

**JUMBO GLACIER MOUNTAIN RESORT MUNICIPALITY**

**BYLAW No. 0006, 2013**

**ZONING BYLAW**

Being a bylaw to divide the Farnham Glacier area of the Municipality into zones and to provide for regulations governing the use of land, buildings, and structures.

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The Council of JUMBO GLACIER MOUNTAIN RESORT MUNICIPALITY, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

**1. CITATION**

- (a) This Bylaw may be cited for all purposes as “*Farnham Glacier Zoning Bylaw No. 0006, 2013*”.

**2. APPLICATION**

The following schedules attached hereto are part of this bylaw and are adopted as zoning and land use controls the Farnham Glacier Zone portion of the Jumbo Glacier Mountain Resort Municipality:

- (a) Schedule A (Zoning Bylaw text);
- (b) Schedule B (Resort Design Guidelines), and;
- (c) Schedule C (Farnham Glacier Zone Map).

**3. ADMINISTRATION AND INSPECTION**

(a) The Acting Chief Administrative Officer and such other person as appointed by the Council of the Jumbo Glacier Mountain Resort Municipality are hereby charged with the administration of this Bylaw.

(b) Such persons as appointed under Subsection 3 (a) may enter, at all reasonable times, upon or into any Land, Building or Structure covered by this Bylaw, in order to ascertain whether the provisions of this Bylaw are being, or have been, complied with.

**4. VIOLATION AND PENALTIES**

(a) It shall be unlawful for any person to cause, suffer or permit any Building or Structure to be constructed, reconstructed, altered, moved, extended or used, or Land to be used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.

(b) Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this by-law.

(c) A person who is deemed to have committed an offence against this Bylaw is liable, on summary conviction under the Offence Act, to the penalties deemed appropriate by the presiding Provincial Court Judge or Justice of the Peace.

(d) The Acting Chief Administrative Officer and such other person as appointed by the Council of the Jumbo Glacier Mountain Resort Municipality may, at their discretion, and with respect to any contravention of any of the provisions of this bylaw, issue a notice warning of such contravention, issue a fine under the Municipal Ticket Information process, commence prosecution under the Offence Act, or seek a court injunction.

**5. SEVERABILITY**

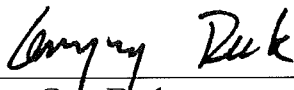
If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

Read a first and second time this 16th day of April, 2013.

Public hearing held May 13<sup>th</sup>, 2013.

Read a third time this 21st day of May, 2013.

Reconsidered and adopted this 21st day of May, 2013.

  
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Mayor Greg Deck

  
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Acting CAO Mark Read

**ZONING BYLAW #0006**  
**Farnham Glacier Zone**

**Schedule A**

**April 2013**

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**PREAMBLE**

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The following Comprehensive Development Zones (CD 1) relate specifically to the Jumbo Glacier Mountain Resort Municipality, in general conformity with the Jumbo Glacier Resort Master Plan. This Zoning Bylaw must be read in conjunction with the **Jumbo Glacier Resort Design Guidelines** attached as Schedule B to this Zoning Bylaw. Schedule C includes the drawing that illustrates the Zone location.

The **Jumbo Glacier Resort Master Plan** (the Master Plan) referred to in this document is the Ski Area Master Plan under the *All Seasons Resort Policy* (previously called *Commercial Alpine Ski Policy - CASP*) as approved or adapted from time to time by the Province of B.C. through the appointed ministry or agency, as the case may be. It is a public document available from the Mountain Resort Branch of the Ministry of Forests, Lands and Natural Resource Operations in Kamloops, B.C. and on the project website.

The **Master Development Agreement** between the Province and the developer is based on the Master Plan, and like the Master Plan may be changed over time. Recommendation of how to interpret these documents and the Design Guidelines is a task of the Design Review Authority established in accordance with the intent of section 4.3.10.1 of the Jumbo Glacier Resort Master Plan.

It is not intended that the DRA be an approving authority in a legal sense, as such authority rests with the municipal Council of the Jumbo Glacier Mountain Resort Municipality. The DRA is an advisory body making recommendations to Council. The Design Guidelines should be read in conjunction with the Official Community Plan, with the Zoning By-law and terms of related restrictive covenants, and as part of the Master Plan and of the Master Development Agreement for the creation of the project known as Jumbo Glacier Resort.

The layout of parcels, of right of ways and building envelopes indicated in the drawings are indicative of planning intent but not of dimensions. Parcels and dimensions will be identified by the Developer in general conformity with the Master Plan at time of subdivision and confirmed by survey and creation of title through the subdivision process.

A letter from the **Design Review Authority (DRA)** including its comments on the application must accompany all applications for Building Permit (or for Development Permit when an Official Community Plan and a Development Permit Area will be established), and the Council shall consider the opinion of the DRA in its decision to approve or reject a permit application. Approvals of projects in compliance with all requirements and the intent of the Design Guidelines shall never be unreasonably withheld.

The DRA, generally described in Section 4.3.10.1 of the Jumbo Glacier Resort Master Plan, is responsible for monitoring compliance with the Design Guidelines and with the intent of the Master Plan documents, so that the form and character of the resort project will be maintained until completion of the project.

Drawings showing building plans, sections and elevations, roof plans, finishes, colours, landscape and streetscape design must be submitted to the DRA for the resort area prior to application for Building Permit (or for Development Permit when an Official Community Plan and a Development Permit Area will be established).

Authentic style and character will be derived from the successful design tradition of mountain architecture (ranging from the western Canadian mountain lodge tradition to the majesty of the former Canadian Pacific hotels). Such authentic character will reflect a recognized local

heritage value and mountain tradition, even if reminiscent of a European romantic mountain style.

The Design Guidelines have been prepared for the proposed development of the mountain resort and should be considered as a permanent design direction of its Master Plan. They include rules and recommendations offered to the design professionals so that they know what is required to achieve design compliance with the intent of the Master Plan.

At time of subdivision, this zoning bylaw including the Design Guidelines shall be incorporated as governing documents by way of a Section 219 Covenant or a statutory building scheme (and by mandatory Development Permit requirements with the creation of a Development Permit Area when the Official Community Plan is created), and placed on land titles in order to make the development compliant with the Province's approved Jumbo Glacier Resort Master Plan.

**DEFINITIONS**

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**AVERAGE FINISHED GRADE** - shall be the average of the individual finished grades around the outline of the proposed building located on the site. It can be established as follows:

For each face of the proposed building, the average face grade (AGF) can be established by adding the grade at each corner of the proposed building face and dividing by two (assuming a constant change in grade). The length of the proposed face, measured horizontally, is the length of face (LF).

Example: Assuming a building with four faces (L1 to L4)

$$\text{Average Finished Grade} = \frac{(\text{AGF1} \times \text{LF1}) + (\text{AGF2} \times \text{LF2}) + (\text{AGF3} \times \text{LF3}) + (\text{AGF4} \times \text{LF4})}{\text{LF1} + \text{LF2} + \text{LF3} + \text{LF4}}$$

**AVERAGE NATURAL GRADE** - shall be the average of the individual natural grades around the outline of the proposed building located on the site. It can be established as follows:

For each face of the proposed building, the average face grade (AGF) can be established by adding the grade at each corner of the proposed building face and dividing by two (assuming a constant change in grade). The length of the proposed face, measured horizontally, is the length of face (LF).

Example: Assuming a building with, four faces (L1 to L4)

$$\text{Average Natural Grade} = \frac{(\text{AGF1} \times \text{LF1}) + (\text{AGF2} \times \text{LF2}) + (\text{AGF3} \times \text{LF3}) + (\text{AGF4} \times \text{LF4})}{\text{LF1} + \text{LF2} + \text{LF3} + \text{LF4}}$$

**BASEMENT** – shall mean a storey, the floor of which is more than 300mm but less than one half (1/2) its height from floor to ceiling below the lesser of either the average natural grade elevation, or the average finished grade elevation, calculated around the perimeter of a building or structure at or directly below its outermost exterior walls, but excluding uncovered exterior decks, patios and stairs.

**BED UNIT** – shall mean one of the permitted number of beds in each building, according to the Master Plan and to the provisions of the Master Development Agreement, as defined by the *All Seasons Resorts Policy (ASRP)*, of the Province of B.C. For greater clarity the calculation basis for the number of bed units is defined in each zone, in accordance with the

approved Master Plan. Bed Units (BU) may be transferred from one parcel to the other by the Developer at any time prior to subdivision provided the sum total of the BUs in the Master Plan remain the same as per Master Plan and ASRP.

**BUILDING** – shall mean any structure used or intended to be used for the shelter, accommodation, assembly or storage of persons, goods or chattels.

**FINISHED GRADE** - shall mean the final ground level at the outermost exterior walls of the building or structure after the site is fully graded and landscaped.

**GARAGE** – shall mean a building or part thereof used or intended to be used for the shelter, storage or repair of motor vehicles but shall not mean a Gasoline Service Station.

**HEIGHT** – shall mean the vertical distance measured from a point representing the lesser of either the average natural grade elevation, or the average finished grade elevation calculated around the perimeter of a building or structure at or directly below its outermost exterior walls, but excluding uncovered exterior decks and outdoor swimming pools, patios, stairs, to:

- i) The highest point of a building with a flat roof,
- ii) The mean height line between the highest and lowest point of the roof,
- iii) The highest point of all other structures.

**LINE OF BUILDING, FRONT** – shall mean the face of building which faces the front property line, taken at the outermost line.

**LINE OF BUILDING, REAR** – shall mean the face of building that faces the rear property line, taken at the outermost line.

**LINE OF BUILDING, SIDE** – shall mean the face of building that faces the side property line, taken at the outermost line.

**NATURAL GRADE** – shall mean the undisturbed ground level formed without human intervention or, where the undisturbed ground level cannot be ascertained because of previous industrial use, the undisturbed existing grade.

**SETBACK** – shall mean the distance between the property line and the line of building as defined above.

**SITE COVERAGE** – shall mean the percentage of the site covered by buildings and structures, including accessory buildings, but excludes decks built above ground level or portions of



decks built above ground level not exceeding a height of 1000mm above the higher of natural or finished grade below such deck, and eaves and roof projections.

For calculation, where decks, including pool decks, meet the above requirements in terms of grades abutting the perimeter of such decks and would only require backfilling of the grade below such decks to comply, they shall be excluded from the calculation.

**STOREY** – shall mean the space between two floors or between the floor and roof next above.

**STRUCTURE** – shall mean anything that is built, constructed or erected, the use of which or presence thereof requires location on the ground or attachment to something having a location on the ground and shall without limiting the generality of the foregoing include all retaining and non-retaining walls, and swimming pools.

**YARD** – shall mean that part of a site or lot which is unoccupied and unobstructed by buildings or parts thereof provided, however, the following may occupy, obstruct or enter into the yard area:

- Ordinary projections, not exceeding 600mm, of sills, belt courses, cornices and eaves or not exceeding 1200mm where the distance to the property line from the projection remains at least 1200mm.
- Ordinary projections, not exceeding 600mm, of chimneys in front yards and, for an overall or where more than one chimney encroaches a combined length not exceeding 3 meters, in sideyards.
- Ordinary projections of chimneys in rear yards.
- Underground parking structures.
- Motor vehicle ramps within yards providing access to parking structures.
- Accessory buildings.
- Ordinary projections, not exceeding 1200mm, of uncovered and unenclosed steps attached to a building.

**YARD, COMBINED SIDE** – shall mean the sum of the two side yards. These two side yard measurements are established by the minimum distance from the building line as defined above to the side property line.

**YARD, FRONT** – shall mean a yard extending across the full width of a site or lot from the front property line to the front line of building as defined above.

**YARD, REAR** – shall mean a yard extending across the full width of a site or lot from the rear property line to the rear line of the building as defined above.

**YARD, SIDE** – shall mean the yard between the side property line and a line extending along the side of the property from its front property line to its rear property line at a distance from the side property line equal to the closest point that the line of the building as defined above comes to that side property line

## **GENERAL PROVISIONS**

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### ***PURPOSE***

This bylaw shall guide the development of Jumbo Glacier Resort in an orderly and systematic manner for the ultimate benefit of the resort as a whole by ensuring that the various uses made of land and buildings develop in proper relationship to one another. Due regard is given to the promotion of public safety, health and general welfare; the regulation of density and limits to overcrowding; conservation of natural resources of the area and maintaining the integrity of the environment; creating and stabilizing the value of property; the form and character of the buildings to be erected and the suitability of the zone for particular uses; securing adequate access to open air and light; and for any of said purposes to divide the Resort into zones of such number, shape and areas as may be suited to implement the approved Jumbo Glacier Resort Master Plan.

### ***COMPLIANCE***

No persons shall erect, construct, locate, alter, reconstruct or maintain any building or locate or carry on any industry, business, trade, or calling, or use any land or building contrary to the provisions of this bylaw and any use not specifically permitted by this bylaw is hereby prohibited.

### ***SEVERABILITY***

If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

### ***ZONING BOUNDARIES***

Zoning boundaries do not follow a legally defined line and the distances are not specifically indicated. The location of the boundary shall be determined initially by scaling from the official zoning map and finally determined by a B.C. Land Surveyor at time of subdivision.

**1.0 FARNHAM GLACIER**

**CD1 (Farnham)**

(Jumbo Glacier Mountain Resort Municipality Comprehensive Development Zone)

**Purpose:** To accommodate skiing and overnight accommodation without winter road access.

**PERMITTED USES TABLE FOR CD1 (FARNHAM) ZONE**

**1.1 Permitted uses, buildings and structures:**

1.1.1 *Snowsports and sightseeing*

1.1.2 *Ski lifts*

1.1.3 *Hotel/lodge of up to 150 rooms, day lodge, employee housing of up to 75 rooms, restaurant, ski clubhouse, retail, offices, club dormitory and change rooms of up to 50 rooms, lockers, ski patrol, ski school, first aid*

1.1.4 *Ski society building, safety building, service and maintenance buildings and storage buildings*

1.1.5 *Accessory buildings and structures including utilities and related service structures*

1.1.6 *Ancillary mountain recreation infrastructure*

**REGULATIONS TABLE FOR CD1 (FARNHAM) ZONE**

1.2 <b>Minimum <i>Parcel area</i></b>	4000 sq m (43,200 sq ft.)
1.3 <b>Minimum <i>front setback</i></b>	6.0 m (19.7 ft.)
1.4 <b>Minimum <i>side setback</i></b>	4.5 m (14.8 ft.)
1.5 <b>Minimum <i>corner side setback</i></b>	6.0 m (19.7 ft.)
1.7 <b>Maximum <i>parcel coverage</i></b>	35% of the <i>parcel area</i>
1.8 <b>Maximum <i>building height</i>:</b>	
.1 <i>Principal buildings</i>	12 m (39.4 ft.) to a maximum of 4 <i>storeys</i>
.2 <i>Accessory buildings and structures</i>	5.0 m (16.4 ft.) to a maximum of 1 <i>storey</i>