

**BIG WHITE**  
**ZONING Bylaw No. 1166**

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**REGIONAL DISTRICT OF KOOTENAY BOUNDARY**  
**Zoning Bylaw for Big White**

Bylaw No.1166 passed the 31<sup>st</sup> day of  
January, 2002 together with Amendment Bylaws:

Replacing Big White Zoning Bylaw No. 904, 1996

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**CONSOLIDATED FOR CONVENIENCE ONLY**

*Consolidated bylaws are consolidated for convenience only and are merely representative. Each consolidated bylaw consists of the original bylaw text and maps, together with current amendments which have been made to the original version. Copies of all bylaws (originals and amendments) may be obtained from the RDKB Planning and Development Department.*

<b><u>BYLAW NO.</u></b>	<b><u>DATE OF ADOPTION</u></b>
1169 – Garnet Clark BW-4109s-07415.000 - Text & Map amendments	January 31, 2002
1177 – Big White Ski Resort Ltd.\Brent Harley & Associates (Ridge Base Secondary Plan) BW-026-02Temp - Map Amendment	May 23, 2002 May 23, 2002
1186 Big White Ski Resort Ltd.\Brent Harley & Associates (Feathertop Estates) BW-4222-07917.000 – Map & Text Amendments	August 29, 2002
1194 RDKB (R4 Zone setback revision) B29 – Text Amendment	October 3, 2002
1201 Big White Ski Resort Ltd.\Brent Harley & Associates BW-4228-BW034-03Temp – Text & Map Amendments	May 1, 2003
1202 RDKB (Lock-off Rooms) B3 & B29 – Text Amendment	May 1, 2003
1212 Big White Real Estate Ltd.\B. Harley (Hostel Employee to Med Density) BW-4222-BW045-03Temp Map Amendment	November 27, 2003
1216 R498 Enterprises Ltd.\Maicon Construction, Agent (Increase FAR in R4A Zone) BW-4228-BW31-03Temp – Map Amendment	December 18, 2003

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1224	Regional District of Kootenay Boundary (R4A Designation Policies) B-23 - Text & Map Amendment	February 26, 2004
1222	High Altitude Properties Ltd.\P. Plocktis, Agent (Woodcutters Cabins REC1 to R4) BW-4203-047-094Temp – Map Amendment	March 25, 2004
1227	George & Rhonda Schurian (R1 to R4) BW-4109s-07423.000) – Map Amendment	March 25, 2004
1235	Big White Real Estate Ltd.\Brent Harley & Associates (School Site) DL 4216-BW049-04Temp – Map Amendment	June 3, 2004
1241	Big White Real Estate Ltd.\Brent Harley & Associates (Horsefly Road Light Industrial Area) BW-051-04Temp - Text & Map Amendment	August 26, 2004
1242	RDKB\Big White Parking Implementation Committee (Drive Aisle Widths) B36 – Text Amendment	August 26, 2004
1248	RDKB (Definition of Publicly-owned ski trails) B23 – Text Amendment	October 28, 2004
1263	RDKB (Parking amendments) (Parking amendment) B29, BW-4228-07600.309 & BW-4228-07600.304	April 28, 2005
1290	Big White Real Estate (High Forest) BW-4213-BW-052-05 Temp – Map & Text Amendments	March 2, 2006
1303	RDKB B35 (Fire Hall) – Map Amendment	March 30, 2006
1306	RDKB (Multiple Family Residential Development Definition) B37 - Text Amendment	March 30, 2006
1316	Maicon Construction Ltd., Paul Mailey (Copper Kettle – Parking Amendment) BW-4222-07500.003 – Text Amendment	August 31, 2006

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| 1315 | Grizzly Ridge Developments<br>(Change zoning of a portion of land purchased from Crown)<br>BW-4213-07913.240 – Map Amendment   | September 28, 2006 |
| 1320 | Feathertop Developments Ltd.<br>BW-4222-07500.004 – Map Amendment<br>„High Forest Residential“ Zone renamed „Chalet Residential 3“   | November 30, 2006  |
| 1334 | Chateau Blanc Development Corp<br>BW-4168s-07905.256 – Text & Map Amendments<br>(Adding a new Village Core 6B Zone)  | June 28, 2007      |
| 1344 | Switchback Developments Ltd.<br>BW-4222-07500.002 – Map Amendment<br>(From „Medium Density Residential 4“ to „Chalet Residential 3“)   | August 30, 2007    |
| 1325 | RDKB<br>B29 – Text Amendment<br>Introducing minimum lot sizes for bare land strata subdivisions,<br>minimum parcel frontages, and bay window projections.                                  | December 13, 2007  |
| 1360 | RDKB<br>BW-4247-07914.000 – Text Amendments<br>To change parcel area & parcel coverage for two family<br>dwelling lots in R3 zone & parcel frontage in R1, R1A, R2,<br>R3, R4 & R4A zones. | March 26, 2008     |
| 1377 | RDKB<br>B29 – Text Amendments<br>To include a min parcel area exception in the R4 and<br>R4A zones and to amend the min parcel area in the R1 and<br>R1A zones.                            | June 26, 2008      |
| 1392 | CROWN/BLACK FOREST<br>BW-Temp-Vicinity of 4254/55 – Map Amendment<br>To rezone Recreation Resource 1 to a mixture of „Residential 3“,<br>Residential 4“, & „Village Core 6“.               | February 26, 2009  |

***Although RDKB Planning Department staff attempt every effort to provide the most up-to-date version of this bylaw (text and associated maps), this existing document may be somewhat out of date; particularly if the bylaw is presently being amended.***

***Persons viewing this reproduction of the bylaw (text and maps) are cautioned that it should not, in any case, be relied on for legal purposes or to make important decisions.***

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SCHEDULE „B	BIG WHITE ZONING MAP
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## PART ONE INTERPRETATION

BOARDER OR LODGER means a person who for hire occupies a sleeping room, with or without individual toilet facilities, in a dwelling unit occupied by a family to which that person may or may not be closely related by blood or marriage;

BOARD OF DIRECTORS means the Board of Directors of the Regional District of Kootenay Boundary;

BUILDING means any structure used or intended for supporting any use or occupancy;

BUILDING INSPECTOR means the Chief Building Inspector of the Regional District of Kootenay Boundary or his designate;

COMMON LOT ACCESS means a fee simple parcel which is created exclusively for the purpose of providing legal access to adjacent residential parcels, and shall be jointly held by the owners of the adjacent residential lots to which the common lot provides access;

COMMUNITY SEWER SYSTEM means a system of sewerage or sewage collection and disposal which is owned, operated and maintained by a regional district or which is approved pursuant to the Local Government Act or the Waste Management Act;

COMMUNITY WATER SYSTEM means a system of waterworks which serves two or more parcels and which is owned, operated and maintained by an improvement district under the Water Utilities Act or the Local Government Act, or a regional district, or which is regulated under the Utilities Commission Act;

CONCEALED means located within the confines of a building or underground;

\*CONFERENCE CENTRE means an establishment used for the holding of conventions, seminars, workshops or similar activities which contains a minimum floor area of 6,000 square metres utilized for the following purposes: lobby; pre-function areas; meeting rooms; ballrooms; health salon, pool and fitness centre; eating and drinking establishments; personal services establishments; ski services; and retail stores.

COVERED means located beneath a roof;

DEN means a room used for study or relaxation;

DWELLING UNIT means one or more rooms used for the residential accommodation of one family and contains sleeping, cooking and sanitary facilities;

DWELLING, SINGLE FAMILY means any detached building consisting of one dwelling unit and excludes single wide mobile homes;

DWELLING, TWO FAMILY means a detached residential building which is structurally divided into two separate dwelling units, each of which is intended to be used as the home or residence of one family;

EXTERIOR SIDE LOT LINE means the lot line(s) not being the front or rear lot line and common to the lot and a street;

FASCIA SIGN means a sign attached to or painted on a wall of a principal building;

<b>*Amendment Bylaw No. 1334; June 28, 2007</b>
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**FAMILY** means two or more persons related by blood, marriage, adoption or foster parenthood, or five or fewer unrelated persons;

**FENCE** means a structure which provides a protective or confining barrier composed of posts, boards, wire mesh or pickets;

**FLOOR AREA RATIO (FAR)** means the figure obtained when the total gross floor area of all buildings located on a parcel is divided by the total land area of the same parcel. For the purposes of the calculation of FAR, total gross floor area means the sum of the total floor area of each storey which is fully above grade added to, for a storey partially below grade, the estimated amount of its floor area which is entirely above grade;

**FRONT LOT LINE** means the lot line(s) common to the parcel and a fronting street, or where there is more than one fronting street, the lot line common to the parcel and the fronting street towards which the majority of the buildings on adjacent lots are faced;

**GROSS FLOOR AREA** means the sum of the areas of each storey in each building on a parcel measured between the exterior walls of such buildings;

**HABITABLE AREA** means any space within a building or structure which is used or intended to be used for human occupancy, furnaces, and other fixed equipment or storage of goods or possessions damageable by flood;

**HABITATION UNIT** means a room other than a dwelling unit which shares common cooking and sanitary facilities with other similar rooms, is or is intended to be held under a separate Certificate of Indefeasible Title and is used primarily for sleeping accommodation.

**HEIGHT** means the vertical distance measured from the average grade of the parcel to the highest point thereof;

**HOME OCCUPATION** means an occupation carried on for gain by the residents of the parcel, where the occupation is an extension of a trade, profession, service, hobby, or similar undertaking which is clearly secondary to the use of the parcel for residential purposes;

**HOSTEL** means a form of commercial accommodation in which beds are rented out individually to travellers and in which no single rented room or bed has its own sanitary or cooking facilities. A hostel shall be supervised by a resident manager on a 24 hour per day basis;

**INSTITUTIONAL USE** means a use providing for: day care centres, customs houses, art galleries, religious institutions, schools, government offices, museums, community halls, libraries and similar uses;

**INTERIOR SIDE LOT LINE** means the lot line(s), not being the front or rear lot line, common to another parcel or to the parcel and a lane;

**LANDSCAPE SCREEN AND FENCING** means a continuous evergreen hedge or other compact plant material at least 1 metre in height when planted, or a decorative wooden, concrete block or stone fence, or wall when such hedge, fence or wall is broken only for access driveways and walkways;

**LANE** means a road allowance more than 4 metres but less than 7 metres in width;

\*LOCK-OFF ROOM means a room or portion of a dwelling unit which has a separate bathroom; separate sleeping area; separate entrance from the main dwelling unit and which is divisible from the main dwelling unit and may be rented as separate accommodation with or without cooking facilities.

MOBILE HOME means a transportable, factory built single family dwelling unit that is:

- (a) designed to provide year-round living accommodation for one family; and
- (b) able to be connected to utility services; and
- (c) exempted under Section 1.1.2.2.(1)(g) of the *British Columbia Building Code*; and
- (d) in conformity with the CAN/CSA-Z240 MH Series; and
- (e) manufactured prior to 1 June, 1989; and
- (f) a minimum of 2.4 metres in width and a maximum of 4.5 metres in width; and
- (g) a minimum of 50 m<sup>2</sup> in gross floor area.

MULTIPLE FAMILY DWELLING means a building or group of buildings on one parcel, at least one of which contains three or more dwelling units;

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT means a use involving a single parcel of land, upon which at least three dwelling units are located;

NATURAL BOUNDARY means the visible high water mark 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 bed of a lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;

OFF-STREET PARKING means a use providing parking spaces for the temporary storage of vehicles and which is located off a public thoroughfare;

OPEN FENCING means fencing which is constructed of chain linking, or other material which is transparent;

PARCEL means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

PARCEL COVERAGE means the horizontal area within the vertical projection of the outermost walls of all buildings on the parcel, expressed as a percentage of the parcel area;

PENSION means a building within which is offered a form of guest accommodation which includes overnight sleeping rooms for up to forty-eight (48) guests. In a Pension full-board is available to all guests. Full-board means the guests in such a facility would normally receive three meals per day plus overnight accommodation at one all-inclusive price. Centralised eating and drinking facilities are therefore permitted within a Pension, but these are limited to not more than the total overnight accommodation capacity of the building. Such eating and drinking facilities are intended to be for the use of Pension guests only.

PERSONAL SERVICE ESTABLISHMENT means a premises which caters to personal needs including, but not restricted to, tailors, dressmakers, shoe repair, photographers, barbershops and beauty salons;

<b>*Amendment Bylaw No. 1202; May 1, 2003</b>
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PRINCIPAL BUILDING means the main building on a parcel, which may contain a dwelling unit or units, where at least 75% of the total floor area is used for the principal permitted use;

PUBLIC UTILITY USE means a use which provides essential services such as water, electricity, telephone, natural gas, cable television and similar services, where such use is established by the board, by another government body, or by a company operating under the Utility Commission Act. Public utility uses include broadcast transmission facilities, receiving antennas and parabolic dish line extenders but excludes exterior storage, vehicle and equipment repair facilities and administrative offices;

\*PUBLICLY OWNED SKI TRAIL is a ski trail identified in Appendix 2 (Description of Ski Trails: Build out), which is part of the Big White Resort Master Plan, prepared by Brent Harley & Associates Inc., June 1999.

REAR LOT LINE means the lot line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting side lot lines, shall be deemed to be the point of such intersection;

RESOURCE USE means a use providing for the conservation, and management of natural resources and extraction of primary forest materials, and the extraction, grading and crushing of mineral resource;

ROAD means all public streets, roads, ways, lanes, trails, bridges, trestles, ferry landings and approaches and any other public way which are under the jurisdiction of the Province of British Columbia, Ministry of Transportation and Highways pursuant to the *Highway Act*;

SERVICE STATION means a use providing for the sale of gasoline and/or minor automobile repairs and service, but does not include major autobody repairs;

SHOPPING CENTRE means a group of three or more commercial establishments which are planned, designed and developed as an entity and having an off-street parking area provided on the same lot;

SKI LODGE means a building within which there are located several quasi-commercial activities related to the operation of a ski resort. These activities may include: administrative offices, changing areas and lockers, ski equipment rental and sales, ski schools and other uses customarily incidental to the operation of a ski resort.

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

WATERCOURSE means any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of two (2) square kilometres or more up stream of the point of consideration.

<p>* <b>Amendment Bylaw 1248; October 28, 2004</b></p>
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## **PART TWO**

## **ADMINISTRATION**

### **201. Enforcement**

1. The Building Inspector or other such person that may be appointed by the Board of Directors of the Regional District of Kootenay Boundary may enforce this Bylaw.
2. Persons appointed under subsection (1) above are hereby authorized to enter, at all reasonable times, upon any properties subject to this Bylaw to ascertain whether the provisions of this Bylaw are being complied with.

### **202. Prohibition**

Subject to the provisions of the Local Government Act respecting non-conforming uses, land shall not be used nor shall buildings or structures be used, constructed, reconstructed, altered, moved, placed or extended, contrary to the provisions of this Bylaw.

### **203. Violation**

Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw, shall be deemed to have violated the provisions of this Bylaw.

### **204. Penalty**

Any person who violates any of the provisions of this Bylaw shall, upon summary conviction thereof, be liable to a fine of not more than two thousand dollars (\$2,000.00) plus the cost of the prosecution. Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

### **205. 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.

### **206. Amendment**

1. Application for amendment to this Bylaw shall be subject to the Local Government Act.
2. All applications for amendment to this Bylaw shall be subject to the requirements of Regional District of Kootenay Boundary Procedures and Fees Bylaw No. 878, 1995 as amended.

### **207. Effective Date**

This Bylaw shall become effective upon adoption.

**208. *Repeal***

1. Big White Zoning Bylaw No. 904, 1997 and all amendments thereto are hereby repealed.

## **PART THREE**

## **GENERAL REGULATIONS**

### **301. Application**

The provisions of this Part shall be applicable to all zones designated within this Bylaw unless expressly stated otherwise in a specific zone.

### **302. Permitted Uses of Land, Buildings and Structures in all zones.**

1. Except as otherwise stated in this Bylaw, the following uses are permitted in all zones:
  - (a) Highways, streets, bridges and lanes;
  - (b) Public service use;
  - (c) Landscape screening and fencing;
  - (d) Outdoor skating rinks;
  - (e) Utility uses, structures, distribution infrastructure, and buildings associated therewith, excluding offices, maintenance garages and storage areas;
  - (f) Temporary buildings, structures or storage of materials required for an approved construction project on the same parcel provided such temporary buildings, structures and/or storage are removed within thirty days of completion of the approved construction;
  - (g) Site preparation to accommodate or enhance a permitted use; and
  - (h) Ski trails and ski lifts.
2. Uses permitted in this section shall be subject to all other regulations of the zone within which they are located with the exception of Minimum Parcel Area requirements.

### **303. Siting Exceptions**

1. Subject to the provisions of B.C. Regulation 174/70, Section 4.01, the items noted below shall be deemed to be excluded from the usual siting requirements of zones established by this Bylaw and shall be regulated as follows:
  - \*(a) Unenclosed steps, eaves, sunlight control projections, canopies, balconies, porches, decks, bay windows, chimneys and cantilevered sections of buildings may project:
    - i) 2 metres within a required front, rear, or exterior side yard setback;
    - ii) 0.6 metres within a required interior side yard setback.
  - \*(b) The total area of structural projections including bay windows, chimneys and a cantilevered section of a building, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line, measured from the front to the rear of the building, not including decks, trellises, or other open structures. For buildings or structures that are more than one storey, the area of the structural projection shall be calculated per storey. No individual structural projection shall exceed 3.0 metres in length. No two structural projections shall be closer than 3.0 metres apart.

<b>*Amendment Bylaw 1325; December 13, 2007</b>
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- (c) An underground structure may be sited on any portion of a parcel provided that the top surface of such structure shall at no point extend more than 0.5 metres above the average finished ground elevation within the relevant setback area of the zone in which it is located.
  - (d) Free standing lighting poles, warning devices, antennas, masts, utility poles, wires, flag poles, signs and sign structures, except as otherwise limited in this or other bylaws may be sited on any portion of a parcel at the sole responsibility of the owner or utility company.
2. Notwithstanding any regulations to the contrary in this Bylaw, for parcels within the Snowpines Residential 2 Zone only, where open or covered outdoor stairways, walkways or other means of building access project beyond the face of a building or structure, the minimum distance to a front or rear lot line may be reduced to 2 metres insofar as it applies to the stairways, provided the stairway is used for no other purpose (such as storage or other rooms)

### **304. Height Exceptions**

The heights of buildings and structures may be exceeded for radio and television antennas, monuments, chimney stacks, flag poles, lighting poles, and elevator shafts. Where such structures are located on top of a building they shall not occupy more than 10% of the horizontal plane of the roof area.

### **305. Home Occupation Uses**

1. A home occupation use:
- (a) shall be carried out solely within a dwelling unit or wholly enclosed accessory building including all storage associated therewith;
  - (b) subject to Section 305(1)(d) below, shall give no exterior indication that the building or property is being utilized for any purpose other than that of a dwelling, or accessory residential use, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the zone in which it is located, may be erected;
  - (c) shall not produce any odorous, toxic or noxious matter, noise, vibration, smoke, heat, dust, litter, glare or radiation other than that normally associated with the dwelling nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the street;
  - (d) shall have no external display or advertisement other than a maximum of one sign bearing only the name and/or occupation of the resident, which shall be non-illuminated and shall not have a visible surface area on any one side exceeding 0.3 m<sup>2</sup>;
  - (e) shall have all storage of materials, equipment, containers or finished products concealed;
  - (f) shall not exceed 30 m<sup>2</sup> in total area (whether in one or more buildings);
  - (g) shall only employ residents of the dwelling located on the parcel on which the occupation is being conducted;

- (h) shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.

### ***306. Minimum Parcel Area Exceptions***

1. Parcels in existence prior to the effective date of this Bylaw, or parcels which have been created after that date pursuant to the provisions of Sections 306, 402.9, 403.8, 403.9, 404.8 or 404.9 of this Bylaw, are not required to comply with the minimum parcel area requirements set out for the respective zone within which they are located. However, such parcels or any further subdivision of such parcels shall comply with all other provisions of this Bylaw as well as any other pertinent bylaws or Provincial Acts, statutes, orders or regulations.
2. A parcel which is reduced in size by the dedication of land to a public body in order to accommodate a necessary public service, utility, facility or road subsequent to the approval date of this Bylaw shall be deemed to be in conformity with the minimum lot area requirements of this Bylaw.
3. A parcel which is reduced in size by not more than ten (10) percent as a result of a taking for a public use by:
  - (a) the Regional District;
  - (b) a municipality;
  - (c) the Provincial Government;
  - (d) the Federal Government;
  - (e) an Improvement District;
  - (f) an Irrigation District;
  - (g) the Board of School Trustees; or
  - (h) a Public Utility.by expropriation or purchase shall be considered to have the same size as it did prior to the taking. If this deemed size would permit further subdivision then such subdivision may occur pursuant to the general regulations of this Bylaw and the regulations of the zone in which the parcel is located. All such new parcels or remainder(s) of the original parcel shall be of the same size following the subdivision.
4. The minimum parcel area requirements of this Bylaw do not apply to the consolidation of existing parcels or the addition of closed streets to an existing parcel.
5. The alteration of one or more interior lot lines between two or more parcels shall be permitted provided that:
  - (a) no additional parcels are created upon completion of the alteration;
  - (b) the alteration does not infringe within the required setbacks for an existing building or structure located on the parcel;
  - (c) the alteration does not reduce the site area required for a sewage disposal system on any parcel being consolidated.



### **307. Mineral, Coal and Gravel Extraction**

*A number of Provincial Acts pertaining to resource extraction activities supersede the authority of the Regional District of Kootenay Boundary over both Crown and private lands. These include the Mines Act, the Coal Act, and the Mineral Tenure Act. In view of this fact, mineral, gravel and coal exploration and/or mining activities cannot be in any way restricted by this Zoning Bylaw. The Energy and Minerals Division (Ministry of Energy & Mines) has a review process used to address the public interest in such matters.*

### **308. Visibility**

No person being the owner, occupier or lessee of any land located at the intersection of any two streets, shall place or permit to be placed, construct or grow any tree, shrub, plant, fence or other structure greater than 1 metre in height within a sight triangle bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 6 metres from their point of intersection.

### **309. Screening and Closed Fencing**

Except where provided otherwise in this Bylaw:

- (a) Landscape screens and closed fences 2 metres or less in height may be sited on any portion of a parcel. However, such screening and closed fencing shall be less than 1.3 metres in height when sited closer to any street than the setbacks for the zone within which they are located;
- (b) Landscape screens and fences greater than 2 metres in height shall be sited in accordance with the required setbacks from a lot line for a principal building located within the same zone;
- (c) open fencing shall not be restricted as to height or location;
- (d) the use of barbed wire for fencing within a residential, public and commercial zone shall be prohibited.

### **310. Outdoor Storage**

- 1. Except where specifically permitted within a zone established by this Bylaw, no parcel shall be used for the wrecking or storage of derelict vehicles or as a junkyard.
- 2. Any vehicle which has not been licensed for a period of one (1) year and which is not concealed or housed in a garage or carport, shall be deemed to be a derelict vehicle and junk.

### **311. Boarders and Lodgers**

For zones in which Bed and Breakfast/Boarding use is permitted, a total of not more than four (4) bedrooms or sleeping units located inside one building per parcel shall be used for the accommodation of paying bed and breakfast guests or the accommodation of boarders or lodgers.

### **312. Minimum Floor Area**

The minimum required floor area for the following classes of accommodation shall be:

- (a) For Single and Two Family Dwellings:
  - (i) 60 m<sup>2</sup> for a dwelling unit.
- (b) For Multiple Family Dwellings:
  - (i) 12 m<sup>2</sup> for a habitation unit;
  - (ii) 30 m<sup>2</sup> for a bachelor suite;
  - (iii) 50 m<sup>2</sup> for a one bedroom dwelling unit;
  - (iv) 60 m<sup>2</sup> for a two bedroom dwelling unit;
  - (v) 70 m<sup>2</sup> for a three bedroom dwelling unit;
  - (vi) 80 m<sup>2</sup> for dwelling units with more than three bedrooms.

### **313. Floodplain Bylaw**

*The Regional District of Kootenay Boundary has adopted a separate Floodplain Management Bylaw pursuant to Section 969 of the Local Government Act. The Floodplain Bylaw may have regulations which override the setbacks contained in this Zoning Bylaw. Copies of the Floodplain Bylaw (No. 677) are available from the Regional District of Kootenay Boundary.*

### **314. Signs**

With the exception of regulations to the contrary within any particular zone or in the home occupation regulations under this Bylaw, no parcel shall be used for the display of any exterior signs on a permanent basis other than:

- (a) fascia signs which identify the name of the building;
- (b) fascia signs, each with a maximum visible surface area of 1.5 m<sup>2</sup>, are permitted to advertise each permitted commercial business present on the parcel.

No sign shall be equipped with motion or flashing lights or a mechanical device which causes the sign to move. Signs within windows are exempt from this regulation.

### **315. Prohibited Uses**

1. Residential occupancy on a short or long-term basis, of accessory buildings, recreational vehicles, pick-up campers and similar shelters shall be prohibited except in those zones which expressly permit such a use.
2. Accessory buildings and structures shall not be located on a parcel in a Residential Zone unless there is (are) a dwelling(s) legally established on the same parcel.

### **316. Services**

Parcels of land, upon which a building or structure requiring sanitary facilities and domestic water is located, shall be connected to a community water system and a community sewer system.

### **317. Parking Requirements**

1. Minimum off-street parking spaces and facilities shall be provided in accordance with the following table. Where a specific use is not identified a similar use to one listed in the table shall be selected as an applicable standard.

CATEGORY	USE	REQUIREMENT
<b>RESIDENTIAL</b>	a) Single and two family dwellings and mobile homes	Two (2) spaces per dwelling unit. Two (2) or more parking spaces for each dwelling unit may be in tandem.
	b) Bed and Breakfast / Boarding use	In addition to the parking requirement for the principal residential use, one (1) space per bedroom used for bed and breakfast/boarding purposes shall also be provided.
	c) Multiple family dwellings	One (1) space per bachelor suite; one and one-half (1.5) spaces for each one (1) and two (2) bedroom dwelling unit; one and three quarters (1.75) spaces for each three (3) bedroom dwelling unit; and two (2.0) spaces for dwelling units with four (4) or more bedrooms and Multiple Family Residential Development. Two (2) or more spaces for each dwelling unit may be in tandem.
	*d) Lock-off Rooms	One half (0.5) parking spaces per lock-off room
<b>COMMERCIAL</b>	e) Financial institutions; retail stores & shops; personal service uses	One (1) space per 40 m <sup>2</sup> of gross floor area.
	f) Business, administrative and professional offices; medical & dental clinics; and similar establishments	One (1) space per 60 m <sup>2</sup> of gross floor area
	g) Eating and drinking establishments	One (1) space for every ten (10) seats
	h) Hostel	One (1) space for every five (5) beds
	i) Pensions	One (1) space per unit or space
	j) Vehicle rental, sales & associated service facilities	One (1) space for customer car

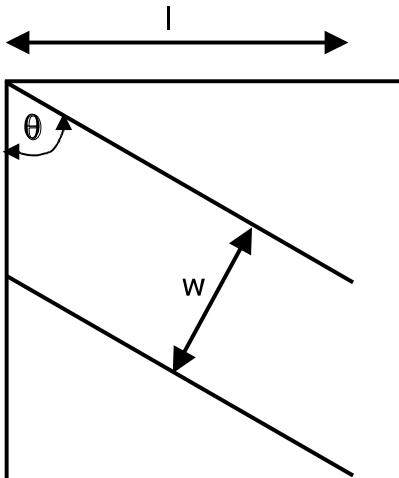
**\*Amendment Bylaw No. 1202; May 1, 2003**

	*k) Recreational and entertainment facilities	One (1) space per 60 m <sup>2</sup> of gross floor area
	**l) Meeting rooms, ballrooms and assembly use	One (1) space per 60 m <sup>2</sup> of gross floor area
	**m) Nightclubs	One (1) space per 60 m <sup>2</sup> of gross floor area
	**n) Casinos and gaming centres	One (1) space per 25 m <sup>2</sup> of gross floor area

2. Where a building or parcel contains more than one function or use, the required number of parking spaces shall be the sum of the requirements of each function.
3. Where a use is not specifically mentioned there shall be a formal parking requirement.
4. (a) Required parking spaces for all uses shall be provided on the same parcel as the building or use. Notwithstanding the above regulation, for non-residential uses, up to fifty (50) percent of required parking spaces may be located on another parcel of private land within 400 metres of the parcel containing the non-residential use, subject to the following conditions:
  - (i) no transfer of required on-site parking shall be made to Crown land; and
  - (ii) in no case shall any transfer under this regulation reduce or otherwise compromise the availability of required on-site parking spaces for the parcel to which the on-site parking requirement has been transferred.
- (b) Subject to Section 317.5(a) above, if required parking spaces for a non-residential use are to be located on a parcel separate from the building or use being served (pursuant to Section 317.5(a) above), the landowners of the parcel being developed and the separate parcel shall enter into an agreement with the Regional District under Section 219 of the *Land Title Act*, registered in priority over any other charges, restricting the use of the necessary portion of the separate parcel to "parking".
5. \*\*\* (a) Each parking space shall:
  - i. be not less than 2.5 metres in width, where such space is not adjacent to a side wall or column;
  - ii. be not less than 3.0 metres in width, where such space is adjacent to a side wall or column, as measured from the centre line of a column;
  - iii. be not less than 5.5 metres in length; and
  - iv. be not less than 2.44 metres in clearance height.

*	<b>Amendment Bylaw No. 1201; May 1, 2003 (Lock-off Rooms)</b>
**	<b>Amendment Bylaw No. 1334; June 28, 2007 (replaces the text of Section 317(6))</b>
***	<b>Amendment Bylaw No. 1263; April 28, 2005 (replaces text of original Section 317.5(a))</b>

- \* (b) Maneuvering aisles and driveways shall have a minimum width of 7.3 meters for two-way traffic circulation.
- \* (c) Manoeuvring aisles and driveways shall have a minimum width of 6.0 metres for one-way traffic circulation.
- \* (d) For one-way traffic circulation, parking angles shall not exceed 60°. The width (w) of each parking space shall not be less than 2.5 metres and the length (l) of each parking space shall not be less than 5.5 meters.



- \*\*6.** For buildings containing three or more dwelling units, the proportion of required off-street parking spaces that must be covered shall be in accordance with the following schedule:

Total Number of Off-Street Parking Spaces Required Pursuant to Section 317 (1)	Proportion of parking spaces that must be covered
Less than 300 spaces	66%
301 to 400 spaces	64%
401 to 500 spaces	62%
501 to 600 spaces	60%
601 to 700 spaces	58%
701 to 800 spaces	56%
801 to 900 spaces	54%
901 to 1,000 spaces	52%
Over 1,000 spaces	50%

7. Each parking space shall be so located as to permit unobstructed access to and egress from that space to a public thoroughfare at all times.

\* Amendment Bylaw No. 1242; August 26, 2004 (amending drive aisle widths for one-way traffic)  
 \*\* Amendment Bylaw No. 1334; June 28, 2007 (replaces text of Section 317(6))

8. Required off-street parking areas to accommodate ten (10) or more vehicles shall have a surface which is dust-free (pavement/concrete). All other outdoor parking areas must be, as a minimum standard, gravelled.
9. The number of access points from each parking area to a fronting street shall not exceed two. Access permits are issued by the Ministry of Transportation and Highways.
10. The parking requirements established in of this Section do not apply to a building or use existing prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing use or building, then the provisions of Section 317 shall apply to such expansion or addition.
- \*11. Notwithstanding the minimum parking space height requirements of Section 317.5(a)(iv), the minimum clearance height for each parking space shall be 2.2 metres on the following parcels:
  - (a) Lot 5, DL 4228, SDYD, Plan 72809; and
  - (b) Lot 10, DL 4228, SDYD, Plan 72809
- \*\*12. Notwithstanding the minimum parking space height requirements of Section 317.5(a)(iv), the minimum clearance height for each parking space must be at least 2.3 metres for Phase II, Plan KAS2676 of the Copper Kettle Development located on the following parcel:
  - (a) Lot 3, DL 4222, SDYD, Plan KAP72799
- \*\*\*13. Notwithstanding the number of off-street parking spaces required under Section 317(1), where buildings on a parcel contain more than one use, the total parking requirement for all uses may be reduced in accordance with the following schedule:

Total Number of Off-Street Parking Spaces Required Pursuant to Section 317 (1)	Permitted Reduction to Determine Multiple Use Parking Requirement
Less than 300 spaces	No reduction
301 to 400 spaces	2.5%
401 to 500 spaces	5.0%
501 to 600 spaces	7.5%
601 to 700 spaces	10.0%
701 to 800 spaces	12.5%
801 to 900 spaces	15.0%
901 to 1,000 spaces	17.5%
Over 1,000 spaces	20.0%

*	Amendment Bylaw No. 1263; April 28, 2005 (Adds new Clause 11 to Section 317))
**	Amendment Bylaw 1316; August 31, 2006 (Adds new Clause 12 to Section 317)
***	Amendment Bylaw 1334; June 28, 2007 (Adds new Multiple Use Parking Credit Provision as Section 317(13))

### **318. Off-street Loading Facilities**

1. Off-street loading facilities for commercial or industrial uses involving the receipt and delivery of goods or materials by vehicles shall be 1 space for the first 12,000 m<sup>2</sup> of gross floor area or fraction thereof, plus 1 additional space for each additional 2,000 m<sup>2</sup> of gross floor area or fraction thereof.
2. Off-street loading facilities shall:
  - (a) be provided on the same parcel as the use it serves;
  - (b) be set back a minimum of 9 metres from the designated fronting street;
  - (c) have a minimum of 30 m<sup>2</sup> in area, at least 4 metres in width and 4 metres in height for each space;
  - (d) not project into any street, lane or public thoroughfare;
  - (e) have unobstructed vehicular access to a public street or lane;
  - (f) have a durable dust free surface.

### **319. Minimum Parcel Sizes for Section 996 Subdivision**

The minimum size for a parcel of land that may be subdivided under Section 996 of the Municipal Act shall be 20 ha.

### **320. Setback Adjacent To **\*\*Publicly Owned Ski Trail\*\*****

Notwithstanding the interior side *\*or rear* lot line setback contained within the applicable zone, the setback shall be 2 metres from an interior side *\*or rear* lot line adjacent to a publicly owned ski trail\*\*.

<p>*</p> <p>**</p>	<p>Amendment Bylaw No. 1202; May 1, 2003 (adds new text “<i>or rear</i>”)</p> <p>Amendment Bylaw No. 1248; October 28, 2004 (replaces words ski run with “<i>ski trail</i>”)</p>
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## PART FOUR ZONE DESIGNATIONS

### 401. Zones

- For the purpose of this Bylaw, the defined portion of Electoral Area 'E' (Big White) of the Regional District of Kootenay Boundary is classified and divided into the following zones:

SHORT FORM	ZONE DESIGNATION
<b>RESIDENTIAL</b>	
R1	Chalet Residential 1 Zone
*R1A	Chalet Residential 1A Zone
R2	Snowpines Residential 2 Zone
****R3 *****R3	Chalet Residential 3 Zone
R4	Medium Density Residential 4 Zone
**R4A	Intermediate Density Residential/Commercial 4A Zone
R5	High Density Residential 5 Zone
VC6	Village Core 6 Zone
VC6A	Limited Village Core 6A Zone
*****VC6B	Village Core 6B Zone
R6	Hostel\Employee Housing Residential 6 Zone
R7	Moguls Residential 7 Zone
R8	High Density Mixed Residential\Commercial 8 Zone
<b>RECREATIONAL</b>	
REC 1	Recreational Resource 1 Zone
<b>INDUSTRIAL</b>	
I1	Industrial 1 Zone
***I2	Light Industrial 2 Zone
<b>INSTITUTIONAL AND COMMUNITY FACILITIES</b>	
ICF 1	Institutional & Community Facilities 1 Zone

- The extent and boundary of each zone is shown on Schedule 'B' which is attached to, and forms part of, this Bylaw.
- When a zone boundary is shown as following a road allowance or a watercourse, the centre-line of such road allowance or watercourse shall be the zone boundary.
- Where a zone boundary does not follow a legally defined line, the location of the zone boundary shall be determined by scaling from the zoning map referred to in Subsection (2).

*	<b>Amendment Bylaw No. 1169; January 31, 2002</b>
**	<b>Amendment Bylaw No. 1224; February 26, 2004 (renames original R4A Medium Density Residential 4A zone (established by Amendment Bylaw No. 1201) TO Intermediate Density Residential/Commercial 4A (R4A))</b>
***	<b>Amendment Bylaw No. 1241; August 26, 2004 (creates new Light Industrial 2 Zone)</b>
****	<b>Amendment Bylaw No. 1290; March 2, 2006 (creates new „HighForest Residential 3 Zone“)</b>
*****	<b>Amendment Bylaw No. 1320; Nov. 30, 2006 (changes R3 Zone name from „High Forest Residential (R3)“ to „Chalet Residential (R3)“)</b>
*****	<b>Amendment Bylaw No. 1334; June 28, 2007 (creates new Village Core 6B Zone)</b>



**402. CHALET RESIDENTIAL 1 ZONE**

**R 1**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Chalet Residential 1 Zone.

**2. Permitted Uses**

The following uses only shall be permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Bed and Breakfast and/or Boarding use (*subject to Section 311 of this Bylaw*);
- (d) Home occupations;
- (e) Accessory buildings and structures.

**3. Minimum Parcel Area**

The minimum parcel area shall be:

- (a) 425 m<sup>2</sup> for a single family dwelling;
- (b) 550 m<sup>2</sup> for a two family dwelling or two single family dwellings;
- (c) 120 m<sup>2</sup> for a common lot access.

**\*4. Minimum Parcel Frontage**

The following minimum parcel frontages shall apply:

- \*\* (a) 13m for a single family dwelling;
- \*\* (b) 19m for a two family dwelling;
- (c) 8m for a panhandle;
- (d) 6m for a single family dwelling on a cul-de-sac; and
- (e) 10m for a duplex on a cul-de-sac.

**5. Maximum number of buildings**

One residential building containing two dwelling units or two single family dwellings shall be permitted per parcel.

**6. Prohibition**

No person shall construct a dwelling unit or an accessory building on a common lot access.

**7. Setbacks**

No building or structure nor any part thereof except a fence shall be located within:

- (a) 4.5m of a front lot line;
- (b) 4 m of a rear lot line;
- (c) 3 m of an exterior side lot line;
- (d) 2 m of an interior side lot line;
- (e) 0m (zero metres) of an interior side lot line which is contiguous with a vertical common party wall separating dwelling units in a two family dwelling.

**\*Amendment Bylaw No. 1325; December 13, 2007**

**\*\*Amendment Bylaw No. 1360; March 26, 2008**

**8. Parcel Coverage**

The maximum parcel coverage shall be 50%.

**9. Height**

The maximum height for buildings and structures shall be:

- (a) Principal buildings: 9 metres
- (b) Accessory buildings and structures: 6 metres

**10. Subdivision of two family dwellings and parcels**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing two family dwelling may be subdivided such that each dwelling is located on a separate parcel, provided that all of the following conditions are met:

- (a) the common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- \* (b) the minimum area of each lot, after subdivision, is not less than 255 m<sup>2</sup>;
- (c) all other regulations of the R1 zone are complied with.

**11. Bed and Breakfast/Boarders and Lodgers**

Notwithstanding the provisions of Section 311 of this Bylaw, for parcels subdivided pursuant to Section 402.9, not more than two (2) bedrooms or sleeping units per parcel may be used for the purposes of Bed and Breakfast or Boarders and Lodgers.

**12. Parking**

Off-street parking spaces shall be provided in accordance with Section 317 of this Bylaw.

<b>*Amendment Bylaw No. 1377; June 26, 2008</b>
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**\*402A CHALET RESIDENTIAL 1A ZONE**

**R1A**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Chalet Residential 1A Zone:

**2. Permitted Uses**

The following uses only shall be permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Bed and Breakfast and/or Boarding use (*subject to Section 311 of this Bylaw*);
- (d) Guest reception services;
- (e) Home occupations;
- (f) Accessory buildings and structures.

**3. Minimum Parcel Area**

The minimum parcel area shall be:

- (a) 425 m<sup>2</sup> for a single family dwelling;
- (b) 550 m<sup>2</sup> for a two family dwelling or two single family dwellings;
- (c) 120 m<sup>2</sup> for a common lot access.

**\*\*4. Minimum Parcel Frontage**

The following minimum parcel frontages shall apply:

- \*\*\*(a) 13m for a single family dwelling;
- \*\*\*(b) 19m for a two family dwelling;
- (c) 8m for a panhandle;
- (d) 6m for a single family dwelling on a cul-de-sac; and
- (e) 10m for a duplex on a cul-de-sac.

**5. Maximum number of buildings**

One residential building containing two dwelling units or two single family dwellings shall be permitted per parcel.

**6. Prohibition**

No person shall construct a dwelling unit or an accessory building on a common lot access.

**7. Setbacks**

No building or structure nor any part thereof except a fence shall be located within:

- (a) 4.5m of a front lot line;
- (b) 4 m of a rear lot line;
- (c) 3 m of an exterior side lot line;
- (d) 2 m of an interior side lot line;
- (e) 0m (zero metres) of an interior side lot line which is contiguous with a vertical common party wall separating dwelling units in a two family dwelling.

*	<b>Amendment Bylaw 1169; January 31, 2002</b>
**	<b>Amendment Bylaw 1325; December 13, 2007</b>
***	<b>Amendment Bylaw 1360; March 26, 2008</b>

**8. Parcel Coverage**

The maximum parcel coverage shall be 50%.

**9. Height**

The maximum height for buildings and structures shall be:

- (a) Principal buildings: 9 metres
- (b) Accessory buildings and structures: 6 metres

**10. Subdivision of two family dwellings and parcels**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing two family dwelling may be subdivided such that each dwelling is located on a separate parcel, provided that all of the following conditions are met:

- (a) the common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- \* (b) the minimum area of each lot, after subdivision, is not less than 255 m<sup>2</sup>;
- (c) all other regulations of the R1 zone are complied with.

**11. Bed and Breakfast/Boarders and Lodgers**

Notwithstanding the provisions of Section 311 of this Bylaw, for parcels subdivided pursuant to Section 402A.9, not more than two (2) bedrooms or sleeping units per parcel may be used for the purposes of Bed and Breakfast or Boarders and Lodgers.

**12. Parking**

Off-street parking spaces shall be provided in accordance with Section 317 of this Bylaw.

<b>*Amendment Bylaw No. 1377; June 26, 2008</b>
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**403. SNOWPINES RESIDENTIAL 2 ZONE**

**R2**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Snowpines Residential 2 Zone.

**2. Permitted Uses**

The following uses only shall be permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Three family dwelling;
- (d) Four family dwelling;
- (e) Home occupations;
- (f) Bed and Breakfast and/or Boarding use (*subject to Section 311 of this Bylaw*);
- (g) Accessory buildings and structures.

**3. Minimum Parcel Area**

The minimum parcel area shall be:

- (a) 500 m<sup>2</sup> for a single or two family dwelling;
- (b) 625 m<sup>2</sup> for a three or four family dwelling.

**\*4. Minimum Parcel Frontage**

The following minimum parcel frontages shall apply:

- \*\* (a) 13m for a single family dwelling;
- \*\* (b) 19m for a two family dwelling;
- (c) 8m for a panhandle;
- (d) 6m for a single family dwelling on a cul-de-sac; and
- (e) 10m for a duplex on a cul-de-sac.

**5. Maximum Number of Buildings Per Parcel**

One building containing a single, two, three, or four family dwelling is permitted per parcel, subject to Section 403.3.

**6. Setbacks**

No building or structure nor part thereof except a fence shall be located within:

- (a) 6 m of a front lot line;
- (b) 4 m of a rear lot line;
- (c) 3 m of an exterior side lot line;
- (d) 2 m of an interior side lot line; or
- (e) 0 m (zero metres) of an interior side lot line which is contiguous with a vertical common party wall separating dwelling units in a two, three or four family dwelling;
- (f) for lands within the Snowpines Residential 2 Zone the provisions of Section 303(1)(a)(ii) shall not apply.

*	<b>Amendment Bylaw 1325; December 13, 2007</b>
**	<b>Amendment Bylaw 1360; March 26, 2008</b>

**7. Parcel Coverage**

The maximum parcel coverage shall be 50%.

**8. Height**

The maximum height for buildings and structures shall be:

- (a) Principal Buildings: 9 metres
- (b) Accessory Buildings and structures: 6 metres

**9. Subdivision of two family dwellings and parcels**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing two family dwelling may be subdivided such that each dwelling is located on a separate parcel, provided that all of the following conditions are met:

- (a) the common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- (b) the minimum area of each parcel, after subdivision, is not less than 250 m<sup>2</sup>;
- (c) all other regulations of this Bylaw are complied with.

**10. Subdivision of three and four family dwellings and parcels**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing three or four family dwelling may be subdivided such that one or more dwelling units are located on a separate parcel, provided that all of the following conditions are met:

- (a) if a dwelling unit is located above another dwelling unit, the building's common vertical party walls have been constructed as firewalls pursuant to Section 9.10.11.1 of the *Building Code*;
- (b) the common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- (c) the maximum density of each parcel, after subdivision, is not greater than one dwelling unit per 156 m<sup>2</sup> of parcel area;
- (d) all other regulations of this Bylaw are complied with.

**11. Bed and Breakfast/Boarders and Lodgers**

Notwithstanding the provisions of Section 311 of this Bylaw, for parcels subdivided pursuant to Section 403.8 and 403.9, not more than two (2) bedrooms or sleeping units per parcel may be used for the purposes of Bed and Breakfast or Boarders and Lodgers.

**12. Parking**

- (a) Off-street parking spaces shall be provided in accordance with Section 317 of this Bylaw;
- (b) Notwithstanding Section 403.11(a) above, the requirement of Section 317.7 of this Bylaw does not apply to lands within the Snowpines Residential 2 Zone.

**\*403A. CHALET RESIDENTIAL 3 ZONE\*\* R3**

1. Subject to compliance with the general provisions in Part 3, the following provisions apply to lands in the High Forest Residential 3 Zone.

**2. Permitted Uses**

The following uses are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Bed and Breakfast and/or Boarding use (*subject to Section 311 of this Bylaw*);
- (d) Home occupations;
- (e) Pensions;
- (f) Private non-commercial recreational facilities for the use of residents and guests only;
- (g) Accessory buildings and structures.

**\*\*\*3. Parcel Area**

Parcels to be created by subdivision must not be less than:

- (a) 418m<sup>2</sup> for single family dwellings, and
- (b) 510m<sup>2</sup> for all principal permitted uses, except a single family dwelling.

**\*\*\*4. Minimum Parcel Frontage**

The following minimum parcel frontages shall apply:

- \*\*\*\*(a) 13m for a single family dwelling;
- \*\*\*\*(b) 19m for a two family dwelling;
- (c) 8m for a panhandle;
- (d) 6m for a single family dwelling on a cul-de-sac; and
- (e) 10m for a duplex on a cul-de-sac.

**5. Maximum number of buildings**

Maximum of one of the following types of buildings are permitted per parcel: single family dwelling, two family dwelling or pension.

**6. Setbacks**

Minimum setbacks for buildings and structures:

- (a) 4.5m of a front lot line;
- (b) 0 (zero) m of a front lot line adjacent to an access route developed under Bare Land Strata Regulations;
- (c) 4 m of a rear lot line;
- (d) 3 m of an exterior side lot line;
- (e) 3 m of an interior side lot line;
- (f) 0 (zero) m of an interior side lot line which is contiguous with a vertical common party wall separating dwelling units in a two family dwelling.

*	Amendment Bylaw No. 1290; March 2, 2006
**	Amendment Bylaw No. 1320; November 30, 2006
***	Amendment Bylaw No. 1325; December 13, 2007
****	Amendment Bylaw No. 1360; March 26, 2008

**7. Parcel Coverage**

\*The maximum parcel coverage shall be:

- a) 30% for parcels that are:
  - (i) created pursuant to Section 403A.10; and
  - (ii) between 255m<sup>2</sup> and 299m<sup>2</sup>;
- b) 50% for all other parcels.

**8. Floor Area Ratio**

Maximum 0.8.

**9. Height**

Maximum:

- a) 12m for principal buildings;
- b) 6m for accessory buildings and structures;

**10. Subdivision of two family dwellings and parcels**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing two family dwelling may be subdivided such that each dwelling is located on a separate parcel, provided that all of the following conditions are met:

- (a) the common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- \*(b) the minimum area of each lot, after subdivision, is not less than 255m<sup>2</sup>;
- (c) all other regulations of the R3 zone are complied with.

**11. Bed and Breakfast/Boarders and Lodgers**

Notwithstanding the provisions of Section 311 of this Bylaw, for parcels subdivided pursuant to Section 403A.9, not more than two (2) bedrooms or sleeping units per parcel may be used for the purposes of Bed and Breakfast or Boarders and Lodgers.

**12. Strata Plans**

Parcels of land in the R3 Zone upon which a Strata Plan is or will be registered must be entirely developed as either:

- a) Bare Land Strata Plans pursuant to Section 2 of the Strata Property Act; or
- b) A Strata Plan other than a Bare Land Strata Plan (i.e. building Strata Plan).

**13. Parking**

Off-street parking spaces shall be provided in accordance with Section 317 of this Bylaw.

* <b>Amendment Bylaw 1360; March 26, 2008</b>
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**404. MEDIUM DENSITY RESIDENTIAL 4 ZONE R4**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Medium Density Residential 4 Zone.

**2. Permitted Uses**

The following uses only shall be permitted in the R4 Zone:

- (a) Single Family Dwelling;
- (b) Two Family Dwelling;
- (c) Multiple Family Dwelling;
- (d) Multiple Family Residential Development;
- (e) Private non-commercial recreational facilities for the use of residents and guests only;
- (f) Home Occupations;
- (g) Bed & Breakfasts and/or Boarding Use;
- (h) Pensions;
- (i) accessory buildings and structures.

**\*\*3. Minimum Parcel Area**

Parcels to be created by subdivision must not be less than:

- (a) 418m<sup>2</sup> for single family dwellings;
- (b) 550m<sup>2</sup> for two family dwellings; and
- (c) 800m<sup>2</sup> for all principal permitted uses, except a single family dwelling and two family dwelling.

**\*\*4. Minimum Parcel Frontage**

The following minimum parcel frontages shall apply:

- \*\*\*(a) 13m for a single family dwelling;
- \*\*\*(b) 19m for a two family dwelling;
- (c) 8m for a panhandle;
- (d) 6m for a single family dwelling on a cul-de-sac; and
- (e) 10m for a duplex on a cul-de-sac.

**5. Maximum Floor Area Ratio**

The maximum permitted floor area ratio in the R4 Zone shall be 0.8.

**6. Setbacks**

No building or structure or part thereof except a fence shall be located within:

- a) 4.5 m of a front lot line \*adjacent to a road;
- \*b) 0 (zero) m of a front lot line adjacent to an access route developed under Bare-Land Strata Regulations;
- c) 4 m of a rear and interior side lot line;
- d) 3 m of an exterior side lot line;

**\*Amendment Bylaw No. 1194; Adopted October 3, 2002**

**\*\*Amendment Bylaw No. 1325; Adopted December 13, 2007**

**\*\*\*Amendment Bylaw No. 1360; Adopted March 26, 2008**

- e) 0 (zero) m of an interior side lot line which is contiguous with a vertical common wall shared by two or more dwelling units in a building;
- f) Notwithstanding the above setback regulations, all buildings and structures for a parcel of land upon which a Bare-land Strata Plan pursuant to the Strata Property Act is registered, setbacks shall be as per 404(5) (a), (b) and (c) for the outer perimeter of the parcel only. A 4m setback requirement from side and rear strata lot lines shall apply to all buildings and structures within the Bareland Strata Plan. A 0m setback requirement shall apply to all buildings and structures from a front lot line adjacent to a strata road.

**7. Parcel Coverage**

The maximum parcel coverage in the R4 Zone shall be 50%. Notwithstanding the foregoing, portions of underground parking areas which are not directly under the footprint of a building and which are entirely below the finished grade of the parcel and thereby fully concealed, shall be deemed to be exempt from these parcel coverage standards.

**8. Height**

The maximum height for buildings and structures in the R4 Zone shall be:

- a) 12 metres for principal buildings;
- b) 6 metres for accessory buildings and structures.

**\*9. Subdivision of Two Family Dwellings**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing two family dwelling may be subdivided such that each dwelling is located on a separate parcel, provided that all of the following conditions are met:

- a) The common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- b) The minimum area of each lot, after subdivision, is not less than 255m<sup>2</sup>;
- c) All other regulations of the R4 Zone are complied with.

**10. Strata Plans**

Parcels of land in the R4 Zone upon which a Strata Plan is or will be registered shall be entirely developed as either:

- a) Bare-Land Strata Plans pursuant to Section 2 of the Strata Property Act; or
- b) a Strata Plan other than a Bare Land Strata Plan (i.e. building Strata Plan).

<b>*Amendment Bylaw No. 1377; June 26, 2008</b>
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**11. Exceptions**

A parcel within the Medium Density Residential 4 Zone upon which there is located a building or buildings lawfully constructed or in existence prior to the date of adoption of this Bylaw which does not comply with the density provisions of Sections 404(5) and/or 404(6) of this Bylaw, shall nonetheless be deemed to be in conformity with the density provisions of this Bylaw. Buildings and structures on such parcels may be maintained and reconstructed so long as they continue to have the same or lower density and same use that existed on the date of adoption of this Bylaw. This exception does not exempt any parcel from complying with all other applicable regulations of the Medium Density Residential 4 Zone and this Bylaw.

**12. Parking**

Off-street parking shall be provided in accordance with Sections 317 and 318 of this Bylaw.

**\*404A. INTERMEDIATE DENSITY RESIDENTIAL COMMERCIAL 4A  
ZONE R4A\*\*\***

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Intermediate Density Residential/Commercial 4A Zone.

**2. Permitted Uses**

The following uses only shall be permitted in the R4A Zone:

- (a) Single Family Dwelling;
- (b) Two Family Dwelling;
- (c) Multiple Family Dwelling;
- (d) Multiple Family Residential Development;
- (e) Recreational and entertainment facilities;
- (f) Home Occupations;
- (g) Bed & Breakfasts and/or Boarding Use;
- (h) Pensions;
- (i) accessory buildings and structures.

**\*\*\*\*3. Minimum Parcel Area**

Parcels to be created by subdivision must not be less than:

- (a) 418m<sup>2</sup> for single family dwellings;
- (b) 550m<sup>2</sup> for two family dwellings; and
- (c) 800m<sup>2</sup> for all principal permitted uses, except a single family dwelling and two family dwelling.

**\*\*\*\*4. Minimum Parcel Frontage**

The following minimum parcel frontages shall apply:

- \*\*\*\*\* (a) 13m for a single family dwelling;
- \*\*\*\*\* (b) 19m for a two family dwelling;
- (c) 8m for a panhandle;
- (d) 6m for a single family dwelling on a cul-de-sac; and
- (e) 10m for a duplex on a cul-de-sac.

**5. Maximum Floor Area Ratio**

The maximum permitted floor area ratio in the R4A Zone shall be 1.25\*\*.

*	Amendment Bylaw No. 1201; May 1, 2003 (established original 404A; replaced by ***Bylaw 1224 renaming zone to "Intermediate Density Residential/Commercial 4A (R4A)"
**	Amendment Bylaw No. 1216; December 18, 2003 (increase from 0.8)
***	Amendment Bylaw No. 1224; February 26, 2004 (renamed original 404A Zone established by Amendment Bylaw No. 1201)
****	Amendment Bylaw No. 1325; December 13, 2007
*****	Amendment Bylaw No. 1360; March 26, 2008

**6. Setbacks**

No building or structure or part thereof except a fence shall be located within:

- (a) 4.5m of a front lot line adjacent to a road;
- (b) 0m (zero) of a front lot line adjacent to an access route developed under Bare-Land Strata Regulations;
- (c) 4m of a rear and interior side lot line;
- (d) 3m of an exterior side lot line;
- (e) 0m (zero) of an interior side lot line which is contiguous with a vertical common wall shared by two or more dwelling units in a building;
- (f) Notwithstanding the above setback regulations, all buildings and structures for a parcel of land upon which a Bare-land Strata Plan pursuant to the Strata Property Act is registered, setbacks shall be as per 404A(5) (a), (b) and (c) for the outer perimeter of the parcel only. A 4m setback requirement from side and rear strata lot lines shall apply to all buildings and structures within the Bareland Strata Plan. A 0m setback requirement shall apply to all buildings and structures from a front lot line adjacent to a strata road.

**7. Parcel Coverage**

The maximum parcel coverage in the R4A Zone shall be 50%. Notwithstanding the foregoing, portions of underground parking areas which are not directly under the footprint of a building and which are entirely below the finished grade of the parcel and thereby fully concealed, shall be deemed to be exempt from these parcel coverage standards.

**8. Height**

The maximum height for buildings and structures in the R4A Zone shall be:

- (a) 17 metres for principal buildings;
- (b) 6 metres for accessory buildings and structures.

**\*9. Subdivision of Two Family Dwellings**

Notwithstanding anything to the contrary in this Bylaw, a parcel with an existing two family dwelling may be subdivided such that each dwelling is located on a separate parcel, provided that all of the following conditions are met:

- a) The common vertical party walls and the common interior side lot line(s) between the parcels, after subdivision, are coincidental;
- b) The minimum area of each lot, after subdivision, is not less than 255m<sup>2</sup>;
- c) All other regulations of the R4A Zone are complied with.

**10. Strata Plans**

Parcels of land in the R4A Zone upon which a Strata Plan is or will be registered shall be entirely developed as either:

- (a) Bare-Land Strata Plans pursuant to Section 2 of the Strata Property Act; or
- (b) a Strata Plan other than a Bare Land Strata Plan (i.e. building Strata Plan).

<b>*Amendment Bylaw No. 1377; June 26, 2008</b>
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**11. Exceptions**

A parcel within the Intermediate Density Residential/Commercial 4A Zone upon which there is located a building or buildings lawfully constructed or in existence prior to the date of adoption of this Bylaw which does not comply with the density provisions of Sections 404A(5) and/or 404A(6) of this Bylaw, shall nonetheless be deemed to be in conformity with the density provisions of this Bylaw. Buildings and structures on such parcels may be maintained and reconstructed so long as they continue to have the same or lower density and same use that existed on the date of adoption of this Bylaw. This exception does not exempt any parcel from complying with all other applicable regulations of the Intermediate Density Residential/Commercial 4A Zone and this Bylaw.

**12. Parking**

Off-street parking shall be provided in accordance with Sections 317 and 318 of this Bylaw.

**405. HIGH DENSITY RESIDENTIAL 5 ZONE R5**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the High Density Residential R5 Zone:

**2. Permitted Uses**

The following uses only shall be permitted:

- a) Multiple family residence;
- b) Private non-commercial recreational facilities for the use of residents and guests only;
- c) Pensions;
- d) Accessory buildings and structures.

**3. Minimum Parcel Area**

The minimum parcel area shall be 1,000 m<sup>2</sup>.

**4. Floor Area Ratio**

The maximum floor area ratio shall be 1.7.

**5. Setbacks**

No building or structure or part thereof except a fence shall be located within:

- a) 4.5 metres of a front lot line;
- b) 5 metres of an interior side lot line;
- c) 4 metres of an exterior or rear lot line.

**6. Parcel Coverage**

The maximum parcel coverage shall be 60%. Notwithstanding the foregoing, portions of underground parking areas which are not directly under the footprint of a building and which are entirely below the finished grade of the parcel and thereby fully concealed, shall be deemed to be exempt from these parcel coverage standards.

**7. Height**

- a) Principal buildings shall not exceed 18 metres in height;
- b) Accessory buildings shall not exceed 6 metres or one storey in height.

**8. Parking**

Off-street parking spaces shall be provided in accordance with Section 317 of this Bylaw.

**406. VILLAGE CORE 6 ZONE**

**VC6**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Village Core 6 Zone.

**2. Permitted Uses**

- (a) Accessory uses, buildings and structures;
- (b) Art Gallery;
- (c) Business, administrative and professional office;
- (d) Day-care facilities;
- (e) Eating and drinking establishment;
- (f) Financial institution;
- (g) Health salon and fitness centre;
- (h) Multiple family dwelling;
- (i) Neighbourhood pub;
- (j) Personal services establishment;
- (k) Recreational and entertainment facilities;
- (l) Retail store;
- (m) Ski rental facility;
- (n) Ski school sales;
- (o) Sports shop;
- (p) Ticket sales;
- (q) Conference facilities;
- (r) Meeting rooms.

**3. Floor Area Ratio**

No parcel in the Village Core 6 Zone (VC6) shall have a Floor Area Ratio in excess of 2.0.

**4. Minimum Parcel Area**

The minimum required parcel area in the VC6 Zone is 1,000 m<sup>2</sup>.

**5. Lot Coverage**

Buildings and structures together in the VC6 Zone shall not cover more than 60 percent of the gross parcel area.

**6. Setbacks**

No building or structure or part thereof except a fence shall be located within:

- (a) 4.5 metres of a front or exterior side lot line;
- (b) 5 metres of an interior side lot line;
- (c) 4 metres of an exterior side or rear lot line.

**7. Building Separation**

Where multiple buildings containing dwelling units are located on a single parcel of land in the VC6 Zone, a separation distance of 8 metres measured between eaves shall be maintained between buildings.



**8. *Height***

No building in the VC6 Zone shall exceed 20 metres in height.

**9. *Parking***

Off-street parking and loading spaces shall be provided in accordance with Sections 317 and 318 of this Bylaw.

**406A. LIMITED VILLAGE CORE 6A ZONE**

**VC6A**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Limited Village Core 6A Zone:

**2. Permitted Uses**

The following uses only shall be permitted in the VC6A Zone:

- (a) Accessory uses, buildings and structures;
- (b) Art gallery;
- (c) Business, administrative and professional office;
- (d) Day-care facilities;
- (e) Eating and drinking establishment;
- (f) Financial institution;
- (g) Health salon and fitness centre;
- (h) Multiple family dwelling;
- (i) Neighbourhood pub;
- (j) Personal services establishment;
- (k) Recreational and entertainment facilities;
- (l) Retail store;
- (m) Ski rental facilities;
- (n) Ski School sales;
- (o) Sports shop;
- (p) Ticket sales.

**3. Floor Area Ratio**

No parcel in the Limited Village Core 6A Zone shall have a floor area ratio in excess of 1.0.

**4. Minimum Parcel Area**

The minimum required parcel area in the VC6A Zone shall be 1000 m<sup>2</sup>.

**5. Special Density Limitations**

For parcels in the VC6A Zone, the following special density provisions shall apply:

- (a) a hotel, motel or motor inn shall not contain more than 22 guest rooms;
- (b) a multiple family dwelling shall not contain more than 22 dwelling units;
- (c) the sum of guest rooms and dwelling units shall not exceed 22 per parcel of land;
- (d) for a parcel of land with eating and drinking establishment(s), the total number of seats permitted per parcel for that purpose shall be limited to the total overnight capacity of all of the guest rooms and/or dwelling units;
- (e) for a parcel of land with a neighbourhood pub, the total number of seats permitted per parcel for that purpose shall be limited to the total overnight capacity of all of the guest rooms and/or dwelling units;

- (f) for uses under Section 406A.2(b), (c), (d), (f), (g), (j), (k), (l), (m), (n), (o) and (p), no parcel of land shall have more than 200 m<sup>2</sup> total floor area dedicated to any or all of these uses.

**6. Lot Coverage**

Buildings and structures together in the VC6A Zone shall not cover more than 50 percent of the gross parcel area.

**7. Buildings per Parcel**

Not more than one building containing principal permitted uses and one accessory building shall be located on a parcel in the VC6A Zone.

**8. Setbacks**

In the VC6A Zone, no building or structure or part thereof except a fence shall be located within:

- (a) 4.5 metres of a front or exterior side lot line;
- (b) 4 metres of an interior side lot line;
- (c) 5 metres of a rear lot line.

**9. Height**

In the VC6A Zone, no building shall exceed 20 metres in height.

**10. Parking**

Off-street parking and loading spaces shall be provided in accordance with Sections 317 and 318 of this Bylaw.

**\*406B. VILLAGE CORE 6B ZONE**

**VC6B**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Village Core 6B Zone:

**2. Permitted Uses**

- (1) In the Village Core 6B Zone the following uses of land, buildings or structures, and no other uses, are permitted:
- (a) Accessory uses, buildings and structures;
  - (b) Art gallery;
  - (c) Business, administrative and professional office;
  - (d) Casino and gaming centre;
  - (e) Conference centre;
  - (f) Day-care facilities;
  - (g) Eating and drinking establishments;
  - (h) Financial institution;
  - (i) Health salon and fitness centre;
  - (j) Multiple family dwelling;
  - (k) Neighbourhood pub;
  - (l) Personal services establishments;
  - (m) Recreational and entertainment facilities;
  - (n) Retail stores;
  - (o) Ski rental facility;
  - (p) Ski school sales;
  - (q) Sports shop; and
  - (r) Ticket sales.
- (2) Notwithstanding Section 406B.2(1)(d), the “Casino and Gaming Centre” use is only permitted in combination with a Conference Centre use. For certainty, the Casino and Gaming Centre is not permitted in the Village Core 6B Zone until after all the uses identified in Sections 406B.2(1)(e)(g)(i)(j)(l) and (n) have been constructed on the parcel, have received final occupancy permits and are fully operational, and unless those uses continue to be in existence and operation on the land in the zone.
- (3) Notwithstanding Section 402B.2(1)(j), the “Multiple Family Dwelling” use and associated accessory uses and buildings shall only be constructed and occupied in combination with a Conference Centre. For certainty, a Multiple family Dwelling use is not permitted in the Village Core 6B Zone unless there is in existence and operation on the land in the zone a Conference Centre, or all necessary Regional District authorizations have been issued for such a Conference Centre and the Conference Centre is under construction. For the purposes of this subsection only, a Conference Centre shall be deemed to be in existence and operation on the land in the Village Core 6B Zone for five years following the issuance of the first building permit for a building for a Multiple

<b>*Amendment Bylaw No. 1334; June 28, 2007 (adding a new Village Core 6B Zone)</b>
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Family Dwelling use, the intent of this provision being solely to permit the construction and occupancy of a Multiple Family Dwelling building during the period of time in which associated Conference Centre facilities are being designed and constructed. Land and buildings in the Village Core 6B Zone shall not be used for Multiple Family Dwelling use or any associated accessory uses after the date that is five years following the date of issuance of the first building permit for a building for Multiple Family Dwelling use, unless there is actually in existence and operation on the land in the Village Core 6B Zone a Conference Centre or all necessary Regional District authorizations have been issued for such a Conference Centre, and in the latter case the Multiple Family Dwelling use and any associated accessory uses are not permitted after the date that is eight years following the date of issuance of the first building permit for a building for the Multiple Family Dwelling use if by that date construction of the Conference Centre has not been completed and the Conference Centre is not fully operational.

**3. Floor Area Ratio**

No parcel in the Village Core 6B Zone shall have a floor area ratio in excess of 2.5.

**4. Minimum Parcel Area**

The minimum required parcel area in the Village Core 6B Zone is 3.5 hectares.

**5. Lot Coverage**

Buildings and structures together in the Village Core 6B Zone shall not cover more than 60 percent of the gross parcel area.

**6. Setbacks**

- (1) In the Village Core 6B Zone, no building or structure or part thereof except a fence shall be located within:
  - (a) 4.5 metres of a front or exterior side lot line;
  - (b) 5 metres of an interior side lot line;
  - (c) 4 metres of an exterior side or rear lot line.
- (2) In the Village Core 6B Zone, no building or part thereof shall be located within 250 metres of the westerly-most point of the parcel

**7. Building Separation**

Where multiple buildings containing dwelling units are located on a single parcel of land in the Village Core 6B Zone, a separation distance of 2 metres measured between eaves shall be maintained between buildings.

**8. Height**

No building in the Village Core 6B Zone shall exceed 75 metres in height.

**9. Amenities for Additional Multiple Family Dwelling Density**

- (1) Base Density: No more than 27,000 square metres of floor area may be utilized for dwelling units as part of a Multiple Family Dwelling in the Village Core 6B Zone unless in accordance with Section 406B.9(2).

- (2) Amenity for Bonus Density: The floor area for dwelling units as part of a Multiple Family Dwelling may exceed 27,000 square metres, up to the maximum developable under the application of other sections of the Village Core 6B Zone, upon the provision of the amenity of a minimum of 6,000 square metres of internal space generally available for public access each day, including on the ground levels of buildings in this zone, and which may include the following areas: lobby; pre-function areas; meeting rooms; ballrooms; health salon, pool and fitness centre; eating and drinking establishments; personal service establishments; ski services; and retail stores.

## **10. Parking**

- (1) Off-street parking shall be provided in accordance with Section 317 of this Bylaw.
- (2) Notwithstanding Section 317(4), for developments within the Village Core 6B Zone, up to 50 percent of required off-street parking spaces for all uses may be provided on land other than that in respect of which the spaces are required, provided that:
  - (i) no parking stall is located further than 400 metres from the nearest building entrance on the parcel where the building, structure, or use requiring provision of parking is located;
  - (ii) no transfer of required off-street parking spaces shall be made to Crown land;
  - (iii) in no case shall any transfer under this regulation reduce or otherwise compromise the availability of required off-street parking spaces for the parcel to which the off-street parking requirement has been transferred; and
  - (iv) an easement or covenant in favour of the Regional District is registered against the title of the parking site, requiring that it be used to provide the required number of parking spaces for the building, structure, or use which requires the parking.

## **11. Loading**

- (1) Loading spaces shall be provided in accordance with Sections 317 and 318 of this Bylaw.
- (2) Notwithstanding Section 318 (2)(b), in the Village Core 6B Zone off-street loading facilities shall be set back a minimum of 4.5 metres from the designated fronting street.

#### **407. HOSTEL\EMPLOYEE HOUSING RESIDENTIAL 6 ZONE R6**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Hostel\Employee Housing Residential R6 Zone.

##### **2. Permitted Uses**

The following uses only shall be permitted:

- a) Hostel;
- b) Indoor and outdoor recreation;
- c) Employee services;
- d) Accessory buildings and structures.

##### **3. Minimum Parcel Area**

The minimum parcel area shall be 2,000 m<sup>2</sup>.

##### **4. Floor Area Ratio**

The maximum floor area ratio shall be 1.8.

##### **5. Setbacks**

No building or structure or part thereof except a fence shall be located within:

- a) 4.5 metres of a front lot line;
- b) 4 metres of a rear and interior side lot line;
- c) 3 metres of an exterior side lot line.

##### **6. Parcel Coverage**

The maximum parcel coverage shall be 60%. Notwithstanding the foregoing, portions of underground parking areas which are not directly under the foot print of a building and which are entirely below the finished grade of the parcel and thereby fully concealed, shall be deemed to be exempt from these parcel coverage standards.

##### **7. Height**

- a) Principal buildings shall not exceed 12 metres in height;
- b) Accessory buildings shall not exceed 6 metres of one storey in height.

##### **8. Parking**

\*Off-street parking spaces shall be provided in accordance with Section 317 of this Bylaw. Notwithstanding Section 317, up to 90 percent of the required parking spaces for a hostel may be located within 2,000 metres of the subject building or use. Should the off-site parking spaces be located on a private parcel, the landowners of the parcel being developed and the separate parcel shall enter into an agreement with the Regional District under Section 219 of the Land Title Act, registered in priority over any other charges, restricting the use of the necessary portion of the separate parcel to

* Amendment Bylaw No. 1186; August 29, 2002 (replacing original parking requirements)
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"parking". Should the off-site parking spaces be located on a parcel leased or licensed from the Province, the Province shall provide written assurance to the Regional District that the required number of parking spaces are secured in favour of a hostel use.

**9. Off-street Loading Area**

An off-street loading and unloading area shall be provided. The area shall have unobstructed ingress and egress and shall be large enough to accommodate at least one private passenger vehicle.



**408. MOGULS RESIDENTIAL 7 ZONE**

**R7**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Moguls Residential 7 Zone.

**2. Permitted Uses**

The following uses only shall be permitted:

- (a) Multiple Family Dwelling;
- (b) Private non-commercial recreational facilities for the use of residents and guests only;
- (c) Accessory buildings and structures.

**3. Density**

A multiple family dwelling located in the R7 Zone shall not contain more than 67 dwelling units and 38 habitation units.

**4. Minimum Parcel Size**

The minimum parcel size shall be 8000 m<sup>2</sup>.

**5. Setbacks**

No building or structure nor any part thereof except a fence shall be located within:

- (a) 4.5 metres of a front, rear or exterior side lot line;
- (b) 6 metres of an interior side lot line or from a wall of any other principal building located on the same parcel.

**6. Parcel Coverage**

- (a) The maximum parcel coverage shall be 40 percent;
- (b) regulation 6(a) above may be increased to 60 percent for the purposes of accommodating parking structures which are not more than two storeys in height.

**7. Height**

The maximum height for buildings and structures shall be 11 storeys or 32 metres.

**8. Parking**

Off-street parking shall be provided in accordance with Sections 317 and 318 of this Bylaw. Notwithstanding Section 317, off-street parking spaces shall be one space per 4 habitation units.

#### **409. HIGH DENSITY MIXED RESIDENTIAL\COMMERCIAL 8 ZONE**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the High Density Mixed Residential\Commercial 8 Zone.

##### **2. Permitted Uses**

The following uses only shall be permitted:

- a) Multiple family residence;
- b) Private non-commercial recreational facilities for the use of residents and guests only;
- c) Pensions;
- d) Retail shops, including convenience stores;
- e) Eating and drinking establishments;
- f) Neighbourhood pubs;
- g) Personal services establishments;
- h) Laundries, laundromats and dry cleaners;
- i) Accessory buildings and structures.

##### **3. Minimum Parcel Size**

The minimum parcel size shall be 6,000 m<sup>2</sup>

##### **4. Floor Area Ratio**

- a) The maximum floor area ratio for a residential use shall be 1.7.
- b) The maximum floor area ratio for a commercial use shall be 0.8.

##### **5. Pension Regulations**

For parcels upon which a Pension has been constructed, the following regulations shall apply:

- a) not more than 12 guest bedrooms shall be located within a Pension;
- b) not more than two beds shall be located within a bedroom in a Pension;
- c) the restaurant facility in the Pension shall not have more seats than the total overnight capacity of the bedrooms;
- d) if the Pension contains a drinking establishment, it shall not have an occupancy rating in excess of the total overnight capacity of the bedrooms.

##### **6. Setbacks**

No building or structure or part thereof except a fence shall be located within:

- a) 7.5 metres of a front, rear or exterior side lot line;
- b) 5 metres of an interior side lot line.

##### **7. Parcel Coverage**

The maximum parcel coverage shall be 60 percent.

**8. Height**

- a) Principal buildings shall not exceed 15 metres in height.
- b) Accessory buildings shall not exceed 6 metres or one storey in height.

**9. Parking**

Off-street parking spaces shall be provided in accordance with Sections 317 of this Bylaw.

**410. RECREATIONAL RESOURCE 1 ZONE**

**REC 1**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Recreational Resource 1 Zone.

**2. Permitted Uses**

The following uses only shall be permitted:

- (a) Cross-country and downhill ski trails;
- (b) Eating and drinking establishments in conjunction with golf clubhouses or ski lodges;
- (c) Equestrian centre and riding trails;
- (d) Golf courses;
- (e) Golf clubhouses;
- (f) Golf driving ranges;
- (g) Golf pro retail shop;
- (h) Outdoor recreational uses;
- (i) Parking lots;
- (j) Picnic site;
- (k) Resource uses;
- (l) Ski lifts and tows;
- (m) Ski lodges
- (n) Accessory buildings and structures.

**3. Minimum Parcel Size**

- (a) The minimum parcel size shall be 50 hectares.

**4. Services**

Notwithstanding Section 316 of this Bylaw, buildings and structures within the REC 1 Zone shall not require connection to a community water system or a community sewer system provided the proposed methods of obtaining water and disposing of sewage are approved by the Health Authority.

**5. Setbacks**

No building or structure shall be located within 3 metres of any lot line.

**6. Parking**

Off-street parking and loading spaces shall be provided in accordance with Sections 317 and 318 of this Bylaw.

## **411. INDUSTRIAL 1 ZONE**

## **I1**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Industrial 1 Zone.

### **2. Permitted Uses**

The following uses only shall be permitted:

- (a) Animal shelters, veterinary clinics, kennels;
- (b) Automobile and truck washes;
- (c) Building supply and lumber yards;
- (d) Cabinet making, and similar woodworking shops;
- (e) Contractors offices, shops and yards;
- (f) Electronic equipment and component manufacturing and repairs;
- (g) Laundries, cleaners, dry cleaners;
- (h) Passenger and freight terminals, depots, distribution and redistribution facilities;
- (i) Plumbing, heating, air conditioning and refrigeration shops;
- (j) Rental, repair, sales and servicing of vehicles, machinery and equipment including autobody repairs;
- (k) Sales which are ancillary to a permitted use located on the same parcel;
- (l) Sign painting and fabricating shops;
- (m) Ski area equipment maintenance facilities;
- (n) Storage excluding land fill sites;
- (o) Tire and wheel sales and repairs;
- (p) Towing compounds;
- (q) Warehouses and wholesale supplies;
- (r) Window and glass shops;
- (s) Accessory buildings and structures;

### **3. Minimum parcel size**

The minimum parcel size shall be 2000 m<sup>2</sup>.

### **4. Parcel Coverage**

The maximum permitted parcel coverage shall be 60%.

### **5. Setbacks**

No building or structure shall be located within 7.5 m of any lot line.

### **6. Height**

The maximum permitted height for all building and structures shall be 12 m.

### **7. Parking and Loading**

Off-street parking and loading spaces shall be provided in accordance with Sections 317 and 318 of this Bylaw.

**\*411A. LIGHT INDUSTRIAL 2 ZONE**

**I2**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Light Industrial 2 Zone.

**2. Permitted Uses**

The following uses only shall be permitted:

- a) Animal shelters, veterinary clinics, kennels;
- b) Asphalt and concrete batching plants including aggregate processing;
- c) Automobile and truck washes;
- d) Building supply and lumber yards;
- e) Cabinet making, craft, woodworking and similar shops;
- f) Contractors offices, shops and yards;
- g) Electronic equipment and component manufacturing and repairs;
- h) Laundries, cleaners, dry cleaners;
- i) Manufacturing, if conducted within a wholly enclosed building;
- j) Mini-storage;
- k) Passenger and freight terminals, depots, distribution and redistribution facilities;
- l) Plumbing, heating, air conditioning and refrigeration shops;
- m) Printing, publishing, film processing and similar reproduction facilities;
- n) Rental, repair, sales and servicing of vehicles, machinery and equipment including autobody repairs;
- o) Sales which are ancillary to a permitted use located on the same parcel;
- p) Sign painting and fabrication shops;
- q) Storage, excluding land fill sites;
- r) Tire and wheel sales and repairs;
- s) Towing compounds;
- t) Truck and heavy equipment repair and maintenance;
- u) Truck refueling, including card-lock facilities;
- v) Warehouses and wholesale supplies;
- w) Welding, metal fabrication and machining;
- x) Window and glass shops;
- y) Accessory uses, buildings and structures.

**3. Minimum Parcel Size**

The minimum parcel size shall be 2000 m<sup>2</sup>.

**4. Parcel Coverage**

The maximum permitted parcel coverage shall be 60%.

**5. Setbacks**

No building or structure shall be located within 7.5m of any lot line.

<p><b>* Amendment Bylaw No. 1241; August 26, 2004 (New I2 Zone)</b></p>
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**6.     *Height***

The maximum permitted height for all building and structures shall be 12 m.

**7.     *Parking and Loading***

Off-street parking and loading spaces shall be provided in accordance with Sections 317 and 318 of this Bylaw.

**412. INSTITUTIONAL AND COMMUNITY FACILITIES 1 ZONE      ICF 1**

1. Subject to compliance with the general provisions in Part 3, the following provisions shall apply in the Institutional and Community Facilities 1 Zone.

**2. Permitted Uses**

The following uses only shall be permitted:

- (a) Accessory buildings and structures;
- (b) Art gallery;
- (c) Community centres and community halls;
- (d) Fire hall;
- (e) Hospital, medical centre and first aid clinic;
- (f) Library;
- (g) Museum;
- (h) Public and private day schools, universities, colleges and similar educational facilities;
- (i) Public service use;
- (j) Religious institution;
- (k) Sewage treatment facilities;
- (k) Ski patrol facility;
- (l) A maximum of two dwelling units in conjunction with a principal permitted institutional use.

**3. Minimum Parcel Area**

The minimum parcel area shall be 600 m<sup>2</sup>.

**4. Setbacks**

No building or structure shall be located within:

- a) 7.5 m of a front, rear or exterior side lot line;
- b) 3.0 m of an interior side lot line.

**5. Parcel Coverage**

The maximum parcel coverage shall be 50%.

**6. Height**

The maximum permitted height for all building and structures shall be 12 metres.

**7. Parking**

Off-street parking spaces shall be provided in accordance with Section 317 this Bylaw.



**INTRODUCED** this 29<sup>th</sup> day of November, 2001.

**READ A FIRST AND SECOND TIME** this 29<sup>th</sup> day of November, 2001.

**PUBLIC HEARING NOTICE ADVERTISED** this 6<sup>th</sup> and 7<sup>th</sup> day of December, 2001 in the Kelowna Courier

and also

this 11<sup>th</sup> day of December, 2001 in the Mountaineer paper.

**PUBLIC HEARING** held on this 15<sup>th</sup> day of December, 2001.

**READ A THIRD TIME** this 31<sup>st</sup> day of January, 2002.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1166 cited as "Big White Zoning Bylaw N

o. 1166, 2001" as read a third time by the Regional District of Kootenay Boundary Board of Directors this 31<sup>st</sup> day of January, 2002.

\_\_\_\_\_  
Chief Administrative Officer\  
Corporate Administrator

**RECONSIDERED AND FINALLY ADOPTED** this 31<sup>st</sup> day of January, 2002.

\_\_\_\_\_  
Chief Administrative Officer\  
Corporate Administrator

\_\_\_\_\_  
Chair

I, L.J. Robinson, Secretary of the Regional District of Kootenay Boundary, hereby certify that this is a true and correct copy of Bylaw No. 1166 cited as "Big White Zoning Bylaw No. 1166, 2001".

\_\_\_\_\_  
Chief Administrative Officer\  
Corporate Administrator