

**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
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 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 7th day of May, 2019.

ADOPTED this 7th day of May, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer