should apply to Industrial Park too*

The following is what respondents **did not like** about the proposed amendment to remove storage containers as a permitted use in Commercial Zones:

- *Containers should not require a building permit to put in place x 3*
- *Should be open to their conversion as tiny homes x 3*
- *Shipping Containers are equipment not buildings x 2*
- *Often used by small businesses/takes pressure off Residential Areas*
- *Do not remove from A-1 Zone*

▪ **Parking Standards:**

In terms of the proposed amendments regarding parking standards, the following is what respondents **like**:

- *Seems fair x 2*
- *Decrease parking & encourage people to walk/relax requirements to encourage other forms of transportation x 2*
- *Support for decrease in parking spaces for restaurants*
- *Requiring electric vehicle parking/ bicycle parking*

The following is what respondents **did not like** about the proposed amendment to remove storage containers as a permitted use in Commercial Zones:

- *Increase off-street parking requirements for residential areas/secondary suites x 2*
- *Everything*
- *Doesn't go far enough to limit homebased business parking*
- *Too many parking spaces downtown between the Bakery and the Barn*
- *Need to require 2 bedroom suite to provide 2 additional parking spaces*
- *Need parking dimensions to be larger to accommodate trucks*
- *Increase parking required for multi-family apartments/parking is a priority*

▪ **Greening Regulations:**

In terms of the suggested "Green" amendments, the following is what respondents **liked** about adding "Green" land use regulations:

- *Overall Support for all Green Measures (5)*
- *Removing Drive Through (3)*
- *Allowances for Passive Construction*
- *Supporting Alternative Transportation Changes*

The following is what respondents noted they **did not like** about introducing "Green" land use regulations:

- *Bicycle parking is not secure/theft*

Airport Users Group

Planning staff met with the Airport Users Group on April 23, 2018, nearly a year to the date that they were first consulted, to review the proposed amendments to the Airport 1 (AP-1) zone. The main takeaways from this conversation was the Airport Users Group expressed support for the inclusion of lease lot line setbacks and the ability to have one shipping container per lease lot as a permitted accessory structure.

Village of Pemberton Advisory Land Use Commission (ALUC)

Staff presented the Draft Bylaw to the Village's Advisory Land Use Commission (ALUC) on two separate occasions – April 26th and May 3rd given the breadth of the review needed. Minutes from these meetings are attached as **Attachments B & C** to this Consultation Report.

The following recommendations were passed by the ALUC with respect to the proposed Draft Zoning Bylaw:

Moved/Seconded

THAT the Advisory Land Use Commission recommend to Council that the Village of Pemberton revisit the topic of minimum lot size for A-1 zone in the near future.

CARRIED

Moved/Seconded

THAT Advisory Land Use Commission recommends to Council that the proposed regulations for Short Term Vacation Rentals be supported.

CARRIED

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that consideration be given to reducing the infraction deposit from \$2,500 to \$1,000.

CARRIED

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that Automotive Repair Shop and Equipment Servicing, Rental and Repair Shop be removed as a permitted use from the C-1 Zone.

CARRIED

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that Drive-In Restaurant be removed as a permitted use from the C-3 Zone;

AND THAT no more than one Drive-In Restaurant be permitted in the C-2 Zone;

CARRIED

Moved/Seconded

THAT Drive-In Restaurant be removed as a permitted use from the C-5 Zone.

CARRIED

One Member Opposed

Moved/Seconded

THAT the ALUC recommends to Council that the split zoning on the Lil'wat lands be removed so that the parcel be zoned C-2 entirely to remove the split zoning and prohibit the development of the back half of the property for service commercial.

CARRIED

Moved/Seconded

THAT the ALUC recommends to Council that the definition Cannabis, Medical Production Facility be amended to remove the reference to Medical in order to broaden

the use and amend the definition of to state that it can be a facility consistent with Federal legislation.

CARRIED

Moved/Seconded

THAT *neighbourhood pub and accessory beer and wine store use be removed from the M-1 zone.*

CARRIED

One Member Opposed

Moved/Seconded

THAT *the ALUC recommends to Council that screening and landscaping requirements in the M-2 Zone be reviewed and adequate requirements be added to the M-2 zone to ensure that the entrance to town is protected.*

CARRIED

Moved/Seconded

THAT *the ALUC recommends that campground use in the E-1 zone be removed.*

CARRIED

Moved/Seconded

THAT *the ALUC recommend that fitness centre be removed from the E-1 zone.*

CARRIED

Moved/Seconded

THAT *the ALUC advise Council that it is supportive the proposed residential parking requirements.*

CARRIED

Moved/Seconded

THAT *the ALUC advise Council that it is supportive of the proposed change from one (1) space for three (3) seats to one (1) space for four (4) seats for restaurant use.*

CARRIED

Moved/Seconded

THAT *the ALUC recommend to Council that the fee structure for cash in lieu in parking be reviewed with an aim to optimize parking opportunities within the village;*

AND THAT *consideration be given to developing a zone approach to cash in lieu contributions.*

CARRIED

Numerous Revisions were made to the Draft Zoning Bylaw as a result of the ALUC's recommendations.

Agricultural Land Commission (ALC) Referral

As a courtesy, the Village referred the "Draft for Discussion Purposes" to the Regional Planner with the Agricultural Land Commission, Kamelli Mark, on May 4, 2018, to provide her with the opportunity to initially review and comment prior to a more formal referral after the Bylaw receives First Reading. Due to the Village's legislative requirements to comply with the *Agricultural Land Commission Act*, this is an important step in the revision of a local

governments land use regulation bylaw. The Commission's main concerns revolve around the definition, use and regulations pertaining to land uses in the Agricultural Land Reserve (ALR). Numerous comments from the Regional Planner on May 11, 2018 and these comments have been incorporated into Bylaw No. 832, 2018 where applicable. The ALC's letter is attached as **Attachment D**. Following First Reading; the Bylaw will be formally referred to the ALC for review and comments.

Pemberton and District Chamber of Commerce

The Village presented an outline of the proposed amendments that would impact business owners to the Chamber of Commerce Executive on April 25, 2018. Following their review of the Draft, the Executive held a meeting on May 18 and passed several resolutions with respect to their comments on the aspects of the Draft Zoning Bylaw. These submissions are noted below and attached as **Attachments E & F**.

In the first letter the Chamber expressed their support for the removal of drive-through restaurants as a permitted use in the C-2 (Tourist Commercial) and C-3 (Portage Road Commercial) Zones and urged Council to also remove them as a permitted use in the C-5 (Neighbourhood Pub) Zone. The Chamber also advised of their inability to reach consensus on the proposed removal of Auto Repair Business and Equipment Servicing, Rental and Repair Shop Uses as permitted uses in the C-1 (Town Centre Commercial) Zone.

In their second letter, the Chamber expressed their concern with the shortage of short term accommodation for tourists and trades and asked Council to consider supporting a further amendment to the revised Zoning Bylaw to permit the mixed use of the Gateway Village Suites as residential, long term rental and short term vacation rentals in the C-3 (Portage Road).

In follow-up to these submissions, Village Staff met with representatives of both the Chamber and Tourism Pemberton on June 6, 2018 to discuss their feedback.

Tourism Pemberton

A letter, dated May 18, 2018, was received from Tourism Pemberton stating their support for the removal of Drive Through Restaurants from Commercials Zones. A second letter, with the same date, was received demonstrating Tourism Pemberton's support for the preservation of tourist zoned accommodations and noted that they would not be opposed to the mixed use of the Gateway Village Suites allowing for residential use, long term rentals and short term vacation rentals. They write that the concentration of this use in the C-3 zone is preferential over residential areas. Their submissions are attached as **Attachments G & H**.

As noted above, the Village met with representatives of Tourism Pemberton on June 6, 2018 to listen and discuss their concerns with the Draft Zoning Bylaw.

Developer Submissions

The Village received the following other written submissions from developers/land owners with respect to the proposed amendments to the Zoning Bylaw:

1. Letter from Ashley Goddyn, Thrive Investments, dated May 11, 2018, requesting that Mayor and Council consider permitting the Pemberton Gateway Suites to be permitted to

rent units long term, short term (nightly) and as residential uses and attached as **Attachment I.**

2. Letter from Barj Dhahan, dated June 8, 2018, urging Mayor and Council to not remove Drive through Restaurants as a Permitted use in the C-2 Zone and attached as **Attachment J.**

Attachments:

Attachment A: Short Term Accommodation Engagement Findings, September 12, 2017

Attachment B: Advisory Land Use Commission Minutes, April 26, 2018

Attachment C: Advisory Land Use Commission Minutes, May 3, 2018

Attachment D: Agricultural Land Use Commission Comments, May 11, 2018

Attachment E: Letter from the Chamber of Commerce (1), May 18, 2018

Attachment F: Letter from the Chamber of Commerce (2), May 18, 2018

Attachment G: Letter from Tourism Pemberton (1), May 23, 2018

Attachment H: Letter from Tourism Pemberton, May 23 (2), 2018

Attachment I: Letter from Ashley Goddyn, May 11, 2018

Attachment J: Letter from Barj Dhanan, June 8, 2018



Short Term Rentals Engagement

'What We Heard' Summary



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Project Scope & How We Got Input

The Village of Pemberton is in the midst of updating its Zoning Bylaw and like many communities across Canada, is looking to create zoning regulations pertaining to short term vacation rentals given recent community concern with respect to the accommodation 'sharing economy'. The Village sought support from the Whistler Centre for Sustainability with community engagement on the short term rental accommodation issue (rentals of less than 28 days), and the outcome is this report of the consultation results and possible routes forward the Village of Pemberton may want to contemplate.

During this engagement the Village wished to build a common understanding of the issues; understand short term rental approaches from other communities; gather community feedback; and understand how to maintain or adjust policy.

BACKGROUND RESEARCH

The Whistler Centre examined responses to short term accommodation in residential areas as well the general notion of short term rental benefits and challenges by B.C. communities including the City of Nelson, the Resort Municipality of Whistler, the Sun Peaks Mountain Resort Municipality and the District of Tofino. Several background briefs were also prepared to explain the current situation in the Village of Pemberton, including the general issues being faced in the general community and this is attached as **Appendix A**.

PUBLIC ENGAGEMENT PROCESS

The Centre developed and facilitated a public engagement process consisting of key stakeholder interviews, three public information sessions and an online survey. The engagement kicked off by releasing the background research on July 14th 2017 during the Pemberton Farmers' Market and then continued with the online survey until August 14th 2017. Village staff also offered to host small group discussions on the topic but none were requested.

Summary and Recommendations

Approximately 330 instances of engagement through face-to-face conversations or online surveys helped to connect with the Village of Pemberton community and stakeholders on the topic of short term nightly rentals. Approximately 60 people were engaged through outreach events and about 260 participated in the online survey. Six local stakeholder groups participated through one-on-one interviews and representatives from Airbnb communicated via email.

While local perspectives on short term rentals vary, it is clear from the comments and interactions that the Village of Pemberton community members and stakeholders all have the community at heart.

The engagement highlighted much common ground and understanding of the issues.

Topics and issues where there was common understanding or support included:

- **Regulation and Management:** Most of the people providing input supported the notion of regulating and managing short term rentals in some manner. While their opinion on the extent of regulation varied, most felt that operators should be contributing to the community tax base and treated more like a business than a residence. There was general agreement that short term rentals should only occur in areas where it is permitted through zoning. Options with respect to different management rules were provided in the survey, and all received some support; however, requiring a business license and paying a bylaw infraction deposit in case of disturbances were the two options that received the most support. The third most popular management option was some type of good neighbour agreement to proactively address neighbourhood issues.
- **Long-term rental housing/affordability:** Impacts on long-term rental housing/affordability was the most common concern for both the general public and most stakeholder organizations. Long-term rental/affordable housing is seen as important both for maintaining a strong community and in order to provide housing for employees of local business. The word ‘crisis’ was often used by community members and business organizations to refer to the current housing challenges. Many see this concern as requiring greater attention prior to expanding short term rentals. A good number of participants also highlighted the importance of utilizing short term rental income to cover housing costs which is seen by some as at odds with ensuring a supply of affordable long-term rentals.
- **Primary residences/Single Family /Everywhere – though limited:** If short term rentals continue to be permitted (i.e., bed and breakfasts) or are expanded, most respondents feel that these operations should mainly take place in rooms located within a primary residence (rather than in a secondary suite) or as a whole unit rental when the homeowner is away. While this approach is bound to preserve much long-term rental housing it isn’t clear that ‘preserving’ these rentals was the primary motivation for these suggestions. Rather the primary motivation could have been in order to grow resident homeowner incomes (vs. property investor incomes) as respondents also rated the importance of ‘resident’ income generation higher than income generation for absentee property land holders or part-time residents. Additionally, single-family properties or suites on site are where most feel these operations should occur. On the question of where short term rentals should be allowed if

"This should not be an opportunity for real estate investment to profit but for permanent residents to benefit from living in a tourist industry town."

Survey Respondent

they are pursued, most feel that there should be little discrimination on locations, though there was some general sentiment to somewhat limit their total number whether through the market or through a permitting process.

Opinions on some key topics varied. **Topics and issues with mixed opinions included:**

- **Benefits of having short term rentals:** While one of the most important benefits of short term rentals was noted as the ability to earn extra income or offset costs, these benefits were only deemed important (4 - 5 on 5 point scale) by 50%-55% of the 190 survey respondents to this question. Others didn't see income generation as a benefit or were somewhat indifferent to this possibility.
- **The approach to expanding or restricting short term rentals:** Respondents' feelings on how to regulate short term rentals through municipal policy was also quite mixed.

In total, a little less than half (48%) wanted to expand the options for short term rentals somewhat, and a little more than half (52%) wanted the 'status quo' or a roll back of policy which would virtually prohibit short term rentals. To be clear, the only type of short term rental accommodation for the travelling public permitted in the Village at this time is via bed and breakfast establishments and country inns, and these are only permitted in certain Residential Zones and under certain conditions. Bed and Breakfasts are not permitted in Townhouse Zones (multi-family units), Comprehensive Development Zones (mixed use zones) or in the Industrial Zones. The Village Zoning Bylaw does not contemplate the type of popular short term rentals (or commonly referred to as Airbnb's); however, many Village residents are offering short term accommodation options in exchange for payment through booking websites like Airbnb.com. Business and tourism stakeholders tended to support the opportunity provided by short term rentals but only with a level playing field and in conjunction with or after the shortage of employee housing (long-term rentals/affordable housing) concerns were addressed.

When the survey population is broken out by renters and homeowners however, a slightly clearer distinction arises with homeowners leaning toward more limited expansion/permissive approaches (54%) and renters clearly leaning toward a roll back or status quo (76%). The seventeen businesses that filled out surveys through the Chamber of Commerce collector link somewhat favoured 'limited expansion' over other options, but also stressed the importance of long-term rentals and affordable housing, indicating that achieving both could be possible. Those supporting some expansion indicated their support was based on the benefits to tourism and added income for local primary residence homeowners. Once again, those against expansion indicated a concern for the impacts on the long-term rental pool (community and business staffing) as the primary factor.

These results present somewhat of a dilemma as there is no straight forward approach to recommend based on the opinion of community members and stakeholders at this time. That said the issues and opinions raised during the engagement do provide some potential routes forward.

MOVING FORWARD

The following section is broken into two main topics. The first includes some common practices that build off areas we found to be of common interest. The second provides four possible routes forward on the areas where opinion was mixed.

COMMON PRACTICE

One of the biggest challenges facing all municipalities with short term rentals is how to enforce the regulations regardless of what they are. The process to ticket or fine a homeowner in contravention of a Zoning Bylaw can be cumbersome and costly. Making this process more effective and efficient is important. In addition to what the Village of Pemberton is already ready doing, a few ideas to consider that may make enforcement and compliance easier include:

- Using third party software such as Host-Compliance to provide the Village with a monthly report and an up-to-date list of active short term rentals in the community. Pricing for this service ranges from \$380/year for monitoring to \$2,250/year for monitoring plus address identification, outreach case history, etc.
- Adding short term rental offences to the municipal information utilization ticketing system to increase the ability to charge those not in compliance and more easily manage disputes that may arise through the ticket system.
- Adding offences that relate to the marketing of short term rentals and not just the ‘use’ (activity) of short term rentals. It is thought that this advertising activity is easier to prove than whether a property was used in contravention of the Zoning Bylaw.
- Add a clear definition of short term rentals/short term tourist accommodation to the Zoning Bylaw so that this activity can be referred to when needed.
- More clearly articulate the permitted uses in each zone in the Zoning Bylaw to ensure use cannot be misconstrued with allowing short term rentals.
- Initiate an education or social marketing campaign once the new rules are in place to help make sure all property owners are aware of what is or is not allowed. For example, the Town of Canmore, AB is currently running a ‘Myth or Fact’ campaign to educate its residents.
- Work with Strata Corporations to help them find effective and efficient methods to deter short term rentals in townhouse units.



- If any type of short term rentals do continue:
 - Requiring a business license is an effective mechanism for tracking permitted properties and the business regulation bylaw is one mechanism in addition to zoning to help outline what is permitted. Business License fees can also help to cover the administration costs for any inspections or enforcement.
- While not a short term rental common practice 'per se', developing affordable housing policy and implementing affordable housing strategies or actions could go a long way to supporting the 'housing crisis' expressed by so many during this engagement. In fact, in order to take full advantage of the benefits of short term rentals to tourism and local incomes, the community will likely need to take some steps to manage this concern.

Introducing a commercial use into a residential neighbourhood has the potential for conflict. Through this engagement we heard about many experiences from people living beside a short term rental. Experiences were certainly a mix of 'good' and 'bad', but to ensure more consistency with good practices the following management rules should be considered:

- Efforts should be made to ensure that only 'primary' residences are rented out on a short term basis. Aside from having support for this approach, it is common practice for those communities wishing to protect long-term rentals.
- Limiting 2 people per room in a shared or a whole room rental is a common practice, as is capping the total number of people to around 8 per single family home.
- Ensuring onsite parking spaces for each room should help to manage parking issues and fire safety measures similar to the current Village approach should continue.
- Restricting any type of short term rental practice to single family detached homes and non-strata style properties is supported by the survey and by common practices. Expanding the option to duplexes/townhouse could also work, but smaller strata dwellings like condominiums and apartments can lead to more of the reported challenges.
- If whole home rentals are allowed, additional rules might include 'bylaw infraction deposits' of \$500-\$1,000 to promote better on-site management of guests and cost recovery of Village resources in the event that enforcement is required; 'good neighbour agreements' to proactively ensure that neighbours know of the commercial use, associated rules and have a 24/7 owner contact number in the case of concerns and to possibly report guest activities that may be detrimental to the rental property.
- With respect to taxation, the Village of Pemberton can work through UBCM to keep pushing the topic of 'fair' taxation for commercial accommodation operations. One area this could be expanded is toward the property class taxation legislation which treats B&B's and short term rentals differently.
- Consulting a municipal lawyer on all of the above topics will help to ensure effective and efficient implementation.

EXPANSION OPTIONS

Through the engagement it became clear that there are mixed opinions on the topic of short term rentals. While support for the tourism experience and local income opportunities was important for many of the respondents, the pressing issue of long-term rental housing and fair treatment of commercial properties was just as loud if not louder. Organizations like the Chamber of Commerce, whom normally are supportive of commercial expansion, expressed strong concern about ensuring the supply of rental housing first. In considering all the various feedback, there appears to be four possible ways forward for the Village to consider.

1. **Roll back** – Bed and breakfast establishments are currently only permitted in the RS-1 Zone, the RSA-1 and the RSA-2 Zones. Therefore all properties in these zones are permitted to rent out rooms on a short term basis if they comply with the zoning regulations for a bed and breakfast (B&B) which includes holding a valid Business Licence. Tightening up the current zoning might be a possibility if the Village believes that allowing short term vacation rental accommodation through a bed and breakfast establishment in every residence zoned for this use may need to be reconsidered. There does appear to be much less demand for shared home rentals from visitors and fewer residents seem to rent rooms on a nightly basis.

This approach may not have a huge impact on increasing long-term rentals, but it may prevent them from being lost in future if demand for shared rooms increases. While these types of rentals are likely to have the least amount of impact on local neighbourhoods, reducing this option by removing it as a use or limiting the amount will send a clear signal that the Village is not interested in commercial uses in neighbourhoods. It will also reduce the need to create more complex management rules. As there will still likely be demand for full home and shared home short term rentals from visitors as well as willing landlords, the Village will need to put more resources into enforcement in order to manage resident concerns.

2. **Modernize the 'Status Quo'** – Through engagement with tourist providers, residents and business organizations, it became clear that there is a role for short term rentals to support tourism and local incomes. Keeping the 'status quo' would make Pemberton unique in that the only 'sharing economy' accommodation options would be for rooms located in primary residences. With creative marketing this could create an authentic Pemberton experience for visitors. That said, any expansion could further impact longer-term room rentals, and not allowing full-home rentals in some capacity will certainly eliminate the majority of visitors who are looking to rent entire homes/properties. If this approach is pursued, the Village should also consider dropping the 'breakfast' requirement as many guests are not looking for this type of experience. As there will still likely be demand for full-home short term rentals from visitors as well as willing landlords, the Village may need to put more resources into enforcement in order to manage resident concerns. That said, maintaining the 'status quo' by only permitting property owners to rent out rooms within their primary residence will reduce the need to create more complex management rules that would be applicable to full-home rentals.

3. **Expanded:** The engagement findings lead us to believe that there is a role for short term rentals to support tourism and local incomes. The demand expressed for single room vs. full-home rentals is not equal however. Full-home/whole unit rentals are in much greater demand, and most leading tourism destinations have this type of 'whole unit' available for visitors who require something other than hotel style accommodation. Many of the survey participants admitted to staying in this type of accommodation themselves.

To fulfill this demand, Pemberton could consider expanding the current zoning and business uses to allow for full-home/whole unit rentals in primary residences only in addition to the current bed and breakfast room accommodation options. While the primary residence requirement would limit the impact on long-term rentals, the Village could also create a cap or maximum of 60-80 units total (to match current supply). Appropriate geographic distribution within the Village could help to alleviate the impact on any one neighbourhood. Allowing a certain amount of full-home/whole unit short term rental accommodations could support tourism, provide locals with extra income, reduce the 'illegitimate' operations, increase business license fees, potentially increase utility and property taxes collected and create a source of funding to pay for enforcement efforts.

4. **Blended:** Blending the Expanded and the Modernized 'Status Quo' options, this approach considers expanding the current zoning (either changing the bylaw or through temporary use permits - TUP's) and business uses to allow for full-home rentals in primary residences **only** in addition to the limited bed and breakfast room accommodations. While the primary residence requirement would limit the impact on long-term rentals, the Village could also create a cap or maximum of thirty (30) units for good measure while impact monitoring takes place. Again, appropriate geographic distribution within the Village could help to alleviate the impact on any one neighbourhood or the Village could seek out one developer or neighbourhood to include full-home short term rental use. Allowing a certain amount of short term rentals will support some tourism needs, provide locals with extra income, reduce the 'illegitimate' operations, increase business license fees, potentially increase utility and property taxes collected and create a source of funding to pay for enforcement efforts. These capped uses could be further directed to only operate in certain seasons when demand seems to be higher.

FINAL REMARKS

The 'sharing economy' trend and visitor desire for full-home style rentals is not going away in the near future. The high cost of living in the Sea to Sky corridor has created the desire, if not a necessity, for homeowners to offer rooms or homes for rent to the travelling public. Given Pemberton's tourism offerings and its proximity to Whistler creates a legitimate demand for these types of short term rental accommodation. However, giving into this demand, without carefully balancing residents' rights to reside in neighbourhoods unaffected by the impacts of commercial operations and ignoring the need to maintain a stock of affordable long term rental housing for employees will prove detrimental. Without concerted effort the long-term rental and affordable housing challenges and issues with unmanaged short term rentals expressed by so many during this engagement is not going

away. While these issues may be seen to divide the community, depending on which ‘side’ members are on, the thoughtful, engaged planning and implementation that Pemberton is known for can help to ensure that the community moves ahead in the right direction at this time.

What We Heard

STAKEHOLDER ENGAGEMENT

The Centre worked with the Village staff to identify and connect with a variety of stakeholders to better understand different perspectives on short term rentals.

Stakeholders included: Accommodation Providers, Planning Staff from the Squamish-Lillooet Regional District, and Board members of Tourism Pemberton and the Pemberton and District Chamber of Commerce and a representative from Airbnb.

Semi structured interviews with most of the stakeholders took place during July and August and email correspondence was made with Airbnb.

PERSPECTIVES

Stakeholder	Summary of Comments
Pemberton and District Chamber of Commerce	<ul style="list-style-type: none"> • Top issues for members: transportation, quality internet, staff attraction/retention – due to housing. • Some members are threatened by short term rentals. • Need some regulations/limitations and ensure enforcement isn’t too costly. • Supported the motion at the BC Chamber AGM to essentially ensure fairer taxation across all types of commercial accommodation.
Tourism Pemberton	<ul style="list-style-type: none"> • The Board has yet to determine a position, but the feelings though informal discussions are mixed on the benefits and challenges of short term rentals. • Housing staff is the primary concern right now, businesses can’t find staff, and steps are needed here. • If short term rentals occur, there should be a level playing field and taxes paid to support amenities in town. • Summer demand is high for accommodation especially from weddings. • Demand for short term rentals is very high, spring to October.

Stakeholder	Summary of Comments
	<ul style="list-style-type: none"> • More lodging in Pemberton could better support tourism operators/businesses and the current wedding industry.
Squamish-Lillooet Regional District Planning Staff	<ul style="list-style-type: none"> • Housing for their staff is a real issue and challenge. • Strive to ensure that the Village policy and policy for Area C is somewhat in sync where it makes sense. • Area C is also going through a Zoning Bylaw review. • The Board is taking a “wait and see” approach right now with short term rentals, but they do have some bylaw enforcement ability.
Airbnb	<ul style="list-style-type: none"> • Data indicates that most rentals in the Pemberton area are full home/whole unit rentals. • Would like smart, streamlined policies to allow for rentals. • Open to collecting hotel tax revenue as in other jurisdictions.
Accommodation Providers	<ul style="list-style-type: none"> • Short term rentals are problematic for long-term housing and fairness of taxation to pay for amenities and the additional infrastructure demand from commercial operations. • New businesses are not launching (e.g. new accommodation providers) and some businesses are closing for a day or two due to staffing issues, which impacts the visitor experience. • Currently the short term rentals are out of control so it has to be regulated and charged commercial tax rates. • Pockets of rentals could work perhaps in new neighbourhoods, not existing ones. • Recognition of the demand for short term rentals and especially full home rentals, visitors want this. • At times there are not enough accommodation options or the capacity in Pemberton right now. • Supportive of more options as long as there is a level playing field with respect to taxes, business licensing, parking regulations, etc. • Loss of B&Bs in Pemberton may be due to retirement, or home sales - not necessarily competition.

INFORMATION SESSIONS

After a three hour pop-up consultation display booth on July 14th at the Pemberton Valley Farmers' Market, the Centre and the Village of Pemberton hosted a public information session on July 18th at the Pemberton Community Centre. The purpose of the information session was to present the background research and to collect more input from community members. An additional public information session took place on July 25th at the Village of Pemberton's Committee of the Whole meeting.

WHO PARTICIPATED?

The Farmers' Market display booth piqued the interest of close to 30 people throughout the afternoon, and the public information session had an attendance of about 30 people as well. In addition to Village staff and Council, the Committee of the Whole session saw a handful of interested residents attend.

PERSPECTIVES

Farmers' Market attendees were quite curious about the topic and provided thirteen written comments as feedback on short term rentals (comments in **Appendix B**). The comments received alluded to the need for some regulation though there was less similarity on the specific details or to what extent they should be regulated. Challenges with short term rentals such as: impacts on long-term rental availability; nuisances; and capacity issues were highlighted as were benefits such as: additional jobs and earning an income. A few comments noted the importance of regulating and taxing the operations like a business and limiting the rentals to residents' primary residences.

The public information session included a presentation covering the background briefs as well as an opportunity to ask questions and provide input on the challenges and benefits of short term rentals, considerations to keep in mind when regulating short term rentals, and personal experiences using or living next to a short term rental. Many participants were quite active in the question and answer sessions and most provided input on the poster boards. The results of the poster board questions are summarized below.

Living next to short term rentals: What's it been like?

Most comments described negative experiences.

- *Increased noise (2)*
- *Increased cars*
- *Less community involvement with absentee landlords*
- *Strangers in neighbourhood - security issues*
- *Less parking*
- *Theft*
- *Property damage*

Ever used one? Why? What was it like?

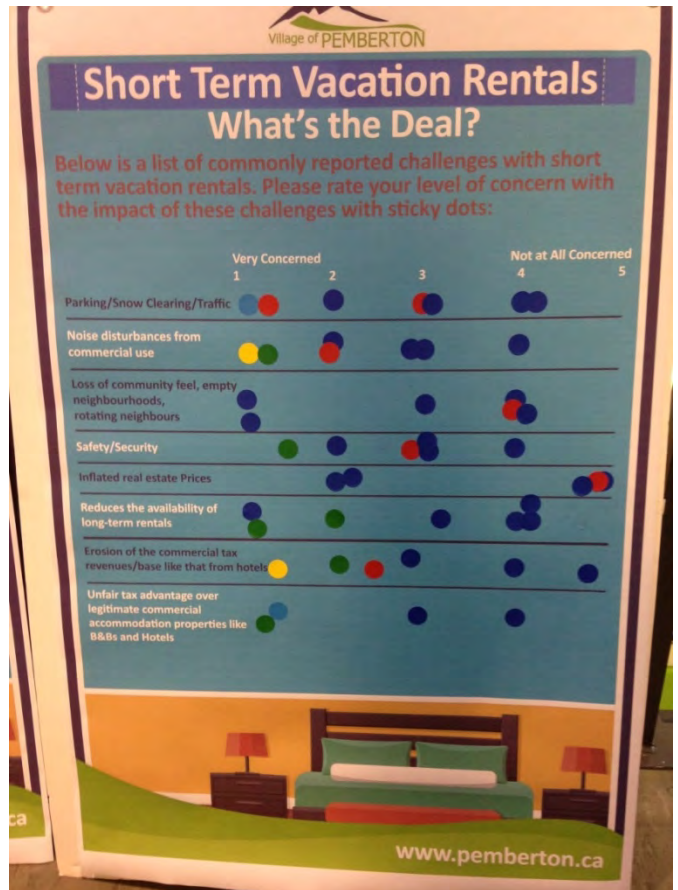
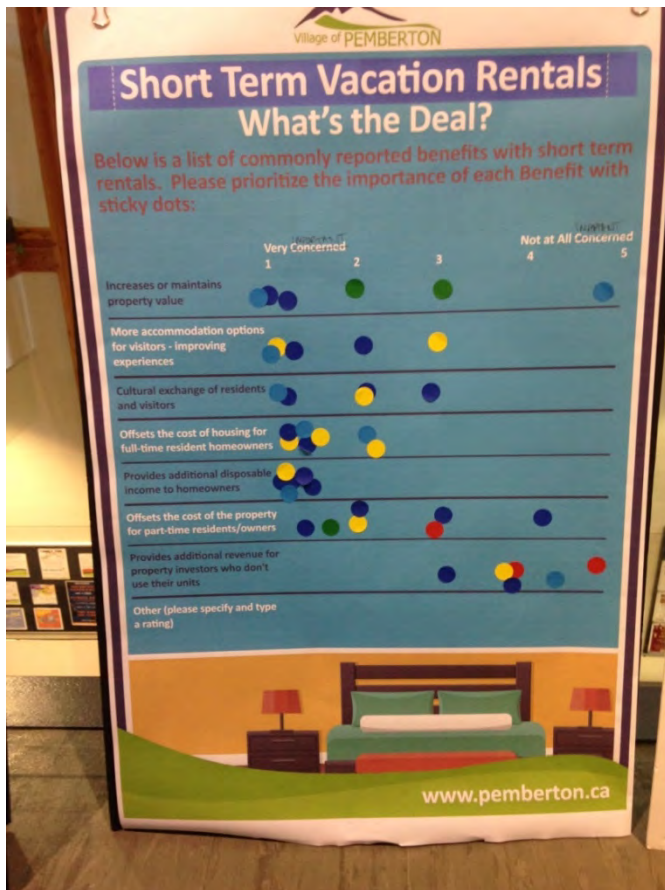
There was only one response to this question and it described a mixed experience with an Airbnb rental.

- *Booked an Airbnb - room in an apartment; showed up to find owner cleaned out half his monster bedroom closet for our stuff. We slept in master for the week while the owner slept on the couch in his tiny den in a sleeping bag.*

Benefits and Challenges – Level of importance

Session participants were asked to rate the importance of specific short term rental benefits and challenges. The dotting exercise found that the most important benefits included *'offsetting the costs of housing for full-time resident homeowners'* and *'providing additional disposable income for homeowners'*. The benefit with the least amount of support was *'providing revenue for property investors who don't use their units'*.

In general the feedback on challenges was more mixed than the feedback on the benefits. Some participants were very concerned and others less so. *'Noise disturbances from commercial uses'* and *'concerns about parking/snow-clearing and traffic'* indicated slightly higher levels of concerns than other topics. The specific results of the dotting exercises are as follows:



Commonly Reported Challenges

Short term rentals - What needs to be considered?

Session participants provided eight comments on what needs to be considered through the regulation process. The verbatim comments are below and ranged from suggestions on management approaches, taxation and the importance of commercial free neighbourhoods.

- Zoning - restrictions
- Limiting under 30 days or taxing will not solve issues
- Allow homeowners to earn additional income
- No tax PST (including 1% "hotel tax") and GST for those at \$30k +
- Secondary emergency egress i.e. rope ladders
- B&B with large # → sprinklers
- People need commercial free living areas
- Explore "pop up" housing (tiny houses, shipping container housing, Atco trailers)

PUBLIC SURVEY

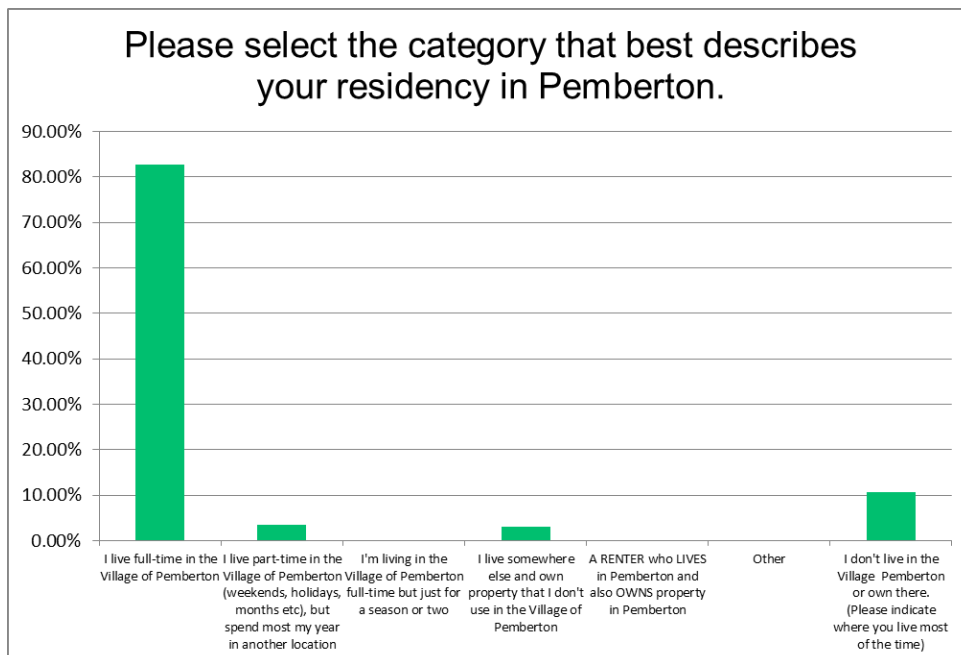
Immediately following the information session all community members were asked to respond to an online survey to provide their input about concerns and benefits, and to provide general direction around short term rental regulation approaches. The survey ran from July 14th to August 14th 2017 and was promoted via the Village website, the Village Facebook page, and through social media channels. Extensive coverage of the issue (workshops and input options) was provided by local media as well. **The survey questionnaire and verbatim comments are in Appendix C and D.**

An additional survey collector link was created for the business community and this survey was promoted via the Pemberton and District Chamber of Commerce.

WHO PARTICIPATED?

A total of 246 people participated in the Village of Pemberton Short Term Rental Survey with most of them (90%) indicating that they had read the background research briefs. Another 17 participated in the survey via the collector link sent out to Pemberton and District Chamber of Commerce Members.

Of the participants, 83% (or 188/246) identified as living in the Village of Pemberton full-time, 4% indicated they live part-time in the Village of Pemberton, 3% indicated they own in Pemberton and don't use their property, and 10% indicated not living or owning in the Village of Pemberton. Of this 10%, most indicated they lived in the SLRD area.



- Of those living in the Village of Pemberton, most of them own their residence they stay at (76%) with about a quarter renting their dwelling.
- Only a few (5%) indicated that they owned one or multiple properties that they don't live in.

- Just over 50% of the respondents stated that their property they live in or own is a detached single family dwelling. The next most popular dwelling type is a townhouse at about 25%.
- Most respondents have stayed in a short term nightly rental at some point and those who did indicated a fairly high level of satisfaction with that experience.

LIVING BESIDE OR RENTING OUT A DWELLING

Of survey participants, 113 provided comments on living next to or renting out their property as a short term rental. About two thirds of the relevant responses were from people living next to or near a short term rental and the remaining third of the comments were from those with experience renting out properties on a short term basis in Pemberton or other locations. In general, most of the comments of those living next to rentals related to annoyances with short term rentals, but not all. On the flipside, those renting their units had mostly positive remarks about the experience.

Responses and topics are summarized below:

- Dislike, disruptive x 31
- No problems x 24
- More cars, traffic/parking issues x 23
- Enjoy it, positive experience, more polite x 20
- Nosier in the area x 19
- Better than long term tenants x 9
- Extra income x 9
- Long term housing impacts x 8
- Unsafe x 4
- Wants to do Short Term Rental in future x 2
- Other x 4
- N/A or had no experience one way or the other x 34

USING A SHORT TERM VACATION RENTAL SERVICE

Of survey participants, 128 or about 50% indicated they had stayed at a short term rental property and those who did indicated an average satisfaction level of 85% out of 100%. A large majority of the comments were positive and the most common comment about the experience was it was *'better than a hotel – more amenities, authentic'*, followed by a general *'great experience'* and *'good value'*.

Responses are summarized below:

- Better than a hotel, more amenities, authentic x 52
- Great experience, unique, 36
- Good value, affordable x 31

- Authentic, felt like home, like a local x 22
- More space for families and kitchen use x 21
- Easy and convenient, online booking x 16
- Clean x 9
- Varied experiences x 6
- Other: good hosts, housing issues, used them, adequate, bad experience, like a hotel, variety

OPERATING OR THINKING OF OPERATING A SHORT TERM VACATION RENTAL

Only some survey participants are interested in operating a short term rental. Just below 25% of all survey participants (57 in total) indicated that they either operate or are considering operating a short term rental property. Their primary motivation by far was *'extra income'*.

Reasons for short term renting or considering a short term renting are summarized below:

- Extra income - afford home, holiday money x 48
- Long term rentals are riskier x 9
- Friend and family use of unit when not rented x 6
- Considering it in future x 6
- Other x 14 (Not interested, B&B owner already, staff housing – short term, concern some aren't paying taxes)

BENEFITS AND CHALLENGES – LEVEL OF IMPORTANCE/CONCERN

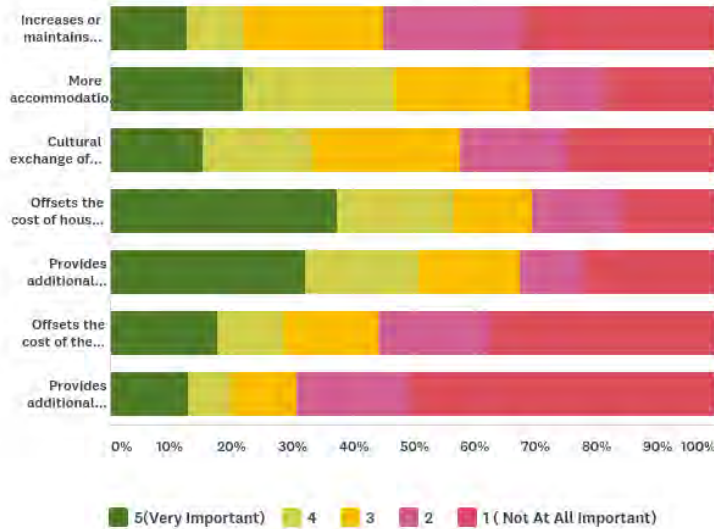
Benefits

A total of 187 survey participants provided input on the importance of some of the benefits from short term rentals. Clearly the most important benefit relates to the ability to earn income or offset costs with *'Offsetting the costs of housing for full-time resident homeowners'* as the most important benefit, followed by *'provides additional disposable income to homeowners'*. Beyond income generation/cost management, respondents valued more accommodation options for visitors. A large proportion of respondents were indifferent or not very interested in the benefits.

In general, renters tended to rate the benefits as less important to Pemberton than homeowners' ratings. Business owners who responded to the survey sent out by the Chamber of Commerce tended to favour *'more accommodation options for visitors'* over the other benefits. The overall results are below.

Q19 Below is a list of commonly reported benefits with short term rentals. Please prioritize the importance (to Pemberton) of each benefit from 5 (very important) to 1 (not at all important)

Answered: 187 Skipped: 59



Other benefits cited included:

- Extra income x 6
- Economy boost x 2
- Bad full time tenants/law favours long-term tenants x 2
- Other x 4 (flexibility, it's negative, decreases values of homes, should just be full-time renters)
- Comments on benefits are summarized below:
- No benefits to community x 11
- Good for tourism x 8
- Economic impact x 5
- Issues with long-term tenants, this is better x 5
- Flexibility, family and friends x 4
- Housing issues, removes long-term options x 4
- Regulate Short Term Rental x 3
- Meets demand x 3
- Social benefits to renting x 2

"As said earlier, as a business owner I am seeing that Pemberton is quickly becoming very difficult for my staff to find housing, let alone affordable housing. This is a very serious problem if we want to be able to continue to have thriving businesses in this town. The short term rental problem is a hard one to solve. I see both sides but I know that it is taking away a lot of long term rentals in town and this is having a very negative effect."

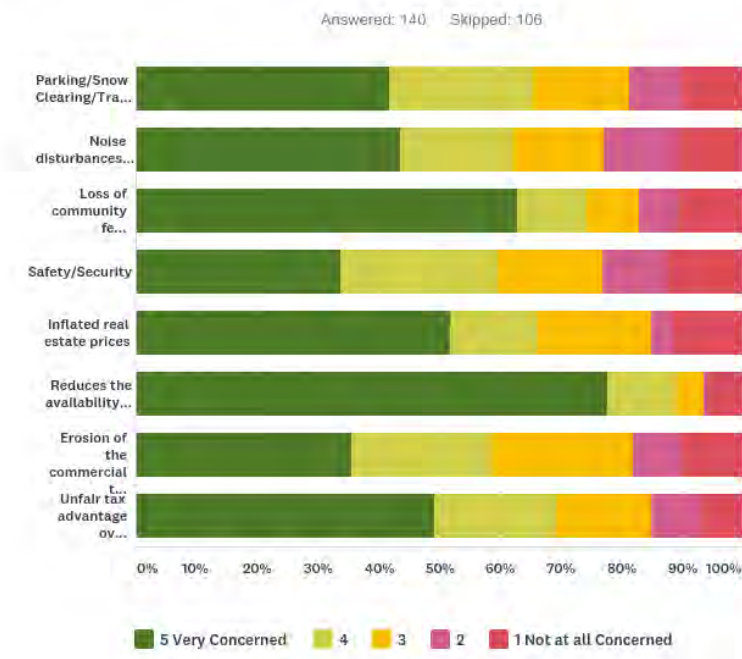
Survey Respondent

Challenges

A total of 144 survey participants indicated that they have concerns with short term rentals and of those, 140 provided specific input. Clearly the highest level of concern is the impact of short term rentals on the availability of longer-term rentals. This concern is followed by 'loss of community feel, empty neighbourhoods, rotating neighbours', 'unfair tax advantage' and 'inflated real-estate prices'. Chamber of Commerce business respondents mirrored the top two concerns shared by the general survey.

In general, renters tended to be more concerned with the challenges overall compared to homeowners. The overall results are below.

Q22 Below is a list of commonly reported challenges with short term vacation rentals. Please rate your level of concern with the impact of these challenges on the community of Pemberton.



Most of the fourteen 'Other challenges' were variations on the challenges in the chart above, though one comment indicated 'reduced home values' and another noted 'community attitude' and 'strata management' as challenges.

Comments on challenges highlighted the concerns about long-term rentals and how that impacts businesses' and community feel. The full results are summarized below:

- Negative impact on long-term rental pool, impacts staffing for businesses and ruins the community feel x 35
- Level the playing field (Tax and/or license) with commercial operators / B&Bs, utility costs, parking, etc. x 21

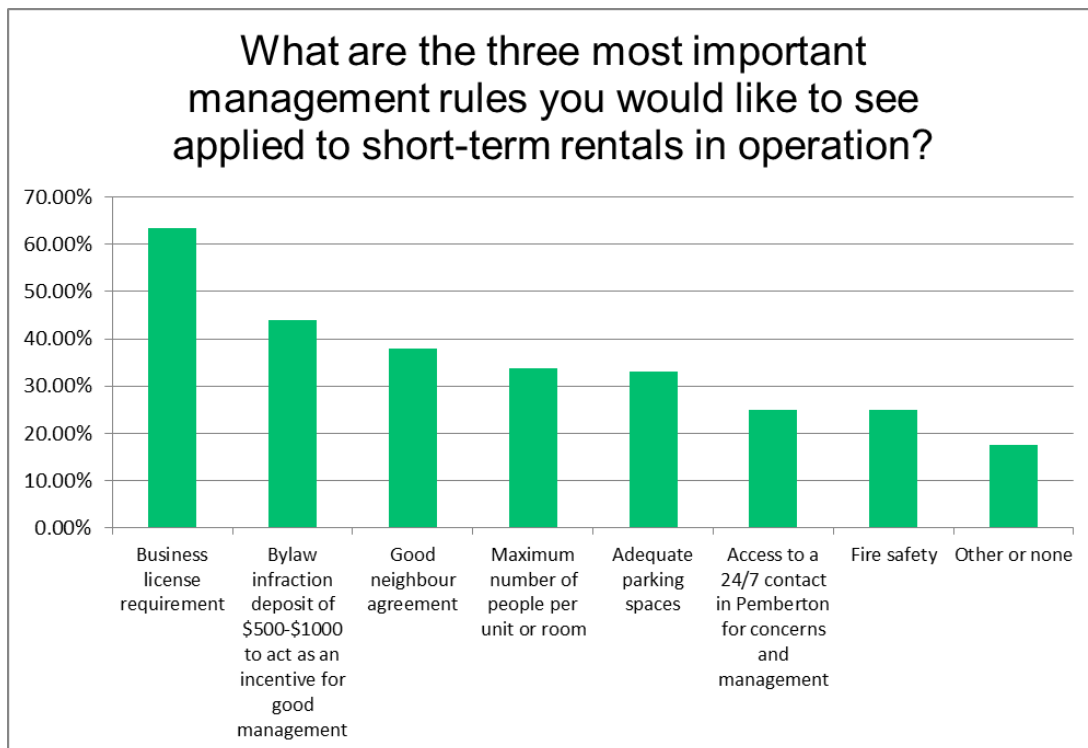
- A need for bylaw enforcement + regulation x 10
- General - against Short Term Rentals x 10
- Limit rentals (# of nights per neighbourhood/type of homeowners) x 5
- Supportive of Short Term Rentals x 3
- Only Short Term Rentals where zoned x 4
- Unsafe x 2

PERSPECTIVES ON REGULATING SHORT TERM RENTALS

There is support for regulating short term rentals. A total of 190 survey participants answered the question related to regulating short term and 81% of those agreed that the Village of Pemberton should regulate short term rentals in some manner.

Most also feel that some additional management rules may be required, with 64% indicating that the Village should consider creating additional management rules related specifically to the operation of a short term rentals e.g. number of inhabitants, sharing contact information with neighbours, bylaw infraction deposits, etc.

While a few respondents supported a broad swath of management rules, the most popular rules to apply to short-term rentals included: a business license requirement; bylaw infraction deposits and a good neighbour agreements. In addition to business licensing, businesses filling out the Chamber collector highlighted a need for parking regulations. The full results are below.



Other management rule suggestions and comments included:

- Implement all the rule options x 6
- Limits to rooms, full-time resident only, limits per street, no foreign owners x 6
- Full ban of Short Term Rental x 4
- Taxes – increase, well thought out x 3
- Zoning requirement x 3
- Regulate mainly the full home rentals x2

APPROACH TO SHORT TERM RENTAL POLICY

Following all the introductory questions about short term rental experiences, management rules etc., survey participants were asked their opinion on how the Village should respond to the short term rental issue. The question was prefaced with the assumption that effective management was in place to help deal with the multiple neighbourhood issues such as noise and parking.

The specific options to choose from were as follows:

Roll Back/Prohibit: Property owners in the Village of Pemberton should not be able to rent out their residential property in part or in whole on a short term basis.

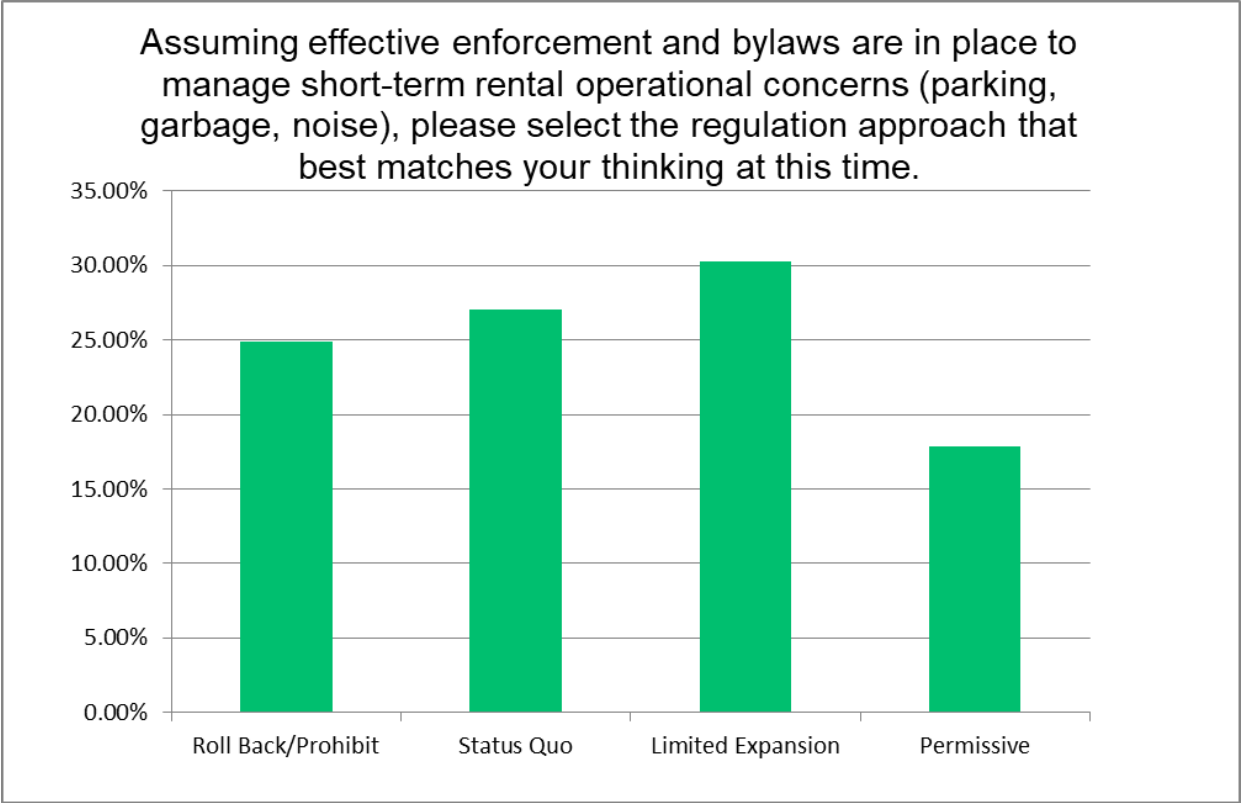
Status Quo: Property owners of most single family homes in the Village of Pemberton should be able to continue renting out rooms in their residence if providing breakfast [adhering to the zoning regulations pertaining to B&B's] and successfully obtaining a business licence. No whole home/suite rentals or rentals in townhouses/apartments will be allowed.

Limited Expansion: There should be some more opportunities for short term rentals in the Village of Pemberton. For example: More rooms or whole residence rentals; more types of dwellings allowed to rent; limited total number.

Permissive: There should be many opportunities for short term rentals in the Village of Pemberton. For example: More rooms and whole residence rentals; all types of dwellings allowed to rent; no limits on the total number.

Other?

Respondents' feelings on short term rental policy were quite mixed. When the 'other' responses were allocated to the appropriate policy option 'Limited Expansion' garnered 30% of the support, followed by 'Status Quo' at 27%, 'Roll Back/Prohibit' at 25% and 'Permissive' at 18%.



In total, a little less than half (48%) wanted to expand the options or short term rentals somewhat, and a little more than half (52%) wanted the 'status quo' or a "roll back' of policy virtually prohibiting short term rentals.

When the survey population is broken out by renters and homeowners however, a clear distinction arises with homeowners leaning toward more limited expansion/permissive approaches (54%) and renters clearly leaning toward a 'roll back' or 'status quo' (76%). The businesses that filled out the Chamber collector link somewhat favoured 'limited expansion' over other options.

"The sharing economy and owner direct rentals are happening, and Pemberton won't be able to stop it if it wanted to. If Pemberton wants to grow as a tourism destination we need to be open to these changes - but welcome them with a fair and level headed approach that mitigates negative effects on long-term housing availability, noise, etc. Let's be a forward thinking and positive community."

Survey Respondent

Survey participants provided the following rationale and comments for their responses:

- Pro Short Term Rental (mix of: good for tourism, only primary residence, rooms, homeowners on vacation, other) x 70
- Against Short Term Rental (Short Term Rental impact on long-term rental pool (35), generally against (15)) x 50
- Regulate and allow (license/tax) x 28
- Limit (group size, location, number of days, etc.) x 15
- Balanced approach x 5
- Level playing field for B&Bs etc. x 5
- Other: in appropriate properties, law favours long-term rentals, only where zoned,

“Until the housing crisis is dealt with in the area, short term rentals should not be happening. The Sea to Sky is becoming impossible to live. Short term rentals are ruining the community and will eventually ruin the businesses in the area by forcing out the people who actually reside and work here”.

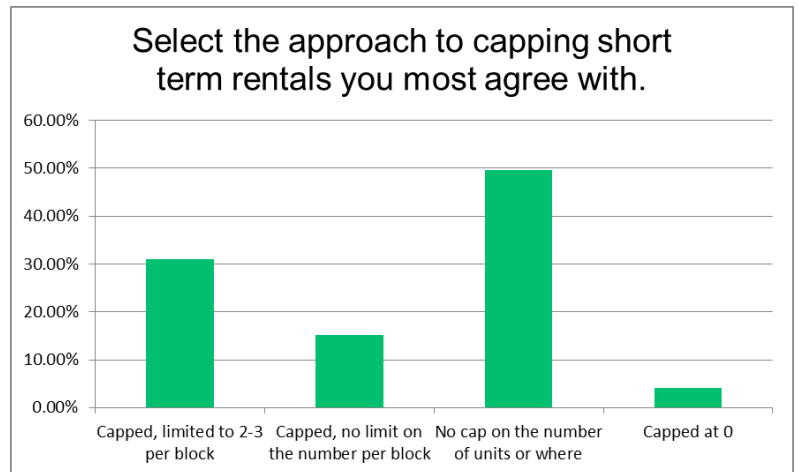
Survey Respondent

EXPANSION OPTIONS

At this stage of the survey participants were provided the opportunity to comment on some expansion options if it occurred. Of the 185 responding to the previous question, about 129 took the opportunity and a majority of these were supporters of expansion.

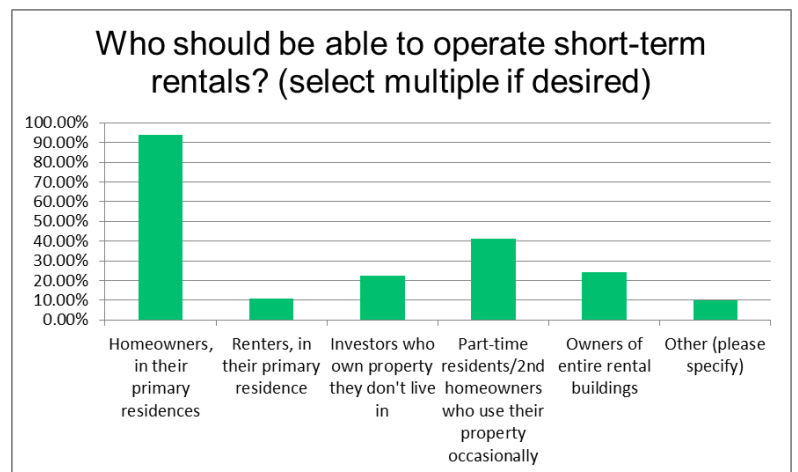
Capping the number of short term rentals

Respondents’ feelings on capping short term rentals were split. When the ‘other’ responses were allocated to the appropriate policy option ‘No Cap’ garnered 50% of the support, followed by ‘Some Cap Level’ (combined ‘cap’ types) at 50%.



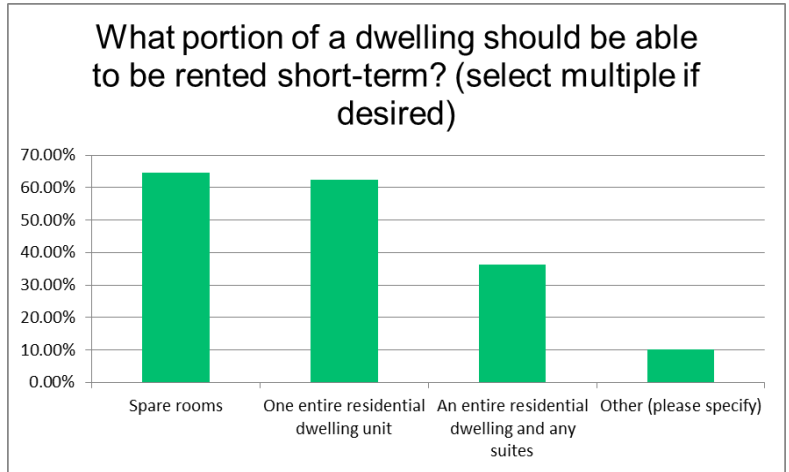
On who should be able to rent short term

In general, there was more support for property owners to be able to rent units on a short term basis than for renters to rent their unit on a short term basis. Homeowners living in their primary residence received the most support at 94%, with renters receiving very little support at 10%. Other ownership groups fell somewhere between these two results.



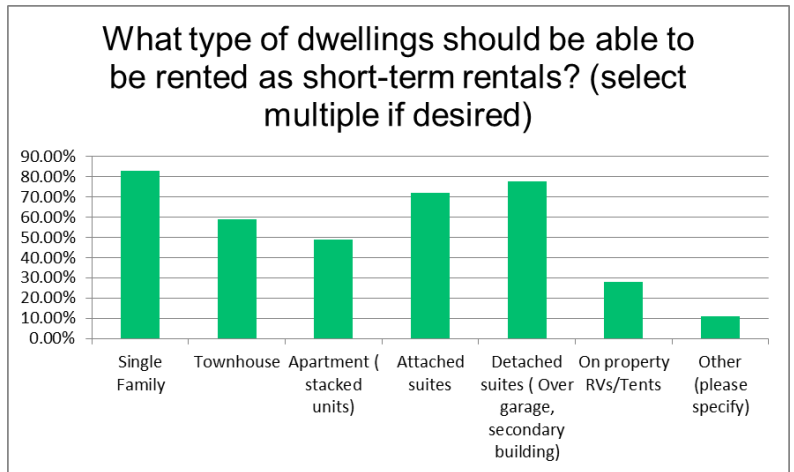
On what portion of the unit should be able to be rented

About equal support was provided for renting out ‘Spare Rooms’ (65%) and ‘One Entire Residential Unit’ (63%), and respondents expressed much less support for renting out an ‘Entire Residential Unit and Attached or Detached Suites’ (36%). The ‘other’ category representing 10% of the responses was split between allowing ‘No Rentals’ and variations on the above categories.



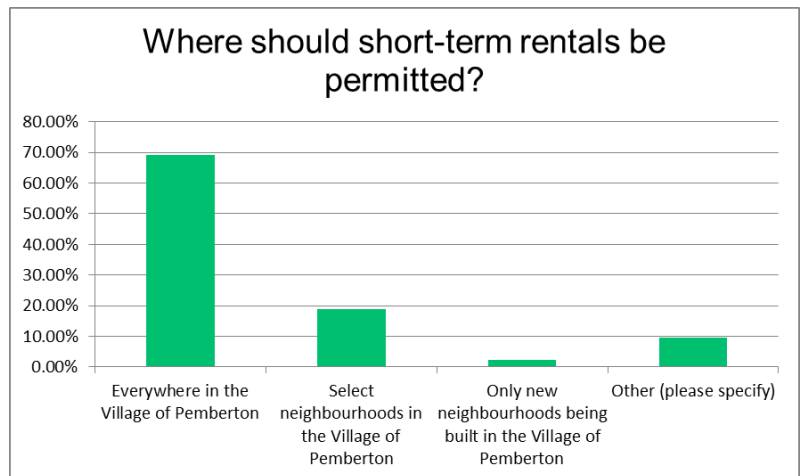
On the type of dwelling

In general there was more support for rentals in permanent dwellings with detached units and larger housing types such as townhouses, than apartments and detached mobile/tent dwellings. Single family homes and detached suites garnered the most support with 83% and 77% respectively. Attached suites were supported by 70%. ‘Other’ responses (10%) were mostly not supportive of any type of short term rentals.



On the location in Pemberton

Most respondents (70%) feel that short term rentals should be allowed ‘everywhere in the Village of Pemberton’. ‘Other’ comments include suggestions that they should be spread out, set on larger properties, or planned specifically by each neighbourhood.



FINAL COMMENTS

Survey participants were provided the opportunity to provide some final comments and 78 took up this opportunity. The very thoughtful comments reiterated and summarized points made earlier in the survey.

The following categories summarize the final comments:

- Regulate, tax, license, level playing field, parking etc. x 38
- Negative impact on long-term rental pool x 25
- Pro Short Term Rental (some primary homeowner only, should have the freedom) x 19
- Against Short Term Rental in general x 12
- Good for the economy tourism x 6
- Other: balance, limits, act soon, where zoned, unfair, and unsafe

"I know a lot of people in Pemberton require extra income to make life easier. Heating is extremely expensive and so is food. Meeting and entertaining tourists in Pemberton is also a great idea and brings money to our restaurants and businesses. All of my guests have had dinner at either Mile One or the Pony and have rented Snow Shoes and Bikes."

Survey Respondent

ADVISORY LAND USE COMMITTEE MINUTES

Minutes for the Advisory Land Use Commission of the Village of Pemberton held April 26, 2018 at 5:45 pm at 7400 Prospect Street.

IN ATTENDANCE:

Bob Adams
Sarah Allan
Amica Antonelli
Kirsten McLeod
Richard Nott
Heather Rogers

STAFF IN ATTENDANCE:

Lisa Pedrini, Senior Planner (minutes)
Tim Harris, Manager of Operations & Development Services
Sheena Fraser, Manager of Corporate & Legislative Services

PUBLIC IN ATTENDANCE:

0

1) CALL TO ORDER

At 5:45 pm Lisa Pedrini, Senior Planner, called the meeting to Order and introductions followed. Ms. Pedrini advised that as this is the first meeting of the year, the Commission must appoint a Chair and Vice-Chair.

2) APPOINTMENT OF CHAIR AND CO-CHAIR

Moved/Seconded
THAT Amica Antonelli be appointed Chair.
CARRIED

Moved/Seconded
THAT Kirsten McLeod be appointed Vice-Chair.
CARRIED

3) REVIEW OF VILLAGE POLICIES

Sheena Fraser, Manager of Corporate & Legislative Services, advised that going forward all Village volunteers, committee and commission members are required to review the Village's Code of Conduct, Bullying, Harassment and Discrimination Policy and Social Media Policy and confirm in writing that the member has read and understood the policies.

Commission members were asked to review the Policies and sign and return the Acknowledgement Form at their convenience.

3) MINUTES

Moved/Seconded

THAT the minutes of the Advisory Land Use Commission meeting, held October 10, 2017, be approved as presented.

CARRIED

Moved/Seconded

THAT in the event that an Advisory Land Use Commission meeting may not be held for some time, the minutes of the meeting may be approved by electronic means when the attending members all respond in favor of the minutes as presented.

CARRIED

4) DRAFT ZONING BYLAW REVIEW

Lisa Pedrini, Senior Planner, introduced the draft Zoning Bylaw for review and advised that the public consultation period began on April 17th with an Open House held at the Pemberton Community Centre. An on-line survey will be available until May 11th and stakeholder group meetings are currently taking place. Staff has met with the Chamber of Commerce Executive and the Airport User Group and meetings have been set up with the Industrial Park Owners, in addition to the Advisory Land Use Commission.

The purpose of this meeting is to review the draft bylaw and seek input and recommendations from the Commission.

Pedrini reviewed with the Commission members the Zoning Map and noted the changes being proposed related to new development and proposed text amendments. A review of each zone including the permitted uses, accessory uses and development regulations was undertaken next.

A-1 (Agricultural) Zone:

Discussion took place respecting the importance of preserving farm land and encouraging farming and the need to ensure that the Village's Zoning bylaw reflects this. Pedrini noted that currently the Village's A-1 zone (which corresponds to ALR lands) does not have a minimum parcel size in effect, and Staff has proposed the minimum parcel size in the A-1 Zone to be 2 ha (5 acres) to be consistent with what is currently in place for the SLRD Area C AGR zone. It was acknowledged that the SLRD is also in the process of amending its Area C OCP and Zoning Bylaw, and that the minimum parcel size for the AGR zone is proposed to increase from 2 ha to 20 ha. The Commission discussed the pro's and con's of increasing or maintaining the minimum parcel size and it was agreed by a majority of members that 2 ha was advisable. Village Staff is closely monitoring the progress of the Area C Zoning Bylaw review with the intent to ensure the two zones are consistent in the near future.

Minimum Parcel/Lot Size

Moved/Seconded

THAT the Advisory Land Use Commission recommend to Council that the Village of Pemberton revisit the topic of minimum lot size for A-1 zone in the near future.

CARRIED

One Member Opposed

Discussion also took place respecting the following permitted uses in the A-1 Zone:

- Addition of Secondary Home for Farm Help if over 4 ha – generally supported as long as this was in alignment with the ALC/SLRD
- Temporary Farm Worker Housing - generally supported as long as this was in alignment with the ALC/SLRD
- Cannabis, medical production facility – Staff will confer with the ALC with respect to regulations
- Maximum height of principal building – to be changed to Single Detached Dwelling
- Resource Extraction – Staff will confirm this use

RR-1 (Rural) Zone:

Pedrini advised that this will be a new zone for the Village to be used to zone the upper portion of the Hillside, lands which are currently zoned RR1 Rural 1 under the Area C Zoning Bylaw No. 765, 2002.

R (Residential) Zones:

Pedrini provided an overview of the different R-Zones noting that RA-1 and RA-2 are specific to The Ridge and Sunstone and therefore have not been incorporated into the proposed R-1, R-2 and R-3 zones. R-1 would replace RS-1 (Residential 1) with the exception of only allowing single family detached dwellings (no duplexes) with a minimum parcel size of 700 m². R-2 will replace RS-2 – Residential Small Lot. R-3 will be a new zone to allow single family detached and duplexes on properties, with a minimum parcel size of 1050 m².

Pedrini explained to the Commission the proposed strategy for new regulations to permit short term vacation rentals (nightly rentals advertised on sites like Airbnb or VRBO) in certain R Zones. Discussion took place respecting carriage houses, and the need to clarify section 7.22 (a) (vii) that the use may be in the principal dwelling or the suite but not both. The Commission supported the concept of a good neighbour agreement but discussed concerns that the maximum number of guests 8 – 2 per bedroom may be too many, and that the high cost of the infraction deposit may negatively affect compliance.

Short Term Vacation Rentals

Moved/Seconded

THAT Advisory Land Use Commission recommends to Council that the proposed regulations for Short Term Vacation Rentals be supported.

CARRIED

Proposed Infraction Deposit:

Moved/Seconded

THAT the Advisory Land Use Commission recommend to Council that consideration be given to reducing the infraction deposit from \$2,500 to \$1,000.

CARRIED

C (Commercial) Zones:

Pedrini explained some of the proposed changes in the C Zones. It was noted that two (2) of the four (4) site specific uses in the C-1 (Town Centre) Commercial Zone: Automotive Repair Shop and Equipment Servicing, Rental and Repair Shop will no longer be listed as permitted. The rationale isto change the status of these semi-industrial uses to legal non-conforming, in

hopes that this may encourage them to move out of the Town Centre and make room for more pedestrian-oriented commercial (retail or office uses) that rely on the day to day public. These two (2) uses involve mechanical repair and associated outside storage and noise that is not conducive to a vibrant, walkable downtown where people want to both work and live. The other two (2) site specific permitted uses – Glass and Mirror Repair Shop and Gasoline Service Station, would be permitted to remain.

Automotive Repair Shop and Equipment Servicing, Rental and Repair Shop

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that the Automotive Repair Shop and Equipment Servicing, Rental and Repair Shop uses be removed as a permitted use from the C-1 Zone.

CARRIED

Staff advised the Commission that they received input on behalf of many downtown businesses requesting that Drive-In Restaurants be removed as a permitted use in all applicable Commercial zones. Council had initiated a similar zoning amendment in 2015 but did not proceed based on opposition from landowners heard at the public hearing coupled with a lack of support from local business owners.

Staff are proposing to remove Drive-In Restaurant from the C-3 (Portage Road) Commercial Zone, given the unsuitability of this location for this use and limited vacant property with this zone. In terms of the C-1 (Tourist Commercial) zone, Staff intend to allow the existing drive through to remain on a site specific basis, but remove the Drive-In Restaurant use to restrict any further development of this type (without rezoning). As far as the C-5 (Neighbourhood Pub) Commercial Zone, this zone only applies to one property and it is SStaff's position is to leave this use intact given that the property was rezoned in 2014 at the expense of the property owner to add Drive-In Restaurant to the list of uses permitted in the C-5 zone.

Drive-In Restaurants:

Moved/Seconded

THAT the Advisory Land Use Commission recommend to Council that Drive-In Restaurant be removed as a permitted use from the C-3 Zone;

AND THAT no more than one Drive-In Restaurant be permitted in the C-2 Zone.

CARRIED

THAT Drive-In Restaurant be removed as a permitted use from the C-5 Zone.

CARRIED

One Member Opposed

The Commission members agreed that there was more review to be completed on the Draft Zoning Bylaw and supported the need for a follow up meeting.

5) NEW BUSINESS

There was no new business for consideration.

6) NEXT MEETING

The next meeting is scheduled for Thursday, May 3rd at 5:30 pm.

7) ADJOURNMENT

At 8:25 p.m. the meeting was adjourned.

Amica Antonelli
Chair

ADVISORY LAND USE COMMITTEE MINUTES

Minutes for the Advisory Land Use Commission of the Village of Pemberton held Thursday, May 3, 2018 at 5:305 pm at 7400 Prospect Street.

IN ATTENDANCE:

Amica Antonelli - Chair
 Bob Adams
 Kirsten McLeod
 Richard Nott
 Heather Rogers

REGRETS:

Sarah Allan

STAFF IN ATTENDANCE:

Lisa Pedrini, Senior Planner (minutes)
 Sheena Fraser, Manager of Corporate & Legislative Services
 Cameron Chalmers, Cameron Chalmers Consulting

PUBLIC IN ATTENDANCE:

0

1) CALL TO ORDER

At 5:37 pm the meeting was called to order.

3) APPROVAL OF THE AGENDA

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

2) MINUTES

Moved/Seconded
THAT the minutes of the Advisory Land Use Commission meeting, held April 25, 2018, be amended as follows:

- Minimum Parcel/Lot Size Resolution – amend to reflect one member opposed.
- Drive-In Restaurants – the resolution be separated and reflect that all members were in favour of the first two clauses with one member opposed to the third clause

3) **DRAFT ZONING BYLAW REVIEW**

The Commission continued its review of the Draft Zoning Bylaw beginning with the proposed new C-6 Neighbourhood Commercial Zone.

Discussion took place respecting the following:

- size of retail allowed
- concern that the commercial spaces will grow such as has happened at Rainbow in Whistler
- locations for C-6 zone
- consideration of development plans for the Mount Currie area
- Is there a need to establish this zone now?
- Appropriateness of small commercial zones in residential neighbourhood areas

Moved/Seconded

THAT the Advisory Land Use Commission (ALUC) recommends to Council that the C-6 Zone be removed from the proposed Zoning Bylaw.

CARRIED

C-2/C-4 Split Zone as shown on Zoning Map:

Discussion took place about the reason for the lands to hold split zoning and if it would be appropriate to amend the zoning to be all C-2. Staff advised that the property owner has plans to rezone and is considering options that would better suit this area. The Commission members indicated that they would like to see something positive happen on the lands especially as it is next to a park.

Moved/Seconded

THAT the ALUC recommend to Council that the split zoning on the Lil'wat lands be removed so that the parcel be zoned C-2 entirely to remove the split zoning and prohibit the development of the back half of the property for service commercial.

CARRIED

M-1 Industrial Park

Cannabis, Medical Production Facility – definition:

Discussion took place respecting the proposed changes to legislation and whether or not it would be appropriate to consider broadening the definition so that it was not specific to medical production.

Moved/Seconded

THAT the ALUC recommend to Council that the definition Cannabis, Medical Production Facility be amended to remove the reference to Medical in order to broaden the use and amend the definition of to state that it can be a facility consistent with Federal legislation.

CARRIED

Beer and Wine Store/Neighbourhood Pub

The Commission considered the addition of these uses to the M-1 Zone and raised concern about the FAR, size of building and the idea of having a pub in an Industrial Park.

Moved/Seconded

THAT neighbourhood pub and accessory beer and wine store use be removed from the M-1 zone.

CARRIED

One Member Opposed

M-2 – Resource Industrial Zone

The Commission reviewed the allowed uses and raised concern about allowing bulk storage especially a card lock facility. Discussion took place about the need to establish effective buffering along this area to protect the visuals given it is part of the entrance to the community and the minimum lot size raising concern about the potential for subdivision.

Moved/Seconded

THAT the ALUC recommend to Council that screening and landscaping requirements in the M-2 Zone be reviewed and adequate requirements be added to the M-2 zone to ensure that the entrance to town is protected.

CARRIED

A-1 – Agricultural Zone

The ALUC reviewed the A-1 Zone uses and was pleased with what is written in the proposed bylaw. There were no concerns raised.

P-1 – Civic, Institutional and Recreational Zone

The ALUC had no comment respecting this zone.

E-1 – Education Zone

The ALUC had questions respecting Campground Use and that it does not meet the intent of an Education Zone given the other allowable uses which are connected with learning/teaching and education.

Moved/Seconded

THAT the ALUC recommend that campground use in the E-1 zone be removed.

CARRIED

Further discussion ensued regarding the number of different permitted uses within this zone including a Fitness Centre given that a school would house a gymnasium.

Moved/Seconded

THAT the ALUC recommend that fitness centre be removed from the E-1 zone.
CARRIED

Definitions:

A review of the definitions raised comment respecting the definition of Campground and whether or not long term rental would be permitted. Staff advised that the definition is in keeping with industry standard language.

Measurements & Calculations:

Staff reviewed the new layout and updates to this section noting that work has been done to provide clarity to the language so it is easy to understand and interpret. The ALUC had not comments.

Part 7 – Additional Zoning Regulations for Certain Uses

The ALUC reviewed Part 7 and provided comment and feedback on the following:

Backyard Hen Keeping – clarity respecting zone in which Hen Keeping is allowed and whether the lot size established will be sufficient.

ACTION: Staff to clarify the minimum lot size allowed for Hen Keeping.

Compost Bins – concern was raised regarding the smell being a bear attractant and the ALUC indicated interest is seeing some language related to control of smell. Staff noted that this would be better addressed through an Unsightly Premises bylaw

ACTION: Staff to investigate guidelines and regulations related to composting

Home Occupation – Staff noted that the proposed bylaw increases the Floor Area Ratio for home occupation in the A-1 Zone from 50m² to 100m² to align with the SLRD Area C Zoning regulations.

ACTION: Staff to amend proposed bylaw

Temporary Buildings or Structure during construction – it was noted that the language between section A and section B was confusing.

ACTION: Staff to review regulations with an aim to better clarify the length of time temporary buildings may be used for living purposes.

ACTION: Staff to revisit and consider lowering the minimum lot size and look at incorporating this matter into the Building Bylaw.

Parking and Loading Requirements:

Disability parking requirements – there was some confusion about the table and how it would be interpreted.

ACTION: Staff to review section 8.1 (k) in relation to the Table and cross reference with section 8.9 to provide clarity

Residential Parking:

Moved/Seconded

THAT the ALUC advise Council that it is supportive the proposed residential parking requirements.

CARRIED

Restaurant Parking:

Staff advised that the Restaurant Parking is currently set at 1 stall per 3 spaces and that the Village is reviewing a Variance to this requirement. Through this process Staff determined it would be appropriate to adjust the parking requirements for restaurant use.

Moved/Seconded

THAT the ALUC advise Council that it is supportive of the proposed change from 1 space for 3 seats to 1 space for 4 seats for restaurant use.

CARRIED

Cash in Lieu of Parking:

Discussion took place respecting how cash in lieu was applied and consideration of establishing different rates depending on where the cash in lieu is being considered with an aim to encourage developers to consider this option.

Moved/Seconded

THAT the ALUC recommend to Council that the fee structure for cash in lieu in parking be reviewed with an aim to optimize parking opportunities within the village;

AND THAT consideration be given to developing a zone approach to cash in lieu contributions.

CARRIED

Tandem Parking:

Clarification was sought regarding the allowance of tandem parking in the R-1 Zone. Staff noted that this was an error that it would only be allowed in the R-2 Zone.

ACTION: Staff to adjust in the draft bylaw.

Carriage House Regulation:

The ALUC requested clarification as to why this type of use was only applied to The Ridge and Sunstone and raised concerns about the loss of privacy with a suite being permitted in the upper floor of the home.

ACTION: Staff to review the definition and clarify wording.

The ALUC thanked staff for the opportunity to review the draft bylaw in such depth. Staff thanked the Commission members for their review and assistance in providing feedback and input on the draft bylaw.

4) NEW BUSINESS

There was no new business for consideration.

5) NEXT MEETING

The next meeting will be called as needed.

6) ADJOURNMENT

At 8:44 p.m. the meeting was adjourned.

Amica Antonelli
Chair



Agricultural Land Commission

201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
 www.alc.gov.bc.ca

May 11, 2018

Reply to the attention of Kamelli Mark
 ALC Planning Review: 46640
 Local Government File: Discussion Draft #1

Village of Pemberton

DELIVERED BY ELECTRONIC MAIL

Re: Village of Pemberton Zoning Bylaw – Draft #1 For Discussion Purposes

Thank you for forwarding a draft copy of the Village of Pemberton’s Zoning Bylaw (the “Bylaw”) for review and comment by the Agricultural Land Commission (ALC) prior to First Reading. The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the *Agricultural Land Commission Act* (ALCA) and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the “Regulation”), and any decisions of the ALC.

Part 3: Definitions

- **Agriculture:**
 - x. Winery and Cideries: as currently drafted the definition does not include all alcohol production facilities allowed under the Regulation. The ALC requests that this section be changed from “Winery and Cideries” to “Alcohol Production Facilities (breweries, cideries, distilleries, meaderies, wineries)”
- **Agri-tourism Activity:**
 - The ALC suggests that this definition be reworded to include specific references to the Regulation and the wording therein as follows:
 - *Means the use of land that is classified as a farm under the Assessment Act for tourism related activities **on the farm**, such as **agricultural** displays, **farming** demonstrations, and **agricultural** exhibits subject to the regulations of section XXX of this Bylaw and **to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.***

- **Agri-tourism Accommodation:**
 - As currently drafted, this definition permits “farm inns” which are not permitted by the ALCA and Regulation and which would require an ALC non-farm use application. The ALC requests that this definition be reworded as follows:

*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, and are subject **to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.***
- **Agricultural land Commission (ALC):**
 - The ALC requests that “land” be capitalized to “**L**and”.
- **Agricultural land Reserve (ALR):**
 - The ALC requests that “land” be capitalized to “**L**and”.
- **Farm Residence:**
 - The ALC requests that “agricultural land reserve” be capitalized to “**A**gricultural **L**and **R**eserve”.
- **Farm Residential Facilities, Accessory:**
 - The ALC requests clarification as to what is contemplated by the “additional farm residence on a farm”. The Bylaw’s current definition of “Farm Residence” refers to a principal detached dwelling that accommodates one dwelling unit. As currently worded, it is unclear whether the “Farm Residential Facilities, Accessory” may be intended to allow multiple principal detached dwellings which would be contrary to the ALCA and Regulation.
 - vii. The ALC requests clarification as to what is meant by “residential-related recreation areas limited to outdoor non-motorized and/or non-mechanized recreational activities”. As currently drafted it is unclear whether this definition would inadvertently permit non-farm uses in contravention of s. 18(a) of the ALCA.
- **Greenhouse:**
 - The ALC requests that this definition be reworded to include agriculture in addition to horticulture.

- **Livestock:**
 - The ALC suggests that the Village of Pemberton review this definition with Ministry of Agriculture staff to ensure accuracy. For example, to the ALC’s knowledge, the Ministry does not consider donkeys to be livestock. The omission of bees from the Bylaw should also be addressed.
- **Micro-Brewery, Winery and Distillery:**
 - The ALC requests clarification as to the rationale behind including a separate definition for Micro-Breweries, Wineries, and Distilleries that does not align with the Regulation or with the Bylaw’s definition of “Agriculture”.
 - The ALC recognizes that this Use is allowed in zones outside of the ALR; however, it is concerned that the definition as worded will create confusion for Bylaw readers and may inadvertently result in the Village of Pemberton permitting non-farm uses in contravention of s. 18(a) of the ALCA.
- **Nursery:**
 - As currently drafted, this definition allows uses which are not permitted by the ALCA or Regulation. Although the ALC recognizes that this Use is allowed in zones outside of the ALR, it has also been explicitly included in the Bylaw’s definition of “Agriculture”. In order to rectify this the ALC suggests the following two options:

Option 1: rewording the definition of “Nursery” as follows:

“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 states, and the sale of gardening retail items are permitted.
Nurseries in the ALR are subject to the Agricultural Land Commission Act and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.”

Option 2: rewording the definition of “Agriculture” to specify that all Agricultural use in the ALR is subject to the ALCA and Regulation.
- **Riding Academy:**
 - Given that “Riding Academy” is identified as a permitted use in the A-1 zone, the ALC requests that the definition be reworded to specify that this use is subject to the ALCA and Regulation when occurring on an ALR parcel, OR, that the definition be reworded to limit the size of the stables to no more than 40 permanent stalls as per s. 2(2)(h) of the Regulation.

6.3 Uses Permitted in All Zones:

- As currently worded, this section suggests that ALC approval is not required for any of the items on the list with the exception of trails; however, there are multiple uses listed that either would always or may sometimes require ALC approval if proposed in the ALR, including but not limited to: highway, utility services, temporary buildings, government services, filming, and places of worship.

In order to prevent a contravention to s. 18(a) of the ALCA, the ALC requests that this section be reworded to include the following disclaimer:

All uses in the ALR are subject to the Agricultural Land Commission Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

7.1 Accessory Buildings or Structures and Uses:

- (a)iii – As currently drafted, the required lot line setbacks for agriculture uses are not consistent with the Ministry of Agriculture’s Bylaw Standards for Greenhouses. As per the Ministry of Agriculture’s Bylaw Standards, a maximum interior side setback and rear setback of 4.5 m is specified, which is less than the 7.5 m proposed in the Bylaw and the ALC suggests that additional consultation with the Ministry of Agriculture be considered.

7.3 Agricultural Uses Permitted and Prohibited in the Agriculture Zone

The ALC requests clarification as to this section of the Bylaw. As currently worded it is somewhat unclear as to the intention of each subsection and how these subsections interact with the Bylaw Definitions and the other sections of the Bylaw pertaining to the Agriculture Zone. As the other sections do not cross-reference section 7.3, a Bylaw reader may not be aware that this section exists when trying to determine whether or not their proposed operations are compliant with the Bylaw and with the ALCA and Regulation.

7.4 Agri-tourism

- (d) The ALC suggests that the wording of this section be revised as follows:

*“Agri-tourism ~~includes~~ **may include** the following tourism related activities **on a farm.**”*

- (d)(viii) The ALC suggests that this section be reworded to be consistent with *ALC Policy L-04 – Activities Designated as Farm use: Agri-tourism Activities in the Agricultural Land Reserve*, as follows:

“accessory services or sales”

“temporary services ancillary to the agri-tourism activities that support or enhance the activity such as portable washrooms, ticket booths, and eating areas”

- (e) The ALC suggests that this section either list all other activities explicitly defined as not considered agri-tourism events in *ALC Policy L-04 – Activities Designated as Farm use: Agri-tourism Activities in the Agricultural Land Reserve* (rodeos, helicopter tours, permanent food service facilities, permanent mazes, non-domestic animal petting zoos, etc.) or that this section include a disclaimer to ensure consistency with *ALC Policy L-04 – Activities Designated as Farm use: Agri-tourism Activities in the Agricultural Land Reserve*, as follows:

vi. All other activities not considered agri-tourism uses by the Agricultural Land Commission.

7.5 Agricultural Gathering for an Event

- (a) The ALC suggests that this section be reworded from “On land **designated as farm under the Assessment Act, event gatherings gathering for an event are is** subject to...”
- (a)(v) The ALC notes that this section contains a typo: “yet” instead of “year”
- The ALC also suggests that this section include a disclaimer that Gathering for an Event is subject to the ALCA and Regulation to ensure further clarity.

7.12 Farm Stands

- (a)(i) As currently drafted, this subsection implies that farm stands located in the LAR may not sell food products grown and produced on the property. The ALC finds this problematic; please clarify whether this was the intention.
- (a)(iii) The ALC requests that this subsection be reworded to clarify that farm stands in the ALR must comply with the Regulation as it pertains to farm retail sales (reference *ALC Policy L-02 – Activities Designated as Farm Use: Farm Retail Sales in the ALR*)

7.14 Food Truck

The ALC is concerned that this section may give the impression that an unlimited number of food trucks are permitted in the A-1 zone. Although a food truck may be permitted in some cases (for example, in conjunction with Agri-tourism), there may be cases where the use of food trucks on ALR land may require an ALC non-farm use application. In order to clarify this, the ALC suggests that this section include a disclaimer that food trucks in the ALR are subject to the ALCA and Regulation and/or that consultation with the ALC may be required.

7.19 Screening

- (d) The ALC suggests that consultation with the Ministry of Agriculture be undertaken in order to ensure that this subsection is consistent with the Ministry of Agriculture's *Guide to Edge Planning: Promoting Compatibility Along Urban – Agricultural Edges*.

7.23 Subdivision to Provide a Residence for a Relative

The ALC suggests that this section be qualified to state that subdivision within the ALR is subject to the ALCA and Regulation.

7.26 Temporary Buildings or Structures During Construction

- (a) The ALC requests clarification s to what is meant by a “temporary building or structure” as the placement of these may require an ALC non-farm use application.

7.27 Temporary Use of an Existing Detached Dwelling Unit During Construction

- (a)(iii) The ALC requests that this subsection be amended to ensure compliance with *ALC Policy L-10: Building New Residence While Occupying Existing Residence*. ALC Policy L-10 states that the agreement between the landowner and the building authority must specify that the initial dwelling shall be removed or decommissioned within 6 months of the occupancy permit for the new dwelling being issued (including a temporary occupancy permit) and that the covenant shall include the stipulations outlined in the Policy.

9.2 Agricultural Zones

- The ALC request clarification as to the differences between indicating “yes” in the table versus “A-1” (see Accessory Uses), as well as clarification as to why there is a duplication of uses under “Agriculture A-1” and “Accessory Uses A-1” (see Secondary Suite, Bed and Breakfast, and Home Occupation).
- The ALC finds that the minimum lot size of 2 ha identified in the Development Regulations for the A-1 zone is smaller than is preferable and notes that the ALC would prefer to see a larger minimum lot size for ALR lands. Small parcel sizes may limit the range of agricultural uses and the Ministry of Agriculture's *Guide for Bylaw Development in Farming Areas* recommends that local governments establish the largest possible lot size for land in the ALR in order to provide for a wider range of farming opportunities and to discourage expectations for subdivision in the future.
- Regarding minimum setbacks, the ALC suggests that consultation with the Ministry of Agriculture be undertaken in order to ensure consistency with the Ministry's *Guide for Bylaw Development in Farming Areas* and to ensure that the minimum setbacks established in the Bylaw are not overly restrictive to agricultural uses (see previous comments regarding Greenhouses).

- The ALC notes that no maximum height is specified for Accessory Buildings and requests clarification as to whether this is intentional or an oversight. The ALC supports the Bylaw's exemption of agricultural buildings and structures in the A-1 zone from height restrictions as per s. 4.4(e) of the Bylaw; however, the ALC questions the exemption of residential Accessory Buildings from height restrictions (if that is the intention here).

Mapping

- Given the short turnaround time for comments, the ALC was unable to confirm whether the ALR boundary shown on the *VOP Zoning Map 2018 – Neighbourhoods – v2 – DRAFT* is in accordance with the ALC's records. The ALC is aware that the Bylaw has not yet gone to First Reading and will be re-circulated to the ALC at a later date for revised comments. In the meantime, the ALC requests that the Village of Pemberton forward copies of shape files to the ALC to assist with verifying the boundaries as this will inform our revised comments in future.
- The ALC notes that the ALR boundary shown on the *VOP Zoning Map 2018 – Neighbourhoods – v2 – DRAFT* includes properties zoned A-1, PR-1, AP-1, and E-1:
 - The ALC notes that the designation of ALR lands as A-1 is appropriate.
 - The ALC does not object to the designation of PID 030-164-541 ALR as PR-1 in accordance with ALC Resolution #236/2013 provided all conditions have been met and/or all ongoing conditions continue to be complied with.
 - The ALC has concerns with the designation of Lot E as PR-1 given that the property has been included in the ALR in accordance with Resolution #235/2013. It is the ALC's understanding that the Village of Pemberton is proposing to utilize Lot E for park purposes. The ALC wishes to advise the Village of Pemberton that while the use of ALR land as an open land park is permitted as per s. 3(1)(g) of the Regulation, the PR-1 zone in the Bylaw permits numerous uses that are not permitted in the ALR without submission of a non-farm use application to the ALC. Furthermore, the Village of Pemberton is advised that multi-use trails in the ALR also require an ALC application (they do not fall under the category of "passive recreation").
 - The ALC requests clarification as to the designation of PID 030-329-680 as E-1. The ALC recognizes that Resolution #255/2011 approved an education facility in this location subject to conditions and that the ALC was aware of the proposal to zone the property as E-1 to facilitate that non-farm use. However, a review of currently available aerial imagery appears to show that no education facility was ever developed in accordance with Resolution #255/2011; furthermore, Resolution #255/2011 is now expired. The ALC recognizes that aerial imagery alone is insufficient to make this determination and requests additional information pertaining to this property from the District of Pemberton.

- The ALC notes that PID 018-111-092, PID 023-948-108, and PID 024111619 are designated as PR-1. Although the ALC understands that this may be a result of the previous non-farm use approvals of a golf course and campground on these properties (reference ALC Resolutions #361/90, #641/1990, and #328/2011), the ALC notes that the PR-1 zone allows for many uses that are not permitted under the ALCA and Regulation. The ALC suggests that the District consider rezoning the Property in future to a site-specific zone in order narrow the allowed uses to be consistent with the ALCA, the Regulations, and with the non-farm use allowed by the previous ALC Resolutions. In addition, this would also assist with avoiding a situation whereby the District of Pemberton inadvertently permits a non-farm use in contravention of s. 18 of the ALCA.
- The ALC notes that PID 013-292-021, PID 002-606-780, PID 002-606-801, and PID 028-817-206 are designated as AP-1. The ALC does not object to the AP-1 designation as Resolutions #7438/77 and #1173/84 permitted the non-farm use of the properties for an airport along with associated buildings and ancillary airport services.

General Comments

The ALC advises the District of Pemberton that the ALC has adopted a bylaw related to the placement of fill in the ALR (*Bylaw No. 2 placement of Fill in the Agricultural Land Reserve*) which may affect both farm and non-farm uses in the ALR. Publication of the fill placement bylaw is imminent; please be advised that this may affect our revised comments on the Village of Pemberton's Bylaw upon it's re-circulation following First Reading.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulation, or any decisions of the ALC.

If you have any questions about the above comments, please contact the undersigned at 604-660-7005 or by e-mail (Kamelli.Mark@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Kamelli Mark, Regional Planner

Enclosures:

- Village of Pemberton Zoning Bylaw – Draft #1
- VOP Zoning Map 2018 – Neighbourhoods – v2 – DRAFT



"Supporting Business, Building Community"

March 18, 2017

The Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Dear Lisa Pedrini and the entire VOP Council.

Re: C-3 zoning and request for permissible nightly rentals.

Over the past few months, the Pemberton + District Chamber has had feedback from community stakeholders and conversations with Tourism Pemberton around the shortage of of short term accommodation for visitors and temporary housing for the trades as an example.

Just recently we received a letter from one of our Chamber Members and new owner of the Pemberton Gateway Residence building which ultimately triggered this letter of support to their proposed zoning amendment.

The Pemberton & District Chamber of Commerce supports the preservation of tourist zoned accommodation and is not opposed to a mix-use building "Allowing for residential use, long term rentals or short-term accommodations (operating under a similar Phase 1 Covenant use)". Pemberton does have a shortage of nightly rental units and we support the concentration of these properties within areas such as C-3 as a preference over residential areas. These areas offer close proximity to restaurants and services which is beneficial to our local businesses and these units are needed to support tourism in our community.

The Pemberton & District Chamber of Commerce is dedicated to enhancing the quality of life in our community by actively supporting business, economic growth and diversification. We pride ourselves in serving and promoting the entire area – Pemberton, Mount Currie, Birken, D'Arcy and all of Area C.

Yours truly,

Graham Turner,
President



"Supporting Business, Building Community"

March 18, 2018

The Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Dear Lisa Pedrini and the entire VOP Council.

RE: 2018 Draft Zoning & Sign Bylaw

On behalf of the Pemberton & District Chamber of Commerce, please accept this letter in regards to the 2018 Draft Zoning & Sign Bylaw.

After reviewing the 2018 VOP Zoning Draft and the feedback we have received from various PDCC Members the Pemberton & District Chamber of Commerce supports the proposed removal of any further "Drive Through Service" Zoning in C3 and the removal of "Drive Through Service" Zoning in C2.

Further the removal of any further "Drive Through Service" Zoning in C2 & C3, the Pemberton & District Chamber of Commerce board of directors recommends to remove the "Drive Through Service" zoning in C5 which was recently re-zoned to allow Drive Through Service.

With regards to the Town Centre C-1 Zone; i.e. Auto Repair Shop (*Black's Hot Wheels*) and Equipment Servicing, Rental and Repair Shop (*Valley Chainsaw and Recreational, Ltd.*)

The Pemberton & District Chamber of Commerce board of directors were split on this proposed zoning with 3 / Yes, 3 / No and 1 on the fence.

We all agreed that while the Pemberton Chamber fully understands and support the concept of redevelopment and enhancement of the downtown core, but this tact doesn't feel right. To change the status specifically on these two long standing local businesses from a site-specific permitted use to 'lawful non-conforming' will not only hinder them from making any alterations or additions, it may actually de-motivate them from enhancing their business which in turn would improve the aesthetics of the downtown core.

Feedback from the board:

-If the rationale of this approach is to encourage the redevelopment and enhancement of the downtown, should this not apply to AC Gas Station, BC Hydro, TELUS, The Legion, RCMP, the Museum and the Village of Pemberton?

-Could the Village not work with the businesses to possibly provide an incentive to relocate and or improve the current aesthetics of their business? I.e. Relocation support, tax relief and or financial incentives?

-Having these types of business in the downtown core of a small community when kept clean and professional is not necessarily a bad thing. Pemberton is a unique farming town among other things and we feel unique zoning & bylaws should reflect this.

The Pemberton & District Chamber of Commerce is dedicated to enhancing the quality of life in our community by actively supporting business, economic growth and diversification. We pride ourselves in serving and promoting the entire area – Pemberton, Mount Currie, Birken, D'Arcy and all of Area C.

Yours truly,

Graham Turner,
President



May 23, 2018,

Mayor Mike Richman & Council , Village of Pemberton,
Box 100,
Pemberton,B.C., V0N 2L0

Dear Mayor & Council :

Tourism Pemberton supports the following statement as raised by Pemberton & District Chamber of Commerce :

"The Chamber supports the preservation of tourist zoned accommodation and is not opposed to a mix-use building "Allowing for residential use, long term rentals or short-term accommodations (operating under a similar Phase 1 Covenant use)". Pemberton does have a shortage of nightly rental units and we support the concentration of these properties within areas such as C-3 as a preference over residential areas. These areas offer close proximity to restaurants and services which is beneficial to our local businesses and these units are needed to support tourism in our community."

Yours truly,

A handwritten signature in black ink, appearing to read "Mark Mendonca".

Mark Mendonca,
President,

Adventure Begins Here

Box 602, Pemberton, B.C., V0N 2L0



May 23, 2018,

Mayor Mike Richman & Council ,
Village of Pemberton,
Box 100, Pemberton, B.C., V0N 2L0

Dear Mayor & Council :

Rezoning Drive Thrus

The Tourism Pemberton Board of Directors is in full support of rezoning C2, C3 removing Drive Thrus. We also support the reversal of the decision to allow drive thrus in C5.

Tourism is an economic driver in our community that generates millions of dollars. As many municipalities can attest, drive thrus create environmental challenges with idling vehicles. At a time when we are committed to redeveloping our downtown core, allowing drive thrus would create the grab and go attitude. As an example we believe a high percentage of the 164,000 visitors to Joffre Lakes that now come into town as evidenced by many retailers would diminish and have a significant negative impact on the tourism dollars spent.

Yours truly

A handwritten signature in black ink, appearing to read "Mark Mendonca".

Mark Mendonca, President

Adventure Begins Here

Box 602, Pemberton, B.C., V0N 2L0



BY EMAIL:

Attention Mayor & Council
Village of Pemberton

Thrive Ventures Ltd
1518 George Street
White Rock B.C
V4B 4A5
ashley@thriverealestate.ca
t: 604.657.0936

Dear Mayor and Council

Re: C-3 zoning and request for permissible nightly rentals in the Pemberton Gateway building.

On October 6, 2018 I bought the Pemberton Gateway building and set out to turn the building around and make a positive impact in the community. In December 2017 it came to light that the way I, my lawyer and my realtor had interpreted the zoning bylaws was in fact different than the Village. As a result, my plan to provide a progressive flexible housing option responsive to the local market ground to a halt. Consequently, I chose to offer the condos for sale to residents in compliance with the Villages priority of making more room for permanent residents.

This has caused me to hold the property much longer than anticipated in which I've gleaned insight to how the building has filled a gap in accommodations within the community.

After writing a distressed plea letter for help, I was granted a transitional period allowing me to operate the unsold inventory for nightly rentals to pay the bills. I now would like to campaign for this specific building to continue in its current form as one that will provide both long term affordable accommodations while being responsive to changes in local transitional demand.

I believe that allowing us to be able to self govern and operate in a matter without restrictions will serve the community in 2 ways:

- 1) Provided more housing for residents in alignment with the VoP's general community vision;
- 2) Support your economy by hosting tourists and housing your trade workforce.

While the lodge is nice, it is high priced. While the Pemberton hotel is very affordable, it is motel quality. There is nothing in between and this is where we fit in.

We are a priority choice for many labourers, government workers and extended stay family members. These people are patrons to many local businesses and return every year.

On May 1st I sat down personally with Lisa Pedrini, Sheena Fraser and Cameron Chalmers to discuss my opinions and requests. I was told that the Council's position on short term rentals is very inflexible, that Pemberton is not a resort community and that Council is not supporting *short-term rentals outside of the residential neighbourhoods while being Primary residences.*

I suggest there is a better way.

If the Pemberton Gateway is no longer operating any short-term rentals, 22 suites are effectively eliminated from the community's accommodation pool. That's going to increase prices for both the lodge and the hotel. It will create a duopoly resulting in accommodations that are less affordable; the very thing you wish not to do.

It is also very likely that due to demand, there will be more unauthorized short-term rentals popping up in undesignated neighbourhoods. As long as there is a demand for it, people will try and capitalize.

I am suggesting that we designated this building to allow it because it has always been operated that way, we have the right location for it, and we have the management experience to be able to enforce it.

It was asked of me if the current owners who bought into the building had notice that the building was operated this way and the answer is yes. I will point out section 2.1 and 2.2 in the disclosure statement where it describes this as well as Paragraph 7.2 in our purchase and sale contracts, in which every single owner has signed.

I am asking for the ability to offer nightly rentals in this building specifically, as well as the ability to own and live in it permanently full time. This is a way to open more homes to local residents while still maintaining the inventory for short term stays. Many buildings in Whistler have accomplished this successfully, (PHASE 1 restrictive covenant) and I believe we can effectively operate and co-live harmoniously. The management and enforceability would be restrictive to the Strata and not fall on your workloads.

I have recently become a Chamber of Commerce Member and I have spoken passionately about this cause and been met with support advocating in this direction. I expect to involve the Chamber to be my voice and the voice of many others. For as many people that may not want to see this happen there are just as many that do. People want to live in the community. People also want to invest in the community, but sadly the long-term rents to cut it. The ability to rent out nightly is the bridge to making it affordable.

I also heard a comment that what the council does not want to see is a long-distance owner, say a Vancouverite, renting it out from afar. The feeling around this is that there is disbelief in the ability of a distant owner being a *good neighbour*.

Well, I **am** that Vancouverite that is managing 22 properties (now 15) from a distance.

I ask you this Mayor and Council, have I caused the Village any problems?

Have you received noise complaints from any of my guests/owners?

I have a record and contact information for every single guest and owner in the building and everyone has mine. I also run the building as a community having hosted new Owners for a social gathering and keeping everyone informed of events.

I have made personal monetary capital improvements around the building for the simple fact of elevating its presence without knowing if I will earn those dollars back. This includes new hallway carpet and freshly painted walls. I have also removed 60 tons of garbage and junk that Myson had stored in the burrows of the building for 8 years, plumbed the entire building for in-suite laundry (which was a

massive undertaking having to cut holes in every single suites ceiling including coring the concrete of the commercial 1st floor to bring this option to owners) and done so on my own merit and cash. This endeavour has cost me near, but it is something I believe in for betterment of everyone's investment. I have paid for and cleaned up the parkade that quite literally likely has never been done (ever) and painting numbers on the stalls for ownership allocation. These improvements have costs me near \$80,000 all been done with my own cash out of the intention to make a small positive impact and leave the Pemberton Gateway better than it was before.

Myson Effa & Ela are no longer employed with me and I have replaced the cleaning crew, hired the Strata management co, am the Strata President and operating the remaining unsold inventory as short-term rentals single headedly. I also have a family and two daughters 6 & 8 years old.

So? Am I a bad neighbour? Is that *Vancouverite* having a rental investment going to be a bad landlord?

No. *That* person is going to be a poor neighbour based on who *they* are whether they live in the property or control it remotely.

My ask is that you grant us the ability to facilitate short-term rentals in the Pemberton Gateway Residences.

In Summary

"Notwithstanding" request

The Purpose

To modify and modernize the current zoning proposal to be in line with the needs and benefits of the community and to provide a dual-purpose solution to the economic situation.

The Needs

Affordable residential housing

Short-term accommodations to support the economy (i.e Housing trade workers, wedding guests, government workers, temporary staff housing, ski professionals, etc...)

The Problem

The current zoning only allows for one or the other and by doing so, it suffocates a lifeline on each end.

If it's all *Residential*, Pemberton loses 22 suites that it consistently relies upon.

If it's all *Hotel*, it voids the opportunity for young individuals and families to establish roots here contributing to overall growth and sustainability of the community.

Proposed Solution

Allowing for residential use, long term rentals or short-term accommodations (operating under a similar Phase 1 Covenant use)

Definition: Phase 1 rental pool covenants are less restrictive than Phase 2 rental pool covenants. Phase 1 covenants are intended to maximize occupancy of properties for use by owners and visitors. When not in owner use, the covenants generally require the accommodation units be made available to the public through a rental pool. For properties where the covenant does not specify a single, integrated rental pool, RMOW Council policy supports multiple rental booking and unit management arrangements within a property, including the self-management rental of units by owners

This building is the perfect pilot project as it's previous use and location offers a blended solution.

Market Research

There is a demand for both uses in this building? I sold units each way.

I sold 4 units immediately to local buyers under the *hotel* model before having to collapse them and redirect. I have now 4 contracts in place under the *residential* model.

It's obvious why the residential Buyers likes this property, but Buyers also liked the hotel model because it provided built-in housing for family members and staff housing while being able to rent it out when not in use. It was the perfect way to buy a piece of affordable real estate for their own use, have 100% control over it, renovate and improve quality as they see fit while also being able to pay the bills.

There is no currently no product available to do this. People want to invest and plan for their futures. They are going to do it anyways and this is an opportunity to keep their money in Pemberton.

The Negative Effects

Losing 22 short term accommodations may:

Cause rates to increase as supply decreases.

Reduced Tourism resulting in less clients for local businesses (ie: the wedding and food industry, and other service providers).

No place for trades to stay. The Gateway houses many trades that work on roads and build houses in the surrounding area. If there is no accommodates they cannot work.

Push more short-term accommodations into residential neighbourhoods.

Goal

Accommodate both needs through a flexible use bylaw.

This would allow The Gateway to serve multi-purposes and therefore sell to Owner-Occupiers and local Investors alike.



Ashley Goddyn

Thrive Ventures Ltd.

ashley@thriverealestate.ca

t: 604.657.0936

Rita J. Dhahan and Ron Parmar
916577 B.C. Ltd.
1058 – 2560 Shell Road
Richmond, BC V6X 0B8

Tel. No. 604-278-6721 Fax. No. 604-278-6726

June 8, 2018

Mayor and Council
& Lisa Pedrini, Senior Planner
Village of Pemberton
Delivered via Email: lpedrini@pemberton.ca

Dear Mayor, Council Members and Ms. Pedrini, Senior Planner

Re: The proposed removal of Drive – Through restaurants in the C-2 (Tourist Commercial) zone

We are the owners of 1443 Vine Road, Pemberton, a large vacant parcel of land located behind the Husky and McDonald's outlets. We purchased this property in September 2011 with the intention of developing the property for commercial uses allowed under the C-2 zoning to meet the growing needs of local residents and travelling public, and to contribute to the economic and social prosperity of the community.

In August 2017 we met with the Village of Pemberton staff to review our proposed mixed use development for the property which includes a Tim Hortons drive-thru restaurant. Please see attached site plan. Since then we have completed the geotechnical investigation of the property and have further refined our site plan. In all our discussions with the Village staff over the years there has been support for a drive-thru restaurant on our property.

We are opposed to the proposed removal of Drive-Through restaurants in the C-2 zone. We believe this is a short sighted proposal which will limit services to all the people living in the Village and the surrounding region including tourists and travelers. The proposal is discriminatory against properties like ours which currently allows for drive-thru restaurants. Should the proposed removal go ahead then one existing drive-thru restaurant in the Village will be given an exclusive and only drive-through business in this growing region.

Our proposed development is near completion for submission for a development (and rezoning for the residential portion) permit. We are requesting that at the very least our property be exempted from the proposed removal of Drive-thru use allowing us to proceed with our development.

We trust you will take our concerns and our opposition to the proposed removal into consideration before making a decision.

Sincerely



Rita J. Dhahan

Ron Parmar

ZONING BYLAW

VILLAGE OF PEMBERTON

BYLAW No. 832, 2018



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**VILLAGE OF PEMBERTON
ZONING BYLAW NO 832, 2018**

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**Village of Pemberton
Zoning Bylaw No. 832, 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:

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PART 1: Application

1.1 Title

- (a) This Bylaw may be cited for all purposes as the “Village of Pemberton Zoning Bylaw No. 832, 2018” or “Zoning Bylaw No. 832, 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 the *use* of all *land, 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.

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, and for clarity, the definitions in this bylaw apply whether the word is italicized or not.
- (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.
- (b) Where a graphic used to illustrate a requirement of this Bylaw is in conflict with the text description of the regulation, the text description shall prevail.

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, Structures, 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 the *use of land, buildings, or structures* for a *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*.

Accessory Retail Sales

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

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*.

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 the retail sales of the products
- viii. Horse-riding, training and boarding
- ix. Greenhouse and Nursery
- x. Winery and Cideries

Agri-Tourism Activity

Means the *use of land* that is classified as a farm under the *British Columbia Assessment Act* for tourism related activities, such as displays, demonstrations, and exhibits subject to the regulations of section 7.5 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*, and 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 business*, 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 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, buildings, or structures* 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 or structure*.

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* 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 7.9 of this Bylaw and the Village of Pemberton *Business License Bylaw*.

Bed and Breakfast Inn

means the *accessory use* of a *dwelling, detached* in which three (3) or more, but a maximum of five (5) bedrooms, are available for *tourism accommodation* in accordance with section 7.10 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*.

Brewery, Cidery, Distillery and Winery

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, spirits or wine, and may include the *accessory uses* of *wholesaling*, tours, tastings, *retail* sales and a manufacturer's lounge, and the sale of related non-liquor products.

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 land, buildings or structures* for the supply and sale of *building* materials, fixtures, hardware, equipment and other similar goods related to construction and home improvement, and requires storage outside of a *building*.

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, *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 *tourism 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 *Government of Canada* regulations.

Cannabis, 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 *Government of Canada* regulations.

Carriage House

means an *accessory dwelling unit* situated above or attached to a *detached garage* that is separate from the *principal dwelling, detached*, but located on the same *lot* in accordance with section 7.11 of this Bylaw.

Carport

means an open or partially enclosed *structure* attached to the *principal 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 provincially-licensed 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 the *use* of a building 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.

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 4.8 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 thirty (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. *Mobile Home,*
- vii. *Row House,*
- viii. *Secondary Suite, and*
- ix. *Townhouse.*

And specifically excludes the occupancy of any of the following:

- i. Buses,
- ii. *Cabins or Cottages,*
- iii. *Motor Vehicle,*
- iv. Tents,
- v. Yurts, and
- vi. 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, Farm Help – means a *residential building accessory* to an *agricultural use* and carries the same meaning as under the *Agricultural Land Reserve Act*.

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 *community water system*.

Dwelling Unit, Mobile Home – means a *residential dwelling* built upon an integrated chassis and wheels that is assembled at a place other than but moved to a *lot*.

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.

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 *lot* and enclosing a *lot*, except as required elsewhere in this Bylaw; it generally is providing privacy; preventing access by people or animals; or dividing a *lot* 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, payday loan office, 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 4.7 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 4.8 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 4.9 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 or converted vehicle capable of dispensing food, subject to the regulations in section 7.15 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, Farm Event

means the *use of land, buildings, or structures* for a gathering of people on a farm for the purpose 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 7.6 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 a *building, or 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.

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*.

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*.

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 4.4 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 7.16 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* of the first *storey*.

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*.

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 Storage 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.

Land Use

means the regular *use* of *land* for an intended purpose or *principal use*.

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 *liquor store, private retail* outlets.

Liquor Store, Private

means the *commercial use* of a *building* or *structure* for the *retail* sale of liquor, beer or wine for consumption off premises, and includes an agency outlet.

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 Title 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 ten (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 Title 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 as defined in this Bylaw.

Lot Width

means the average distance between the *side lot lines*, measured at the *front and rear lot lines*, and at five (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.

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 7.18 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 and racing.

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 or scooter, but 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.

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

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. Clothing or shoe repair,
- viii. Photography studio,
- ix. Psychic reader,
- x. Tattoo parlour,
- xi. Travel agency,
- xii. Tanning salon,
- xiii. Spa facility
- xiv. Printing shop, and
- xv. Other similar services.

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.

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 *secondary suite* is located.

Setback

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

Short-Term Vacation Rental

means the *use* of a *dwelling unit*, or a portion of 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 an out-door stadium or 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.

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.

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 Bareland strata *lots*.

Temporary Use

means a temporary *commercial* or *industrial use permitted* under a *temporary use permit* issued pursuant to section 7.26 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 (12)-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 Part 5 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 and have no force or effect.
- (c) All maximum dimensions shall mean equal to or less than, and all minimum dimensions shall mean equal to or greater than.
- (d) In the event of any conflict between measurements in this Bylaw, the more onerous measurement shall apply.
- (e) In the event of a conflict between a measurement stated in this bylaw and a graphic illustration of that measurement, the text description shall prevail.

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. Percent (%).

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	4.6 m = 14.76 feet
10.5 m = 34.45 feet	18 m = 59.06 feet
1,400 sq. m = 15,064 sq. ft. or 0.34 acres	2,000 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

4.4 **Building and Structure Height**

- (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.
- (d) Despite the *height* regulations in any *zone* or regulation, the maximum *building height* may be exceeded for the following features, 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.

4.5 **Fence Height**

- (a) 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.

4.6 **Density Calculation with Land Dedication**

- (a) When calculation of *density* involves the dedication of *land* to any government

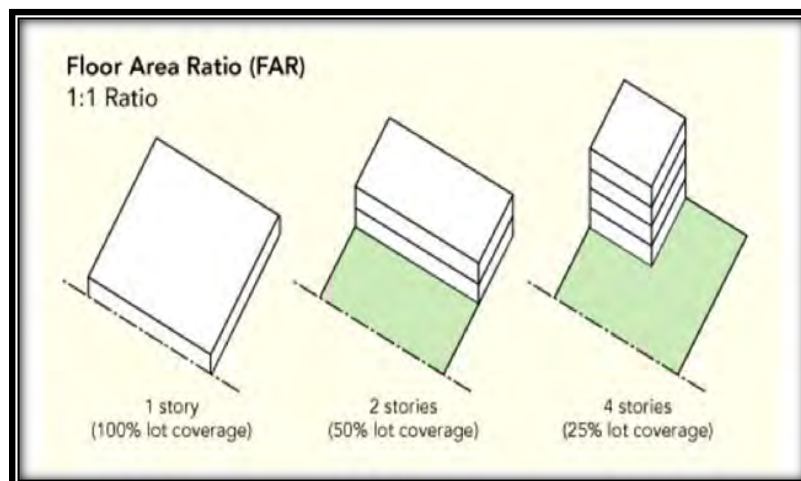
agency for environmental, *park*, or other public purpose, the *density* calculation shall be based on the area of the *lot* before dedication.

4.7 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*.

4.8 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.



4.9 Gross Floor Area (GFA)

- (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.

4.10 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.

4.11 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 (UPH)*;
 - iii. Maximum *floor area*;
 - iv. Maximum percentage of a *lot, building* or *structure*;
 - v. Maximum *lot coverage*;
 - vi. Maximum *floor area ratio (FAR)*.

4.12 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 lot width and lot depth*, 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.

4.13 Projections into Required Setback and Exceptions to Siting Requirements

- (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 veranda 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*.

4.14 Setback from Lot Line

- (a) Where a *zone* or regulation establishes a minimum or maximum *setback* for front, side or rear *lot line setbacks*, *buildings and structures* must be located outside of the minimum *setback*, or inside the maximum *setback*.
- (b) *setback* shall be determined in accordance with the following measurement guidelines in any *zone*:
- i. *setback* 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 *setback* for *buildings and structures* in the *Airport Zone* shall be measured from the leasehold boundaries.
 - iii. Fences are exempt from *setback* unless a *setback* is specifically established in this Bylaw.

4.15 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 1.0 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*:

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 *highway, 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:

Agricultural Zones	Abbreviation
<i>Agriculture 1</i>	A-1
<i>Rural Residential 1</i>	RR-1
Detached Residential Zones	
<i>Residential 1</i>	R-1
<i>Small Lot Residential 2</i>	R-2
<i>Duplex Lot Residential 3</i>	R-3

<i>Residential Country Inn</i>	RC-1
<i>Residential Manufactured Home Park 1</i>	MHP-1
<i>Multi-Family Residential Zones</i>	
<i>Multi-Family Residential 1</i>	RM-1
<i>Multi-Family Residential 2</i>	RM-2
<i>Residential Amenity 1 Zones, Sunstone</i>	
<i>Residential Amenity 1</i>	RSA-1
<i>Residential Townhouse Amenity 1</i>	RTA-1
<i>Residential Amenity 2 Zones, The Ridge</i>	
<i>Residential Amenity 2</i>	RSA-2
<i>Residential Townhouse Amenity 2</i>	RTA-2
<i>Commercial Zones</i>	
<i>Town Centre Commercial</i>	C-1
<i>Tourism Commercial</i>	C-2
<i>Portage Commercial</i>	C-3
<i>Service Commercial</i>	C-4
<i>Neighbourhood Pub Commercial</i>	C-5
<i>Industrial and Airport Zones</i>	
<i>Industrial Park</i>	M-1
<i>Resource Industrial</i>	M-2
<i>Airport</i>	AP-1
<i>Civic, Institutional, and Recreation Zones</i>	
<i>Public</i>	P-1
<i>Parks and Recreation</i>	PR-1
<i>Outdoor Recreation</i>	OR-1
<i>Education</i>	E-1

5.3 Comprehensive Development Zones

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

PART 6: GENERAL REGULATIONS

6.1 General Compliance

- (a) No person shall *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*, *buildings* or *structures 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*, *building*, or *structure* shall be subject to the provisions of the *Local Government Act*.

6.2 General Prohibitions

- (a) Any *use of land*, *buildings* or *structures* 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 *land uses* are *permitted* in all *zones* subject to compliance with all regulations that apply to such *uses* under this Bylaw:
 - i. *accessory uses*, *buildings*, and *structures*, 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, *screening, fence*;
- vii. *Park*;
- viii. Utility services, excluding offices, maintenance *garages* and storage areas;
- ix. Temporary *buildings, structures* or storage of materials to a maximum of one 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 *community 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, unless otherwise *permitted* in this *Bylaw*;
- (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 civic 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 unless it is listed as a permitted *use* in the respective zone;
- 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**

- (d) No *lot* shall be created by *Subdivision* that has less than the minimum dimensions and area established by this Bylaw.
- (e) 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 Council's 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*.
- (f) The consolidation of two (2) or more *lots* into a single *lot* is exempted from minimum *lot* size requirements in any *zone*.
- (g) The realignment of *lot lines* to adjust the boundaries between two (2) 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.
- (h) 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*.
- (i) A *panhandle lot* shall not be created where the access strip is narrower than 10 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.

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. 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*;
 - iii. *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 *setback, building height, lot coverage* and other *building or structure* standards apply as those which apply to strata *lots* in the same *zone*;
 - iv. 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
 - v. No *accessory building* shall be located in the front yard except a *garage or carport*.
 - vi. Unless otherwise stated in this Bylaw, *accessory buildings and structures* shall comply with the following *lot line setbacks*:
 - a. *Rear lot line*: 1.5m
 - b. *Interior side lot line*: 1.5m
 - vii. *Accessory buildings* shall have the same *exterior side lot line setback* as the *principal building*.

7.2 Accessory Greenhouse

- i. 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;
- ii. *Greenhouses* associated with *agriculture use* shall comply with the required *lot line setback* for *agriculture uses*;

7.3 Accessory Residential Dwellings

- (a) If an *accessory residential dwelling unit* is *permitted* in a *commercial, institutional or industrial zone*, the *accessory residential dwelling* shall comply with the following regulations:
- i. Only one (1) *accessory residential dwelling* is permitted per *commercial or institutional unit*;
 - ii. A maximum of four (4) *accessory residential dwelling units* per *lot* are

permitted in industrial zones.

- iii. An *accessory residential unit* shall not exceed 20% of the *gross floor area* of the *principal use*.

7.4 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.

7.5 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 *BC 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. *Agri-tourism 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:
 - 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.

7.6 **Backyard Hen Keeping**

- (a) For *lots* on 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 (5) hens is *permitted* and no roosters are *permitted*; and
 - iii. An enclosure for the keeping of hens shall be provided.
- (b) *Buildings, structures* and enclosures used for the keeping of hens shall:
 - i. Not be located within a front yard and within three (3) 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 secured by electric fencing.
- (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 **Backyard Bee Keeping**

- (a) For *lots* on which backyard bee keeping is a *permitted*, the following regulations apply:
 - v. backyard bee 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 bee keeping shall comply with regulations and conditions of *use* for Agriculture;
 - vi. An enclosure for the keeping of bees shall be provided.
- (b) *Buildings, structures* and enclosures used for the keeping of bees shall:
 - vii. Not be located within a front yard and within three (3) m of a *side* or *rear lot line*;
 - viii. Not occupy an area in excess of 10 m²;
 - ix. Not exceed a *height* of 2.5 m; and
 - x. Be secured by electric fencing.
- (c) Backyard bee keeping shall not create a nuisance of any kind.
- (d) Backyard bee keeping shall comply with all other Municipal Bylaws including applicable Animal Control Bylaws.

7.8 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*, occurs in the *principal* residence of the land owner, and operated by a 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 per bedroom rented out as *bed and breakfast* is required; 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.

7.9 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 Inn 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 valid Village of Pemberton business license is required.

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 on the second story or on the first story of a *detached accessory building*.
- iii. Notwithstanding any other regulation in a *zone*, *accessory buildings* with a *carriage house* may be constructed to a maximum *height* of 7.6 m.
- iv. The *gross floor area* of the *residential dwelling* in a *carriage house* shall not exceed 90 m²;
- v. A *carriage house* shall be connected 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 Gathering for an Event

- (a) On *land* designated as farm under the *BC Assessment Act*, agricultural event gatherings are subject to the following regulations:
 - i. Permanent facilities are not to be constructed or erected in connection with the event;
 - ii. Parking for those attending the event shall be 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 twenty-four (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.

7.13 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.

7.14 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*.

7.15 Food Truck

- (a) *Food trucks* 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.

7.16 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 retailing of the commodity be *accessory* to the *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, except in the A-1 Zone, it is *permitted* up to a maximum of 100 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 *gross 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. The *use* shall provide parking in accordance with the requirements in the applicable *zone*.
 - xi. 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 levels that exceed any applicable noise regulations created by the Village of Pemberton.

7.17 Intermodal Storage Containers

- (a) *Intermodal storage containers* may be used for storage in *Agricultural, Industrial, Airport, Public, Parks and Recreation, and Outdoor Recreation Zones*. Where *permitted, intermodal storage containers* shall:
- i. be used for *accessory storage purposes* only;

- ii. be limited to a maximum two (2) per *lot* in *Agricultural, Public, Parks and Recreation, and Outdoor Recreation Zones*, and one per leasehold 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 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. shall not be located in the front yard of a *lot*;
 - x. comply with the *setback* requirements for any *accessory buildings* or *structures* in the applicable *zone*;
 - xi. 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*.

7.18 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*.

7.19 Outdoor Equipment Storage

- (a) *Outdoor equipment storage* is only *permitted* in accordance with the following requirements:
 - i. The yard is enclosed by durable fencing whereby stored materials are screened from adjacent properties with significant buffering or a dark mesh/slat insert;
 - ii. All storage areas shall be of a hard (i.e. paved or compacted/treated) dust-free surface; and

- iii. Site drainage shall not negatively impact adjacent properties or watercourses.

7.20 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.

7.21 Screening

- (a) Where a *lot* is developed for a *commercial, industrial, or civic use* as *permitted* within a *commercial, industrial, civic* 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 civic use* as *permitted* within a *commercial, industrial, civic* 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 not 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; and
- (f) *Screening*, where required by this Bylaw, shall be maintained at all times by the

owner of the *lot* on which they are required.

7.22 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 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) One off-street parking space in addition to those required for the *permitted use* shall be provided per *secondary suite*.

7.23 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*, or a *secondary suite*, but not both.
 - 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 six (6) 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.

7.24 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*.

7.25 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*.

7.26 Temporary Use Permits

- (a) Temporary *commercial* and *industrial uses* may be allowed under Section 493 of the Local Government Act within all *commercial* and *industrial 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 other 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.

7.27 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 expiry of the *Building Permit*, or construction completion, whichever is less.
- (b) An owner of a *lot* 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 the life 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.

7.28 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.

7.29 Above-Ground Swimming Pools, Spas and Hot Tubs

- (a) Where a *residential use* is *permitted*, an above ground swimming pool, spa or hot tub is *permitted* as an *accessory use*, in accordance with the following provisions:
- i. any above ground swimming pool, spa or hot tub shall not be located within 7.5 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 (1) function or *use*, the required number of parking spaces shall be the total sum of the requirements for each function or *use*;
- (f) 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;
- (g) All Multiple *unit residential*, and *mixed-use residential* and *commercial development* shall provide bicycle parking at a rate of 20% of the required vehicle parking;
- (h) All Multiple *unit residential*, *mixed-use residential* and *commercial developments* requiring at least ten (10) parking spaces shall provide one (1) electric vehicle for every ten (10) parking stalls required, which is readily accessible for charging a vehicle in a required parking space;
- (i) For any *use* required to be accessible to persons with a disability by the BC Building Code, a minimum of one (1) parking space for a person with a disability shall be provided;
- (j) Where ten (10) 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
10-20	1
21-50	2
81-110	4
111-140	6
141-170	8

- (k) 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

- (l) 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. *Civic*.

8.2 Measurement

- (a) For the purposes of Part 8 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 Vehicular Parking Requirements

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

8.4 Commercial Vehicular Parking Requirements

<i>Veterinarian Clinic</i>	1 space per 35 m ² of GFA
Financial Institution	1 space per 20 m ² of GFA
Campground	1 space per campsite 0.25 spaces per campsite 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
<i>Golf Course Driving Range</i>	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
<i>Tourism Accommodation</i>	1 space per room plus 1 space per 4 seats for any <i>Restaurant</i> or <i>Bar</i>
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
Office – All Other	1 space per 28 m ² of GFA
<i>Restaurant, Food Primary Establishment</i>	1 space per 4 seats
<i>Retail Store</i>	1 space per 28 m ² of GFA
Liquor Store, <i>Private Liquor Store</i>	3.25 per 140 m ² of GFA
Neighbourhood <i>Commercial</i>	.25 per 100 m ² of GFA

8.5 Industrial Parking Requirements

General Industrial	
Manufacturing	1 space per 93 m ² of GFA ¹
Service and/or Repair	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	1 space per 93 m ² of GFA
Laboratory	1 space per 50 m ² of GFA
Radio, Television or Recording	1 space per 50 m ² of GFA
Equipment Rental and Repair	1 space per 28 m ² of GFA
<i>Accessory Retail</i>	1 space per 28m ² of GFA
Brewery, Cidery, Distillery or Winery	1 space per 100 m ² of GFA
Cold Storage	1 space per 100 m ² of GFA
Aggregate Processing	.75 per employee
<i>Building Supply</i>	1 space per 20m ² retail Floor Area
Car Wash	2 stacking spaces per wash bay
Cannabis Production	1 space per 93 m ² of GFA

8.6 Civic, Institution, and Recreation Parking Requirements

All Community uses (unless listed)	1 space per 37 m ² of GFA
Places of Worship	1 space per 8 seats
Day Care	1 space per employee
School	
Elementary	2 spaces per classroom
Secondary	5 spaces per classroom
Craft or Vocational	5 spaces per classroom
Indoor Recreation	1 space per 20 m ² of GFA

Outdoor Recreation	?
Industrial Composting	.75 per employee
Recycling	.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 purchased 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);

\$9,100.00

- 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* only in *dwelling units* with a floor area of less than 110 m².

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-family 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 onto 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 a 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 m and not more than 9 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
<i>Commercial or Industrial</i>	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
<i>Cannabis Production Facility</i>	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 onto any adjoining *lands* or *lots*.
- (h) Loading areas shall include one (1) 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 in the following parts.

PART 10: Agricultural Zones

10.1 Agriculture 1 (A-1)

The Agriculture 1 Zone provides for the use of *land, buildings and structures* for *agricultural, residential, and accessory uses* on *land* within the *Agricultural Land Reserve*.

10.1.1. Permitted Principal Uses

- (a) *Agriculture*
- (b) *Agri-Tourism*
- (c) *Agri-tourism Accommodation*
- (d) *Cannabis, Production Facility*
- (e) *Dwelling, Detached*
- (f) *Farm Stands*
- (g) *Gathering for an Event*
- (h) *Riding Academy*

10.1.2. Permitted Accessory Uses

- (a) *Bed and Breakfast*
- (b) *Bed and Breakfast Inn*
- (c) *Dwelling Detached, for Farm Help*
- (d) *Home Occupation*
- (e) *Secondary Suite*
- (f) *Storage, Intermodal Storage Containers*
- (g) *Temporary Farm Worker Housing*

10.1.3. Conditions of Use

- (a) *Bed and Breakfast Inn use:* The maximum number of bedrooms in a *Bed and Breakfast Inn* in the ALR is four (4).
- (b) *Farm House:* The maximum *gross floor area* of a farm house shall not exceed 350 m².
- (c) *Dwelling, Detached:* On *lots* greater than 4 Ha, a second *detached dwelling* for farm help is *permitted*.
- (d) *Temporary Farm Worker Housing:* Temporary Farm Worker Housing shall not exceed 100 m².

10.1.4. *Lot Regulations*

- (a) Minimum *lot* Size: 2 Ha

10.1.5. *Building Regulations*

a) Minimum Front <i>Setback</i> :	7.5m
b) Minimum Rear <i>Setback</i> :	7.5m
c) Minimum Interior Side <i>Setback</i> :	7.5m
d) Minimum Exterior Side <i>Setback</i> :	7.5m
e) Maximum Building Height (principal dwelling, detached):	10.5m
f) Maximum <i>Building</i> Height (Farm & accessory)	Nil

10.2 Rural Residential 1 (RR-1)

The Rural Residential 1 Zone provides for the use of land, buildings and structures for agricultural, Residential, and accessory uses on land outside the Agricultural Land Reserve.

10.2.1. Permitted Principal Uses

- (a) Agriculture
- (b) Dwelling, Detached
- (c) Farm Stands
- (d) Resource Extraction
- (e) Riding Academy

10.2.2. Permitted Accessory Uses

- (a) Bed and Breakfast
- (b) Bed and Breakfast Inn
- (c) Home Occupation
- (d) Secondary Suite
- (e) Storage, Intermodal Storage Containers

10.2.3. Lot Regulations

- (b) Minimum Lot Size: 2 Ha

10.2.4. Building Regulations

a) Minimum Front <i>Setback</i> :	7.5m
b) Minimum Rear <i>Setback</i> :	7.5m
c) Minimum Interior Side <i>Setback</i> :	7.5m
d) Minimum Exterior Side <i>Setback</i> :	7.5m
e) Maximum <i>Building Height (Principal)</i> :	10.5m
f) Maximum <i>Building Height (Accessory)</i> :	10.5m

PART 11: Residential Zones, Detached

11.1 Residential 1 (R-1)

The Residential 1 (R-1) Zone is intended to accommodate single *detached dwellings* within residential neighbourhoods.

11.1.1. Permitted Principal Uses

- (a) *Dwelling, Detached*

11.1.2. Permitted Accessory Uses

- (a) *Bed and Breakfast*
- (b) *Home Occupation*
- (c) *Secondary Suite*
- (d) *Short-Term Vacation Rental*

11.1.3. Lot Regulations

a) Minimum Lot Size:	700 m ² .
b) Minimum Lot Width:	18 m

11.1.4. Building Regulations

a) Minimum Principal Building Width	7.6 m
b) Minimum Front Setback:	6 m
c) Minimum Rear Setback:	5 m
d) Minimum Interior Side Setback:	1.5 m
e) Minimum Exterior Side Setback:	4.6 m
f) Maximum Lot Coverage:	40%
g) Maximum Number of <i>Principal Buildings</i> :	1
h) Maximum Number of <i>Accessory Buildings</i> :	2
i) Maximum Building Height, Principal:	10.5m
j) Maximum Building Height Accessory	4.6m

11.2 Residential 2, Small lot (R-2)

The Small Lot Residential Zone is intended to accommodate *single detached dwellings* on small lots within *residential* neighbourhoods.

11.2.1. Permitted Principal Uses

- (a) *Dwelling, Detached*

11.2.2. Permitted Accessory Uses

- (a) Home Occupation

11.2.3. Lot Regulations

a) Minimum lot Size:	350 m ² .
b) Minimum lot Width:	12 m

11.2.4. Building Regulations

a) Minimum Principal Building Width	6 m
b) Minimum Front <i>Setback</i> :	6 m
c) Minimum Rear <i>Setback</i> :	5 m
d) Minimum Interior Side <i>Setback</i> :	1.5 m
e) Minimum Exterior Side <i>Setback</i> :	2.7 m
f) Maximum Lot Coverage:	50%
g) Maximum Number of <i>Principal Buildings</i> :	1
h) Maximum Number of <i>Accessory Buildings</i> :	1
i) Maximum <i>Building Height, Principal</i> :	Two (2) Storeys
j) Maximum Building Height, <i>Accessory</i>	4.6 m

11.3 Residential 3, Duplex Lot (R-3)

The *Residential, Duplex Lot 3 (R-3) Zone* is to accommodate *single detached dwellings*, *stacked duplex*, and *side-by-side duplex dwellings* on *lots* within *residential* neighbourhoods.

11.3.1. Permitted Principal Uses

- (a) *Dwelling, Duplex*
- (b) *Dwelling, Detached*

11.3.2. Permitted Accessory Uses

- (a) *Bed and Breakfast*
- (b) *Home Occupation*
- (c) *Secondary Suite*
- (d) *Short-Term Vacation Rental*

11.3.3. Conditions of Use

- (a) *Secondary Suite and Short-Term Vacation Rental uses* are permitted only in *single detached dwelling units*.
- (b) *Side by side duplex buildings* shall only be *permitted* on *lots* with the following minimum dimensions:

a) Minimum Lot Size:	1,050 m ²
b) Minimum Lot Width:	27 m

11.3.4. Lot Regulations

a) Minimum Lot Size:	700 m ²
b) Minimum Lot Width:	18 m

11.3.5. Building Regulations

a) Minimum Principal building Width	7.6 m
b) Minimum Front <i>Setback</i> :	6 m
c) Minimum Rear <i>Setback</i> :	5 m
d) Minimum Interior Side <i>Setback</i> :	1.5 m
e) Minimum Exterior Side <i>Setback</i> :	4.6 m
f) Maximum Lot Coverage:	40%
g) Maximum Number of <i>Principal Buildings</i> :	1
h) Maximum Number of <i>Accessory Buildings</i> :	2
i) Maximum Building Height, Principal:	10.5 m

j) Maximum Building Height Accessory	4.6 m
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11.4 Residential Country Inn (RC-1)

The *Residential Country Inn (RC-1) Zone* is to accommodate *single detached dwellings* that provide for *tourism accommodation uses* in both *Bed and Breakfast Inns* and *Short-Term Vacation Rentals*.

11.4.1 Permitted Principal Uses

- (a) *Dwelling, Detached*

11.4.2 Permitted Accessory Uses

- (a) *Bed and Breakfast Inn*
- (b) *Home Occupation*
- (c) *Secondary Suite*
- (d) *Short-Term Vacation Rental*

11.4.3 Lot Regulations

a) Minimum Lot Size:	800 m ²
b) Minimum Lot Width:	18 m

11.4.4 Building Regulations

a) Minimum Principal Building Width	7.6 m
b) Minimum Front <i>Setback</i> :	6 m
c) Minimum Rear <i>Setback</i> :	5 m
d) Minimum Interior Side <i>Setback</i> :	1.5 m
e) Minimum Exterior Side <i>Setback</i> :	4.6 m
f) Maximum Lot Coverage:	40%
g) Maximum Number of <i>Principal Buildings</i> :	1
h) Maximum Number of <i>Accessory Buildings</i> :	2
i) Maximum Building Height, Principal:	10.5 m
j) Maximum Building Height, Accessory	4.6 m

11.5 Residential Manufactured Home Park 1 (MHP-1)

The Residential Manufactured Home Park 1 Zone is to accommodate *Manufactured and Mobile Home Dwellings* in a residential setting.

11.5.1 Permitted Principal Uses

- (a) *Dwelling, Manufactured Home*
- (b) *Dwelling, Mobile Home*

11.5.2 Permitted Accessory Uses

- (a) *Home Occupation*

11.5.3 Density Regulations

- (a) Maximum Density: 20 units per Hectare

11.5.4 Lot Regulations

a) Minimum Lot Size:	5,000 m ²
b) Minimum Lot Width:	100 m

11.5.5 Building Regulations

a) Minimum Front Setback:	7.5 m
b) Minimum Rear Setback:	4.5 m
c) Minimum Interior Side Setback:	4.5 m
d) Minimum Exterior Side Setback:	4.5 m
e) Maximum Number of Accessory Buildings:	1 per unit
f) Maximum Building Height, Principal:	7.6 m
g) Maximum Building Height, Accessory	4.6m

PART 12: Residential Zones, Multi-Family

12.1 Residential, Multi-Family 1 (RM-1)

The Multi-Family 1 (RM-1) Zone is to provide for Residential Townhouse and Row House communities.

12.1.1. Permitted Principal Uses

- (a) Dwelling, Detached
- (b) Dwelling, Duplex
- (c) Dwelling, Townhouse
- (d) Dwelling, Row House

12.1.2. Permitted Accessory Uses

- (a) Home Occupation

12.1.3. Density Regulations

- (a) Maximum Density: 25 units per Hectare

12.1.4. Lot Regulations

a) Minimum Lot Size:	700 m ²
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12.1.5. Building Regulations

a) Minimum Front Setback:	6 m
b) Minimum Rear Setback:	7.5 m
c) Minimum Interior Side Setback:	4 m
d) Minimum Exterior Side Setback:	7.5 m
e) Maximum Building Height, Principal:	10.5 m
f) Maximum Building Height, Accessory	4.6 m

12.2 Residential, Multi-Family 2 (RM-2)

The Multi-Family Residential 2 Zone is to provide for Multi-Family Apartment and Townhouse dwelling units.

12.2.1. Permitted Principal Uses

- (a) Dwelling, Apartment
- (b) Dwelling, Detached
- (c) Dwelling, Duplex
- (d) Dwelling, Townhouse
- (e) Dwelling, Row House

12.2.2. Permitted Accessory Uses

- (a) Home Occupation

12.2.3. Density Regulations

- (a) Maximum Density: 1.5 FAR

12.2.4. Lot Regulations

a) Minimum Lot Size:	939 m ²
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12.2.5. Building Regulations

a) Minimum Principal Building Width	7.6 m
b) Minimum Front Setback:	6 m
c) Minimum Rear Setback:	7.5 m
d) Minimum Interior Side Setback:	4 m
e) Minimum Exterior Side Setback:	7.5 m
f) Maximum Building Height, Principal:	10.5 m
g) Maximum Building Height, Accessory	4.6 m

PART 13: Residential Amenity 1 Zones (Sunstone)

13.1 Residential Amenity 1, Sunstone (RSA-1)

The *Residential Amenity 1, Sunstone (RSA-1) Zone* is to accommodate *Single detached and Duplex Dwellings*, on *lots* within the Sunstone Hillside Neighbourhood.

13.1.1. Permitted Principal Uses

- (a) *Dwelling, Detached*

13.1.2. Permitted Accessory Uses

- (a) *Bed and Breakfast*
- (b) *Carriage House**
- (c) *Home Occupation*
- (d) *Secondary Suite*
- (e) *Short-Term Vacation Rental*

13.1.3. Conditions of Use

- (a) Either a *secondary suite use*, or a *carriage house use*, is *permitted* as an *accessory use* on a *lot*, but not both *uses* on the same *lot*.
- (b) The minimum lot sizes as a base density are as follows:
 - i. Single Residential Dwelling 20,000 m²
 - ii. Bed and Breakfast 20,000m²
- (c) The minimum lot size where the requirements identified in Section 302B.2 (c) have been fulfilled are as follows:
 - i. Single Residential Dwelling 930 m²
 - ii. Bed and Breakfast 930 m²
- (d) The densities may be increased from the requirements identified in Section 13.1.3 (b) to the requirements identified in Section 302.3(c) providing contributions toward community amenities have been provided through a payment of \$9165 per single family or bed & breakfast lot, payable either:
 - i. in a cash prior to the registration of a plan of subdivision and to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or
 - ii. in-kind works and services provided that they are approved by the Village in writing prior to the registration of a plan of subdivision for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

13.1.4. *Lot Regulations*

a) Minimum <i>Lot Size</i> :	930 m ²
b) Minimum <i>Lot Width</i> :	7.6 m

13.1.5. *Building Regulations*

a) Minimum Principal Building Width	7.6 m
b) Minimum Front <i>Setback</i> :	5 m
c) Minimum Rear <i>Setback</i> :	5 m
d) Minimum Interior Side <i>Setback</i> :	1.5m
e) Minimum Exterior Side <i>Setback</i> :	3 m
f) Maximum <i>Lot Coverage</i> :	40%
g) Maximum Number of <i>Principal Buildings</i> :	1
h) Maximum Number of <i>Accessory Buildings</i> :	2
i) Maximum <i>Building Height, Principal</i> :	10.5 m
j) Maximum <i>Building Height, Accessory</i>	4.6 m
k) Maximum <i>Building Height</i> Carriage Home	Two (2) Storeys

13.2 Residential Townhouse Amenity 1, Sunstone (RTA-1)

The *Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone* is to provide for *Small lot* and *Residential Townhouse* development at the Sunstone Neighbourhood.

13.2.1. Permitted Principal Uses

- (a) *Dwelling, Detached*
- (b) *Dwelling, Townhouse*

13.2.2. Permitted Accessory Uses

- (a) *Home Occupation*

13.2.3. Conditions of Use:

- (a) The minimum lot sizes as a base density are as follows:
 - i. *Detached Dwelling* 20,000 m²
 - ii. *Townhouse* 20,000 m² per unit
- (b) Where the requirements identified in Section 13.2.3(e) are fulfilled, the permitted density of a Single Residential use may be increase to the following:
 - i. *Minimum Lot Size:* 350 m²
 - ii. *Minimum Lot Width:* 12 m
- (c) Where the requirements identified in Section 13.2.3(e) are fulfilled, the permitted density of a Townhouse use may be increased in accordance with the regulations contained within Section 303.3 of the RT-1 Zone:
 - i. *Minimum Lot Size:* 700 m²
 - ii. *Maximum Floor Area Ratio:* 0.50
- (d) Where the requirements identified in Section 13.2.3(e) are fulfilled, the permitted density of a Townhouse use may be increased in accordance with the regulations contained within of the RM-1 Zone.
- (e) The densities may be increased from the requirements identified in Section 13.2.3(a) to the requirements identified in Sections 13.2.3(b) and (c) by providing contributions toward community amenities have been provided through a payment of \$9165 per single family or bed & breakfast lot or \$6110.00 per townhouse unit, payable either:
 - i. in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or
 - ii. in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

13.2.4. *Density Regulations*

- (a) Maximum *Density*: 25 units per Hectare

13.2.5. *Lot Regulations*

a) Minimum <i>Lot Size</i> , Townhouse:	700 m ²
b) Minimum <i>Lot Size</i> , Small <i>Lot</i>	350 m ²
c) Minimum <i>Lot Width</i> , Small <i>Lot</i> :	12m

13.2.6. *Building Regulations*

a) Maximum <i>Lot Coverage</i>	40%
b) Minimum Front Setback:	6 m
c) Minimum Rear Setback:	7.5 m
d) Minimum Interior Side Setback:	3 m
e) Minimum Exterior Side Setback:	3 m
f) Maximum <i>Building Height</i> , Townhouse:	10.5 m
g) Maximum Building Height, Small Lot Dwelling, Detached	Two (2) Storeys
h) Maximum Building Height, Accessory	4.6 m

PART 14: Residential Amenity 2 Zones (The Ridge)

14.1 Residential Amenity 2, The Ridge (RSA-2)

The Residential Amenity 1, The Ridge (RSA-2) Zone is to accommodate *single detached and Duplex Dwellings*, on lots within the Ridge Neighbourhood.

14.1.1. Permitted Principal Uses

- (a) *Dwelling, Detached*

14.1.2. Permitted Accessory Uses

- (a) *Bed and Breakfast*
- (b) *Home Occupation*
- (c) *Secondary Suite*
- (d) *Short-Term Vacation Rental*

14.1.3. Conditions of Use

- (a) The minimum lot sizes as a base density are as follows:
 - i. *Detached Dwelling* 20,000 m²
 - ii. *Bed and Breakfast* 20,000 m²
- (b) The minimum lot sizes where the requirements identified in Section 14.1.3(c) have been fulfilled are as follows:
 - i. *Detached Dwelling* 1,400 m²
 - ii. *Bed and Breakfast* 1,400 m²
- (c) The densities may be increased from the requirements identified in Section 14.1.3(a) to the requirements identified in Section 14.1.3(b) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per detached dwelling or bed & breakfast lot, payable either:
 - i. in cash prior to the registration of a plan of subdivision and to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or
 - ii. in-kind works and services provided that they are approved by the Village in writing prior to the registration of a plan of subdivision for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

14.1.4. Lot Regulations

a) Minimum Lot Size:	800 m ²
b) Minimum Lot Width:	18 m

14.1.5. Building Regulations

a) Minimum Front <i>Setback</i> :	5 m
b) Minimum Rear <i>Setback</i> :	5 m
c) Minimum Interior Side <i>Setback</i> :	1.5 m
d) Minimum Exterior Side <i>Setback</i> :	4.6 m
e) Maximum <i>Lot Coverage</i> :	40%
f) Maximum Number of <i>Principal Buildings</i> :	1
g) Maximum Number of <i>Accessory Buildings</i> :	2
h) Maximum <i>Building Height, Principal</i> :	10.5 m
i) Maximum <i>Building Height, Accessory</i> :	4.6 m
j) Maximum <i>Building Height, Carriage Home</i> :	Two (2) Storeys

14.2 Residential Townhouse Amenity 2, The Ridge (RTA-2),

The *Residential Townhouse Amenity 2, The Ridge (RTA-2) Zone* is to provide for *Small Lot* and *Residential Townhouse* development within the Sunstone Neighbourhood.

14.2.1. Permitted Principal Uses

- (a) *Dwelling, Detached*
- (b) *Dwelling, Townhouse*

14.2.2. Permitted Accessory Uses

- (a) *Home Occupation*

14.2.3. Conditions of Use

- (a) The minimum lot sizes as a base density are as follows:
 - i. Single Residential Dwelling 20,000 m²
 - ii. Townhouse 20,000 m² per unit
- (b) The minimum size for a townhouse is 300 m²
- (c) Where the requirements identified in Section 14.2.3(e) are fulfilled, the permitted density of a Detached Dwelling residential use may be increased to the following:
 - i. Minimum Lot Size 700 m²
 - ii. Minimum Lot Width 18 m
 - iii. Maximum Floor Space Ratio 0.50
- (d) Where the requirements identified in Section 14.2.3(e) are fulfilled, the permitted density of a Townhouse use may be increased in accordance with the regulations contained within of the RM-1 Zone.
- (e) The densities may be increased from the requirements identified in Section 14.2.3 (a) and 14.2.3 (b) to the requirements identified in Section 14.2.3(c) and Section 303A.2(d) providing contributions toward community amenities have been provided through a voluntary contribution of \$9165 per single family or bed & breakfast lot or \$6110.00 per townhouse unit, payable either:
 - i. in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses; and/or
 - ii. in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and ancillary uses.

14.2.4. Density Regulations

- (a) Maximum *Density*: 25 units per Hectare

14.2.5. *Lot Regulations:*

a) Minimum <i>Lot Size</i> , Townhouse:	939 m ²
Minimum <i>Lot Size</i> , Small <i>Lot</i> :	350 m ²
b) Minimum <i>Lot Width</i> :	12 m

14.2.6. *Building Regulations:*

a) Maximum <i>Lot Coverage</i> :	40%
b) Minimum Front Setback:	6 m
c) Minimum Rear Setback:	7.5 m
d) Minimum Interior Side Setback:	4 m
e) Minimum Exterior Side Setback:	7.5 m
f) Maximum <i>Building Height</i> , Townhouse:	10.5 m
g) Maximum Building Height, Small Lot detached Dwelling	Two (2) Storeys
h) Maximum Building Height, Accessory	4.6 m

PART 15: Commercial Zones

15.1 Commercial, Town Centre (C-1)

The Town Centre *Commercial Zone* is to guide use of *land, buildings and structures* in the Town Centre of the Village of Pemberton.

15.1.1. Permitted Principal Uses

- (a) *Arts and Culture*
- (b) *Catering Establishment*
- (c) *Civic*
- (d) *Convenience Store*
- (e) *Financial Institution*
- (f) *Fitness Centre (subject to Conditions of Use)*
- (g) *Food Truck*
- (h) *Garden Centre*
- (i) *Gasoline Station (subject to Conditions of Use)*
- (j) *Glass Shop (subject to Conditions of Use)*
- (k) *Hostel*
- (l) *Hotel*
- (m) *Laundromat*
- (n) *Liquor License, Liquor Primary*
- (o) *Liquor License, Food Primary*
- (p) *Liquor Store*
- (q) *Liquor Store, Private*
- (r) *Mixed Use Building*
- (s) *Office, Business,*
- (t) *Office, Professional*
- (u) *Personal Service*
- (v) *Restaurant*
- (w) *retail*
- (x) *Veterinary Clinic*

15.1.2. Permitted Accessory Uses

- (a) *Accessory retail*
- (b) *Accessory Residential Dwelling*
- (c) *Home Occupation*

15.1.3. Conditions of Use

- (a) *Fitness Centre*: The maximum permitted floor area of a fitness centre use is 300 m²
- (b) *Gas Station*: The gas station use is only permitted on lands legally described as Lot 1, Plan 38251, DL 203, LLD at the time of adoption of this Bylaw.
- (c) *Glass Shop*: The Glass Shop use is only permitted on lands legally described as Lot B, Plan EPP66105, DL 7796, LLD at the time of adoption of this Bylaw.

15.1.4. Density Regulations

- (a) Maximum Density: 2.5 FAR

15.1.5. Lot Regulations

a) Minimum Lot Size:	220 m ²
b) Minimum Lot Width:	12 m

15.1.6. Building Regulations

a) Maximum Lot Coverage	100%
b) Minimum Front Setback:	0 m
c) Minimum Rear Setback:	4.5 m
d) Minimum Interior Side Setback:	0 m
e) Minimum Exterior Side Setback:	0 m
f) Maximum Building Height, Principal:	10.5 m
g) Maximum Building Height, Accessory	4.6 m

15.2 Commercial, Tourism (C-2)

The Tourism *Commercial (C-2) Zone* is to accommodate tourist and *tourism accommodation* related uses.

15.2.1. *Permitted Principal Uses*

- (a) *Arts and Culture*
- (b) *Civic*
- (c) *Convenience Store*
- (d) *Drive Through Business (Subject to Conditions of Use)*
- (e) *Food Truck*
- (f) *Gasoline Station*
- (g) *Hostel*
- (h) *Hotel*
- (i) *Motel*
- (j) *Office, Business*
- (k) *Personal Service*
- (l) *Restaurant*
- (m) *retail, Recreation and Leisure*

15.2.2. *Permitted Accessory Uses*

- (a) *Accessory retail*
- (b) *Accessory Residential Dwelling*
- (c) *Home Occupation*

15.2.3. *Conditions of Use*

- (a) *Drive Through Business: The Drive Through Business Use is only permitted on lands legally described as Lot 6, DL 203, Plan 7619, LLD at the time of adoption of this Bylaw.*

15.2.4. *Density Regulations*

- (a) *Maximum Density:* 1.5 FAR

15.2.5. *Lot Regulations*

a) <i>Minimum Lot Size:</i>	900 m ²
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15.2.6. *Building Regulations*

a) Maximum <i>Lot Coverage</i>	50%
b) Minimum Front <i>Setback</i> :	7.5 m
c) Minimum Rear <i>Setback</i> :	3 m
d) Minimum Interior Side <i>Setback</i> :	3 m
e) Minimum Exterior Side <i>Setback</i> :	4.5 m
f) Maximum <i>Building Height, Principal</i> :	10.5 m
g) Maximum <i>Building Height, Accessory</i>	4.6 m

15.3 Commercial, Portage Road (C-3)

The Portage Commercial (C-3) Zone is to guide use of land, buildings and structures in the Portage Road area of the Village of Pemberton.

15.3.1. Permitted Principal Uses

- (a) Arts and Culture
- (b) Civic
- (c) Dwelling Unit, Apartment
- (d) Fitness Centre (subject to Conditions of Use)
- (e) Food Truck
- (f) Hotel
- (g) Mixed Use Building (subject to Conditions of Use)
- (h) Office, Business
- (i) Office, Professional
- (j) Personal Service
- (k) Restaurant
- (l) Retail, Recreation and Leisure

15.3.2. Permitted Accessory Uses

- (a) Accessory Retail
- (b) Accessory Residential Dwelling
- (c) Home Occupation

15.3.3. Conditions of Use

- (a) Fitness Centre: The maximum permitted floor area of a fitness centre use is 300 m².
- (b) Mixed-use building is subject to the conditions of use specified in Section 7.18.

15.3.4. Density Regulations

- (b) Maximum Density: 1.5 FAR

15.3.5. Lot Regulations

a) Minimum Lot Size:	900 m ²
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15.3.6. *Building Regulations*

a) Maximum <i>Lot Coverage</i>	50%
b) Minimum Front Setback:	4.5 m
c) Minimum Rear Setback:	3 m
d) Minimum Interior Side Setback:	3 m
e) Minimum Exterior Side Setback:	4.5 m
f) Maximum <i>Building Height, Principal:</i>	10.5 m
g) Maximum <i>Building Height, Accessory</i>	4.6 m

15.4 Commercial, Service (C-4)

The Service Commercial (C-4) Zone guides the use of land, buildings and structures for Commercial service uses.

15.4.1. Permitted Principal Uses

- (a) *Automotive Service Shop*
- (b) *Food Truck*
- (c) *Garden Centre*
- (d) *Gasoline Station*

15.4.2. Permitted Accessory Uses

- (a) *Accessory retail*
- (b) *Accessory Residential Dwelling*
- (c) *Home Occupation*

15.4.3. Density Regulations

- (a) *Maximum Density:* 0.5 FAR

15.4.4. Lot Regulations

a) <i>Minimum Lot Size</i>	500 m ²
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15.4.5. Building Regulations

a) <i>Maximum Lot Coverage</i>	50%
b) <i>Minimum Front Setback</i>	7.5 m
c) <i>Minimum Rear Setback</i>	4.5 m
d) <i>Minimum Interior Side Setback</i>	4.5 m
e) <i>Minimum Exterior Side Setback:</i>	4.5 m
f) <i>Maximum Building Height, Principal</i>	10.5 m
g) <i>Maximum Building Height, Accessory</i>	4.6 m

15.5 Commercial, Neighbourhood Pub (C-5)

The Neighbourhood Pub *Commercial Zone* is to guide *use of land, buildings and structures* for neighbourhood pub, tourist and tourism accommodation *uses*.

15.5.1. *Permitted Principal Uses*

- (a) *Arts and Culture*
- (b) *Catering Establishment*
- (c) *Civic*
- (d) *Drive Through Business*
- (e) *Food Truck*
- (f) *Hotel*
- (g) *Liquor License, Liquor Primary*
- (h) *Liquor License, Food Primary*
- (i) *Mixed Commercial Residential*
- (j) *Motel*
- (k) *Neighbourhood Pub*
- (l) *Personal Service*
- (m) *retail, Recreation and retail*
- (n) *Restaurant*
- (o) *Spa*

15.5.2. *Permitted Accessory Uses*

- (a) *Accessory Liquor Store, Private*
- (b) *Accessory Retail*
- (c) *Accessory Residential Dwelling*
- (d) *Home Occupation*

15.5.3. *Conditions of Use*

- (a) Drive Through Business: The *Drive Through Business Use* is only *permitted on lands* legally described as Lot 2, Plan KAP74065, DL 203, LLD at the time of adoption of this Bylaw.

15.5.4. *Density Regulations*

- (b) Maximum *Density*: 0.5 FAR

15.5.5. *Lot Regulations*

a) Minimum <i>Lot Size</i>	900 m ²
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15.5.6. *Building Regulations*

a) Maximum <i>Lot Coverage</i>	50%
b) Minimum Front Setback	4.5 m
c) Minimum Rear Setback	7.5 m
d) Minimum Interior Side Setback	3 m
e) Minimum Exterior Side Setback	3m
f) Maximum Building Height, Principal	10.5m
g) Maximum Building Height, Accessory	4.6m

PART 16: Industrial and Airport Zones

16.1 Industrial Park (M-1)

The *Industrial Park Zone* is to permit a range of *Industrial* and service uses in the Pemberton *Industrial Park*.

16.1.1. Permitted Principal Uses

- (a) *Animal Kennel*
- (b) *Artisan*
- (c) *Automotive and RV sales*
- (d) *Automotive Salvage*
- (e) *Automotive Service Shop*
- (f) *Building Supply*
- (g) *Bulk Storage*
- (h) *Cannabis Production Facility*
- (i) *Catering Establishment*
- (j) *Car Wash*
- (k) *Civic*
- (l) *Convenience Store*
- (m) *Dance Studio*
- (n) *Fitness Centre*
- (o) *Food Truck*
- (p) *Garden Centre*
- (q) *Gasoline Station*
- (r) *Industrial*
- (s) *Industrial Fuel Facility*
- (t) *Industrial Publishing and Printing*
- (u) *Laboratory*
- (v) *Laundromat*
- (w) *Materials Recovery Facility*
- (x) *Brewery, Cidery, Distillery and Winery*
- (y) *Nursery*
- (z) *Office, Business*
- (aa) *Outdoor Storage*
- (bb) *Photography*
- (cc) *Radio, TV, Recording Studio*
- (dd) *Recreation, Indoor*

- (ee) *Recycling Facility*
- (ff) *Restaurant*
- (gg) *retail, Industrial*
- (hh) *Storage Facility, Self-Serve*
- (ii) *Storage Facility, Outdoor Equipment*
- (jj) *Trade Contractor Facilities*
- (kk) *Veterinary Clinic*
- (ll) *Waste Transfer Station*
- (mm) *Works Yard*

16.1.2. *Permitted Accessory Uses*

- (a) *Accessory Liquor Store, Private*
- (b) *Accessory Retail*
- (c) *Accessory Residential Dwelling*
- (d) *Home Occupation*
- (e) *Storage, Intermodal Storage Container*

16.1.3. *Density Regulations*

- (a) *Maximum Density:* 0.5 FAR

16.1.4. *Lot Regulations*

a) <i>Minimum Lot Size</i>	1,800 m ²
b) <i>Minimum Lot Width</i>	36 m

16.1.5. *Building Regulations*

a) <i>Maximum Lot Coverage</i>	50%
b) <i>Minimum Front Setback</i>	7.5 m
c) <i>Minimum Rear Setback</i>	7.5 m
d) <i>Minimum Interior Side Setback</i>	3 m
e) <i>Minimum Exterior Side Setback:</i>	7.5 m
f) <i>Maximum Building Height, Principal</i>	10.5 m
g) <i>Maximum Building Height, Accessory</i>	4.5 m

16.2 Industrial, Resource (M-2)

The Resource *Industrial Zone* is to guide use of land, buildings and structures for larger *Industrial uses* in the Village of Pemberton.

16.2.1. Permitted Principal Uses

- (a) *Bulk Storage*
- (b) *Composting Facility*
- (c) *Materials Recovery Facility*
- (d) *Recycling Facility*
- (e) *Resource Extraction*
- (f) *Resource Processing*
- (g) *Waste Transfer Station*
- (h) *Works Yard*

16.2.2. Permitted Accessory Uses

- (a) *Accessory Retail*
- (b) *Storage, Intermodal Storage Container*

16.2.3. Conditions of Use

- (a) All uses in the Resource *Industrial Zone* on land that front Highway 99 shall provide a natural or landscaped *Screening* buffer of not less than 20 metres from the *Highway*.

16.2.4. Density Regulations

- (a) Maximum *Density*: 0.5 FAR

16.2.5. Lot Regulations

a) Minimum <i>Lot Size</i>	3,600 m ²
b) Minimum <i>Lot Width</i>	36 m

16.2.6. Building Regulations

a) Maximum <i>Lot Coverage</i>	50%
b) Minimum <i>Front Setback</i>	7.5 m
c) Minimum <i>Rear Setback</i>	7.5 m
d) Minimum <i>Interior Side Setback</i>	3 m
e) Minimum <i>Exterior Side Setback</i>	7.5 m
f) Maximum <i>Building Height, Principal</i>	10.5m

g) Maximum Building Height, Accessory	4.6m
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16.3 Airport (AP-1)

Airport Zone regulates the use of land, buildings, and structures at the Pemberton Airport for Airport related uses.

16.3.1. Permitted Principal Uses

- (a) Agriculture
- (b) Airport
- (c) Airport Related Business
- (d) Animal Kennel
- (e) Civic
- (f) Food Truck

16.3.2. Permitted Accessory Uses

- (a) Accessory Retail
- (b) Storage, Intermodal Storage Container

16.3.3. Building Regulations

a) Minimum Front Setback	7.5 m
b) Minimum Rear Setback	7.5 m
c) Minimum Interior Side Setback	3 m
d) Minimum Exterior Side Setback	7.5 m

PART 17: Civic, Institutional, and Recreation Zones

17.1 Public (P-1)

The Public Zone accommodates a range of *Civic* facilities for the community.

17.1.1. Permitted Principal Uses

- (a) *Arts and Culture*
- (b) *Artisan*
- (c) *Assembly*
- (d) *BMX Track*
- (e) *Campground (Subject to Conditions of Use)*
- (f) *Child Care Centre*
- (g) *Civic*
- (h) *Community Care Facility*
- (i) *Concession Stand*
- (j) *Farmers Market*
- (k) *Fitness Centre*
- (l) *Food Truck*
- (m) *Golf Course*
- (n) *Picnic Grounds*
- (o) *Recreation, Indoor*
- (p) *Recreation, Outdoor*
- (q) *School*
- (r) *Recreational Facility*

17.1.2. Permitted Accessory Uses

- (a) *Accessory Retail*
- (b) *Storage, Intermodal Storage Container*

17.1.3. Building Regulations

a) Maximum Lot Coverage	50%
b) Minimum Front Setback	5 m
c) Minimum Rear Setback	3 m
d) Minimum Interior Side Setback	3 m
e) Minimum Exterior Side Setback	3 m
f) Maximum Building Height, Principal	10.5 m

g) Maximum Building Height, Accessory	4.6 m
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17.2 *Parks and Recreation (PR-1)*

The Parks and Recreation *Zone* accommodates a range of larger park and recreation facilities for the community.

17.2.1. *Permitted Principal Uses*

- (a) *Agriculture*
- (b) *Assembly*
- (c) *Child Care Centre*
- (d) *Civic*
- (e) *Concession Stand*
- (f) *Farmers Market*
- (g) *Fitness Centre*
- (h) *Food Truck*
- (i) *Golf Course*
- (j) *Picnic Grounds*
- (k) *Recreation, Indoor*
- (l) *Recreation, Outdoor*
- (m) *Recreational Facility*

17.2.2. *Permitted Accessory Uses*

- (a) *Accessory Retail*
- (b) *Storage, Intermodal Storage Container*

17.2.3. *Building Regulations*

a) Maximum <i>Lot Coverage</i>	50%
b) Minimum Front Setback	5 m
c) Minimum Rear Setback	3 m
d) Minimum Interior Side Setback	3 m
e) Minimum Exterior Side Setback	3 m
f) Maximum Building Height, Principal	10.5 m
g) Maximum Building Height, Accessory	4.6 m

17.3 Outdoor Recreation (OR-1)

The Outdoor Recreation Zone accommodates a range of outdoor recreation uses for the community.

17.3.1. Permitted Principal Uses

- (a) *Assembly*
- (b) *BMX Track*
- (c) *Campground (Subject to Conditions of Use)*
- (d) *Civic*
- (e) *Concession Stand*
- (f) *Food Truck*
- (g) *Motocross Track*
- (h) *Picnic Grounds*
- (i) *Recreation, Outdoor*
- (j) *Riding Academy*
- (k) *Speedway*

17.3.2. Permitted Accessory Uses

- (a) *Accessory Retail*
- (b) *Storage, Intermodal Storage Container*

17.3.3. Building Regulations

a) Maximum Building Height, Principal	10.5m
b) Maximum Building Height, Accessory	4.6m

17.4 Education (E-1)

The Education Zone accommodates public and/or private educational facilities for the community.

17.4.1. Permitted Principal Uses

- (a) *Agriculture*
- (b) *Assembly*
- (c) *Boarding School*
- (d) *Child Care Centre*
- (e) *Civic*
- (f) *Recreation, Indoor*
- (g) *Recreation, Outdoor*
- (h) *School*

17.4.2. Permitted Accessory Uses

- (a) *Accessory Retail*

17.4.3. Lot Regulations

a) Minimum Lot Size:	1,850 m ²
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17.4.4. Density Regulations

Maximum Density: 1.0 FAR

17.4.5. Building Regulations

a) Maximum Lot Coverage	50%
b) Minimum Front Setback:	7.6 m
c) Minimum Rear Setback:	7.6 m
d) Minimum Interior Side Setback:	3 m
e) Minimum Exterior Side Setback:	6 m
f) Maximum Building Height, Principal:	10.5m
g) Maximum Building Height, Accessory	4.6m

PART 18: Comprehensive Development (CD) Zones

18.1 CD-1: Comprehensive Development Zone 1 (Creekside)

The intent of this zone is to accommodate a townhouse development on a specific piece of property.

18.1.1. *Permitted Land Uses*

	Minimum Lot Size	Minimum Lot Width
Townhouse	n/a	n/a
Accessory Uses	n/a	n/a

18.1.2. *Buildings and Structures*

	Maximum Number	Maximum Density	Maximum Height
Principal Building	14 (a)	54 units (b)	10.5 m
Accessory Building/Structures	n/a	n/a	4.6 m

- (a) Not more than 4 dwelling units shall be contained within a principal building.
- (b) Not more than 54 dwelling units shall be developed on any one parcel of land.

18.1.3. *Building Setbacks*

- (a) All buildings shall be sited in accordance with the Site Plan that is attached to this zoning district.

18.1.4. *Off-Street Parking*

- (a) Off-street parking spaces shall be provided in according with the requirements of this Bylaw.

18.1.5. *Maximum Lot Coverage: 16%*



18.2 CD-2: Comprehensive Development Zone 2 (Mountain Trails)

The intent of this zone is to accommodate multiple family dwellings.

18.2.1. Permitted Land Uses

	Minimum Lot Size	Minimum Lot Width
Stacked Townhouses	n/a	n/a
Accessory Building	n/a	n/a
Accessory Uses	n/a	n/a

18.2.2. Buildings and Structures

	Maximum Number	Maximum Density	Maximum Height
Principal Building	5, 12 (a)	46 (b)	10.5 m
Accessory Building	n/a	n/a	4.6 m

18.3 CD-3: Comprehensive Development Zone 3 (Craftsman)

The intent of this zone is to accommodate a townhouse development on a specific piece of property.

18.3.1. Permitted Land Uses

	Minimum Lot Size	Minimum Lot Width
Townhouses	n/a	n/a
Accessory Uses	n/a	n/a

18.3.2. Buildings and Structures

	Maximum Number	Maximum Density	Maximum Height
Principal Building	10 (a)	38 units (b)	10.5 m
Accessory Building/Structures	n/a	n/a	18.5m

- (a) Not more than 4 dwelling units shall be contained within a principal building, except for the principal building that was constructed prior to 1994.
- (b) Not more than 38 dwelling units shall be developed on any one parcel of land.

18.3.3. Building Setbacks

- (a) All buildings shall be sited in accordance with the Site Plan that is attached to this zoning district.

18.3.4. Off-Street Parking

- (a) Off-street parking spaces shall be provided in accordance with the requirements of this Bylaw.

18.3.5. Maximum Lot Coverage: 30%

18.4 CD-4: Comprehensive Development Zone 4 (PIONEER JUNCTION)

The intent of this zone is to accommodate a variety of townhouse type units on a specific piece of property.

18.4.1. Permitted Land Uses

	Minimum Lot Size	Minimum Lot Width
Townhouse	n/a	n/a
Stacked Townhouse	n/a	n/a
Accessory Uses	n/a	n/a

18.4.2. Buildings and Structures

	Maximum Number	Maximum Density	Maximum Height
Principal Building	17, 4 (a)	80 (b)	10.5 m
Accessory Building/Structures	n/a	n/a	4.6 m

- (a) Not more than 17 principal buildings shall be constructed within this zone, and not more than 4 dwelling units shall be contained within a principal building, except for a maximum of 3 principal buildings in which case the maximum number of dwelling units within a principal building shall not exceed 12.
- (b) Not more than 80 dwelling units shall be constructed within this zone.

18.4.3. Building Setbacks

- (a) All buildings shall be sited generally in accordance with the Site Plan that is attached to this zoning district and the setback requirements of the Residential Townhouse (RM-1) zone as specified in this Bylaw.

18.4.4. Off Street Parking

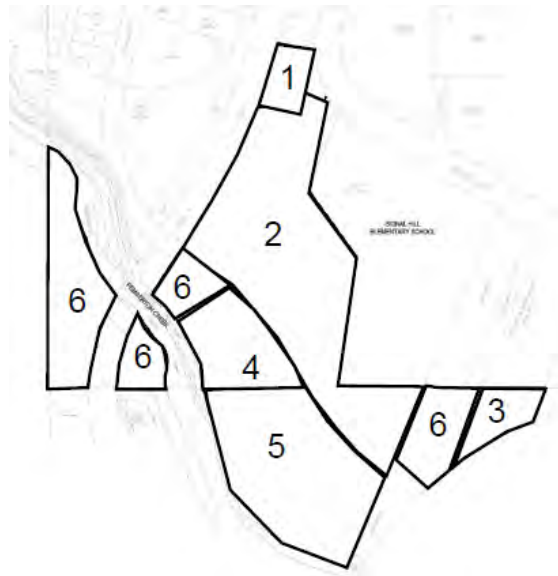
- (b) Off-street parking shall be provided in accordance with the requirements of this Bylaw

18.4.5. Maximum Lot Coverage: 20.7%

18.5 CD-5: Comprehensive Development Zone 5 (Tiyata)

The intent of the CD 5 Zone is to recognize a comprehensively planned area called Tiyata at Pemberton which includes a variety of types of housing, a limited amount of commercial and office floor space, active and passive park land, and a trail network. Covenants have been registered on the lands to further guide the development of the area.

The regulations in the tables in this section apply to land in the Comprehensive Development 5 (Tiyata at Pemberton) Zone, as indicated by the column headings. For purposes of regulation, the area within the boundary of the CD 5 Zone is divided into six (6) separate areas labelled as Area 1 through Area 6 inclusive while the location of each separate area is identified on Appendix "A" to this Zone. Each area boundary within the CD 5 Zone shall be considered a zone boundary for the purposes of this Bylaw and separate regulations shall apply to each area as contained in this section. Minor adjustments to the establishment of the area boundaries will be permitted based upon more detailed site investigations that will be undertaken during the subdivision approval stage.



18.5.1. *Permitted Uses of Land, Buildings and Structures*

- (1) The following *uses, buildings and structures* and no others shall be permitted within the CD-5 (Tiyata at Pemberton) Zone:

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
<i>Principal Uses of Land, Buildings and Structures</i>						
a) Single Family Dwelling		•		•	•	
b) Duplex Residential		•				
c) Townhouse / Stacked Townhouse			•			
d) Apartment	• a)		•			
e) Retail Store						
f) Business and Professional Office	•					
g) Personal Service Establishments	•					
h) Restaurant						
i) Park	•	•	•	•	•	•
j) Assembly	•					
<i>k) Accessory Uses of Land, Buildings and Structures</i>						
l) <i>Uses accessory to principal uses</i>	•	•	•	•	•	•
m) Home Occupation Use,		•	•	•	•	

Density of Permitted Uses, Buildings and Structures

- (a) All uses, buildings and structures in the Comprehensive Development 5 Zone shall comply with the following regulations regarding size, siting, density, and lot size.

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Maximum Lot Coverage						
a) Single Family Dwelling		50% of useable site area		50% of useable site area	50% of useable site area	
b) Duplex Residential		50% of useable site area				
c) Townhouse			40%			
d) Apartment	50%		50%			
e) Commercial	50%					
f) Assembly	50%					
Maximum Floor Space Ratio (FSR)						
g) Single Family Dwelling		0.50		GFA of 238 m ² or FSR of 0.5 whichever is less		
h) Duplex Residential						
i) Townhouse / Stacked Townhouse			0.75			
j) Apartment Dwelling			1.5			
k) Commercial	1.5					
l) Assembly	1.5					
Maximum Unit Size (m²)						
m) Single Family Dwelling		200		GFA of 238 m ² or FSR of 0.5 whichever is less		
n) Duplex Residential (Total both units)		325				
o) Townhouse / Stacked Townhouse			150			
p) Apartment	95		95			

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
q) Maximum Number of Dwelling Units	12	76	36	13	28	
r) Maximum Amount of Commercial Floor Area (m ²)	2230					
Maximum Building Height (meters / stories)						
s) Single Family Dwelling		9		9	9	
t) Duplex Residential		9				
u) Townhouse / Stacked Townhouse			12 / 3			
v) Apartment	17 / 4		17 / 4			
w) Commercial ²	17 / 4					
x) Assembly	17 / 4					
Minimum Building Setbacks						
y) Front	6	6	6	6	6	
z) Rear	7.5	7.5	7.5	7.5	7.5	
aa) Side ^{d) and e)}	3.0	1.5	3.0	1.5	1.5	
Minimum Lot Size (m²)						
bb) Single Family Dwelling		350 m ²		350 m ²	350 m ²	
cc) Corner Lot		375 m ²		375 m ²	375 m ²	
dd) Duplex Residential		465		465	465	
Maximum Lot Size (m²)						
ee) Single Family Dwelling		465		465	465	
ff) Duplex Residential		558		558	558	

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Accessory Buildings						
gg) Maximum floor area	10 m ²	10 m ²	10m ²	10 m ²	10 m ²	10 m ²
hh) Maximum height	3 m	3 m	3m	3m	3m	3m
ii) Minimum setbacks						
jj) Front yard kk)	6m	6m	6m	6m	6m	6m
ll) Rear yard mm)	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m
nn) Side yard ^{d) and e)}	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m

18.5.2. Conditions of Use

- (a) All *uses, buildings and structures* in the Comprehensive Development 5 Zone must comply with the following additional conditions of use:
- i. An *apartment* use shall be located above a ground storey commercial or assembly use and shall comply with the regulations contained within this Bylaw.
 - ii. For the purpose of this section, a *commercial use* includes a building that is occupied with a *retail store, business and professional office or personal service establishment* and may contain *residential uses* above the ground storey subject to the provisions of this Zone.
 - iii. Lots 1 through 13 (inclusive) in the CD-5 Zone as identified Schedule C shall have the lesser of a maximum gross floor area of 225 m² or a Floor Space Ratio of 0.5.
 - iv. Lots 14 through 28 (inclusive) in the CD-Zone as identified in Schedule C shall have the lesser of a maximum gross floor area of 238 m² or a Floor Space Ratio of 0.5 based on the following useable lot areas:

Lot #	Useable Lot Area (m ²)
14	584.1
15	455.3
16	449.7
17	449.3

d)

18	467.1
19	483.5
20	459.6
21	560.4
22	637.8
23	503.4
24	448.6
25	383.5
26	378.5
27	385.4
28	528.6

- v. The side yard setback of a single family dwelling may be reduced to 1.2 m whereby a certified professional confirms that snow will not shed from the roof of the dwelling onto adjacent properties.
- vi. The side yard setback of the garage may be reduced to 0.6 m whereby a certified professional confirms that snow will not shed from the garage roof onto adjacent properties.



18.5.3. *Off-Street Parking and Loading*

- (a) Off-street parking and loading shall be provided in accordance with the requirements of this Bylaw.
- (b) Notwithstanding Section 18.5.4(a) the off-street parking requirements for the following uses shall be as follows:
 - i. *Townhouse / Stacked Townhouse*: 2 spaces per unit, plus an additional 0.25 space per unit for Visitor Parking
 - ii. *Apartment*: 1.25 space per unit plus an additional 0.25 space per unit for Visitor Parking
 - iii. *Commercial Use*: 1 space per 37 square meters of gross floor area
 - iv. *Business and Professional Office Use*: 1 space per 37 square meters of gross floor area

18.5.4. *Definitions*

- (a) For the purpose of the CD 5 zone, the following definitions shall apply:
 - i. *Apartment* shall mean three or more individual dwelling units on a lot where each dwelling unit has its principal access from an entrance or hallway common to at least two other dwelling units on the same storey

PART 19: REPEAL

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.

READ A FIRST TIME THIS _____ DAY OF _____, 2018

READ A SECOND THIS _____ DAY OF _____, 2018

PUBLIC 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