

THE CORPORATION OF THE VILLAGE OF PEMBERTON

BYLAW No. 754, 2014

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Being a bylaw to amend the Village of Pemberton Building Bylaw No. 694, 2012

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**WHEREAS** Council may amend its Building Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it necessary to amend the Building Bylaw to allow for a farm building exemption.

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

1. **CITATION**

This Bylaw may be cited for all purposes as “Village of Pemberton Building Bylaw (Farm Building Exemption) Amendment No. 754, 2014.”

2. **VILLAGE OF PEMBERTON BUILDING BYLAW NO. 694, 2013 IS AMENDED AS FOLLOWS:**

a) Section 2 (Definitions) is amended by adding the following:

**“Farm Building”** means a building or part thereof, which does not contain a residential occupancy or a **Medical Marihuana Production Facility** and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed. For the purposes of this exemption, the farm building must be designed for “low human occupancy” as defined in the National Farm Building Code of Canada and the land must be classed as “farm” under the *Assessment Act*.

**“Low Human Occupancy”** means a density of less than one person per 40 square meters (430 square feet).

**“Marihuana”** means the substance referred to as “Cannabis (marihuana)” in sub-item 1(2) of Schedule II to the *Controlled Drug and Substances Act*.

**“Medical Marihuana Production Facility”** means a facility, licensed by the Federal Government under the *Marihuana for Medical Purposes Regulation (MMPR)*, used solely for the production, manufacturing, processing, testing, packaging, and shipping of marijuana and marijuana products for medical purposes.

**“National Farm Building Code”** means the most current National Farm Building Code of Canada as adopted, amended or re-enacted from time to time.

b) Sections 8.2 through 8.7 are amended by removing the word “Municipality” and replacing it with **“building official”**.

c) Section 9.1.4 is amended as follows:

9.1.4 two (2) copies of a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing:

d) Section 10.1.4 is amended as follows:

10.1.4 a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing:

e) Amended by adding the following as Section 22:

## **22. FARM BUILDINGS**

22.1 **Farm buildings** shall be designed and built in conformance with the **National Farm Building Code**.

22.2 Every **owner** shall ensure that all construction complies with the **National Farm Building Code**, this Bylaw and other applicable enactments respecting safety.

22.3 An application for a **farm building** permit shall:

22.3.1 be made in the form prescribed by the **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation and include a description of the project and a description of the proposed use of the building;

22.3.2 include a copy of all title searches made within thirty (30) days of the date of the application; a copy of all covenants, Statutory Right-of-Ways, easements etc., registered against the property.

22.3.3 a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing:

22.3.3.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

22.3.3.2 the legal description and civic address of the parcel;

22.3.3.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

22.3.3.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;

22.3.3.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;

22.3.3.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village's land use regulations establish siting requirements related to minimum floor elevation; and

22.3.3.7 the location, dimension and gradient of parking and driveway access;

22.3.4 Scaled construction drawings showing floor plans of the proposed building with the proposed uses of all areas, a cross-section of building showing proposed heights and confirmation that the building meets all the required design loads as per the **National Farm Building Code**.

22.3.5 Include the application fee set out in Schedule 'A'.

f) Section numbering 22-26 be changed to 23-27.

g) Section 5 of Schedule 'A' be amended by adding the following:

(m) Farm Building Permit Administration Fee \$150.00.

**READ A FIRST TIME** this 21<sup>st</sup> day of January, 2014.

**READ A SECOND TIME** this 21<sup>st</sup> day of January, 2014.

**READ A THIRD TIME** this 4<sup>th</sup> day of February, 2014.

**ADOPTED** this 11<sup>th</sup> day of February, 2014.

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Ted Craddock  
Acting Mayor

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Sheena Fraser  
Corporate Officer