

What is a Zoning Bylaw?

Zoning is the way local governments manage the physical development of land and the kinds of uses the land may be used for. Zoning laws typically specify the areas in which residential, industrial, recreational or commercial activities may take place. For example, an R-1 residential zone might allow only single-family detached homes as opposed to duplexes or apartment complexes.

How does it affect land owners?

Zoning determines how your property can be used (Residential, Commercial, Industrial, Recreational). It also establishes development regulations such as minimum lot size, minimum lot line setbacks, maximum building height, density (the number of residential housing units) and accessory uses. If you are unsure what your property zoning is, consult the Village of Pemberton Zoning Map, or call the Village Office at 604.894.6135.

How does it affect business owners:

The Zoning Bylaw defines where business types (Commercial/Industrial) can be located, how land may be used, where buildings and other structures can be located, and the density of development that is permitted and permitted land uses. It also stipulates lot sizes and dimensions, parking requirements, building heights, and lot line setbacks (the minimum distance a building can be located from a property line).

How does it affect short-term vacation rentals (Airbnb)?

Currently, residential property owners are not permitted to have short term vacation rentals, unless you have a Bed and Breakfast Business Licence. During the Zoning Bylaw review process, the Village will be establishing regulations and licensing requirements with respect to short term vacation rentals. To view the Village's proposed regulations related to short term vacation rentals refer to the updated Zoning Bylaw (available Tuesday, April 17th at the public meeting, and online on Wednesday, April 18th).



Are You in the Zone? Zoning Bylaw Update



Why Do We Need a Zoning Bylaw Update?

Inconsistent

Outdated

More User
Friendly

Difficult to
Manage

Accomodate
New Uses
ie. Airbnb

Incorporate
OCP
Policies



Are You in the Zone? Zoning Bylaw Update

Overview

The current *Zoning Bylaw No. 466, 2001* has been amended from time to time within the last 15 years including some major revisions relating to new residential developments. Identified as a priority in 2017, the Zoning Bylaw Update will guide and govern growth and development in the Village of Pemberton by:

- Incorporating policies contained in the Official Community Plan
- Establishing a means of regulating the sharing economy (Airbnb, VRBO)
- Promoting Climate Action through sustainable and energy efficient land use
- Addressing other particular areas of concern including:

Off-Street Parking Regulations →

← Short Term Vacation Rentals Regulations

Home-based Business Regulations →

← Airport Regulations

‘Greening’ our regulations →

← Update of Zoning Maps

Cannabis Dispensary Regulations →

← Assigning Zoning to ‘Area C’ Zoned Properties Within Village Boundaries



Review & Consultation Process



Have Your Say Sessions

Over the period of January to March 2017, the Village undertook stakeholder consultation both in-person and online for the Zoning and Sign Bylaws with the intent of with the identifying issues with the current Bylaws, and to seek suggested changes for the updated Bylaw.

Have Your Say Sessions were held with the following stakeholders:

- Industrial Park Owners
- Home-based Businesses
- Downtown/Portage Road Businesses
- Land owners within the Village boundaries, still under SLRD Zoning
- Chamber of Commerce

Short Term Vacation Rentals, What's the Deal?

Recognizing the complexities of Short Term Vacation Rentals, the Village also created a stand-alone Have Your Say consultation process for this issue which included:

- Pemberton Farmer's Market
- Online Survey
- Community Open House
- Air BnB
- Chamber of Commerce
- Tourism Pemberton
- Accomodation Providers
- Committee of the Whole Meeting

The Village also offered community kitchen table sessions, however none were requested. Approximately 330 instances of engagement through face-to-face conversations or online surveys helped to connect with the Village of Pemberton community and stakeholders on the topic of short term nightly rentals.

For more info on the consultation process on Short Term Vacation Rentals, download the Summary Report: www.pemberton.ca/public/download/documents/43142.



Are You in the Zone? Zoning Bylaw Update

Zoning Bylaw Review Considerations: Storage Containers

The Village regulates Storage Containers through Section 225 of the existing Zoning Bylaw.

The Bylaw stipulates that they must be used for auxiliary storage purposes only; not to reconstructed, altered or modified in any way to be used for living accommodation or human habitation for either personal or business purposes; not be used to store animals, trash, refuse or contaminated or hazardous materials; not to be stacked one upon another; must be permanently fixed to the ground; must be placed on a hard (i.e. paved or compacted) dust free surface; not occupy with required parking & loading spaces or interfering with the circulation of vehicles or pedestrians; comply with setback requirements for accessory buildings; and comply with all other requirements of the Village.

What We Heard

Of the survey respondents:

- **100% of Commercially Zoned Businesses** say that they do not use storage containers
- **52% of Industrial Park Businesses/Land Owners** say that the existing storage container regulations are not appropriate, 35% say they are appropriate, 13% say they aren't sure
- **68% of Industrial Park Businesses/Land Owners** say they use storage containers

Proposed Changes

- Removal of storage containers as a permitted use in all commercial zones
- With a valid Building Permit, allow storage containers to be used in M-1 Zone as a principal storage use, not just for auxiliary use.
- The conditions of use, as stated above, remain unchanged



The shipping container, being a mobile piece of equipment, that can come and go very easily shouldn't have to be permanently fixed to the ground. This negates its definition and original intent, as a safe, secure, and easy way to move or store goods. -Survey Response



Storage containers should not be permitted in the downtown or residential areas. -Survey Response



Zoning Bylaw Review Considerations: **Greening Regulations**

- Require Electric Vehicle and Bicycle Parking for all New Commercial and Multi-Family Developments
- Offer parking rebate of 0.5 spaces per unit for Affordable Residential Housing Projects with a Housing Agreement
- Allow for thicker wall widths when measuring Lot Line Setbacks and Site Coverage for Passive Developments
- Encourage sustainable means of transportation by reducing the amount of parking required for Restaurant Use, from one space per three (3) seats, to one space per four (4) seats
- Lessen Greenhouse gases produced through idling by removing Drive-Through Restaurants as a permitted use from the C-2 (Tourist Commercial) and C-3 (Portage Road Commercial) Zones



Are You in the Zone? Zoning Bylaw Update

Zoning Bylaw Review Considerations: Cannabis Dispensaries

In 2016, the Village received an application to open a medical marijuana dispensary in the Village. At that time, upon the recommendation of Legal Counsel, the Village proceeded with a Zoning Amendment Bylaw to prohibit the retail sales of medical marijuana until the federal legislation changed to legalize this use. By prohibiting the retail sale of medical marijuana (now being referred to as cannabis) it provided the Village time to understand how the legislation would change, and what the role of the Province and Local Governments would be in administering the legislation.

Proposed Changes

- Cannabis Dispensaries will remain prohibited in the new Village of Pemberton Zoning Bylaw
- While there will not be changes in the proposed Zoning Bylaw with respect to permitting Cannabis Dispensaries, Council is willing to look at removing the prohibition once the *Federal Cannabis Act* has been enacted. At that time, the Village will seek public input through separate community engagement to consider removing the prohibition via an amendment to the Zoning Bylaw
- Council has voted to direct staff to develop a policy regarding the retail sales of non-medical marijuana in anticipation of the *Federal Cannabis Act* coming into effect

The proximity of the [Medicinal Marijuana Dispensary] store site to a core part of the village, with the store front fully exposed to minors, is of major concern.
-Resident Correspondence to Council

I believe this [Medical Marijuana Dispensary] is a valuable resource that will benefit many members of our community. Medical marijuana should be easily available to people who require this medicine, just like any other health care product or service.
-Resident Correspondence to Council



Zoning Bylaw Review Considerations: Parking Standards

A key part of the Zoning Bylaw Update includes the review and evaluation of the current parking standards, Staff reviewed the Village's current situation and did a comparison with other municipalities. Staff also took in account parking exemptions for green developments.

What We Heard

Of the survey respondents:

- **67.5% of Residents/Land owners** say that the amount of parking required by a developer should increase, 30% say it should stay the same, and 2.5% say it should decrease
- **25% of Home-Businesses** who have clients frequent their residence say they have two (2) additional parking spots, 50% of home businesses say they have three (3) additional parking posts, and 25% say they have more than three (3) spots for their clients
- **89% of Commercially Zoned Businesses** say they offer off-street parking

Proposed Changes

The following off-street parking requirements are being proposed:

Restaurant:

- 1 space per 4 seats

Apartments:

- 1 bedroom = 1 space per dwelling unit
- 2 bedrooms = 1.75 spaces per dwelling unit
- 3 bedrooms = 2 spaces per dwelling unit

Townhouses:

- 1 bedroom = 1 space per dwelling unit
- 2 bedroom = 2 spaces per dwelling unit
- 3 bedroom = 2 spaces per dwelling unit

Visitor parking

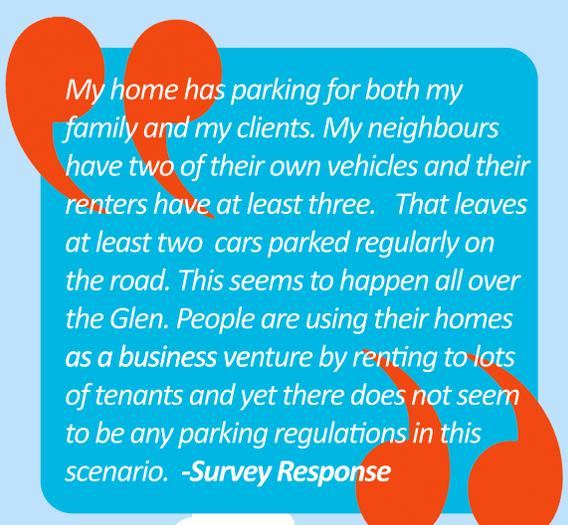
- remaining at .25 per dwelling unit

Affordable and Rental Housing Parking Exception:

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



As our small community continues to grow the village needs to look forward in the planning of our town. Parking is already an issue. As more businesses and home are built they need to plan ahead, don't consider what is needed for the present, think of the future, because we all know if you don't think ahead it will cost us all more later to remedy. -Survey Response



My home has parking for both my family and my clients. My neighbours have two of their own vehicles and their renters have at least three. That leaves at least two cars parked regularly on the road. This seems to happen all over the Glen. People are using their homes as a business venture by renting to lots of tenants and yet there does not seem to be any parking regulations in this scenario. -Survey Response



Are You in the Zone? Zoning Bylaw Update

Zoning Bylaw Review Considerations: Other

What We Heard | Density

Of the survey respondents:

- **51% of Residents/Land Owners** say they'd like to see density across all zones stay the same, 27% say they'd like to decrease density, 12% say they would like to see it increase, 10% don't know
- **61% of Industrial Park Owners** say that the Village should not be more concerned with regulating density at the Industrial Park, 31% said the Village should be more concerned, and 9% say they don't know

Proposed Changes

- Apply density measures (Floor Area Ratio AKA FAR) where appropriate, in multi-family zones. "FAR" means a ratio between the floor area and the lot size.
- Continue to utilize maximum parcel coverage and required minimum lot line setbacks as a measure of density.

What We Heard | Maximum Height Restrictions

Of the survey respondents:

- **71% of Resident/Land Owners** say they would like the Maximum Height Permitted for Principal Buildings (10.5m) to stay the same, 12% would like to see the Maximum Height decrease, 5% would like to see it increase, and 12% didn't know
- **78% of Commercially Zoned Businesses** say that the Maximum Height Requirements for Principal (10.5m) and Accessory Buildings (4.5m) are appropriate, 11% say they are not appropriate, 11% say they didn't know
- **52% of Industrial Park Businesses/Owners** say that they would like to see the Maximum Height of Principal (10.5m) and Accessory Buildings (4.5m) to stay the same, 30% would like to see them increase, 0% say they didn't want to see them decrease and 17% said they didn't know.

Proposed Changes

- Maximum height remains capped at 10.5m for principal buildings and 4.5m for accessory buildings in all zones, except RS1-A and RSA-2
- In the RSA-1 and RSA-2 Zones, accessory buildings will be permitted to be built to a maximum height of 7.6m to allow for Carriage Homes (secondary suites over garages).



Are You in the Zone? Zoning Bylaw Update

What We Heard | Maximum Lot Coverage & Setbacks

Of the survey respondents:

- **38% said they do feel the Maximum Lot Coverage regulations are appropriate**, 38% of Commercially Zoned Businesses say they don't know if the Maximum Lot Coverage for Zones C-1, C-2, C-4 and C-5 are appropriate
- **56% of Commercially Zoned Businesses** say they don't know if they are agreeable with the C-1 Zone Front and Side Yard Lot Line Setbacks for both principal and accessory buildings and structures, 22% say they aren't agreeable, and 22% say they do agree with the Front and Side Yard Lot Line Setbacks

Proposed Changes

- No changes proposed to maximum lot coverage
- Front yard setbacks are proposed to increase from 5m to 6m in residential zones to ensure adequate space for off-street parking
- No changes are proposed to interior or exterior lot line setbacks

What We Heard | Screening & Landscaping

Of the survey respondents:

- **67% of Commercially Zoned Businesses** say that the Screening & Landscaping Requirements for Commercial Zones think that the requirements are appropriate, 11% say they are not appropriate and 22% say they don't know
- **78% of Industrial Park Businesses/Land Owners** say they do not support the requirement for screening and landscaping in the Industrial Zone

Proposed Changes

- No changes proposed.

What We Heard | Accessory Residential Uses

Of the survey respondents:

- **89% of Industrial Park Businesses/Land Owners** who have accessory residential uses, say they comply with the Zoning Bylaw, 11% say they do not

Proposed Changes

- Accessory Residential Dwellings have a new definition. Accessory Residential Dwelling means an accessory dwelling unit, for residential purposes only. Primarily intended for the caretaking, management, staffing or security of the principal non-residential uses on the property.
- The M-1 Zone will continue to allow up to four accessory dwellings.



Zoning Bylaw Review Considerations: Short Term Vacation Rentals

The Zoning Bylaw Update included a review and evaluation of the current provisions in the Zoning Bylaw that regulate Bed and Breakfasts.

What We Heard

Of the survey respondents:

- **67% of Home-Based Businesses** say that their property has accessory residential uses (rental suite)
- **86% of Home-Based Businesses** say they do not provide a short term vacation rental, 7% say they run a Bed and Breakfast, 7% say they offer Short Term Vacation Rentals through a website (VRBO/AirBnB)
- **64% of Home-Based Businesses** say the Village should regulate Short Term Vacation Rentals through Business Licences, 28% say they didn't know, 21% say it should be regulated through zoning, 14% say it should be banned, 14% say do nothing, and 15% say 'other'
- **63% of Home-Based Businesses** say that they do not have clients that frequent their property

Proposed Changes

The Village proposes to add the following definition to define short term vacation rentals:

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

Short Term Vacation Rentals provide a direct competition to my business but with out my associated costs of operating a business. The playing field has to be even. [VoP] should not allow any short term rental to an unlicensed or unzoned property. If the property is granted zoning then they should have sufficient parking & pay commercial water/sewage rates.

-Survey Response

Allow people to use their homes as they need to succeed and pay their bills. Many people have family coming in and out of town and may want to rent their suites or rooms from time to time to gain some extra income while not having the burden of full time tenants. Individuals should be free to choose how they utilize their properties

-Survey Response



Zoning Bylaw Review Considerations: Short Term Vacation Rentals

The Village proposes to add the following conditions of use to regulate Short Term Vacation Rentals:

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 the primary residence of the owner/operator.
 - ii. Short term vacation rental is permitted in a secondary suite, but not permitted in an accessory building or vehicle, recreation vehicle, tent or trailer, other than a carriage house.
 - iii. Occupancy shall not exceed two persons per available bedroom, to a maximum of eight (8) guests.
 - iv. One (1) off-street parking space shall be provided for each bedroom used as short term vacation rental.
 - v. Any person intending to operate a short term vacation rental shall hold a valid and current business license from the Village of Pemberton.
 - vi. Any person intending to operate a short term vacation rental will be required to enter into a Good Neighbour Agreement.
 - vii. Operators of short term vacation rentals will be required to maintain a \$2,500 infraction deposit, which will be drawn upon in the case of complaints warranting staff time.
 - viii. Operators of short term vacation rentals in Bare Land Strata Developments will be required to obtain permission from their Strata Councils.
- (b) Operators of Short term vacation rental will be subject to the same utility rates as bed and breakfast operators.

The number of Residential Short Term Accommodation Providers (Bed and Breakfast Establishments and Short Term Vacation Rental Providers) Business Licences issued on an annual basis will be capped at 5% of the number of units per neighbourhood, and no more than one (1) per cul de sac.

For example: The Glen – 123 units = 6 Short Term Accommodation Providers Business Licences (B&B's and STVR's combined)

Short Term Vacation Rental will only be permitted in the R-1 (Residential, Single Family Detached); R-3 (Residential, Duplex – one side only); RA-1 Residential Amenity (Sunstone); RA-2 Residential Amenity (The Ridge).



Hotel	Motel	Hostel	Bed & Breakfast Inn	Bed & Breakfast	Short Term Vacation Rental
C-1; C-2 Zones ¹	C-2 Zone	C-1, C-2, E-1 Zones	RC-1, A-1 Zones	R-1, R-3, R-4, RA-1, RA-2 A-1 Zones	R-1, R-3, R-4, RA-1, RA-2, A-1 Zones
Valid Business Licence	Valid Business Licence	Valid Business Licence	Valid Business Licence	Valid Business Licence	Valid Business Licence
Final Building Permit	Final Building Permit	Final Building Permit	Final Building Permit	Final Building Permit	Final Building Permit
Principal Use of Building	Principal Use of Building	Principal Use of Building	Accessory Use of Primary Dwelling	Accessory Use of Principal Residence	Must be Primary Residence / Accessory Use of Principal Dwelling or Secondary Suite <u>but not both</u>
4 + rooms min	4 + rooms min	4 + rooms min	5 bedrooms max 10 guests max	2 bedrooms max 4 guests max	4 bedrooms max 8 guests max
One (1) off-street parking space per room + one (1) space per four (4) seats in Restaurant or Lounge	One (1) off-street parking space per room + one (1) space per four (4) seats in Restaurant or Lounge	One (1) off street parking space per room + one (1) space per four (4) seats in Restaurant or Lounge	One (1) off-street parking space per bedroom available	One (1) off-street parking space per bedroom available	One (1) off-street parking space per bedroom available
Breakfast may be included	Breakfast may be included	Breakfast may be included	Breakfast may be included	Breakfast may be included	Breakfast may be included
Commercial utility rates	Commercial utility rates	Commercial utility rates	Bed and Breakfast Inn utility rates	Bed and Breakfast utility rates	Bed and Breakfast utility rates
					1)Good Neighbour Agreement; 2)Nuisance Deposit; 3)Strata Permission (if applicable)
No Cap	No Cap	No Cap	No Cap	5% of neighbourhood	5% of neighbourhood units

¹ C-1 – Town Centre Commercial; C-2 Tourist Commercial; E-1 Education; M-1 Industrial Park; RC-1 Residential Country Inn; R-1 Residential, Single Family Detached; R-3 Residential, Duplex; R-4 Rural Residential; RA-1 Residential Amenity (Sunstone); RA-2 Residential Amenity (Ridge); A-1 Agriculture (ALR)

Next Steps

April 17th

Launch Draft Zoning Bylaw and Sign Bylaw via Feedback Session

April 18th

Post Zoning & Sign Bylaws at www.pemberton.ca, launch online engagement via survey monkey, Facebook and www.pemberton.ca

April 18th to May 11th

Seek feedback from residents, businesses and stakeholders (Airport Users Group, Industrial Park, Chamber, Advisory Land Use Commission, Landowners with Area C Zoning) and amend Draft Bylaws, where applicable

May 29th

Present Zoning and Sign Bylaws for 1st and 2nd Reading to Council

June

Public Hearing for Zoning & Sign Bylaws

July

3rd and 4th Reading for Zoning & Sign Bylaws

