



Frequently Asked Questions

Village of Pemberton Zoning Bylaw 832, 2018

Does this Zoning Bylaw prohibit Valley Chainsaw and Blacks Hot Wheels from operating in their current locations?

No. They would be able to continue operating as a lawful non-conforming use. Currently these uses are permitted to operate on a site-specific basis, on the current properties only, in the Town Centre Commercial C-1 Zone (see link to map below).

What does lawful non-conforming mean?

A non-conforming or “grandparented” use is a use of property which was previously allowed under the Zoning Bylaw, but because of subsequent changes in those regulations, is no longer a permitted use. According to the *Local Government Act*, a lawful non-conforming use means the existing use may continue unless the use is discontinued for a period of six (6) months, and the discontinuance is not the result of normal seasonal practices. As well, if a non-conforming building is damaged or destroyed to the extent of 75% or more of its value above its foundations, it cannot be repaired or replaced unless it conforms to the bylaw (rezoning).

Further lawful, non-conforming status, as per the *Local Government Act* safeguards businesses, to ensure they are still able to operate should there be a change in the regulations in the Zoning Bylaw.

What exactly is the Bylaw prohibiting?

The proposed amendments would remove “*Auto Repair Shop*” and “*Equipment Servicing, Rental and Repair Shop*” uses from the list of permitted land uses in the Town Centre Commercial C-1 Zone. Currently, an *Auto Repair Shop* and *Equipment Servicing, Rental and Repair Shop* are uses only permitted on land where they currently exist and this use is not permitted on any other lands in the C-1 zone. This type of zoning status is referred to as a “*site specific use*”, and this has been the case since 2001 when Zoning Bylaw No. 466, 2001 was adopted.

The uses would be able to continue as long as they do not cease operations for six (6) months or more, or if the building was destroyed (ie. fire) beyond 75% of their value.

If the business owners sell their business, does the use remain the same with the new owners?

A change in ownership/tenancy/occupancy does not affect the use of the lawful non-conforming land, building or structures; which essentially means that you can sell your business and the new owners are entitled to continue the use regardless of the lawful non-conforming status.

Would this proposed Zoning Bylaw prohibit these businesses from doing upgrades to the building or aesthetic improvements?

Regular maintenance and upgrades (i.e.: interior repairs, new exterior paint, new doors, walls or windows) to the structure are still permitted but cannot be expanded (ie. you cannot increase the size of



the original building footprint). The Village is able to review plans for upgrades and make a determination on a case by case basis.

What is the proposed zoning and uses for these properties?

The properties remain zoned Town Centre Commercial (C-1), however *Auto Repair Shop* and *Equipment Servicing, Rental and Repair Shop* have been removed. The use can remain as discussed above.

Under this proposed Bylaw, are there other businesses that will be lawful non-confirming? What is the Village doing about it?

No. However, *Building Supply Outlet* (Lumber sales and Outdoor Storage) use was removed as a permitted use in the C-1 Zone with the adoption of Zoning Bylaw No. 466, in 2001.

Is the Village targeting these businesses to push them out of town?

The Village is not targeting businesses. It is zoning land for the future based on its highest and best use. By removing these two site specific uses, the Village is attempting to implement certain objectives for Downtown outlined in the Official Community Plan, developed through extensive consultation with the Community in 2011.

Vancouver Coastal Health Authority (VCH) issues the Permit to Operate the water system and required that the Village prepare a groundwater protection plan (GPP) for their review as a condition of the Permit. The Village's GPP was prepared and recommends that the Village use developed planning tools (such as a Zoning Bylaw) to take specific precautions and eliminate the potential for contamination in the Village's Wellhead Protection Zone by transitioning this location to a low risk use. In addition, there are pedestrian and vehicular safety concerns with the operation of an *Auto Repair Shop* within the road and road right-of-way.

With respect to the *Equipment Servicing, Rental and Repair Shop Use*, the concern is the semi-industrial nature of this use, and the accompanying impacts of Outdoor Storage which is not a permitted use in the C-1 Zone.

The Village supports local businesses. In reviewing the Zoning Bylaw, the Village must balance the competing objectives of environmental and public safety.

Were these businesses contacted about the proposed Bylaw and changes to their uses?

Yes, both businesses were contacted and formal correspondence was both e-mailed and dropped off at their place of business encouraging them to contact the Village's Development Services Department should they require more information or have any questions.

You've heard from the community that we do not want this. Why are you proceeding with a Public Hearing?

At Tuesday's Council meeting (held on June 12th), Council gave the Zoning Bylaw 1st and 2nd Readings in order to move to a Public Hearing. This allows Council to hear from the Community. The *Local Government Act* requires that before a Zoning Bylaw is adopted, a Council must first hold a Public Hearing to hear from the Community on the proposed changes. After the Public Hearing, the Bylaw will



be brought back to Council at a subsequent meeting (date to be determined), for consideration of Third Reading. At that meeting, Council will consider the feedback received from the Community and determine how to proceed.

For clarity, a Public Hearing is not a debate or question and answer session; rather it is an opportunity for the public to bring forward their comments/concerns or opinions to Council. Once the Public Hearing is closed, Council is no longer able to accept public comments on the Bylaw.

Zoning Bylaw No. 832, 2018 contains numerous updates and revisions and the Village encourages all residents to carefully review the entire Bylaw and keep informed. Residents are welcome to contact the Village if you have any specific questions about its content.

Where can I review the proposed Bylaw?

On the Village's website:

Zoning Bylaw: <https://www.pemberton.ca/public/download/documents/49126>

Zoning Bylaw Map: <https://www.pemberton.ca/public/download/documents/49295>

How can I provide my support/opposition for the proposed Zoning Bylaw, 832, 2018?

Submissions from the public on the Zoning Bylaw may be made online at:

<https://www.pemberton.ca/government/council-meeting-information/write-to-mayor-council>

By email: admin@pemberton.ca

By mail: P.O. Box 100, Pemberton, BC V0N 2L0

By hand: 7400 Prospect Street

For submissions to be considered as part of the Public Hearing Agenda they must be received by noon on Wednesday, June 20th. Submissions received after that date will be presented at the Public Hearing taking place on Tuesday, June 26th at 7pm at the Pemberton & District Community Centre (7390 Cottonwood Street). **Please note, the location of the Public Hearing has been changed from Council Chambers to the Community Centre.**

Where can I learn more about the Bylaw?

Please review the Staff Report on the Regular Council agenda dated June 12, 2018.

<https://www.pemberton.ca/public/download/documents/50656>

Was there consultation related to this proposed Bylaw?

Yes, A copy of the Consultation Report can be found here:

<https://www.pemberton.ca/public/download/documents/50783>

The Village truly appreciate the Communities' input and engagement on this project. Zoning Bylaw No. 832, 2018 contains numerous updates and revisions and the Village encourages all residents to



carefully review the entire Bylaw and keep informed. Residents are welcome to contact the Village if you have any specific questions about its content.

Public Hearing Notice

Village of Pemberton Zoning Bylaw No. 832, 2018



Public Hearing

Zoning Bylaw No. 832, 2018

Tuesday, June 26th @ 7pm

(NEW LOCATION)

Pemberton & District

Community Centre

7390 Cottonwood Street

Questions? We're Listening.



604.894.6135



admin@pemberton.ca

What is Zoning Bylaw No. 832, 2018 about?

Proposed Zoning Bylaw No. 832, 2018 replaces the current Village of Pemberton Zoning Bylaw No. 466, 2001. Once adopted, Zoning Bylaw No. 832, 2018 will regulate the use of land, buildings, and structures in the Village of Pemberton.

What is the significance of the proposed Zoning Bylaw No. 832, 2018?

Proposed Zoning Bylaw No. 832, 2018 includes a range of proposed revisions and updates, undertaken to: improve clarity/ease of use, update & modernize, address deficiencies, meet legislative requirements, reflect best practices and reflect current land use practices, implement Official Community Plan (OCP) No. 654, 2011 policies, zone land previously incorporated from SLRD Area C, "green" the Bylaw (support energy efficient buildings and land use practices), and meet council directives.

A link to the Staff Report summarizing the amendments contained in proposed Zoning Bylaw No. 832, 2018 can be found here:

<https://www.pemberton.ca/public/download/documents/50656>

How do I get more information?

A copy of the proposed Bylaw and relevant background documents may be inspected at the Village of Pemberton Office, 7400 Prospect Street from Thursday June 14, 2018 to Tuesday June 26, 2018 during the office hours of 8:30am to 4:30pm, Monday through Friday (statutory holidays excluded), and also online at www.pemberton.ca.

How do I provide feedback?

All persons, who believe their interest in their property is affected by the proposed Bylaw, shall be given a reasonable opportunity to be heard by Council at the Public Hearing. Written comments must be addressed to "Mayor and Council" and may be submitted at the Public Hearing or through one of the following methods **prior to the Public Hearing (by 4:30pm on June 26, 2018)**:

Email: admin@pemberton.ca

Fax: 604.894.6136

Mail: Corporate & Legislative Services, Village of Pemberton, P.O. Box 100, Pemberton, BC, V0N 2L0

In Person: Corporate & Legislative Service Department, 7400 Prospect Street, Pemberton BC

Submissions received for the proposed Bylaw before 12:00pm on Wednesday, June 20, 2018 will be included in the Public Hearing information package for Council's consideration. This information package will also be available on the Village website at www.pemberton.ca with other associated information on Friday, June 22. Submissions received after 12:00pm on June 20, 2018 will be presented to Council at the Public Hearing. At the conclusion of the Public Hearing, no further information on this topic can be considered by Council.

Sheena Fraser, Corporate Officer

