



-PUBLIC HEARING MEETING AGENDA-

Agenda for a Public Hearing of the Village of Pemberton to be held **Tuesday, May 7, 2019 at 5:00 p.m.** at Council Chambers, 7400 Prospect Street.

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

**Village of Pemberton Zoning Bylaw Amendment (Housekeeping)
Bylaw No. 862, 2019**

ORDER OF BUSINESS

1. Opening Statements by Mayor Mike Richman.
2. Presentation of Village of Pemberton Zoning Bylaw Amendment (Housekeeping) Bylaw No. 862, 2019 2
3. Staff Report April 2, 2019 11
4. Excerpt from April 2nd Council Meeting Minutes 153
5. Correspondence and petitions received by the Village as of 4:30pm, Thursday May 2, 2019
 - a. Judith MacKenzie, Village of Pemberton Resident, received May 2, 2019 154
6. Any other correspondence and petitions received
Presentation of correspondence received after the deadline of 4:30pm, Thursday May 2, 2019.
7. Meeting open for public comment.
8. Closing Statements by Mayor Richman.
9. Adjournment.

PLEASE NOTE:

- **After the Public Hearing is adjourned, the opportunity for public discussion is ended and Council members cannot accept any further information or submissions; this is to allow a fair process as established by provincial case law. The Bylaw is now a matter for Council's consideration based upon information received as of May 7, 2019.**

**VILLAGE OF PEMBERTON
BYLAW No. 862, 2019**

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it necessary to prepare a housekeeping amendment bylaw to amend the Zoning Bylaw to address a variety of necessary corrections and omissions;

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

CITATION

This Bylaw may be cited for all purposes as “Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019”.

1. VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, 2018 BE AMENDED AS FOLLOWS:

That **Part 3: Definitions** be amended to add the following definitions in alphabetic order:

Adventure Tourism Business

means the *commercial use of land, buildings and structures* intending to offer guests horseback tours, river boat tours and a guest lodge for *tourism accommodation* of a total size not to exceed 1,500 m².

Combined Commercial Residential

means the *use of land, buildings or structures* for both *commercial and residential multi-family dwellings*, subject to the regulations in section 7.11 of this Bylaw.

Composting Facility

means the *use of land, buildings or structures* to transform waste organic material into a biologically stable product which includes the creation of noise, dust, and odour in the process and the bulk storage of compost, sand and residuals. Composting facilities are permitted to produce energy to either use on-site, or sell and process wood waste and residuals.

Entertainment

Means the use of land, buildings and structures for *commercial* recreational or social use, such as but not limited to a bowling alley, movie theatre, pool hall, video game arcade or dance hall.

Farm Stand

means a permanent or semi-permanent *structure* typically located at or near the farm entrance which offers for sale products harvested from the land upon which it stands.

Forestry

means *forestry* practices consistent with the *BC Forest and Range Practices Act; Forest Planning and Practices Regulation*.

Mixed Use Building

means the *use* of a *building* for both *commercial* and *residential multi-family dwellings*, subject to the regulations in section 7.19 of this Bylaw.

Recreation, Outdoor

means the *use* of *land* and *accessory buildings and structures*, for *commercial* or club organized non-motorized *outdoor recreational* pursuits such as gun range, paintball, standing wave surf park and whitewater kayaking facility, where the primary recreation activity occurs outdoors.

That Part 4: **Measurements and Calculations** be amended as follows:

Section 4.9 (b) is deleted and replaced with the following clause:

(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 **face** of the exterior wall.

Section 4.13 (a) (vii) is deleted and replaced with the following clause:

- i. A **permanent** 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*;

That Part 5: **Establishment of Zones** be amended as follows:

Section 5.3 is amended to add corresponding numbers to the Zone names; and to add the following two zones to the bottom of the list under Civic, Institutional and Recreation Zones:

Resource (RES-1)
Community Wildfire Protection (CWP-1)

That Part 7: **Additional Zoning Regulations for Certain Uses** be amended as follows:

Section 7.3 (a) (ii) is deleted and replaced with the following:

- ii. A maximum of four (4) *accessory residential dwelling units* per lot are permitted in the Industrial 1 (M-1) zone.

Section 7.8 (b) is deleted and replaced with the following:

- (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 and must not contain refrigerators in excess of six (6) cubic feet.

Section 7.9 (a) (ii) is deleted and replaced with the following:

- ii. A minimum of three (3) and a maximum of five (5) bedrooms in a *detached dwelling* are used for *bed and breakfast inn*, except if the bed and breakfast inn is located in the *Agricultural Land Reserve (ALR)*, then the maximum is four (4) bedrooms;

Section 7.9 (b) is deleted and replaced with the following:

- (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 and must not contain refrigerators in excess of six (6) cubic feet.

Section 7.11 be inserted with the following and that all sections under section 7.11 be renumbered sequentially:

- (a) Where a lot is used for a combined *Commercial* and *Residential use*, unless otherwise specified in the applicable zone, the *residential uses* shall be permitted only in conformity with the following provisions:
 - i. If located within the same building, the commercial use shall be situated on the first storey with the residential use being situated above the first storey;
 - ii. If located within separate buildings, the building containing the commercial use shall not occupy less than 100% of the highway frontage with the residential uses being situated to the rear of the commercial use;
 - iii. The residential units have a completely separate outside entrance at ground level; and

- iv. The floor on which any residential dwelling units are located shall be used exclusively for residential purposes within all levels above the first.
- (b) Where a lot is used for combined commercial and residential use, unless otherwise specified herein, the type of commercial use shall be limited to the commercial uses that are specifically permitted in that particular zone.

Section 7.15 (title) be deleted and replaced with Fences.

Section 7.24 (a)(iii) be deleted and replaced with the following:

- iii. Occupancy shall not exceed two (2) persons per available bedroom, to a maximum of three (3) bedrooms accommodating six (6) guests;

Section 7.27 (a) be deleted and replaced with the following:

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

Section 7.30 (a) be deleted and replaced with the following:

- (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*;
 - ii. 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.

That **Part 8: Parking and Loading Requirements** be amended as follows:

Section 8.5 (l) be deleted and replaced with the following:

(l) Resource Processing.

Section 8.5 be amended to add the following:

- p) Industrial Composting Facility 0.75 per employee
- q) Recycling Facility 0.75 per employee

Section 8.6 (g) Industrial Composting 0.75 per employee

be deleted.

Section 8.6 (h) Recycling
be deleted.

0.75 per employee

That **Part 10: Agricultural Zones** be amended as follows:

Section 10.1.1 is amended to insert the following:

- (f) *Farm Residence* (subject to Conditions of Use)
- (i) *Adventure Tourism Business* (subject to Conditions of Use)

and that all subsection clauses under section 10.1.1 (f) be renumbered sequentially.

Section 10.1.2 (b), (c) and (g) be amended to add the clause “subject to Conditions of Use” following the original clause.

Section 10.1.3 (b) is amended to replace the word “House” with the word “*Residence*”.

Section 10.1.3 (c) is amended to insert the clause “for Farm Help” after the words “*Dwelling, Detached*”.

Section 10.1.3 is amended to add to the following to the bottom of the list:

- (e) *Adventure Tourism Business*: This use is only permitted on lands legally described as Lot 1, DL 204, LLD, Plan 32712 at the time of adoption of this Bylaw. The *Guest Lodge use* is limited in size to a maximum of ten (10) units temporarily accommodating a maximum of four (4) guests per unit; to a total of forty (40) guests, provided that the area of the *land*, or *floor area* of the *building* or *structure* does not exceed 1,500 m².

That **Part 11: Residential Zones, Detached** be amended as follows:

Section 11.1.5 is added include the following:

11.1.5 Conditions of Use

- (a) The total of two interior lot line setbacks shall not be less than 4.5 m with at least one of the interior lot lines setbacks not being less than 1.5 m.

Section 11.2.5 is added to include the following:

11.2.5 Conditions of Use

- (a) The maximum size of an accessory building shall not exceed 10 m².

Section 11.4.1 is amended to add the following in sequential order:

- (a) Bed and Breakfast Inn

Section 11.4.2 is amended to delete the following and that all subsection clauses under section 11.4.2 be renumbered sequentially:

- (a) Bed and Breakfast Inn

Section 11.1.4 (d) is amended to include (subject to Conditions of Use)

Section 11.1.5 (a), (b), (c) and (d) is amended to add the clause "Principal Use" at the end of each clause and that the following be added and that all subsection clauses under 11.1.5 be renumbered sequentially:

- (e) Minimum *Front Setback, Accessory Building* 7.5 m
- (f) Minimum *Rear Setback, Accessory Building* 3 m
- (g) Minimum *Interior Side Setback, Accessory Building* 3 m
- (h) Minimum *Exterior Side Setback, Accessory Building* 3 m
- (i) Maximum *Lot Coverage* 40%

That **Part 12: Residential, Multi-Family Zones** be amended as follows:

Section 12.1.4 is amended to add the following in sequential order:

- (b) Minimum Lot Width 18 m

Section 12.1.5 (a), (b), (c) and (d) is amended to add the clause "Principal Use" at the end of each clause and that the following be added and that all subsection clauses under 12.1.5 be renumbered sequentially:

- (e) Minimum *Front Setback, Accessory Building* 6 m
- (f) Minimum *Rear Setback, Accessory Building* 3 m
- (g) Minimum *Interior Side Setback, Accessory Building* 3 m
- (h) Minimum *Exterior Side Setback, Accessory Building* 3 m

That **Part 15: Commercial Zones** be amended as follows:

Section 15.1.1 be amended to add the following:

- (f) *Combined Commercial Residential (subject to Conditions of Use)*

and that all subsection clauses under section 15.1.1 (f) be renumbered sequentially.

Section 15.1.3 be amended to add the following:

- (i) *Combined Commercial Residential: The Combined Commercial Residential Use* is permitted only on *lands* legally described as Lot 1, DL 7926, LLD, Plan KAP77917 and Lot A, DL 203, LLD, EPP46358.

Section 15.3.1 is amended to add the following:

- (d) *Dwelling Unit, Townhouse/Stacked Townhouse*

and to delete the clause “subject to Conditions of Use” from 15.3.1 (h) and that all subsection clauses under section 15.3.1 (d) be renumbered sequentially.

Section 15.3.3 is amended by deleting the following clause in its entirety:

- (b) Mixed use building is subject to conditions of use specified in Section 7.18.

Section 15.5.1(i) is amended to delete and replace with the following:

- (i) Mixed Use Building

Section 16.1.1 is amended to add the following in sequential order:

- (bb) *Pet Grooming*
- (jj) *School, Vocational or Craft*
- (pp) *Wholesale Bakery*

and that all subsection clauses under section 16.1.1 (bb) be renumbered sequentially.

Section 16.1.5 (c) and (e) is deleted and replaced with the following:

- (c) Minimum *Rear Setback* 3 m
- (e) Minimum *Exterior Side Setback* 3 m

Section 16.2.1 is amended to add the following in sequential order:

- (c) *Log Home and Prefabricated Home Construction Assembly*
- (h) *Sawmill*
- (i) *Top Soil Blending*

and that all subsection clauses under section 16.2.1 (c) be renumbered sequentially.

Section 16.2.3 (a) is deleted and replaced with the following:

- (a) All *uses* in the Resource *Industrial Zone* on *land* that is visible from Highway 99 shall provide a natural or landscaped and irrigated

continuous *screening* buffer for the length of the property, at a width of not less than twenty (20) metres.

Section 16.3.3 (b), (c) and (d) are deleted and replaced with the following:

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| Rear Setback | 10 m |
| Interior Side Setback | 1.5 m |
| Exterior Side Setback | 3 m |

That **Part 17: Civic, Institutional and Recreation Zones** be amended as follows:

Section 17.2.1 is amended by adding the following:

(c) Campground

and that all subsection clauses under section 17.2.1 (c) be renumbered sequentially.

Section 17.3.1 is amended by deleting the following:

(f) Motocross Track

and that all subsection clauses under section 17.3.1 (b) be renumbered sequentially.

Section 17.4.1 is amended by adding the following:

h) School, Private
i) Sporting and Leisure Camps

Section 17.5 is added as follows:

17.5 Resource Management (RES-1)

The Resource Management Zone accommodates resource management uses on Crown Land.

17.5.1 Permitted Principal Uses

- (a) *Forestry*
- (b) *Resource Extraction*

Section 17.6 is added as follows:

17.6 Community Watershed Protection (CWP-1)

The Community Watershed Protection Zone accommodates uses compatible with watershed management for the protection of domestic drinking water sources on Crown Land.

17.6.1 Permitted Principal Uses

- (a) Conservation

(b) *Forestry*

That **Part 18: Comprehensive Development (CD) Zones** be amended as follows:

Section 18.5.2 (a) (xi) is deleted and replaced with the following:

| ix. Maximum Lot Size (m²) | Area 1 | Area 2 | Area 3 | Area 4 | Area 5 |
|---|---------------|---------------|---------------|---------------|---------------|
| Single Family Dwelling | | 790 | | 790 | 790 |
| Duplex Residential | | 830 | | 830 | 830 |

READ A FIRST TIME this 2nd day of April, 2019.

READ A SECOND TIME this 2nd day of April, 2019.

NOTICE OF PUBLIC HEARING TO AMEND the Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 was **PUBLISHED IN THE** Pique Newsmagazine on this 27th day of April, 2019 and on this 2nd day of May, 2019.

PUBLIC HEARING HELD THIS 7th day of May, 2019.

READ A THIRD TIME this ____ day of _____, 2019.

ADOPTED this _____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: April 2, 2019
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Manager of Development Services
Cameron Chalmers Consulting, Contract Planner
Subject: General Housekeeping Text Amendments to Zoning Bylaw No. 832, 2018

PURPOSE

The purpose of this report is for Council to consider Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019, to make Village initiated text amendments to Zoning Bylaw No. 832, 2018. The changes are necessary to address errors and omissions and further clarify various sections of the Zoning Bylaw.

BACKGROUND

At the Regular Council meeting No. 1474, held on Tuesday, July 24, 2018, Council adopted a new Zoning Bylaw for the Village of Pemberton. The new Bylaw made a number of significant changes, but certain land uses were not intended to change.

In the preparation of the Bylaw, the initial zoning provisions and subsequent amendments were reviewed in detail; however, once Staff began to implement the new Bylaw it was discovered that some of the original information was not transferred over correctly. As such, at the Regular Meeting No. 1476, held September 4 2018, Staff brought forward amendments to the Sunstone and The Ridge Amenity Zones and to the Comprehensive Development (CD-5) Zone that pertains to Tiyata and as a result Council passed the following resolution:

Moved/Seconded

THAT Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (RTA-1, RTA-2 and CD-5 Zones) Bylaw No. 841, 2018 receive First and Second Readings.

CARRIED

Moved/Seconded

THAT Council notifies the public of its intention to waive the Public Hearing as per the *Local Government Act*.

CARRIED

At the Regular Meeting No. 1478, held October 16, 2018, Council passed the following resolutions:

Moved/Seconded

THAT Council amends Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (RSA, RTA and CD-5) Bylaw No. 841, 2018, as presented.

CARRIED

Moved/Seconded

THAT Council gives Third Reading, as amended, to Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (RSA, RTA and CD-5) Bylaw No. 841, 2018.

CARRIED

Moved/Seconded

THAT Council gives Fourth reading to Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (RSA, RTA and CD-5) Bylaw No. 841, 2018.

CARRIED

DISCUSSION & COMMENTS

Since the Zoning Bylaw was adopted in July 2018 and amended in October 2018, Staff has been monitoring minor inconsistencies, noting interpretation issues and making a list of suggested changes to improve, clarify and update existing regulations. It appears that in translating the information to the new Zoning Bylaw No. 832, 2018, some information was inadvertently omitted or erroneous. The majority of the amendments proposed are intended to reflect the zoning entitlements that existed before the introduction of Zoning Bylaw 832, 2018.

Staff feels that in order to ensure the continued effectiveness of the Village's Zoning Bylaw, at this time it is necessary to address a number of various and sometimes unrelated issues in one amendment bylaw. All the proposed modifications are relatively minor and are therefore considered to be housekeeping in nature.

The specific details of the proposed housekeeping amendments, along with the Staff rationale, have been described in a table attached as **Appendix A**. A copy of the tracked changes version of the Consolidated Zoning Bylaw is attached as **Appendix B**.

A copy of Zoning Amendment Bylaw No. 862, 2018 which itemizes all the proposed changes in a Bylaw format, is being presented for Council's consideration of First and Second Reading and Waiving of a Public Hearing. This is attached as **Appendix C**.

COMMUNICATIONS

As a housekeeping amendment that is merely duplicating regulations that were contained in Zoning Bylaw No. 466, 2001 but were inadvertently missed, Council may consider waiving the Public Hearing advertising this decision as per the *Local Government Act*.

LEGAL CONSIDERATIONS

The amendments are considered a natural part of the Zoning Bylaw process and will clarify the regulations for the use of land, buildings, and structures in all zones.

Staff advise that the amendments being contemplated by this report do not require public hearing as they are consistent with the Official Community Plan and do not represent any change to use or density.

IMPACT ON BUDGET & STAFFING

Review and incorporation of minor changes to bylaws and policies is a component of the day to day operations of the Development Services department and has no impact on the budget.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no impact or approvals required from other departments.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There is no impact on the region or neighbouring jurisdictions.

ALTERNATIVE OPTIONS

Option 1 (recommended): Support the proposed housekeeping amendments included in Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 as presented by Staff and give First and Second Reading to the Bylaw, pass a resolution to waive the Public Hearing and direct staff to advertise this decision as per the *Local Government Act*;

Option 2: Support the proposed amendments included in Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 as presented by Staff and direct Staff to arrange for a Public Hearing for the Bylaw to be held in Council Chambers on Tuesday April 23, 2019 at 7:00pm;

Option 3: Another Option as directed by Council.

POTENTIAL GOVERNANCE CONSIDERATIONS

Review and updating of Village bylaws and policies in order to ensure they are current and can be utilized effectively meets with Strategic Priority Two: Good Governance and Strategic Priority Three: Excellence in Service.

RECOMMENDATIONS

THAT the Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 be given First and Second Reading.

THAT Council provide direction on holding a Public Hearing.

Attachments:

- Appendix A: Table Summarizing Amendments and Rationale
- Appendix B: Tracked changes version of Zoning Bylaw No. 832, 2018
- Appendix C: Zoning Bylaw No.832, 2018, Amendment (Housekeeping) Amendment Bylaw No. 862, 2019, as amended.

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| Prepared by: | Lisa Pedrini, Manager of Development Services Cameron Chalmers, Contract Planner |
| CAO Approval by: | Nikki Gilmore, Chief Administrative Officer |

APPENDIX A

| Part / Section | Page/Sub-Section | Change | Rationale |
|---|-------------------------|--|--|
| PART 3: Definitions | | | |
| <i>Adventure Tourism Business</i> | p. 13 | Add definition of "Adventure Tourism Business" | To add a definition in keeping with the uses permitted at the Adventure Ranch |
| <i>Combined Commercial Residential</i> | p. 19 | Add definition of "Combined Commercial Residential" | To continue to define this use, as previously defined under Zoning Bylaw No. 466, 2001 |
| <i>Composting Facility</i> | p. 20 | Add definition of "Composting Facility" | Omission: Every term noted as a permitted use in the Zoning Bylaw requires a definition |
| <i>Farm Stand</i> | p. 22 | Add definition of "Farm Stand" | Omission: Every term noted as a permitted use in the Zoning Bylaw requires a definition |
| <i>Forestry</i> | p. 23 | Add definition of "Forestry" | To clarify the meaning of forestry as it applies to the CWP-1 and RES – 1 Zone |
| <i>Mixed Use Building</i> | | Amendment (add "residential" to the definition of Mixed Use Building; and change the reference numbering | To add clarity & consistency with 4.7 Floor Area explanation |
| <i>Public Parking Lot</i> | | Add a definition of a "Public Parking Lot" | To add clarity as it refers to a civic use proposed as permitted in all zones |
| PART 4: Measurements and Calculations | | | |
| <i>Gross Floor Area</i> | 4.9 (b) | Replace the word "side" with the word "face" | To add clarity on how to calculate GFA for energy efficient (i.e., passive house) construction |
| <i>Projections into Required Setback and Exceptions to Siting Requirement</i> | 4.13 (a) (viii) | Replace the word "uncovered" with "permanent" in reference to swimming pools | To add clarity |
| PART 5: Establishment of Zones | | | |

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| Zone Names | 5.3 | Add corresponding Numbers behind Zones names | Omission |
| <i>Zone Names</i> | 5.3 | Add two Zones that were erroneously omitted - Resource 1 (RES-1) and Community Watershed Protection 1 (CWP-1) | Omission |
| PART 6: General Regulations | | | |
| Uses Permitted in All Zones | 6.3 (a)(xvii) | Add “Public Parking Lot” to the list of uses permitted in all zones | Add clarity |
| PART 7: Additional Zoning Regulations for Certain Uses | | | |
| Accessory Residential Dwelling | 7.3 (a)(ii) | To add language to specify that only the Industrial 1 (M-1) zone is allowed up to four (4) accessory residential dwellings per lot | Add clarity (there is now more than one Industrial zone, and this use is not permitted in M-2 (Resource Industrial 2)) |
| Bed and Breakfast | 7.8 | To add language to make the sentence easier to interpret | To add clarity |
| Bed and Breakfast Inn | 7.9 | To add language to make the sentence easier to interpret | To add clarity |
| Combined Commercial Residential | 7.11 | Add regulations for <i>Combined Commercial Residential Use</i> | To specify the regulations of this use, identical to the regulations under Zoning Bylaw No. 466, 2001 |
| Fences | 7.15 | Remove the terms “ <i>Screening and Retaining Walls</i> ” | Regulations for Screening and Retaining Walls are covered under separate sections (7.22 & 7.21, respectively) |
| Short-Term Vacation Rental | 7.24 (a)(iii) | Add the words “ <i>three (3) bedrooms accommodating</i> ” to the third bullet | To clarify the maximum number of bedrooms as well as guests |
| Temporary Use Permits | 7.27 (a) | Add “ <i>institutional</i> ” to the list of zones where temporary use permits may apply | To broaden the Village’s ability to consider temporary |

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| | | | uses in Civic and Institutional Zones |
| Above-Ground Swimming Pools, Spas and Hot Tubs | 7.30 (i)(ii)(iv) | Delete language referring to restricting the siting within side and rear setbacks, the maximum height of pool, and the maximum parcel coverage of such uses | To avoid being overly prescriptive with respect to these uses |
| PART 8: Parking and Loading Requirements | | | |
| Industrial Parking Requirements | 8.5 (l) | Replace the word "Aggregate" with "Resource" | Consistency of terms |
| Industrial Parking Requirements | 8.5 (p) and (q) | Add parking requirements for two Industrial uses to the Industrial Table | Error Correction – these two industrial uses were misplaced under Civic and Institutional Uses |
| Industrial Parking Requirements | 8.6 (g) and (h) | Delete parking requirements for two Industrial uses from the Civic, Institutional and Recreation Table | Error Correction – these two industrial uses were misplaced under Civic and Institutional Uses |
| PART 10: Agricultural Zones | | | |
| A-1 Agriculture 1 Permitted Principal Uses | 10.1.1 | Addition of "Farm Residence (subject to Conditions of Use and <i>Adventure Tourism Business (subject to Conditions of Use)</i> to the list of Permitted Principal Uses | To allow the Adventure Ranch to be permitted the same uses they had under SLRD Area C Zoning Bylaw No. 765, 2002, TC-1 Zone |
| A-1 Permitted Accessory Uses | 10.1.2 (b)(c) (g) | Addition of " <i>Subject to Conditions of Use</i> " language to several accessory uses | To clarify that these accessory uses are subject to conditions listed in 10.1.3 |
| A-1 Conditions of Use | 10.1.3 (b) | Replace the word "house" with "residence" as in " <i>Farm Residence</i> " (instead of Farm House) | Consistency of terminology |
| A-1 Conditions of Use | 10.1.3 (e) | Addition of Site Specific Conditions of Use for " <i>Adventure Tourism Business</i> " to limit the | Omission – correction to recognize long standing permitted uses on the Adventure |

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| | | size of a permitted guest lodge to a maximum of 40 guests and 1,500 m ² . | Ranch property as per SLRD Area C Zoning Bylaw No. 765, 2002. These conditions of use equate to the conditions placed on the Non-Farm Use Permission as per the still intact ALC decision (Resolution #465, 2002). The property was incorporated into the Village in 2011 and these uses continued until the adoption of Bylaw 832, 2018. |
| PART 11: Residential Zones, Detached | | | |
| R-1 / Residential – 1 Building Regulations (Conditions of Use) | 11.1.5 | Addition of language to regulate the interior lot lines setbacks in the R-1 Zone | Omission; correction to match previous Zoning Bylaw |
| R-2 / Small Lot Residential 2 Permitted Accessory Uses | 11.2.5 | Addition of Conditions of Use to limit size of an Accessory Building in the Small Lot Zone | Omission; correction to match previous Zoning Bylaw |
| RC-1 / Residential Country Inn 1 Permitted Principal Uses / Permitted Accessory Uses | 11.4.1 / 11.4.2 | Addition of “ <i>Bed and Breakfast Inn</i> ” to list of Permitted Principal Uses; Removal of <i>Bed and Breakfast Inn</i> from the list of the Permitted Accessory Uses | Bed and Breakfast Inn is a Principal Use, not an Accessory Use in the Residential Country Inn Zone |
| MHP-1 Mobile Home Park 1 Building Regulations | 11.5.5 | Add Accessory Building Setbacks & Maximum Lot Coverage | Omissions; corrections to match previous Zoning Bylaw |
| PART 12: Residential Zones, Multi-Family | | | |
| RM-1 Multi-Family Residential 1 | 12.1.4 | Addition of Minimum Lot Width | Omission; correction to match previous Zoning Bylaw |
| RM- 1 Multi-Family Residential 1 | 12.1.5 | Addition of language to add Accessory Building Setbacks | Correction to distinguish setbacks for Principal vs Accessory Buildings in the RM-1 zone |
| PART 15: Commercial Zones | | | |

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|---|----------------------------|--|--|
| C-1 Town Centre Commercial 1 Principal Permitted Uses | 15.1.1(v) | Addition of " <i>Combined Commercial Residential</i> " (subject to site specific Conditions of Use) to the list of Permitted Principal Uses in the C-1 Zone. [This use would apply only to the Wye Lands.] | The former Zoning Bylaw No. 466, 2001 permitted " <i>Combined Commercial Residential</i> " use in the C-1 Zone. The term was changed to <i>Mixed Use Building</i> under the new Bylaw. The Village erroneously omitted this use and wishes to continue to permit the former use, on a site specific basis, as defined & regulated under Bylaw No. 466, 2001, in keeping with staff conversations regarding this proposal which began under the former Bylaw. |
| C-3 Portage Road Commercial 3 | 15.3.1 (d) | Add "Dwelling Unit, Townhouse/Stacked Townhouse" to the list of Permitted Principal Uses | Omission |
| C-3 Portage Road Commercial 3 | 15.3.1 (h) and 15.3.3 (b) | Delete reference to "Conditions of Use" | Correction. Subject to Part 7, Additional Zoning Regulations, not Conditions of Use |
| C-5 Portage Road Commercial 3 | 15.5.1 (i) | Replace " <i>Commercial Residential</i> " with " <i>Mixed Use Building</i> " | Consistency of Terminology |
| PART 16: Industrial and Airport Zones | | | |
| M-1 Industrial Park | 16.1.1 (bb), (jj) and (pp) | Add "Pet Grooming", "School, Vocational or Craft" and "Wholesale Bakery" to the list of Permitted Principal Uses in the M-1 Zone | Omissions; corrections to match previous Zoning Bylaw |
| M-1 Industrial Park | 16.1.5 (c) and (e) | Change the <i>Minimum Rear Setback</i> and <i>Exterior Side Setback</i> from 7.5 m to 3 m | Corrections to match previous Zoning Bylaw |

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|---|--------------------|--|---|
| M-2 Resource Industrial | 16.2.1 (c) | Add “Log Home and Prefabricated Home Construction Assembly” to the list of Permitted Principal Uses | Omission; correction to match previous Zoning Bylaw |
| M-2 Resource Industrial | 16.2.3 (a) | Replace the wording pertaining to Required Screening | Corrections to match previous Zoning Bylaw |
| AP-1 | 16.3.3 (c) and (d) | Reductions to Minimum <i>Interior Side Setbacks</i> and <i>Exterior Side Setbacks</i> | Setbacks in the AP-1 Zone apply to leasehold lots, and this reduction is more reasonable for airplane hangers |
| PART 17: Civic, Institutional and Recreation Zones | | | |
| 17.2 Parks and Recreation | 17.2.1 (c) | Add “ <i>Campground</i> ” to the list of Permitted Principal Uses | |
| 17.3 Outdoor Recreation | 17.3.1 (f) | Remove Reference to Motocross Track | Redundant - This use is included under the definition of <i>Speedway</i> |
| E-1 Education | 17.4.1 | Add “ <i>Private School</i> ” and “ <i>Sporting and Leisure Camps</i> ” to the list of Permitted Principal Uses | To clarify and correction an omission |
| RES-1 Resource Management | 17.5 | Add Resource Management Zone to Village Zoning Bylaw | Omission; correction to match zone depicted on the Zoning Map |
| CWP-1 Community Watershed Protection | 17.6 | Add Community Watershed Protection Zone to Village Zoning Bylaw | Omission; correction to match zone depicted on the Zoning Map |
| PART 18: Comprehensive Development (CD) Zones | | | |
| CD-5 Tiyata | 18.5.2(a)ix. | Corrections to Maximum Lot Size (m ²) from 465 to 790 for Single Family Dwellings and from 558 to 830 for Duplex Dwellings | Errors; Corrections to match previous Zoning Bylaw (approved by Council via Zoning Amendment Bylaw No. 761, 2014) |

ZONING BYLAW

VILLAGE OF PEMBERTON

BYLAW No. 832, 2018

Fourth & Final Readings
July 24, 2018



OFFICE CONSOLIDATION: April 2, 2019

This document is an office consolidation of the Village of Pemberton Zoning Bylaw No. 832, 2018 (adopted July 24, 2018) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Zoning Bylaw No. 832, 2018, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

List of Amending Bylaws

| BYLAW NO. | SECTION | DESCRIPTION | ADOPTED |
|------------------|--------------------|---|------------------|
| 841 | Part 13 & Part 14 | Correct Provisions of the RSA-1, RTA-1, RSA-2 and RTA-2 | October 16, 2018 |
| 847 | Part 3 & Part 15.1 | Define and add ' <i>Cannabis, Retail</i> ' as a permitted use in the C-1 Zone | October 16, 2018 |
| 8XX | Various | Housekeeping Amendments | Date, 2019 |
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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*.

Adventure Tourism Business

means the *commercial use of land, buildings and structures* intending to offer *quests horseback tours, river boat tours and a guest lodge for tourism accommodation* of a total size not to exceed *1,500 m²*.

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. Alcohol Production Facilities (breweries, cideries, distilleries, meaderies, wineries)

Agri-tourism Activity

means the *use of land* that is classified as a farm under the *BC Assessment Act* for tourism related activities on the farm, such as agricultural displays, farming demonstrations, and agricultural exhibits subject to the regulations of section 7.5 of this Bylaw and to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

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, seasonal farm *cabins*, campsites/recreational vehicle sites and are subject to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

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 7.8 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 7.9 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*.

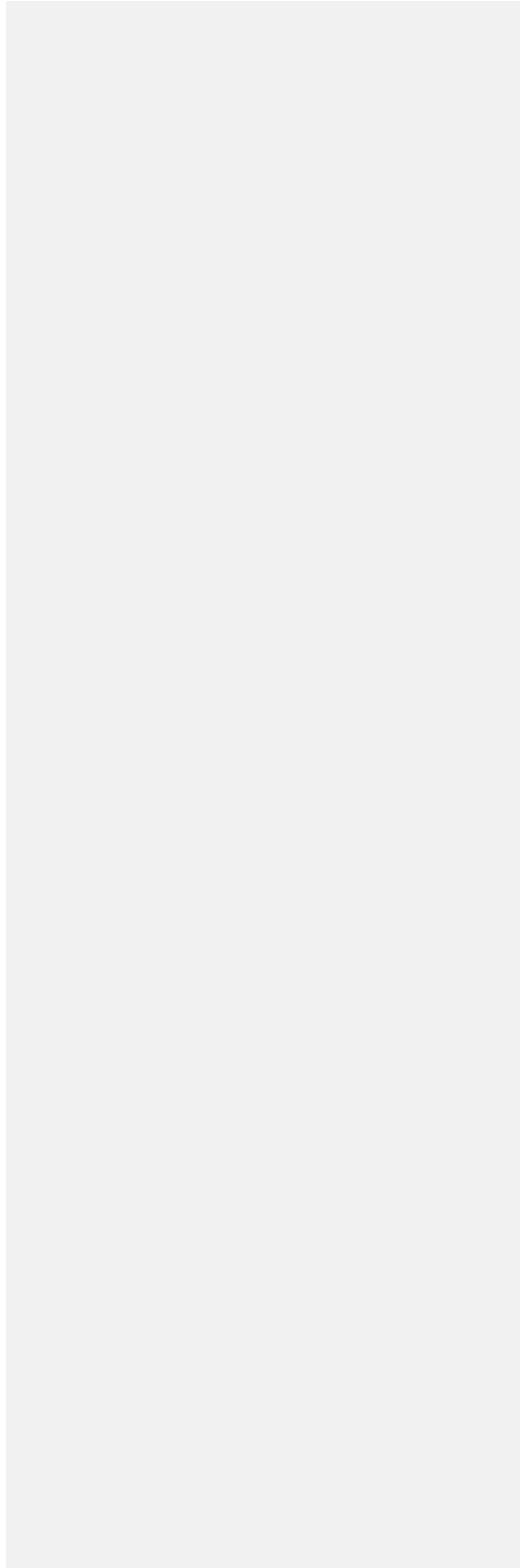
Building Footprint

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.

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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,
- viii. 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, Dispensary (Amendment Bylaw No. 847, 2018/Adopted October 16, 2018)

means the use of buildings and structures, in which the use of *cannabis* for medicinal purposes is advocated, sold or consumed, and includes a Compassion Club.

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.

Cannabis, Retail (Amendment Bylaw No. 847, 2018/Adopted October 16, 2018)

means the use of buildings or structures, licenced under provincial authority for the retail sale of non-medical (recreational) cannabis and/or non-medical (recreational) cannabis containing products for consumption off-premises.

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 7.10 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.

Combined Commercial Residential

means the use of land, buildings or structures for both commercial and residential multi-family dwellings, subject to the regulations in section 7.11 of this Bylaw.

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.

Composting Facility

means the use of land, buildings or structures to transform waste organic material into a biologically stable product which includes the creation of noise, dust, and odour in the process and the bulk storage of compost, sand and residuals. Composting facilities are permitted to produce energy to either use on-site, or sell, and process wood waste and residuals.

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.

Entertainment

Means the use of land, buildings and structures for commercial recreational or social use, such as but not limited to a bowling alley, movie theatre, pool hall, video game arcade or dance hall.

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,
- ii. Apartment,
- iii. Carriage House,
- iv. Detached Dwelling,
- v. Duplex Dwelling,
- vi. Manufactured Home
- vii. Mobile Home,
- viii. Row House,
- ix. Secondary Suite, and
- x. 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.

Equipment Sales, Servicing, Rental and Repair Shop

means the use of land, buildings, or structures for the retail sale, servicing, rental, and repair of small motorized equipment such as chainsaws, landscaping equipment, lawnmowers, and recreational equipment such as snowmobiles, all-terrain vehicles and similar uses.

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.

Farm Stand

means a permanent or semi-permanent structure typically located at or near the farm entrance which offers for sale products harvested from the land upon which it stands.

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*.

Forestry

means *forestry* practices consistent with the *BC Forest and Range Practices Act: Forest Planning and Practices Regulation*.

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 for an Event

means the *use of land, buildings, or structures* for a gathering of people on a farm for the purpose of 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 7.12 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 agriculture and horticulture.

Height

means with respect to a *building or structure*, 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, 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 *residential multi-family dwellings*, subject to the regulations in section 7.48-19 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*. Nurseries in the ALR are subject to the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

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*.

Parking Lot, Public

means the use of *land* for the short-term parking of *vehicles* that it is provided to the general public free of charge.

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 *non-motorized outdoor recreational* pursuits such as *gun range, 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,
- viii. Secondary suite, and
- ix. Townhouse dwelling.

Restaurant

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. *Riding Academies* in the *ALR* are subject to the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

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 outdoor 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 bare land 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 m | 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 |
| 4.6 m = 14.76 feet | 7.5 m = 24.60 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 |
| 4,047 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

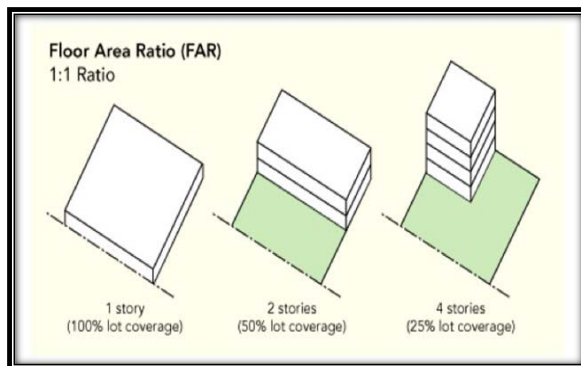
- (a) When calculation of *density* involves the dedication of *land* to any government agency for environmental, *park*, or other public purpose, the *density* calculation shall be based on the area of the *lot* before dedication.

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* from a point midway between the mid-point of the exterior wall and interior face of the exterior walls.
- (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 *sideface* of the exterior wall.

4.10 Lot Coverage

- (a) Where a *zone* establishes maximum *lot coverage*, the *building footprints* of all *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*;
 - 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~~ permanent 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 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

5.1 Creation of Zones

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

5.2 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 centre line, 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.

5.3 Zone Names

(a) The zoning boundaries, as shown on 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 1</i> | RC-1 |
| <i>Residential Manufactured Home Park 1</i> | MHP-1 |
| Multi-Family Residential Zones | |
| <i>Multi-Family Residential 1</i> | RM-1 |
| <i>Multi-Family Residential 2</i> | RM-2 |
| Residential Amenity 1 Zones, Sunstone | |
| <i>Residential Amenity 1</i> | RSA-1 |
| <i>Residential Townhouse Amenity 1</i> | RTA-1 |
| Residential Amenity 2 Zones, The Ridge | |
| <i>Residential Amenity 2</i> | RSA-2 |
| <i>Residential Townhouse Amenity 2</i> | RTA-2 |
| Commercial Zones | |
| <i>Town Centre Commercial 1</i> | C-1 |
| <i>Tourism Commercial 2</i> | C-2 |
| <i>Portage Commercial 3</i> | C-3 |
| <i>Service Commercial 4</i> | C-4 |
| <i>Neighbourhood Pub Commercial 5</i> | C-5 |
| Industrial and Airport Zones | |
| <i>Industrial Park</i> | M-1 |
| <i>Resource Industrial</i> | M-2 |
| <i>Airport 1</i> | AP-1 |
| Civic, Institutional, and Recreation Zones | |
| <i>Public</i> | P-1 |
| <i>Parks and Recreation</i> | PR-1 |
| <i>Outdoor Recreation</i> | OR-1 |
| <i>Education</i> | E-1 |
| <i>Resource</i> | RES-1 |
| <i>Community Watershed Protection</i> | CWP-1 |

5.4 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.

| Comprehensive Development Zones | Abbreviation |
|--|---------------------|
| <i>Creekside</i> | CD-1 |
| <i>Mountain Trails</i> | CD-2 |
| <i>Cottonwood Court</i> | CD-3 |
| <i>Pioneer Junction</i> | CD-4 |
| <i>Tiyata at Pemberton</i> | CD-5 |

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.
 - iii. 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.
- (e) 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.
- (f) 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.
- (g) 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 and, if uses are in the *ALR*, subject to compliance with the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*:
 - 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;
- xvi. Places of Worship-
- ~~xvi-xvii.~~ *Public Parking Lot.*

Commented [11]: To recognize Public Parking Lot as a permitted use in all zones

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, 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; and
 - ix. Gaming and gambling establishments, other than charity gaming.

6.5 Subdivision of Land

- (a) No *lot* shall be created by *Subdivision* that has less than the minimum dimensions and area established by this Bylaw.
- (b) 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.
- (c) The consolidation of two (2) or more *lots* into a single *lot* is exempted from minimum *lot* size requirements in any *zone*.
- (d) 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. 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.

- (e) 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*.
- (f) A *panhandle lot* shall not be created where the access strip is narrower than 10 m.
- (g) Subdivision in the Agricultural Land Reserve is subject to compliance with the Agricultural Land Commission Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

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 (1) *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

- (a) *Accessory greenhouse* shall comply with the following:
 - 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 following required *lot line setbacks*:

| Building | Maximum Front & Exterior Side Setback | Maximum Interior Side & Rear Setback |
|------------|---------------------------------------|--------------------------------------|
| Greenhouse | 7.5 m | 4.5 m |

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 ~~the industrial~~ *Industrial 1 (M-1)* 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* may include the following tourism related activities on a farm:
 - 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. 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 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
 - vi. Any other activity not considered by the *Agricultural Land Commission* to be an *Agri-tourism activity*.

7.6 Backyard Hen Keeping

- (a) For *lots* on which backyard hen keeping is *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 *permitted*, the following regulations apply:
- i. 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*;
 - ii. An enclosure for the keeping of bees shall be provided.
- (b) *Buildings, structures* and enclosures used for the keeping of bees shall:
- iii. Not be located within a *front yard* and within three (3) m of a *side* or *rear lot*

- line;*
 - iv. Not occupy an area in excess of 10 m²;
 - v. Not exceed a *height* of 2.5 m; and
 - vi. 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 and must not contain ~~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.

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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 a 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*, except if the bed and breakfast inn is located in the Agricultural Land Reserve (ALR), then the maximum is four (4) bedrooms;
 - 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~~ and must not contain refrigerators in excess of six (6) cubic feet.

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- (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 Combined Commercial Residential Use

- (a) Where a lot is used for a combined Commercial and Residential use, unless otherwise specified in the applicable zone, the residential uses shall be permitted only in conformity with the following provisions:
 - i. If located within the same building, the commercial use shall be situated on the first storey with the residential use being situated above the first storey;
 - ii. If located within separate buildings, the building containing the commercial use shall not occupy less than 100% of the highway frontage with the residential uses being situated to the rear of the commercial use;
 - iii. The residential units have a completely separate outside entrance at ground level; and
 - iv. The floor on which any residential dwelling units are located shall be used exclusively for residential purposes within all levels above the first.
- (b) Where a lot is used for combined commercial and residential use, unless otherwise specified herein, the type of commercial use shall be limited to the commercial uses that are specifically permitted in that particular zone.

7.447.12 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.

7.427.13 Gathering for a Farm Event

- (a) On *land* designated as farm under the *BC Assessment Act*, gathering for an event is

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 one hundred and fifty (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;
- vi. Gathering for an event is subject to the *Agriculture Land Commission Act* and the *Agricultural Use, Subdivision and Procedure Regulation*.

7.137.14 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*, and if on *lots* located within the *Agricultural Land Reserve*, in accordance with the *Agricultural Land Use, Subdivision and Procedure Regulation, BC 171/2002* and *ALC Policy L-02: Farm Retail Sales in the ALR*;
 - ii. Be *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 (1) non-illuminated sign, which shall not exceed 0.4 m² in area.

7.147.15 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*;

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- 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*.

7.457.16 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;
 - iv. *Food trucks* in the ALR are subject to the *Agricultural Land Commission Act* and the *Agricultural Use, Subdivision and Procedure Regulation*.

7.467.17 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*; and
 - xii. A valid Village of Pemberton business license is required.
- (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.

7.177.18 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 (1) 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. 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. not occupy any required parking or loading spaces, or interfere with the circulation of motor vehicles or pedestrians;

- ix. 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*; and
 - 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*.

7.187.19 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.

7.197.20 Outdoor Equipment Storage Facility

- (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.

7.207.21 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.

7.217.22 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.

7.227.23 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 dwellings* 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 (1) off-street parking space in addition to those required for the *permitted use* shall be provided per *secondary suite*.

7.237.24 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 three (3) bedrooms accommodating 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.

7.247.25 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*.
- (b) Subdivision in the ALR is subject to the *Agricultural Land Commission Act* and the *Agricultural Land Use, Subdivision and Procedure Regulation*.

7.257.26 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*.

7.267.27 Temporary Use Permits

- (a) Temporary *commercial* and *industrial uses* may be allowed under Section 493 of the *Local Government Act* within all *commercial*, *institutional* 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*;
 - ii. Whether the proposed *use* is consistent with any other relevant Village of

Commented [i6]: To broaden the Village's ability to consider temporary uses in P-1, PR-1, OR-1, E-1 Zones

- Pemberton policies;
- iii. 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*;
 - iv. 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;
 - v. The suitability and compatibility of the proposed *use* with the surrounding area, including its operation, function, appearance and intensity of *use*; and
 - vi. 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.

7-277.28 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. If the *lot* is in the *ALR*, this use is subject to approval from the *Agricultural Land Commission*.
- (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.

7.287.29 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; and
 - iv. if the lot is in the ALR, this use is subject to compliance with the *ALC Policy L-10: Building New Residence While Occupying Existing Residence*.

7.297.30 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.ii. 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.~~

Commented [i7]: Overly prescriptive

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.
- (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

| | |
|--|--|
| <p>Apartment Dwelling</p> <p>One Bedroom Two Bedroom Three Bedroom Visitor parking</p> | <p>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></p> |
| <p>Detached Dwelling</p> <p><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></p> | <p>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></p> |
| <p>Townhouse Dwelling</p> <p>One Bedroom Two Bedroom Three Bedroom Visitor Parking</p> | <p>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></p> |

8.4 Commercial Vehicular Parking Requirements

| | |
|--|---|
| a) <i>Veterinarian Clinic</i> | 1 space per 35 m ² of GFA |
| b) <i>Financial Institution</i> | 1 space per 20 m ² of GFA |
| c) <i>Campground</i> | 1 space per campsite 0.25 spaces per campsite site visitor parking |
| d) <i>Liquor Primary Establishment</i> | 1 space per 4 seats |
| e) <i>Gasoline Station</i> | 1.25 spaces per 50 m ² of GFA |
| f) <i>Golf Course</i> (excludes <i>Restaurant/Lounge</i>) | 4 spaces per hole and 1 per 2 employees |
| g) <i>Golf Course Driving Range</i> | 1 space per tee |
| h) <i>Fitness Centre</i> | 1 space per 20 m ² of GFA plus .25 per employee |
| i) <i>Automotive Service Shop</i> | 1 space per 50 m ² of GFA space |
| j) <i>Tourism Accommodation</i> | 1 space per room plus 1 space per 4 seats for any <i>Restaurant</i> or <i>Bar</i> |
| k) <i>Laundromat</i> | 1 space per 4 washing machines |
| l) <i>Personal Service Establishment</i> | 1 space per 28 m ² of GFA |
| m) <i>Neighbourhood Pub</i> | 1 space per 4 seats |
| n) <i>Nursey/Garden Centre</i> | 1 space per 15 m ² of GFA |
| o) <i>Office – Medical and Dental</i> | 4 spaces per dentist/doctor |
| p) <i>Office – All Other</i> | 1 space per 28 m ² of GFA |
| q) <i>Restaurant, Food Primary Establishment</i> | 1 space per 4 seats |
| r) <i>Retail Store</i> | 1 space per 28 m ² of GFA |
| s) <i>Liquor Store, Private Liquor Store</i> | 3.25 per 140 m ² of GFA |
| t) <i>Neighbourhood Commercial</i> | .25 per 100 m ² of GFA |
| u) <i>Equipment Sales, Servicing, Rental and Repair</i> | 1 space per 28 m ² of GFA |

8.5 Industrial Parking Requirements

| General Industrial | |
|---|--|
| a) Manufacturing | 1 space per 93 m ² of GFA ¹ |
| b) Service and/or Repair | 1 space per 50 m ² of GFA |
| c) Warehousing or Storage | 1 space per 106 m ² of GFA |
| d) Wholesale Bakery | 1 space per 93 m ² of GFA |
| e) Catering Establishment | 1 space per 93 m ² of GFA |
| f) Laboratory | 1 space per 50 m ² of GFA |
| g) Radio, Television or Recording | 1 space per 50 m ² of GFA |
| h) <i>Equipment Sales, Servicing, Rental and Repair</i> | 1 space per 28 m ² of GFA |
| i) <i>Accessory Retail</i> | 1 space per 28m ² of GFA |
| j) <i>Brewery, Cidery, Distillery or Winery</i> | 1 space per 100 m ² of GFA |
| k) Cold Storage | 1 space per 100 m ² of GFA |
| l) <u>Aggregate Resource</u> Processing | .75 per employee |
| m) Building Supply | 1 space per 20 m ² <i>Retail Floor Area</i> |
| n) Car Wash | 2 stacking spaces per wash bay |
| o) Cannabis Production | 1 space per 93 m ² of GFA |
| p) <u>Industrial Composting Facility</u> | <u>.75 per employee</u> |
| q) <u>Recycling Facility</u> | <u>.75 per employee</u> |

8.6 Civic, Institution, and Recreation Parking Requirements

| | |
|---|--------------------------------------|
| a) All Community uses (unless listed) | 1 space per 37 m ² of GFA |
| b) Places of Worship | 1 space per 8 seats |
| c) Day Care | 1 space per employee |
| d) School <ul style="list-style-type: none"> a. Elementary | 2 spaces per classroom |

| | |
|-------------------------------------|--------------------------------------|
| b. Secondary | 5 spaces per classroom |
| c. Craft or Vocational | 5 spaces per classroom |
| e) <i>Indoor Recreation</i> | 1 space per 20 m ² of GFA |
| f) <i>Outdoor Recreation</i> | Not Applicable |
| g) Industrial Composting | .75 per employee |
| h) 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.
- (b) Disability vehicular parking stalls shall be located as near as practical to the *building* or *structure* entrance designed for handicapped persons.
- (c) Changes in elevations between the entrance and the parking space shall be non-existent, and 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:
 - 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*.
- (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 (1) 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.

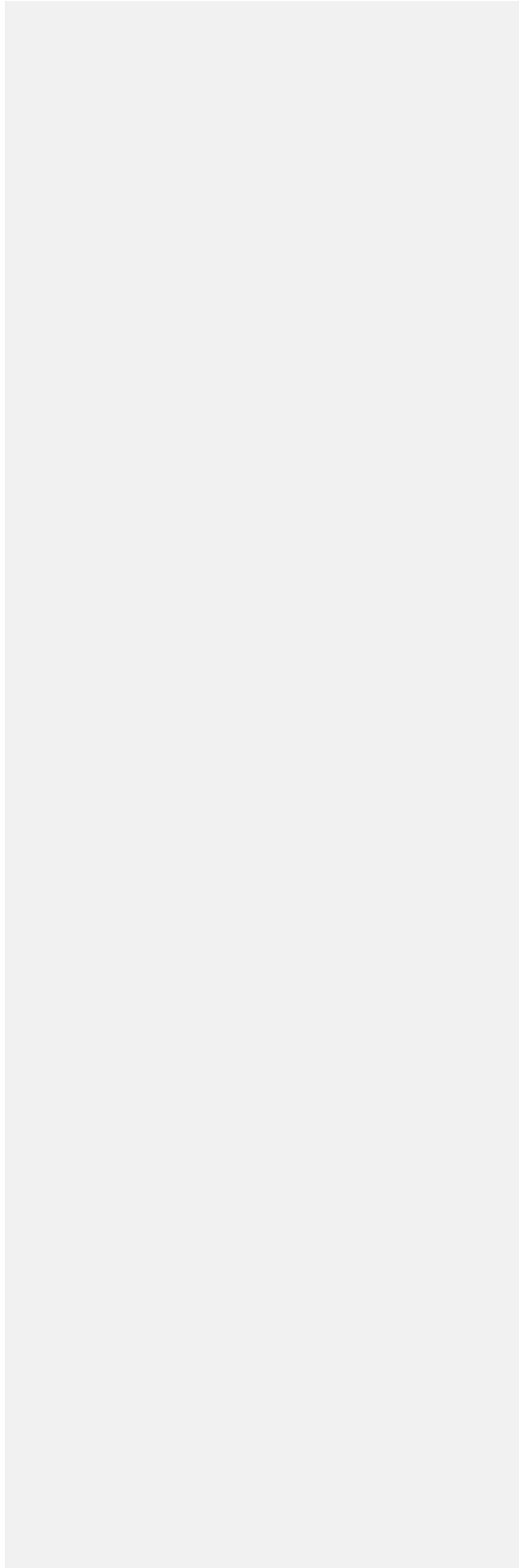
8.13 Alternative to Off-Street Parking

- (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;
 - iii. terms for the maintenance and where applicable the construction of the off-site parking area; and
 - iv. The agreement shall require the approval of the Municipality and the Municipality shall be a co-signatory.
- (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 (Zoning Map), 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 Activity
- (c) Agri-tourism Accommodation
- (d) Cannabis, Production Facility
- (e) Dwelling, Detached
- ~~(e)~~(f) Farm Residence (subject to Conditions of Use)
- ~~(f)~~(g) Farm Stand
- ~~(g)~~(h) Gathering for an Event
- (i) Riding Academy
- ~~(h)~~(i) Adventure Tourism Business (subject to Conditions of Use)

Commented [i8]: Omission

Commented [i9]: To recognize permitted uses that existed for the Adventure Ranch under SLRD Area C Zoning Bylaw No. 765, 2002 and as per the ALC Decision, Resolution #465, 2002

10.1.2. Permitted Accessory Uses

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

Commented [i10]: To add clarity

Commented [i11]: To add clarity

Commented [i12]: To add clarity

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 Residence*: The maximum gross floor area of a farm house residence shall not exceed 350 m².
- (c) *Dwelling, Detached, for Farm Help*: 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

Commented [i13]: Consistency of terminology

Commented [i14]: To add clarity

exceed 100 m².

(e) Adventure Tourism Business: This use is only permitted on lands legally described as Lot 1, DL 204, LLD, Plan 32712 at the time of adoption of this Bylaw. The Guest Lodge use is limited in size to a maximum of ten (10) units temporarily accommodating a maximum of four (4) guests per unit; to a total of forty (40) guests, provided that the area of the land, or floor area of the building or structure does not exceed 1,500 m².

Commented [i15]: To recognize permitted uses that existed for the Adventure Ranch under SLRD Area C Zoning Bylaw No. 765, 2002 and as per the ALC Decision, Resolution #465, 2002

10.1.4. Lot Regulations

(a) Minimum Lot Size: 2 Ha

10.1.5. Building Regulations

| | |
|--|-------|
| (a) Minimum <i>Front Setback</i> : | 7.5m |
| (b) Minimum <i>Rear Setback</i> : | 7.5m |
| (c) Minimum <i>Interior Side Setback</i> : | 7.5m |
| (d) Minimum <i>Exterior Side Setback</i> : | 7.5m |
| (e) Maximum <i>Building Height, Principal Dwelling, Detached</i> : | 10.5m |
| (f) Maximum <i>Building Height, Accessory</i> : | 4.5m |
| (g) Maximum <i>Building Height, Farm</i> : | 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

- (h) Minimum Lot Size: 2 Ha

10.2.4. Building Regulations

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

PART 11: Residential Zones, Detached

11.1 Residential 1 (R-1)

The Residential 1 (R-1) Zone is intended to accommodate *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: <u>(subject to Conditions of Use):</u> | 1.5 m |
| e) Minimum Exterior Side Setback: | 4.6 m |
| f) Maximum Lot Coverage: | 40% |
| g) Maximum Number of Principal Buildings: | 1 |
| h) Maximum Number of Accessory Buildings: | 2 |
| i) Maximum Building Height, Principal: | 10.5 m |
| j) Maximum Building Height, Accessory: | 4.6 m |

11.1.5. Conditions of Use:

- (a) The total of two interior lot lines setbacks shall not be less than 4.5 m with at least one of the interior lots line setbacks not being less than 1.5 m.

11.2 Residential 2, Small Lot (R-2)

The Small Lot Residential Zone is intended to accommodate *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 Setback: | 6 m |
| c) Minimum Rear Setback: | 5 m |
| d) Minimum Interior Side Setback: | 1.5 m |
| e) Minimum Exterior Side Setback: | 2.7 m |
| f) Maximum Lot Coverage: | 50% |
| g) Maximum Number of Principal Buildings: | 1 |
| h) Maximum Number of Accessory Buildings: | 1 |
| i) Maximum Building Height, Principal: | Two (2) storeys |
| j) Maximum Building Height, Accessory: | 4.6 m |

11.2.5. Conditions of Use:

- (a) The maximum size of an Accessory Building shall not exceed 10 m².

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 detached dwelling units.
- (b) Side by side duplex dwellings 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 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 Principal Buildings: | 1 |
| h) Maximum Number of Accessory Buildings: | 2 |
| i) Maximum Building Height, Principal: | 10.5 m |
| j) Maximum Building Height, Accessory: | 4.6 m |

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*
- (b) *Bed and Breakfast Inn*

Commented [i16]: Correction, this is considered a principal, not an accessory use in the RC-1 Zone

11.4.2. Permitted Accessory Uses

- ~~(a) *Bed and Breakfast Inn*~~
- (a) *Home Occupation*
- (b) *Secondary Suite*
- (c) *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 Setback: | 5 m |
| c) Minimum Rear Setback: | 5 m |
| d) Minimum Interior Side Setback: | 1.5 m |
| e) Minimum Exterior Side Setback: | 3 m |
| f) Maximum Lot Coverage: | 40% |
| g) Maximum Number of Principal Buildings: | 1 |
| h) Maximum Number of Accessory Buildings: | 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, <u>Principal Use:</u> | 7.5 m |
| b) Minimum Rear Setback, <u>Principal Use:</u> | 4.5 m |
| c) Minimum Interior Side Setback, <u>Principal Use:</u> | 4.5 m |
| d) Minimum Exterior Side Setback, <u>Principal Use:</u> | 4.5 m |
| e) <u>Minimum Front Setback, Accessory Use:</u> | <u>7.5 m</u> |
| f) <u>Minimum Rear Setback, Accessory Use:</u> | <u>3 m</u> |
| g) <u>Minimum Interior Side Setback, Accessory Use:</u> | <u>3 m</u> |
| h) <u>Minimum Exterior Side Setback, Accessory Use:</u> | <u>3m</u> |
| i) <u>Maximum Lot Coverage:</u> | <u>40%</u> |
| e j) Maximum Number of Accessory Buildings: | 1 per unit |
| f k) Maximum Building Height, Principal: | 7.6 m |
| g l) Maximum Building Height, Accessory: | 4.6 m |

Commented [i17]: All corrections to match previous Zoning Bylaw

PART 12: Residential Zones, Multi-Family

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

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

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 |
| b) Minimum Lot Width: | 18 m |

Commented [i18]: Omission; correction to match previous Bylaw

12.1.5. Building Regulations

| | |
|--|--------|
| a) Minimum Front Setback, Principal: | 6 m |
| b) Minimum Rear Setback, Principal: | 7.5 m |
| a)c) Minimum Interior Side Setback, Principal: | 4 m |
| b)d) Minimum Exterior Side Setback, Principal: | 7.5 m |
| e)e) Minimum Front Setback, Accessory: | 6m |
| d)f) Minimum Rear Setback, Accessory: | 3 m |
| g) Minimum Interior Side Setback, Accessory: | 3 m |
| h) Minimum Exterior Side Setback, Accessory: | 3 m |
| i) Maximum Building Height, Principal: | 10.5 m |
| j) Maximum Building Height, Accessory: | 4.6 m |

Commented [i19]: Omissions; All corrections to match previous Bylaw

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 |
|----------------------|--------------------|

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)

(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)

13.1 Residential Amenity 1, Sunstone (RSA-1)

The *Residential Amenity 1, Sunstone (RSA-1) Zone* is to accommodate *Detached Dwellings*, on *lots* within the Sunstone Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

13.1.1. Permitted Principal Uses

- (a) *Dwelling, Detached*

13.1.2. Permitted Accessory Uses

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

13.1.3. Conditions of Use

- (a) A *secondary suite use*, an *accessory suite* or a *carriage house use*, is *permitted* as an *accessory residential use* on a *lot*, but not two (2) *accessory dwelling units* on the same *lot*.
- (b) No more than two (2) *dwellings* (which includes an *accessory dwelling unit*) may be located on a *lot*.
- (c) No more than two (2) *accessory buildings or structures* are *permitted* on a *lot*.
- (d) The maximum size of an *accessory dwelling unit* (*secondary suite*, *accessory suite*, or *carriage house*) is 90m².
- (e) The minimum lot sizes as a base density are as follows:
 - i. *Detached Dwelling* 20,000 m²
 - ii. *Bed and Breakfast* 20,000m²
- (f) The minimum lot size where the requirements identified in Section 13.1.3 (g) have been fulfilled are as follows:
 - i. *Detached Dwelling* 930 m²
 - ii. *Bed and Breakfast* 930 m²
- (g) The densities may be increased from the requirements identified in Section 13.1.3 (e) to the requirements identified in Section 13.1.3 (f) providing contributions toward community amenities have been provided through a payment of \$9,165 per *detached dwelling* or *bed and 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 accessory 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 accessory uses.

13.1.4. Lot Regulations

| | |
|-------------------------------|--------------------|
| a) Minimum <i>Lot Size</i> : | 930 m ² |
| b) Minimum <i>Lot Width</i> : | 18 m |

13.1.5. Building Regulations

| | |
|---|-----------------|
| a) Minimum <i>Principal Building Width</i> : | 7.6 m |
| b) Minimum <i>Front Setback</i> : | 5 m |
| c) Minimum <i>Rear Setback</i> : | 5 m |
| d) Minimum <i>Interior Side Setback</i> : | 1.5 m |
| e) Minimum <i>Exterior Side 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, Carriage House</i> : | Two (2) storeys |
| k) Maximum <i>Building Height, Accessory</i> : | 4.6 m |

13.1.6. Off-Street Parking

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

13.1.7. Screening and Landscaping

- (a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

13.1.8. Signage

- (a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

13.1.9. Watercourse Setbacks

- (a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

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

(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)

The *Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone* is to provide for Small Lot *Detached Dwellings* and *Residential Townhouse* development on *lots* within the Sunstone Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

13.2.1. Permitted Principal Uses

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

13.2.2. Permitted Accessory Uses

- (a) *Home Occupation*
- (b) *Secondary Suite*

13.2.3. Conditions of Use:

- (a) *Secondary Suites* are permitted only on *lots* created and developed as *Single Detached Dwelling units*.
- (b) A maximum of one (1) *Secondary Suite* is permitted on a *lot*.
- (c) A maximum of one (1) *Accessory Building or Structure*, up to a maximum size of 10m², is permitted on a *lot*.
- (d) The minimum lot sizes as a base density are as follows:
 - i. *Detached Dwelling* 20,000 m²
 - ii. *Townhouse* 20,000 m² per unit
- (e) Where the requirements identified in Section 13.2.3(g) are fulfilled, the *permitted density* of a *Single Residential use* may be increased to the following:
 - i. *Minimum Lot Size:* 350 m²
 - ii. *Minimum Lot Width:* 12 m
- (f) Where the requirements identified in Section 13.2.3(g) are fulfilled, the *permitted density* of a *Townhouse use* may be increased in accordance with the regulations contained within the RM-1 Zone:
 - i. *Minimum Lot Size:* 700 m²
 - ii. *Maximum Floor Area Ratio:* 0.50
- (g) The densities may be increased from the requirements identified in Section 13.2.3(d) to the requirements identified in Sections 13.2.3(e) and (f) by providing contributions toward community amenities have been provided through a payment of \$9,165 per *detached dwelling* or \$6,110 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 accessory 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 accessory uses.

13.2.4. Density Regulations

| | |
|--|-----------------|
| a) Maximum <i>Density, Detached</i> : | n/a |
| b) Maximum <i>Density, Townhouse</i> : | 25 units per Ha |

13.2.5. Lot Regulations

| | |
|--|--------------------|
| a) Minimum <i>Lot Size, Detached</i> : | 350 m ² |
| b) Minimum <i>Lot Size, Townhouse</i> : | 700 m ² |
| c) Minimum <i>Lot Width, Detached</i> : | 12 m |
| d) Minimum <i>Lot Width, Townhouse</i> : | n/a |

13.2.6. Building Regulations

| | |
|---|-----------------|
| a) Minimum <i>Front Setback, Detached</i> : | 6 m |
| b) Minimum <i>Front Setback, Townhouse</i> : | 7.5 m |
| c) Minimum <i>Rear Setback, Detached</i> : | 7.5 m |
| d) Minimum <i>Rear Setback, Townhouse</i> : | 5 m |
| e) Minimum <i>Interior Side Setback, Detached</i> : | 1.2 m (i) |
| f) Minimum <i>Interior Side Setback, Townhouse</i> : | 3m |
| g) Minimum <i>Exterior Side Setback, Detached</i> : | 1.2 m (i)(ii) |
| h) Minimum <i>Exterior Side Setback, Townhouse</i> : | 3 m |
| i) Maximum <i>Lot Coverage, Detached</i> : | 50% |
| j) Maximum <i>Lot Coverage, Townhouse</i> : | 40% |
| k) Maximum <i>Building Height, Principal, Detached</i> : | Two (2) storeys |
| l) Maximum <i>Building Height, Townhouse</i> : | 10.5 m |
| m) Maximum <i>Building Height, Accessory, Detached</i> : | 3 m |
| n) Maximum <i>Building Height, Accessory, Townhouse</i> : | 4.6 m |

Conditions of Use

- i. In the case where a side lot line flanks a street a minimum side setback is 2.4 m.
- ii. One side setback may be reduced to 0.6 meters for **garage area only**; however, 0.6 m setbacks may not abut each other on adjacent lots.

13.2.7. Off-Street Parking

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

13.2.8. Screening and Landscaping

- (a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

13.2.9. Signage

- (a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

13.2.10. Watercourse Setbacks

- (a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

PART 14: Residential Amenity 2 Zones (The Ridge)

(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)

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

The *Residential Amenity 2, The Ridge (RSA-2) Zone* is to accommodate *Detached Dwellings*, on *lots* within The Ridge Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

14.1.1. Permitted Principal Uses

- (a) *Dwelling, Detached*

14.1.2. Permitted Accessory Uses

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

14.1.3. Conditions of Use

- (a) A *secondary suite use*, an *accessory suite* or a *carriage house use*, is permitted as an *accessory use* on a *lot*, but not two accessory residential dwelling units on the same *lot*.
- (b) No more than two (2) dwellings (which include an accessory suite) may be located on a *lot*.
- (c) No more than two (2) *accessory buildings or structures* are permitted on a *lot*.
- (d) The maximum size of an accessory dwelling unit (*secondary suite*, *accessory suite*, or *carriage house*) is 90 m².
- (e) The minimum lot sizes as a base density are as follows:
 - i. *Detached Dwelling* 20,000 m²
 - ii. *Bed and Breakfast* 20,000 m²
- (f) The minimum lot sizes where the requirements identified in Section 14.1.3(g) have been fulfilled are as follows:
 - i. *Detached Dwelling* 1,400 m²
 - ii. *Bed and Breakfast* 1,400 m²
- (g) The densities may be increased from the requirements identified in Section 14.1.3(e) to the requirements identified in Section 14.1.3(f) providing contributions toward community amenities have been provided through a voluntary contribution of \$9,165 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 accessory 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 accessory uses.

14.1.4. Lot Regulations

| | |
|-------------------------------|----------------------|
| a) Minimum <i>Lot Size</i> : | 1,400 m ² |
| b) Minimum <i>Lot Width</i> : | 18 m |

14.1.5. Building Regulations

| | |
|---|-----------------|
| a) Minimum <i>Front Setback</i> : | 5 m |
| b) Minimum <i>Rear Setback</i> : | 5 m |
| c) Minimum <i>Interior Side Setback</i> : | 1.5 m |
| d) Minimum <i>Exterior Side Setback</i> : | 3 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, Carriage House</i> : | Two (2) storeys |
| j) Maximum <i>Building Height, Accessory</i> : | 4.6 m |

14.1.6. Off-Street Parking

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

14.1.7. Screening and Landscaping

- (a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

14.1.8. Signage

- (a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

14.1.9. Watercourse Setbacks

- (a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

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

(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)

The *Residential Townhouse Amenity 2, The Ridge (RTA-2) Zone* is to provide for Small Lot *Detached Dwellings* and *Residential Townhouse* development within the Ridge Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

14.2.1. Permitted Principal Uses

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

14.2.2. Permitted Accessory Uses

- (a) *Home Occupation*
- (b) *Secondary Suite*

14.2.3. Conditions of Use

- (a) *Secondary suites* are permitted only on *lots* created and developed as *Detached Dwelling units*.
- (b) A maximum of one (1) *secondary suite* is permitted on a *lot*.
- (c) A maximum of two (2) *accessory buildings or structures* are permitted on a *lot*.
- (d) The minimum size for a *townhouse* is 300 m².
- (e) The minimum lot sizes as a base density are as follows:
 - i. *Detached Dwelling* 20,000 m²
 - ii. *Townhouse* 20,000 m² per unit
- (f) Where the requirements identified in Section 14.2.3(h) are fulfilled, the permitted density of a *Detached Dwelling* use may be increased to the following:
 - i. *Minimum Lot Size* 700 m²
 - ii. *Minimum Lot Width* 18 m
 - iii. *Maximum Floor Area Ratio* 0.50
- (g) Where the requirements identified in Section 14.2.3(h) are fulfilled, the permitted density of a *Townhouse* use may be increased in accordance with the regulations contained within the RM-1 Zone:
 - i. *Minimum Lot Size:* 700 m²
 - ii. *Minimum Lot Width:* 18 m
 - iii. *Maximum Floor Area Ratio* 0.50
- (h) The densities may be increased from the requirements identified in Section 14.2.3 (e) to the requirements identified in Section 14.2.3(f) and Section 14.2.3 (g) providing contributions toward community amenities have been provided through a voluntary contribution of \$9,165 per *detached dwelling* lot or \$6,110 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 accessory 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 accessory uses.

14.2.4. Density Regulations

| | |
|---|-----------------|
| (a) Maximum Density, <i>Detached</i> : | 0.50 FAR |
| (b) Maximum Density, <i>Townhouse</i> : | 25 units per Ha |

14.2.5. Lot Regulations:

| | |
|--|--------------------|
| a) Minimum Lot Size, <i>Detached</i> : | 700 m ² |
| b) Minimum Lot Size, <i>Townhouse</i> : | 700 m ² |
| c) Minimum Lot Width, <i>Detached</i> : | 18 m |
| d) Minimum Lot Width, <i>Townhouse</i> : | n/a |

14.2.6. Building Regulations:

| | |
|--|--------|
| a) Maximum Lot Coverage: | 40% |
| b) Minimum Front Setback, <i>Detached</i> : | 5 m |
| c) Minimum Front Setback, <i>Townhouse</i> : | 7.5 m |
| d) Minimum Rear Setback, <i>Detached</i> : | 5 m |
| e) Minimum Rear Setback, <i>Townhouse</i> : | 5 m |
| f) Minimum Interior Side Setback, <i>Detached</i> : | 1.5 m |
| g) Minimum Interior Side Setback, <i>Townhouse</i> : | 3 m |
| h) Minimum Exterior Side Setback, <i>Detached</i> : | 3 m |
| i) Minimum Exterior Side Setback, <i>Townhouse</i> : | 3 m |
| j) Maximum Building Height, <i>Detached or Townhouse</i> : | 10.5 m |
| k) Maximum Building Height, <i>Accessory</i> : | 4.6 m |

14.2.7. Off-Street Parking

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

14.2.8. Screening and Landscaping

- (a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

14.2.9. Signage

- (a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

14.2.10. Watercourse Setbacks

- (a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

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) Automotive Service Shop (subject to Conditions of Use)
- (c) Catering Establishment
- (d) Cannabis, Retail (**Amendment Bylaw No. 847, 2018; Adopted October 16, 2018**)
- (e) Civic
- ~~(f)~~ (f) Combined Commercial Residential (subject to Conditions of Use)
- ~~(g)~~ (g) Convenience Store
- ~~(h)~~ (h) Equipment Sales, Servicing, Rental and Repair Shop (subject to Conditions of Use)
- ~~(i)~~ (i) Financial Institution
- ~~(j)~~ (j) Fitness Centre (subject to Conditions of Use)
- ~~(k)~~ (k) Food Truck
- ~~(l)~~ (l) Garden Centre
- ~~(m)~~ (m) Gasoline Station (subject to Conditions of Use)
- ~~(n)~~ (n) Glass Shop (subject to Conditions of Use)
- ~~(o)~~ (o) Hostel
- ~~(p)~~ (p) Hotel
- ~~(q)~~ (q) Laundromat
- ~~(r)~~ (r) Liquor License, Liquor Primary
- ~~(s)~~ (s) Liquor License, Food Primary
- ~~(t)~~ (t) Liquor Store
- ~~(u)~~ (u) Liquor Store, Private
- ~~(v)~~ (v) Mixed Use Building
- ~~(w)~~ (w) Office, Business
- ~~(x)~~ (x) Office, Professional
- ~~(y)~~ (y) Personal Service
- ~~(z)~~ (z) Restaurant
- ~~(aa)~~ (aa) Retail
- ~~(bb)~~ (bb) 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) *Automotive Service Shop*: The *Automotive Service Shop use* is permitted only on *lands* legally described as Lot 1, DL 203, LLD, Plan KAP58517 at the time of adoption of this Bylaw.
- (b) *Equipment Sales, Servicing, Rental and Repair Shop*: The *Equipment Sales, Servicing, Rental and Repair Shop use* is permitted only on *lands* legally described as Lot 7, Block 2, DL 203, LLD, Plan 1624 at the time of adoption of this Bylaw.
- (c) *Fitness Centre*: The maximum permitted floor area of a *fitness centre use* is 300 m²
- (d) *Gasoline Station*: The *Gasoline Station use* is permitted only on *lands* legally described as Lot 1, DL 203, LLD, Plan 38251, at the time of adoption of this Bylaw.
- (e) *Glass Shop*: The *Glass Shop use* is only permitted on *lands* legally described as Lot B, DL 7796, LLD, Plan EPP66105, at the time of adoption of this Bylaw.
- (f) For uses permitted under sections 15.1.1(b), 15.1.1(f), 15.1.1(k) and 15.1.1(l) all outdoor storage and waste disposal areas shall be visually screened.
- (g) *Cannabis, Retail*: The *Cannabis, Retail use* is not permitted within one hundred and fifty (150) metres of the nearest property line of a site containing a School, Community Centre, Library, Daycare, Skate Park, BMX Track or other youth-oriented facility. **(Amendment Bylaw No. 847, 2018; Adopted October 16, 2018)**
- (h) *Cannabis, Retail*: Not more than two (2) *Cannabis, Retail uses* will be permitted at any one time. **(Amendment Bylaw No. 847, 2018; Adopted October 16, 2018)**
- (i) *Combined Commercial Residential*: The *Combined Commercial Residential Use* is permitted only on *lands* legally described as Lot 1, DL 7926, LLD, Plan KAP77917 and Lot A, DL 203, LLD, EPP46358.

Commented [i20]: To recognize this former permitted use under Zoning Bylaw No. 466, 2001 for the Wye Lands

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 <i>Rear Setback</i> : | 4.5 m |
| d) Minimum <i>Interior Side Setback</i> : | 0 m |
| e) Minimum <i>Exterior Side Setback</i> : | 0 m |
| f) Maximum <i>Building Height, Principal</i> : | 10.5 m |
| g) Maximum <i>Building Height, Accessory</i> : | 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 A, Plan KAP74508, DL 203, 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) Minimum Lot Size: | 900 m ² |
|----------------------|--------------------|

15.2.6. Building Regulations

| | |
|--|--------|
| a) Maximum Lot Coverage: | 50% |
| b) Minimum Front Setback: | 7.5 m |
| c) Minimum Rear Setback: | 3 m |
| d) Minimum Interior Side Setback: | 3 m |
| e) Minimum Exterior Side Setback: | 4.5 m |
| f) Maximum Building Height, Principal: | 10.5 m |
| g) Maximum Building Height, Accessory: | 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) Dwelling Unit, Townhouse/Stacked Townhouse~~
- ~~(e) Fitness Centre (subject to Conditions of Use)~~
- ~~(f) Food Truck~~
- ~~(g) Hotel~~
- ~~(h) Mixed Use Building (subject to Conditions of Use)~~
- ~~(i) Office, Business~~
- ~~(j) Office, Professional~~
- ~~(k) Personal Service~~
- ~~(l) Restaurant~~
- ~~(m) 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

- (a) Maximum Density: 1.5 FAR

15.3.5. Lot Regulations

| | |
|----------------------|--------------------|
| a) Minimum Lot Size: | 900 m ² |
|----------------------|--------------------|

15.3.6. Building Regulations

| | |
|--|--------|
| a) Maximum Lot Coverage: | 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 Building Height, Principal: | 10.5 m |
| g) Maximum Building Height, Accessory: | 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) Minimum Lot Size: | 500 m ² |
|----------------------|--------------------|

15.4.5. Building Regulations

| | |
|--|--------|
| a) Maximum Lot Coverage: | 50% |
| b) Minimum Front Setback: | 7.5 m |
| c) Minimum Rear Setback: | 4.5 m |
| d) Minimum Interior Side Setback: | 4.5 m |
| e) Minimum Exterior Side Setback: | 4.5 m |
| f) Maximum Building Height, Principal: | 10.5 m |
| g) Maximum Building Height, Accessory: | 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 Use Building*
- (j) *Motel*
- (k) *Neighbourhood Pub*
- (l) *Personal Service*
- (m) *Retail, Recreation and Leisure*
- (n) *Restaurant*
- (o) *Spa*

Commented [i21]: Consistency of Terminology

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

- (a) Maximum Density: 0.5 FAR

15.5.5. Lot Regulations

| | |
|---------------------|--------------------|
| a) Minimum Lot Size | 900 m ² |
|---------------------|--------------------|

15.5.6. Building Regulations

| | |
|--|-------|
| a) Maximum Lot Coverage: | 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: | 3 m |
| 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) *Equipment Sales, Service, Rental and Repair*
- (o) *Fitness Centre*
- (p) *Food Truck*
- (q) *Garden Centre*
- (r) *Gasoline Station*
- (s) *Industrial*
- (t) *Industrial Fuel Facility*
- (u) *Industrial Publishing and Printing*
- (v) *Laboratory*
- (w) *Laundromat*
- (x) *Materials Recovery Facility*
- (y) *Brewery, Cidery, Distillery and Winery*
- (z) *Nursery*

(aa) *Office, Business*

(bb) *Pet Grooming*

(aa)(cc) *Outdoor Storage*

Commented [i22]: Correction to match previous Bylaw

- ~~(bb)~~(dd) Photography
- ~~(ee)~~(ee) Radio, TV, Recording Studio
- ~~(dd)~~(ff) Recreation, Indoor
- ~~(ee)~~(gg) Recycling Facility
- ~~(ff)~~(hh) Restaurant
- ~~(gg)~~(ii) Retail, Industrial
- (jj) School, Craft or Vocational
- ~~(hh)~~(kk) Storage Facility, Self-Serve
- ~~(ii)~~(ll) Storage Facility, Outdoor Equipment
- ~~(jj)~~(mm) Trade Contractor Facilities
- ~~(kk)~~(nn) Veterinary Clinic
- ~~(ll)~~(oo) Waste Transfer Station
- (pp) Wholesale Bakery
- ~~(mm)~~(qq) Works Yard

Commented [i23]: Correction to match previous Bylaw

Commented [i24]: Correction to match previous Bylaw

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) Minimum Lot Size: | 1,800 m ² |
| b) Minimum Lot Width: | 36 m |

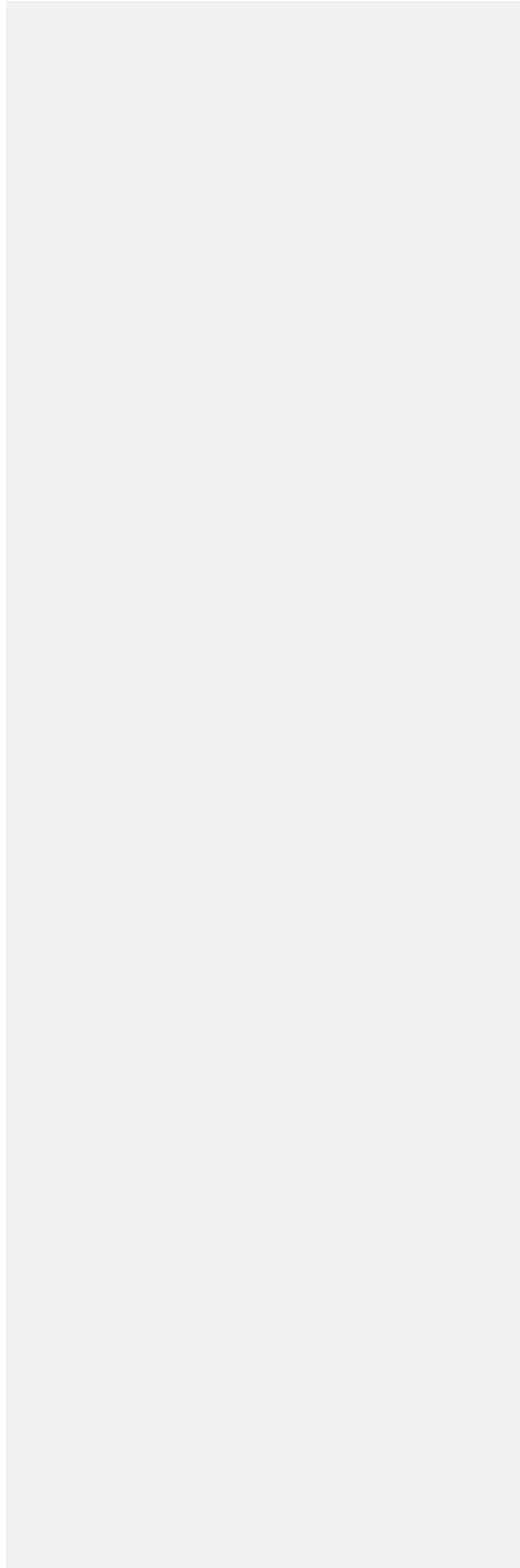
16.1.5. Building Regulations

| | |
|--|--------|
| a) Maximum Lot Coverage: | 50% |
| b) Minimum Front Setback: | 7.5 m |
| c) Minimum Rear Setback: | 7.53 m |
| d) Minimum Interior Side Setback: | 3 m |
| e) Minimum Exterior Side Setback: | 7.53 m |
| f) Maximum Building Height, Principal: | 10.5 m |

Commented [i25]: Correction to match previous Bylaw

Commented [i26]: Correction to match previous Bylaw

| | |
|--|-------|
| g) Maximum <i>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) Log Home and Prefabricated Home Construction Assembly
- ~~(d)~~ Materials Recovery Facility
- ~~(e)~~ Recycling Facility
- ~~(f)~~ Resource Extraction
- ~~(g)~~ Resource Processing
- ~~(h)~~ Waste Transfer Station
- ~~(i)~~ Works Yard

Commented [i27]: Correction to match previous Bylaw

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 is visible from~~ Highway 99 shall provide a natural or landscaped and irrigated continuous screening buffer for the length of the property, at a width of not less than twenty (20) metres ~~from the Highway.~~

Commented [i28]: Corrections to match existing Bylaw

16.2.4. Density Regulations

- (b) Maximum Density: 0.5 FAR

16.2.5. Lot Regulations

| | |
|-----------------------|----------------------|
| a) Minimum Lot Size: | 3,600 m ² |
| b) Minimum Lot Width: | 36 m |

16.2.6. Building Regulations

| | |
|-----------------------------------|-------|
| a) Maximum Lot Coverage: | 50% |
| b) Minimum Front Setback: | 7.5 m |
| c) Minimum Rear Setback: | 7.5 m |
| d) Minimum Interior Side Setback: | 3 m |
| e) Minimum Exterior Side Setback: | 7.5 m |

| | |
|---|--------|
| f) Maximum <i>Building Height, Principal:</i> | 10.5 m |
| g) Maximum <i>Building Height, Accessory:</i> | 4.6 m |

16.3 Airport (AP-1)

The 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

- (g) Accessory Retail
- (h) 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 -1.5 m |
| d) Minimum Exterior Side Setback: | 7.5 3 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*
- (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) *Recreational Facility*
- ~~(r)~~ *School*

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 <i>Building Height, Accessory</i> : | 4.6 m |
|--|-------|

17.1.4. Conditions of Use

The lands legally described as Lot 1, DL 203, LLD, Plan EPP1760 shall have no *minimum setbacks*.

Commented [i29]: Correction to match previous Bylaw.

The lands legally described as Lot 1, DL 203, LLD, Plan EPP1760 shall have no *maximum lot coverage*.

Commented [i30]: Correction to match previous Bylaw.

17.2 Parks and Recreation (PR-1)

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

17.2.1. Permitted Principal Uses

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

Commented [i31]: Add to the list of Permitted Uses in PR-1 Zone; Omission

17.2.2. Permitted Accessory Uses

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

17.2.3. 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 |

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
- ~~(d)~~ Civic
- ~~(e)~~ Concession Stand
- ~~(f)~~ Food Truck
- ~~(f)~~ Motocross Track
- (g) Picnic Grounds
- (h) Recreation, Outdoor
- (i) Riding Academy
- ~~(j)~~ Speedway

Commented [i32]: Included under definition of 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 | 4.6 m |

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, Private
- (~~h~~)(i) Sporting and Leisure Camps

17.4.2. Permitted Accessory Uses

- (a) Accessory Retail

17.4.3. Lot Regulations

| | |
|----------------------|----------------------|
| a) Minimum Lot Size: | 1,850 m ² |
|----------------------|----------------------|

17.4.4. Density Regulations

- (a) 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 |

17.5 Resource Management (RES-1)

The Resource Management Zone accommodates resource management uses on Crown Land.

17.5.1. Permitted Principal Uses

(a) Forestry

(b) Resource Extraction

Commented [i33]: Omission

17.6 Community Watershed Protection (CWP-1)

The Community Watershed Protection Zone accommodates uses compatible with watershed management for the protection of domestic drinking water sources on Crown Land.

17.6.1. Permitted Principal Uses

(a) Conservation

(b) Forestry

Commented [i34]: Omission

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 |
|-----------------------|-------------------------|--------------------------|
| <i>Townhouse</i> | n/a | n/a |
| <i>Accessory Uses</i> | n/a | n/a |

18.1.2. Buildings and Structures

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

- (a) Not more than four (4) *dwelling units* shall be contained within a *principal building*.
- (b) Not more than fifty-four (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 |
|---------------------------|-------------------------|--------------------------|
| <i>Stacked Townhouses</i> | n/a | n/a |
| <i>Accessory Building</i> | n/a | n/a |
| <i>Accessory Uses</i> | n/a | n/a |

18.2.1.18.2.2. Buildings and Structures

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

- (a) Not more than five (5) *principal buildings* shall be erected, constructed, placed or maintained on any one parcel of land and not more than twelve (12) *dwelling units* shall be contained within a *principal building*.
- (b) Not more than forty-six (46) *dwelling units* shall be developed on any one parcel of land.

18.2.3 Building Setbacks

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

18.2.4 Off-Street Parking

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

18.2.5 Maximum Lot Coverage: 20%

18.3 CD-3: Comprehensive Development Zone 3 (Cottonwood Court)

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 |
|-----------------------|-------------------------|--------------------------|
| <i>Townhouses</i> | n/a | n/a |
| <i>Accessory Uses</i> | n/a | n/a |

18.3.2. Buildings and Structures

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

- (a) Not more than four (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 thirty-eight (38) *dwelling units* shall be developed on any one parcel of land.

~~18.3.1.~~18.3.3. Building Setbacks

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

~~18.3.2.~~18.3.4. Off-Street Parking

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

~~18.3.3.~~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 |
|--------------------------|-------------------------|--------------------------|
| <i>Townhouse</i> | n/a | n/a |
| <i>Stacked Townhouse</i> | n/a | n/a |
| <i>Accessory Uses</i> | n/a | n/a |

18.4.2. Buildings and Structures

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

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

~~18.4.1.18.4.3.~~ 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 Multi-Family (RM-1) zone as specified in this Bylaw.

~~18.4.2.18.4.4.~~ Off Street Parking

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

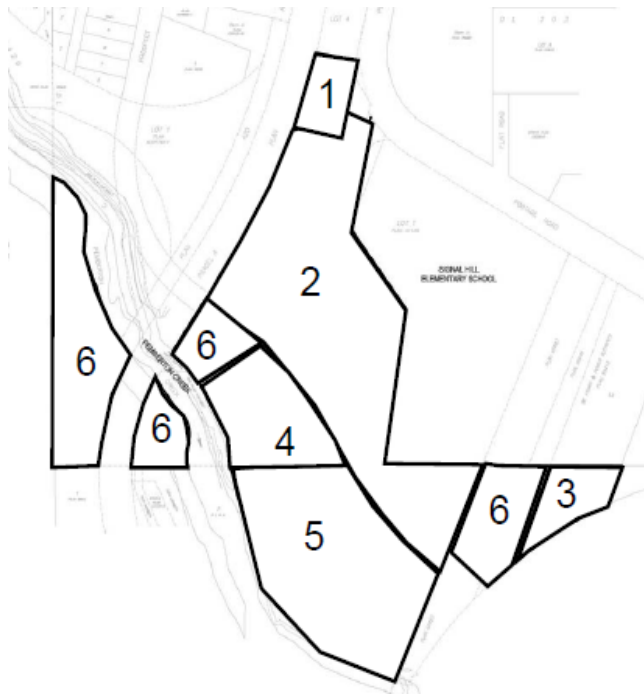
~~18.4.3.18.4.5.~~ Maximum Lot Coverage: 20.7%

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

(Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)

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 below. 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

(a) 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 | | | | | | |
| Single Family Dwelling | | • | | • | • | |
| Duplex Residential Dwelling | | • | | • | • | |
| Townhouse / Stacked Townhouse | | | • | | | |
| Apartment <small>(subject to Conditions of Use)</small> | • | | • | | | |
| Business and Professional Office | • | | | | | |
| Personal Service Establishment | • | | | | | |
| Park | • | • | • | • | • | • |
| Assembly | • | | | | | |
| ii. Accessory Uses of Land, Buildings and Structures | | | | | | |
| Uses Accessory to Principal Uses | • | • | • | • | • | • |
| Home Occupation Use | | • | • | • | • | |

18.5.2. Density of Permitted Uses, Buildings and Structures

(a) All uses, buildings and structures in the CD-5 (Tiyata at Pemberton) 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 |
|---|-------------------|---|--------------------|---|---|--------|
| i. Maximum Lot Coverage | | | | | | |
| Single Family Dwelling | | 50% | | 50% | 50% | |
| Duplex Residential | | 50% | | 50% | 50% | |
| Townhouse | | | 40% | | | |
| Apartment | 50% | | 50% | | | |
| Commercial | 50% | | | | | |
| Assembly | 50% | | | | | |
| ii. Maximum Floor Area Ratio (FAR) | | | | | | |
| Single Family Dwelling | | GFA of 238 m ² or FAR of 0.5 whichever is less | | GFA of 238 m ² or FAR of 0.5 whichever is less | GFA of 238 m ² or FAR of 0.5 whichever is less | |
| Duplex Residential | | GFA of 280 m ² or FAR of 0.5 whichever is less | | GFA of 280 m ² or FAR of 0.5 whichever is less | GFA of 280 m ² or FAR of 0.5 whichever is less | |
| Townhouse / Stacked Townhouse | | | 0.75 | | | |
| Apartment Dwelling | | | 1.5 | | | |
| Commercial | 1.5 | | | | | |
| Assembly | 1.5 | | | | | |
| iii. Maximum Unit Size | | | | | | |
| Single Family Dwelling | | GFA of 275 m ² or FAR of 0.5 whichever is less | | GFA of 275 m ² or FAR of 0.5 whichever is less | GFA of 275 m ² or FAR of 0.5 whichever is less | |
| Duplex Residential (Total both units) | | GFA of 325 m ² or FAR of 0.5 whichever is less | | GFA of 375 m ² or FAR of 0.5 whichever is less | GFA of 375 m ² or FAR of 0.5 whichever is less | |
| Townhouse / Stacked Townhouse | | | 150 m ² | | | |
| Apartment | 95 m ² | | 95 m ² | | | |

| | Area 1 | Area 2 | Area 3 | Area 4 | Area 5 | Area 6 |
|---|----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| iv. Maximum Number of Dwelling Units | 12 | 80 | 60 | 20 | 50 | |
| v. Maximum Amount of Commercial Floor Area | 2,230 m ² | | 5% GFA | | | |
| vi. Maximum Building Height (meters / storeys) | | | | | | |
| Single Family <i>Dwelling</i> | | 9 m | | 9 m | 9 m | |
| Duplex Residential | | 9 m | | 9 m | 9 m | |
| <i>Townhouse / Stacked Townhouse</i> | | | 12 m / 3 storeys | | | |
| <i>Apartment</i> | 17 m / 4 storeys | | 17 m / 4 storeys | | | |
| Commercial, See 18.5.3. (b) ii. | 17 m / 4 storeys | | | | | |
| <i>Assembly</i> | 17 m / 4 storeys | | | | | |
| vii. Minimum Building Setbacks (m) | | | | | | |
| Front | 6 | 6 | 6 | 6 | 6 | |
| Rear | 7.5 | 7.5 | 7.5 | 7.5 | 7.5 | |
| Side, See 18.5.2. (b) v. & vi. | 3.0 | 1.6 | 3.0 | 1.6 | 1.6 | |
| viii. Minimum Lot Size (m²) | | | | | | |
| Single Family <i>Dwelling</i> | | 350 | | 350 | 350 | |
| Corner Lot | | 375 | | 375 | 375 | |
| Duplex Residential | | 465 | | 465 | 465 | |
| ix. Maximum Lot Size (m²) | | | | | | |
| Single Family <i>Dwelling</i> | | <u>465790</u> | | <u>465790</u> | <u>465790</u> | |
| Duplex Residential | | <u>558830</u> | | <u>558830</u> | <u>558830</u> | |
| x. Accessory Buildings | | | | | | |
| <i>Maximum Floor Area</i> | 10 m ² | 10 m ² | 10 m ² | 10 m ² | 10 m ² | 10 m ² |
| <i>Maximum Height</i> | 2.7 m | 2.7 m | 2.7 m | 2.7 m | 2.7 m | 2.7 m |
| <i>Minimum Front Yard Setbacks</i> | 6 m | 6 m | 6 m | 6 m | 6 m | 6 m |
| <i>Minimum Rear Yard Setbacks</i> | 1.5 m | 1.5 m | 1.5 m | 1.5 m | 1.5 m | 1.5 m |
| <i>Minimum Side Yard Setbacks</i> | 1.5 m | 1.5 m | 1.5 m | 1.5 m | 1.5 m | <u>1.5 m</u> |

Commented [i35]: Error Correction

Commented [i36]: Error Correction

(b) **Conditions of Use:** All uses, buildings and structures in the CD-5 (Tiyata at Pemberton) 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 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. any portion of the garage for a single family dwelling and townhouse/stacked townhouse that exceeds thirty-seven (37) square meters shall be included in the calculation of floor area, in addition to the maximum area permitted for accessory buildings;
 - iv. any portion of the garage for a duplex residential dwelling that exceeds forty-five (45) square meters shall be included in the calculation of floor area, in addition to the maximum area permitted for accessory buildings;
 - 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*: two (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*: one (1) space per 37 square meters of *gross floor area*;
 - iv. *Business and Professional Office Use*: one (1) space per 37 square meters of *gross floor area*.

18.5.4. Definitions

- (a) For the purpose of the CD-5 (Tiyata at Pemberton) 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 1: 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 12th day of June, 2018.

READ A SECOND THIS 12th day of June, 2018.

NOTICE OF PUBLIC HEARING for **Village of Pemberton Zoning Bylaw No. 832, 2018** **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on this 14th day of June, 2018 and on this 21st day of June, 2018.

PUBLIC HEARING HELD THIS 26th day of June, 2018.

READ A THIRD TIME AS AMENDED THIS 10th day of July, 2018.

APPROVED BY THE MINISTER OF TRANSPORTATION PURSUANT TO SECTION 52 of the *Transportation Act* this 20th day of July, 2018.

ADOPTED THIS 24th day of July, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

**VILLAGE OF PEMBERTON
BYLAW No. 862, 2019**

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it necessary to prepare a housekeeping amendment bylaw to amend the Zoning Bylaw to address a variety of necessary corrections and omissions;

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

CITATION

This Bylaw may be cited for all purposes as “Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019”.

1. VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, 2018 BE AMENDED AS FOLLOWS:

That **Part 3: Definitions** be amended to add the following definitions in alphabetic order:

Adventure Tourism Business

means the *commercial use of land, buildings and structures* intending to offer guests horseback tours, river boat tours and a guest lodge for *tourism accommodation* of a total size not to exceed 1,500 m².

Combined Commercial Residential

means the *use of land, buildings or structures* for both *commercial* and *residential multi-family dwellings*, subject to the regulations in section 7.11 of this Bylaw.

Composting Facility

means the *use of land, buildings or structures* to transform waste organic material into a biologically stable product which includes the creation of noise, dust, and odour in the process and the bulk storage of compost, sand and residuals. Composting facilities are permitted to produce energy to either use on-site, or sell and process wood waste and residuals.

Entertainment

Means the use of land, buildings and structures for *commercial* recreational or social use, such as but not limited to a bowling alley, movie theatre, pool hall, video game arcade or dance hall.

Farm Stand

means a permanent or semi-permanent *structure* typically located at or near the farm entrance which offers for sale products harvested from the land upon which it stands.

Forestry

means *forestry* practices consistent with the *BC Forest and Range Practices Act; Forest Planning and Practices Regulation*.

Mixed Use Building

means the *use* of a *building* for both *commercial* and *residential multi-family dwellings*, subject to the regulations in section 7.19 of this Bylaw.

Public Parking Lot

means the *use* of *land* for the short-term parking of vehicles that it is provided to the general public free of charge.

Recreation, Outdoor

means the *use* of *land* and *accessory buildings* and *structures*, for *commercial* or club organized non-motorized *outdoor recreational* pursuits such as gun range, paintball, standing wave surf park and whitewater kayaking facility, where the primary recreation activity occurs outdoors.

That Part 4: **Measurements and Calculations** be amended as follows:

Section 4.9 (b) is deleted and replaced with the following clause:

(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 **face** of the exterior wall.

Section 4.13 (a) (vii) is deleted and replaced with the following clause:

- i. A **permanent** 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*;

That Part 5: **Establishment of Zones** be amended as follows:

Section 5.3 is amended to add corresponding numbers to the Zone names; and to add the following two zones to the bottom of the list under Civic, Institutional and Recreation Zones:

Resource (RES-1)
Community Wildfire Protection (CWP-1)

That Part 6: **General Regulations** be amended as follows:

Section 6.3 is amended to add (xvii) *Public Parking Lot*.

That Part 7: **Additional Zoning Regulations for Certain Uses** be amended as follows:

Section 7.3 (a) (ii) is deleted and replaced with the following:

- ii. A maximum of four (4) *accessory residential dwelling units per lot* are permitted in the Industrial 1 (M-1) zone.

Section 7.8 (b) is deleted and replaced with the following:

- (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 and must not contain refrigerators in excess of six (6) cubic feet.

Section 7.9 (a) (ii) is deleted and replaced with the following:

- ii. A minimum of three (3) and a maximum of five (5) bedrooms in a *detached dwelling* are used for *bed and breakfast inn*, except if the bed and breakfast inn is located in the *Agricultural Land Reserve (ALR)*, then the maximum is four (4) bedrooms;

Section 7.9 (b) is deleted and replaced with the following:

- (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 and must not contain refrigerators in excess of six (6) cubic feet.

Section 7.11 be inserted with the following and that all sections under section 7.11 be renumbered sequentially:

- (a) Where a *lot* is used for a combined *Commercial* and *Residential use*, unless otherwise specified in the applicable *zone*, the *residential uses* shall be permitted only in conformity with the following provisions:
 - i. If located within the same building, the commercial use shall be situated on the first storey with the residential use being situated above the first storey;
 - ii. If located within separate buildings, the building containing the commercial use shall not occupy less than 100% of the

- highway frontage with the residential uses being situated to the rear of the commercial use;
- iii. The residential units have a completely separate outside entrance at ground level; and
- iv. The floor on which any residential dwelling units are located shall be used exclusively for residential purposes within all levels above the first.

- (b) Where a lot is used for combined commercial and residential use, unless otherwise specified herein, the type of commercial use shall be limited to the commercial uses that are specifically permitted in that particular zone.

Section 7.15 (title) be deleted and replaced with Fences.

Section 7.24 (a)(iii) be deleted and replaced with the following:

- iii. Occupancy shall not exceed two (2) persons per available bedroom, to a maximum of three (3) bedrooms accommodating six (6) guests;

Section 7.27 (a) be deleted and replaced with the following:

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

Section 7.30 (a) be deleted and replaced with the following:

- (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*;
 - ii. 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.

That **Part 8: Parking and Loading Requirements** be amended as follows:

Section 8.5 (l) be deleted and replaced with the following:

- (l) Resource Processing.

Section 8.5 be amended to add the following:

- p) Industrial Composting Facility 0.75 per employee

| | |
|--|-------------------|
| q) Recycling Facility | 0.75 per employee |
| Section 8.6 (g) Industrial Composting be deleted. | 0.75 per employee |
| Section 8.6 (h) Recycling be deleted. | 0.75 per employee |

That **Part 10: Agricultural Zones** be amended as follows:

Section 10.1.1 is amended to insert the following:

- (f) *Farm Residence* (subject to Conditions of Use)
- (i) *Adventure Tourism Business* (subject to Conditions of Use)

and that all subsection clauses under section 10.1.1 (f) be renumbered sequentially.

Section 10.1.2 (b), (c) and (g) be amended to add the clause “subject to Conditions of Use” following the original clause.

Section 10.1.3 (b) is amended to replace the word “House” with the word “*Residence*”.

Section 10.1.3 (c) is amended to insert the clause “for Farm Help” after the words “*Dwelling, Detached*”.

Section 10.1.3 is amended to add to the following to the bottom of the list:

- (e) *Adventure Tourism Business*: This *use* is only permitted on *lands* legally described as Lot 1, DL 204, LLD, Plan 32712 at the time of adoption of this Bylaw. The *Guest Lodge use* is limited in size to a maximum of ten (10) units temporarily accommodating a maximum of four (4) guests per unit; to a total of forty (40) guests, provided that the area of the *land*, or *floor area* of the *building* or *structure* does not exceed 1,500 m².

That **Part 11: Residential Zones, Detached** be amended as follows:

Section 11.1.5 is added include the following:

11.1.5 Conditions of Use

- (a) The total of two interior lot line setbacks shall not be less than 4.5 m with at least one of the interior lot lines setbacks not being less than 1.5 m.

Section 11.2.5 is added to include the following:

11.2.5 Conditions of Use

- (a) The maximum size of an accessory building shall not exceed 10 m².

Section 11.4.1 is amended to add the following in sequential order:

- (a) Bed and Breakfast Inn

Section 11.4.2 is amended to delete the following and that all subsection clauses under section 11.4.2 be renumbered sequentially:

- (a) Bed and Breakfast Inn

Section 11.1.4 (d) is amended to include (subject to Conditions of Use)

Section 11.1.5 (a), (b), (c) and (d) is amended to add the clause “Principal Use” at the end of each clause and that the following be added and that all subsection clauses under 11.1.5 be renumbered sequentially:

- (e) Minimum *Front Setback, Accessory Building* 7.5 m
- (f) Minimum *Rear Setback, Accessory Building* 3 m
- (g) Minimum *Interior Side Setback, Accessory Building* 3 m
- (h) Minimum *Exterior Side Setback, Accessory Building* 3 m
- (i) Maximum *Lot Coverage* 40%

That **Part 12: Residential, Multi-Family Zones** be amended as follows:

Section 12.1.4 is amended to add the following in sequential order:

- (b) Minimum Lot Width 18 m

Section 12.1.5 (a), (b), (c) and (d) is amended to add the clause “Principal Use” at the end of each clause and that the following be added and that all subsection clauses under 12.1.5 be renumbered sequentially:

- (e) Minimum *Front Setback, Accessory Building* 6 m
- (f) Minimum *Rear Setback, Accessory Building* 3 m
- (g) Minimum *Interior Side Setback, Accessory Building* 3 m
- (h) Minimum *Exterior Side Setback, Accessory Building* 3 m

That **Part 15: Commercial Zones** be amended as follows:

Section 15.1.1 be amended to add the following:

- (f) *Combined Commercial Residential (subject to Conditions of Use)*

and that all subsection clauses under section 15.1.1 (f) be renumbered sequentially.

Section 15.1.3 be amended to add the following:

- (i) *Combined Commercial Residential: The Combined Commercial Residential Use is permitted only on lands legally described as Lot 1, DL 7926, LLD, Plan KAP77917 and Lot A, DL 203, LLD, EPP46358.*

Section 15.3.1 is amended to add the following:

- (d) *Dwelling Unit, Townhouse/Stacked Townhouse*

and to delete the clause “subject to Conditions of Use” from 15.3.1 (h) and that all subsection clauses under section 15.3.1 (d) be renumbered sequentially.

Section 15.3.3 is amended by deleting the following clause in its entirety:

- (b) Mixed use building is subject to conditions of use specified in Section 7.18.

Section 15.5.1(i) is amended to delete and replace with the following:

- (i) Mixed Use Building

Section 16.1.1 is amended to add the following in sequential order:

- (bb) *Pet Grooming*
- (jj) *School, Vocational or Craft*
- (pp) *Wholesale Bakery*

and that all subsection clauses under section 16.1.1 (bb) be renumbered sequentially.

Section 16.1.5 (c) and (e) is deleted and replaced with the following:

- (c) Minimum *Rear Setback* 3 m
- (e) Minimum *Exterior Side Setback* 3 m

Section 16.2.1 is amended to add the following in sequential order:

- (c) *Log Home and Prefabricated Home Construction Assembly*
- (h) *Sawmill*
- (i) *Top Soil Blending*

and that all subsection clauses under section 16.2.1 (c) be renumbered sequentially.

Section 16.2.3 (a) is deleted and replaced with the following:

- (a) All *uses in the Resource Industrial Zone on land that is visible from Highway 99 shall provide a natural or landscaped and irrigated*

continuous *screening* buffer for the length of the property, at a width of not less than twenty (20) metres.

Section 16.3.3 (b), (c) and (d) are deleted and replaced with the following:

| | |
|-----------------------|-------|
| Rear Setback | 10 m |
| Interior Side Setback | 1.5 m |
| Exterior Side Setback | 3 m |

That **Part 17: Civic, Institutional and Recreation Zones** be amended as follows:

Section 17.2.1 is amended by adding the following:

(c) Campground

and that all subsection clauses under section 17.2.1 (c) be renumbered sequentially.

Section 17.3.1 is amended by deleting the following:

(f) Motocross Track

and that all subsection clauses under section 17.3.1 (b) be renumbered sequentially.

Section 17.4.1 is amended by adding the following:

h) School, Private

i) Sporting and Leisure Camps

Section 17.5 is added as follows:

17.5 Resource Management (RES-1)

The Resource Management Zone accommodates resource management uses on Crown Land.

17.5.1 Permitted Principal Uses

(a) *Forestry*

(b) *Resource Extraction*

Section 17.6 is added as follows:

17.6 Community Watershed Protection (CWP-1)

The Community Watershed Protection Zone accommodates uses compatible with watershed management for the protection of domestic drinking water sources on Crown Land.

17.6.1 Permitted Principal Uses

(a) Conservation

(b) *Forestry*

That **Part 18: Comprehensive Development (CD) Zones** be amended as follows:

Section 18.5.2 (a) (xi) is deleted and replaced with the following:

| ix. Maximum Lot Size (m²) | Area 1 | Area 2 | Area 3 | Area 4 | Area 5 |
|---|---------------|---------------|---------------|---------------|---------------|
| Single Family Dwelling | | 790 | | 790 | 790 |
| Duplex Residential | | 830 | | 830 | 830 |

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

NOTICE OF INTENT TO WAIVE THE PUBLIC HEARING TO AMEND the Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 was **PUBLISHED IN THE** Pique Newsmagazine on _____, 2019 and on _____, 2019.

READ A THIRD TIME this day of _____, 2019.

ADOPTED this _____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

- Attended the Downtown Enhancement Project Open House. Noted that the installation of a sidewalk along Camus Road would improve safety of children walking to school
- Attended the Pemberton Valley Dyking District (PVDD) meeting:
 - Additional funding is required to facilitate the removal of large amounts of sediment from along the Lillooet River. Further discussion on this topic was deferred to the next Council meeting.

Councillor Noble

- Will attend the Pemberton Valley Trails Association meeting on April 10th.

Councillor Zant

Councillor Zant was absent.

10. BYLAWS

a) Bylaw for First and Second Reading

- i) **Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019**

Cameron Belmers, Planning Consultant with the Village, presented an overview of the general housekeeping text amendments to the Zoning Bylaw. A discussion took place regarding the definition and permitted uses of Public Parking Lot and the following resolution was made:

Moved/Seconded

THAT references to ‘Public Parking Lot’ as a use permitted in all zones be removed from the Amendment (Housekeeping) Bylaw No. 862, 2019, for further discussion.

CARRIED

Moved/Seconded

THAT the Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Housekeeping) Bylaw No. 862, 2019 be given First and Second Reading.

CARRIED

Moved/Seconded

THAT a public hearing be scheduled for Tuesday, May 7th, 2019, at 5:00p.m., prior to the scheduled Regular Council Meeting.

CARRIED

b) Bylaws for First, Second and Third Reading

From: Judith MacKenzie [mailto: [REDACTED]]
Sent: Thursday, May 2, 2019 3:38 PM
To: Jill Brooksbank
Cc: Leah Noble; Ryan Zant; Ted Craddock; Amica Antonelli; Mike Richman; Sheena Fraser
Subject: Zoning Amendment (Housekeeping) Bylaw No. 862

Hello Mayor, Council and staff,

Here are my comments in regards to proposed Zoning Amendment (Housekeeping) Bylaw No. 862

1. On the May Calendar under the Public Hearing link on May 7th the links to the bylaws and staff reports are incorrectly labelled/linked. The staff Report to Council-April 2, 2019 is the proposed Amending bylaw. The proposed Amending bylaw is the staff Report to Council-April 2, 2019 . The bylaw document on the website also is labelled from Bowen Island Municipality as opposed to the Village of Pemberton.

2. The Village of Pemberton has this bylaw listed as a “Housekeeping” bylaw. This bylaw is not a housekeeping bylaw. It adds zoning, adds uses, takes away uses and makes changes to lot sizes and set-backs. By listing it as a housekeeping bylaw the general public would not necessarily consider looking at this bylaw and its contents due to it being listed as a “Housekeeping” bylaw. This is concerning as it has the potential to put the VOP in the same position as the City of Kelowna when they passed a “Housekeeping” Bylaw and then ended up in court in 2018 and lost their court case because the bylaw in question was referred to as a “Housekeeping” bylaw. This has the potential to cost the taxpayers a lot of money in litigation. It also does not create an environment of trust which I am sure is not the intention.

The term “housekeeping amendments” generally refers to legislation intended to correct grammar/punctuation/spelling errors, clear up redundancies , clarify regulations or update information in an existing bylaw. It is not for re-zoning, adding new zones, adding and/or changing permitted uses as well as changing set-backs.

3. As far as I can see (which was not easy to figure out) changing the parking lots from being allowed in all zones is now not part of this bylaw. That is definitely not a housekeeping item, and am very pleased to see that out of this bylaw. Furthermore, allowing parking lots in all zones should not be allowed ever. There are parks and recreation sites that should never allow parking lots on them unless they are to access that particular park or recreation site for use of that particular park/recreation site or municipal facility. Then there are wetlands, Eco sensitive areas that should also never have zoning of a public parking zoned as a permitted use. I am very pleased to see that it is no longer park of this bylaw. Good work on removing that. This was also not a housekeeping item.

4. This bylaw makes changes to lot sizes in Tiyata. It is a substantial change in lot sizes as well. That is making a change to the current bylaw. That is not a correction, it is a change. This also takes away from the original purpose of this development that was approval based on narrow lot sizes. This is a fundamental change in design and character of that development. This is not a housekeeping item. The current bylaw has narrow lot sizes and this proposes a substantial change.

5. This bylaw changes set-backs which is not a housekeeping item. Looking at the pool set-backs going down to 0m. The rationale of this being overly restrictive does not seem to make any sense as a rationale to make that change. What is the motivation to do this? The impact to neighbours having a pool right at the property line would arguably have a larger impact on a neighbour than a green house or storage shed which does not have 0m set-backs.

6. The reference to 'Combined Commercial Residential' is confusing and references Bylaw 466 which as far as I can tell no longer applies. I also cannot seem to find what it actually is or how it would be regulated. This also does not seem to fall under the category of Housekeeping.

7. I do not feel there has been enough time to fully review the contents of this bylaw either before the public hearing which I am also glad to see is also now happening.

I realize you all work very hard for our lovely village and appreciate all that you do. I do not want a bylaw out there that is misleading to the public and puts the taxpayers at risk of litigation and I feel that is what this bylaw appears to be doing. I am sure that is not the intention, but that could very well be the result.

Judith MacKenzie

Resident of Pemberton

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