# REGIONAL DISTRICT OF NORTH OKANAGAN
# BYLAW NO. 1926, 2004

## CONSOLIDATED FOR CONVENIENCE

*This document is an office consolidation of the above-noted Bylaw and includes the amendments listed below. This Bylaw has been consolidated for convenience and is intended for information and reference purposes only. This document is not the official version of the Bylaw. Be advised that plans, pictures, other graphics or text in the official version may be missing or altered in this consolidated version. Where accuracy is critical, please contact the Corporate Services Department at the Regional District of North Okanagan.*

## TEXT AMENDMENTS

| Bylaw No. | Adopted | Amendment |
|---|---|---|
| 2057 | Dec. 6, 2005 | – Replace Meadowlands with Alpine Meadows |
| 2290 | Feb. 6, 2008 | – Amend parking requirements at Silver Star |
| 2421 | June 16, 2010 | – Amend to allow retaining walls in residential zones |
| 2776 | August 15, 2018 | – Amend to prohibit sale / distribution of cannabis and consumption within a cannabis lounge in Silver Star community |
| 3008 | June 19, 2024 | – Amend to incorporate densification provision outlined in Bill 44 |

## MAPPING AMENDMENTS

| Bylaw No. | Adopted | Amendment |
|---|---|---|
| 2057 | Dec. 6, 2005 | – Amend zoning designations (Silver Star Alpine Meadows) |

***CONSOLIDATED FOR CONVENIENCE***

REGIONAL DISTRICT OF
NORTH OKANAGAN

# SILVER STAR
# ZONING BYLAW

## A BYLAW TO ESTABLISH ZONING AND DEVELOPMENT REGULATIONS

Regional District of North Okanagan
Development Services Department
9848 Aberdeen Road
Coldstream BC
V1B 2K9

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# PREFACE

Silver Star BC is a resort community east of Vernon BC in the Okanagan Valley of British Columbia. It is located in Electoral Area 'C' of the Regional District of North Okanagan. Skiing and other winter activities are the major focus of the community with special summer entertainment programs and summer recreation sports completing the year round resort calendar.

This Zoning Bylaw outlines the day-to-day regulations for land development, building construction and similar matters for this community. The Silver Star Zoning Bylaw Map Schedule A showing the area where this bylaw has effect and the different zones for the community is part of this bylaw.

Other information regarding strategic objectives and policies for community planning and local government services as well as additional regulatory policies for day-to-day decision making is provided in the *"Silver Star Official Community Plan Bylaw No. 1925, 2004"*. Regulations concerning the construction of buildings are provided in the *"Regional District of North Okanagan Building Bylaw No. 1747, 2003"*.

This document includes the following bylaw and amendment bylaws:

Zoning Bylaw 1926, 2004
First and Second Readings - July 6, 2004
Third Reading – November 2, 2004
Adoption – December 7, 2004

Amendments:

Bylaw 2057, 2005
Bylaw 2290, 2007
Bylaw 2421, 2009
Bylaw 2776, 2018

Front Cover: Ski School Meeting Hut, Silver Star Ski Resort by D. Maureen Krause, Vernon BC. Contact: harrykrause@telus.net

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Zoning Bylaw Map Schedule A 54

***CONSOLIDATED FOR CONVENIENCE***

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 1926

A bylaw to establish zoning and development regulations.

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**WHEREAS**, the Board of the Regional District of North Okanagan has determined to make the regulations herein contained under the provisions of the *"Local Government Act"* and the *"Statutes of British Columbia"* and having due regard for the following considerations:

1. The objectives and policies of the *"Silver Star Mountain Official Community Plan Bylaw 1925, 2004"*.
2. The promotion of the health, safety, convenience and welfare of the public.
3. The prevention of the overcrowding of the land and the preservation of the amenities unique to any zone.
4. The securing of adequate light, area and access.
5. The value of the land and the nature of its present and prospective use and occupancy.
6. The character of each zone, the character of buildings already erected and the suitability of the zone for particular uses.
7. The conservation of property values.

**AND WHEREAS** all persons who might be affected by this bylaw have before the passage thereof been afforded an opportunity to be heard on the matters contained in the bylaw before the Board in accordance with the *"Local Government Act".*

**NOW THEREFORE** the Board of the Regional District of North Okanagan in open meeting assembled ENACTS AS FOLLOWS:

### DIVISION ONE – SCOPE AND APPLICABILITY

**Title**

101. This bylaw may be cited as the ***"Silver Star Zoning Bylaw No. 1926, 2004"***.

**Schedule**

102. Map Schedule A titled *"Silver Star Zoning Bylaw Map Schedule A"* including Map #1 and Map #2 is attached hereto and forms part of this bylaw.

**Applicability**

103. This bylaw shall be applicable to all land shown on Schedule A and the uses, buildings and structures thereon.

## Compliance with Other Legislation

104. Nothing in this bylaw shall be taken to relieve any person from complying with the provisions of any other bylaw of the Regional District or applicable Provincial or Federal statute or regulation.

## Severability

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

## Zones

106. The land within the area where this bylaw has applicability is divided into zones as follows with their short form equivalents:

| Zones | Short Form |
|---|---|
| Commercial Zones | |
| - Village Commercial | VC |
| - Neighbourhood Commercial | NC |
| Residential Zones | |
| - Residential Single Dwelling | R.1 |
| - Residential Duplex Dwelling | R.2 |
| - Residential Medium Density | R.3 |
| - Residential Single Dwelling and Suite | R.4 |
| Special Use Zones | |
| - Resort Use | RU |
| - Service Utility | U |
| - Open Space | OS |
| - Community Recreation | R |
| - Heritage Conservation | H |
| Comprehensive Development Zones | |
| - Silver West C.D. Zone | CD1 |

107. The area and extent of each zone is shown on *"Silver Star Zoning Bylaw Map Schedule A"* which forms part of this bylaw.

108. The boundary lines of each zone shall be the centre lines of highway rights-of-way, easements, rights-of-way or watercourses unless referenced to the boundary of a district lot, block, subdivision, parcel or deed; or shown otherwise on Schedule A.

109. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule A.

## Measurement

110. Metric units are used for all measurements in this bylaw rounded to one decimal point.

## Enforcement

111. Inspection:

(1) A Building Official or other employee of the Regional District appointed by the Regional Board to administer or enforce this bylaw, is hereby authorized to enter at all reasonable times upon any property to ascertain whether the regulations and provisions of this bylaw are being or have been, complied with.

112. Violation:

(1) It is an offence for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied or used, or any land to be occupied or used, in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw.

(2) It is an offence for any person to prevent or obstruct, or attempt to prevent or obstruct, the authorized entry of a Building Official or other appointed employee authorized under Section 111(1) of this bylaw.

113. Penalties:

(1) Any person who violates any of the provisions of this bylaw shall, upon summary conviction, be liable to a fine of not less than one hundred dollars ($100.00) and not more than two thousand dollars ($2000.00) plus the costs of prosecution, or a term of imprisonment not exceeding thirty days or both. Each day that such violation is permitted to continue shall constitute a separate offence.

114. Remedial Powers:

(1) The Regional Board may, in accordance with the provisions of the *"Local Government Act"*, authorize the demolition, removal or the bringing up to standard of any building, structure or thing, in whole or in part, that is in contravention of this bylaw.

## Amendment

115. An application to amend this bylaw shall be submitted to the Regional District as provided by the "Regional District of North Okanagan Procedures Bylaw No. 740, 1987" and amendments thereto.

**Effective Date**

116. This bylaw shall come into force and take effect upon the final reading and adoption thereof.

**Bylaw Repealed**

117. *"Regional District of North Okanagan Zoning Bylaw No. 725, 1986"* and all amendment bylaws thereto are hereby repealed.

## DIVISION TWO – INTERPRETATION

201. The definitions in this Section will apply in this bylaw.

**Accessory Building and Structure** means a building or structure the use or intended use of which is ancillary to or customarily associated with that of the principle building situated on the same parcel or the principle use being made on the same parcel or land.

**Accessory Residential Building** means a building accessory to an existing dwelling located on the subject property. The maximum size for an accessory residential building shall be 66.0 $m^2$. Except for hot tubs and similar bathing facilities, an accessory building shall have no plumbing fixtures. An accessory residential building shall not be used as a dwelling unit.

**Apartment** means a building divided into not less than three dwelling units each of which is occupied or intended to be occupied as a residence as distinct from a hotel. Access to each dwelling unit is obtained from a common interior corridor or exterior passageway. An apartment does not include check-in facilities or on-site housekeeping services.

**Basement** means a storey or storeys below the first storey.

**Bylaw Area** means the area covered by this bylaw as outlined on *"Silver Star Zoning Bylaw Map Schedule A"* attached to this bylaw.

**Building** means a type of structure wholly or partly enclosed by a roof or roofs supported by walls or columns and used for the shelter or accommodation of persons, animals, chattels or things.

**Building Code** means *"The British Columbia Building Code"* as adopted by the Minister pursuant to Section 692 of the *"Local Government Act"*, as amended or re-enacted from time to time.

**Building Official** means the Chief Building Inspector, Building Inspectors, Plan Checkers and Building Technicians employed by the Regional District.

***Cannabis, also known as marihuana among other names, has the same meaning as defined under the Access to Cannabis for Medical Purposes Regulations and Controlled Drugs and Substances Act, as amended or replaced from time to time. Cannabis can be consumed by smoking, vaporizing, within food, or as an extract or otherwise ingested.***

***Cannabis Lounge means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking oral or other means of consumption) of cannabis.***

***Cannabis Retail means the business of selling cannabis or marihuana, medicinal or otherwise and related products.***

**Civic Use** means a use providing for public facilities including local government offices, fire halls, schools, public health clinics, community centres and utility buildings such as pump stations. Additional information on a civic use is outlined in Section 602 of this bylaw.

**Community Events Sign** means a temporary sign advertising a special event or activity occurring at Silver Star and includes a sign or decoration installed for the celebration of a religious, community or other holiday and where the sign does not include commercial advertising.

**Coverage** means the percentage of a parcel excluding land covered by a watercourse or pond, that is covered by buildings and structures on a horizontal plane measured between the exterior walls including projections (except eaves) and the space occupied by interior walls, interior partitions and covered walkways.

**Construction Sign** means a temporary sign installed to provide information pertaining to a construction site as regards a valid building permit or an active subdivision application.

**Copy Area** means the wording on a sign surface and the area means the area within the shortest line surrounding the copy.

**Directory Sign** means a structure in a commercial mall or on a commercial parcel which displays a listing of commercial operators, maps and other general information for the mall or buildings on the parcel; or

a structure on a parcel in the Residential Medium Density zone to guide visitors to the development with information such as maps, addresses and similar details for the development on the parcel.

**Duplex Dwelling** means a building divided into two dwelling units connected by a common wall or by an adjoining ceiling / floor system each occupied or intended to be occupied as a residence.

Duplex dwellings shall be permitted to be attached by completely enclosed garages. The degree of attachment of the dwelling units shall be not less than 50% of the length of the common wall or common ceiling / floor system that attaches the dwelling units. Carports and breezeways shall not be permitted to attach the two dwelling units.

**Dwelling Unit** means a building or portion thereof for human habitation consisting of one or more rooms where such room or rooms contain or provide for the installation of sleeping facilities, sanitary facilities and only one kitchen. A suite is a type of dwelling unit.

**Finished Grade** means the lowest of the average levels of finished ground adjoining each exterior wall of a building or structure except that localized depressions such as for vehicle or pedestrian entrances need not be considered in this determination.

**Free Standing Sign** means a sign which is supported independent of a building.

**Frontage** means the length of the lot line of a parcel common to an abutting highway and used as the front lot line.

**Gross Floor Area** means the sum of all the floor space of each storey in a building measured between the exterior walls including the space occupied by interior walls and partitions.

**Height of a Building or Structure** means the vertical distance of a building or structure from the finished grade to the highest point on a structure, structure attached to a building, or a building.

Height for a building in the Village Commercial zone or an apartment building is determined as the average height of all building faces measured at the building corners and at 10.0 m intervals along the building face to the highest point on the face as projected to the corners of the face.

Height for other buildings and structures is determined by a single measurement of the greatest vertical distance from the finished grade to the highest point on such building or structure.

**Height of Sign** means the greatest vertical distance from the average finished grade at the base of the sign to the highest point on the sign.

**Heritage Conservation Use** is a use established in this bylaw specifically to recognize the historic forestry lookout building on Silver Star Mountain. This use consists of heritage appreciation activities as well as those activities necessary for the preservation of this building such as painting, repairs and general upkeep.

**Home Occupation Use** means a business which is undertaken inside a dwelling in a Residential zone which is clearly incidental or secondary to an existing residential use; and

which does not alter the character of the building other than one home occupation sign as provided in Division Nine of this bylaw; and

all activities, including the storage of materials, must be completely enclosed within the dwelling unit; and

the total use, including the storage of materials, does not occupy a floor space exceeding 50.0 $m^2$ for all home occupation activities in the dwelling; and

involves not more than one on-premise employee being a person employed in the carrying-out of the home occupation other than persons residing in the dwelling; and

does not generate traffic that results in the on-street parking of vehicles and has sufficient off-street parking as outlined in Division Eight of this bylaw; and

does not involve the sale of commodities on the premises unless the commodities are produced on the premises.

**Hostel** means a form of commercial accommodation in which beds are rented individually to travelers and where no sleeping unit has its own bathroom or kitchen facilities. A hostel is supervised by a resident manager.

**Hotel** means a commercial establishment building primarily for providing temporary or seasonal accommodation which establishment may include food service, drinking places, retail sales and services industries. A hotel would normally also include check-in facilities and on-site housekeeping services.

**Highway** has meaning as set out in the *"Local Government Act"* that currently includes a street, road, land bridge, viaduct and any other way open to the public use, but does not include a private right-of-way on private property.

**Kitchen** for the purpose of this bylaw shall mean any room or area in which food is cooked or prepared and contains facilities and equipment used for the storage, preparation and serving of food. The facilities and equipment mentioned above may

include such things as kitchen cabinets, kitchen sinks, kitchen stoves, dishwashers and other appliances with associated plumbing and wiring services.

**Land** has meaning as set out in the *"Local Government Act"* and includes the surface of water.

**Lock-Off Unit** means an accommodation unit in a hotel or a dwelling unit in an apartment building with only one room of limited size, one washroom and limited kitchen facilities.

**Lot** means a parcel as defined in the *"Local Government Act".*

**Lot Line** means the legal boundary of a parcel.

**Lot Line, Exterior Side** means a lot line or lines not being the front or rear lot line that is common to an abutting highway.

**Lot Line, Front** means the lot line or lines common to an abutting highway. Where there is more than one abutting highway, the highway with shortest line or lines shall apply as the front lot line and where these lines are of equal length, a similar line used by the majority of buildings on adjacent lots shall apply.

**Lot Line, Rear** means the lot line or lines opposite the front lot line. The rear lot line or lines of 'pie shaped' lots or other irregularly shaped or asymmetrical lots shall mean a lot line that forms a continuation of the rear lot lines of adjacent parcels.

**Lot Line, Side** means the lot line or lines, not being the rear or front lot line that is common to an adjacent parcel.

**Natural Boundary** means the visible high water mark of a watercourse or pond where the presence and action of water is so common and usual and so long continued in all ordinary years as to mark the soil of the bed of the watercourse or pond distinct from that of the banks thereof in respect to vegetation and the nature of the soil itself.

**Off-Premise Sign** means a sign which advertises or directs attention to a product, service, place, activity, person, institution or business not sited on the same parcel.

**Parcel** has meaning as set out in the *"Local Government Act"* that currently is, any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

**Parking Areas** means the land area covered by parking spaces, adjacent maneuvering aisles and associated access driveways as outlined in Division Eight of this bylaw.

**Political Sign** means a sign promoting a political candidate, party or issue related to an announced election provided that the sign is not a flashing sign or animated.

**Public Utility Use** means a use for providing essential utility service lines for water, sewer, electrical, street lights, telephone, cablevision, gas and similar services including appurtenances and specifically includes well head buildings and associated appurtenances as well as localized solid waste collection areas. A public utility use specifically excludes pump stations, sewage treatment plants, waste transfer stations, water reservoirs and similar centralized stations for the services noted in this definition. Additional information on public utility use is provided in Section 307 of this bylaw.

**Real Estate Sign** means a temporary sign pertaining to the sale, lease or rental of the subject property or real estate on the subject property provided that the sign is not a flashing sign or animated. A real estate sign specifically excludes a sign for a short-term rental accommodation use.

**Recreation Vehicle** means any vehicle, coach or conveyance designed to travel often on the highways and constructed or equipped to be used as temporary living or sleeping quarters by travelers and includes truck and campers, trailers and motor-homes but specifically does not include park model recreation units. A recreation vehicle shall not include skirting around the base of the vehicle.

***Retaining Wall Structure means a specific type of Accessory Building and Structure the use or intended use of which is to hold back and resist, stabilize or support retained material, such as an earthen bank.***

**Resort** is a general term to refer to the area of Silver Star and various recreational facilities, enterprises and residences that constitute the whole community versus the use of the term 'Ski Resort Corporation' as defined in this bylaw.

**Resource Use** means the use of land providing for the conservation and management of natural resources as well as the extraction of primary forest products, minerals or other resource materials including the grading, cutting or crushing of such materials when originating from the same land.

**Road** means a highway.

**Roof Sign** means a sign erected upon or above the roof of a building or structure.

**Schedule A** means the *"Silver Star Zoning Bylaw Map Schedule A"* attached hereto which forms part of this bylaw.

**Setback** means a horizontal distance from a lot line to a building or structure.

**Short-Term Rental Accommodation Use** means the use of a dwelling unit for rental as temporary accommodation for persons visiting the resort including bed and breakfast operations. This use shall be wholly contained in the dwelling unit and shall not contain more than five sleeping units. Meals shall not be prepared in a sleeping unit for this use. Sufficient off-street parking shall be provided for this use as outlined in Division Eight and all signage shall comply with Division Nine of this bylaw.

**Sign** means an identification, description, illustration, contrivance or device visible from a public place which is intended to direct attention to a product, service, place, activity, person, institution, business or solicitation.

**Sign Area** means the area of the sign(s) within a perimeter which forms the outside shape including any frame which forms an integral part of the display.

**Silver Star Official Community Plan** means *"Silver Star Official Community Plan Bylaw No. 1925, 2004"* adopted by the Board of the Regional District of North Okanagan.

**Single Dwelling** means a building consisting of one dwelling unit.

**Ski Resort Corporation** refers to the corporation which owns an agreement with the Province of BC for the operation and development of the resort at Silver Star.

**Sleeping Unit** means one bedroom or other room in a dwelling furnished to be used as a bedroom. A sleeping unit shall contain no kitchen facilities.

**Storage Yard** means an area outside of an enclosed building where materials, goods, products, equipment or machinery are located, stored or piled.

**Storey** as defined in the *"BC Building Code"* and applied pursuant to the Code, means the portion of a building which is situated between the top of any floor and the top of the next floor above it. Pursuant to the Code, the first storey shall have a floor level not more than 2.0 m above the finished grade of the parcel.

**Structure** means any construction fixed to, supported by or sunk into land or water; excluding fences.

**Suite** means a dwelling unit in a single residential dwelling building that does not exceed 30% of the gross floor area of the building (including the suite).

**Townhouse** means residential dwelling units that share a common wall in a complex of not less than three or more than eight dwelling units each of which is occupied or intended to be occupied as a residence and where access to the units is obtained from an outside entrance.

Townhouses shall be permitted to be attached by completely enclosed garages. The degree of attachment of the dwelling units shall be not less than 50% of the length or width of the common wall or common floor / ceiling system that is proposed to attach the units. Carports and breezeways shall not be permitted to attach dwelling units.

**Use** means the purpose for which any parcel, tract of land, building or structure is used, occupied or employed.

**Wall Area** means the area of all external, vertical wall surfaces, fascias and trim bands making up the single face of a building or portion of a building. As provided in Division Nine of this bylaw, a wall area is used to calculate the maximum size of a sign to place on the subject wall face.

**Zone** means a zone established under Division Four of the *"Local Government Act"* and further outlined in Sections 106 to 109 of this bylaw.

## DIVISION THREE – GENERAL REGULATIONS

### General

301. The construction, reconstruction, alteration, moving or extension of buildings and structures within any zone shall be in conformity with the regulations for the siting, size and dimensions of buildings and structures as specified in this bylaw.

302. Pursuant to Section 946(4) of the *"Local Government Act"*, the minimum size of a parcel that may be subdivided to provide a residence for a relative is 2.0 ha and any parcel created under this section shall be at least 1.0 ha in size.

303. Buildings or structures requiring sanitary facilities and domestic water shall be connected to a community water system and a community sewer system except as provided in this bylaw.

### Permitted Uses

304. The use of land, including the surface of water, buildings and structures shall be in accordance with the permitted uses specified in this bylaw. All other uses by exclusion are prohibited.

305. The use of land, buildings and structures that do not conform with the regulations of this bylaw (non-conforming uses and siting) is governed by Section 911 of the *"Local Government Act"*.

306. An entirely underground structure shall be permitted in all zones except basements which are further regulated by this bylaw.

307. Notwithstanding any other provisions of this bylaw, a public utility use shall be permitted in all zones; and

a parcel for a public utility use shall have a parcel area not less than 50.0 $m^2$; a parcel frontage of not less than 10% of the perimeter of the parcel; and all buildings shall be provided with a minimum setback from all property lines not less than 1.0 m.

308. Except in the Silver Woods Comprehensive Development Zone, the use of one tent or one recreation vehicle not exceeding 9.0 m in length shall be permitted for only one period of time not exceeding 30 days from October to October in any given year.

**Prohibited Uses**

309. Fences shall be prohibited in all zones except in Comprehensive and Special Use zones or as may be necessary during construction as regards a valid Building Permit or as specifically required or provided for in this bylaw.

310. No person shall inhabit or otherwise occupy a suite in any dwelling except in those zones where a suite is permitted by this bylaw.

311. Except in the Resort Use and Service Utility zones, the storage of unlicensed, unenclosed vehicles (including parts thereof) which are in an advanced state of disrepair, wrecked or being dismantled for salvage is a prohibited use.

312. Except in the Resort Use and Service Utility zones or as may be permitted by Industrial Permit issued by the Regional District, a use providing for the grading, cutting, crushing or fabricating of industrial products or resource materials is a prohibited use.

313. ***Cannabis retail shall be prohibited in all zones, including zones which broadly permit retail store or sales, farm or off-farm product sales, convenience store, accessory retail use and home based businesses.***

314. ***Cannabis Lounge use shall be prohibited in all zones.***

**Setback Exceptions**

315. Where under the provisions of this bylaw a setback is required to be provided, all items of construction or projections attached to a building or structure which project from the exterior surface shall be deemed to be part of the building or structure for the purpose of setback measurements outlined in this bylaw; except:

(1) where such projections are chimneys, cornices, built-in hutches, leaders, gutters, pilasters, belt courses, bay windows or ornamental features, the setback into which such projections extend may be reduced by not more than 0.6 m; or

(2) where such projections are steps, eaves, sunlight control projections, canopies, balconies or open porches, the front or rear yard setback into which such projections extend may be reduced by not more than 1.0 m.

316. Notwithstanding setbacks established for buildings and structures in this bylaw:

(1) a setback of 15.0 m shall be required from the natural boundary of any watercourse, lake, marsh or pond or 31.0 m from a surface water source, groundwater source or infiltration basin for domestic use;

(2) an underground structure may be sited on any portion of a parcel provided that the top surface of the structure shall at no point extend above the finished grade;

(3) ski towers and related facilities, ski fences, free-standing light poles, warning devices, antennas, masts, utility poles, wires and similar utility works installed by the Ski Resort Corporation or a utility corporation may be sited on any portion of a parcel; and

(4) flag poles, signs and sign structures may be sited on any portion of a parcel.

317. All buildings and structures located on Silver Star Road to the west of the intersection of Pinnacles Road shall be provided with a setback of not less than 12.5 m plus the required setback of the respective zone measured from the centre line of the road.

**Height Exceptions**

318. The height of buildings and structures permitted elsewhere in this bylaw may be exceeded for ski towers and related facilities, retaining walls, radio and television antennas, chimneys, fire hose towers, flag poles and lightning poles as well as elevator shafts, roof-top mechanical works, stair towers, non-habitable roof embellishments and scenery lofts for buildings in a Commercial zone and apartment buildings.

**Frontage Exceptions**

319. Parcels for single dwellings in a Residential zone:

- when located on the turnabout area of a cul-de-sac, the frontage shall be not less than 7.0 m; or
- when located on the outside curve of a road having a radius of not more than 120.0 m, the frontage specified in this bylaw may be reduced by not more than 3.0 m;

provided that, the average parcel width (measured as a straight line) measured at the centre point of the frontage road and measured at a depth of 30.0 m extended perpendicular from that centre point of the frontage road shall be not less than 15.0 m for interior lots or 18.0 m for corner lots.

320. Parcels for duplex dwellings in a Residential zone:

- when located on the turnabout area of a cul-de-sac, the frontage shall be not less than 11.0 m; or
- when located on the outside curve of a road having a radius of not more than 120.0 m, the frontage specified in this bylaw may be reduced by not more than 6.0 m;

provided that, the average parcel width (measured as a straight line) measured at the centre point of the frontage road and measured at a depth of 30.0 m extended perpendicular from that centre point of the frontage road shall be not less than 22.0 m for interior lots or 25.0 m for corner lots.

## Variances

321. The Regional District recognizes that variances must be considered to vary the regulations in this bylaw which variances may or may not be approved; and policies to consider these variances have been included in the *"Silver Star Official Community Plan".*

## Community Care Facilities

322. Notwithstanding any other provisions of this bylaw, a building for the operation of a facility pursuant to the *"Community Care Facilities Act"* shall be permitted in all zones subject to the following regulations:

(1) a facility shall be wholly contained within the principle building located on the subject parcel;

(2) if a facility is located in a Residential zone, it shall be permitted to operate only between the hours of 6:00 AM to 8:00 PM daily;

(3) the operation of a facility in a Residential zone shall involve at least one person who resides on the parcel and may involve not more than one on-premise employee being other than persons residing on the parcel;

(4) off-street parking shall be provided in accordance with Division Eight of this bylaw; and

(5) signage shall comply with Division Nine of this bylaw.

## DIVISION FOUR – COMMERCIAL ZONES

### 401. VILLAGE COMMERCIAL (VC)

**Permitted Uses**

(1) Subject to the provisions of Division Three of this bylaw; and

in consideration of land use policies in the *"Silver Star Official Community Plan"* and common definitions of industries from the *"North American Industry Classification System 2002"*;

the following uses and no others shall be permitted in the Village Commercial zone:

(a) Accessory Buildings and Structures.

(b) Accommodation Uses - including Hotels; Hostels; Conference Facilities; Apartments; and Townhouses where each Apartment building or Townhouse complex shall consist of six or more dwelling units. One dwelling unit is permitted for the owner, operator or employee of the principle and permitted use on the parcel in the principle building.

(c) Food Service and Drinking Place Uses - including Restaurants with or without entertainment; Bars; Beer and Wine Gardens; Cabarets; Cocktail Lounges; Pubs; and Night Clubs except that Restaurants with entertainment and Drinking Place Uses are not permitted on a parcel that abuts a parcel in a Residential zone.

(d) Retail Trade Uses – including Print and Picture Frame Stores; Food and Beverage Stores; Health and Personal Care Stores; Clothing and Clothing Accessories Stores; Sporting Goods, Hobby, Book and Music Stores; General Merchandise Stores; Florists; Office Supplies, Stationery and Gift Stores; Art Stores; and Beer and Wine-Making Supplies Stores.

(e) Transportation Uses – including Transit and Ground Passenger Transportation Industries; Scenic and Sightseeing Transportation Industries; Helicopter Landing Pads, Support Activities for Transportation Industries; Postal Services; Courier and Messenger Services; and Parking Garages and Lots.

(f) Community Service Uses – including Administrative Offices; Tourism Services; Information and Cultural Industries; Finance and Insurance Services; Offices of Real Estate Agents and Brokers; Activities Related to Real Estate Industries; Professional, Scientific and Technical Services; Management of Companies and

Enterprises Services; Office Administrative Services; Facilities Support Services; Employment Services; Travel Arrangement and Reservation Services; Investigation and Security Services; Educational Services; Offices of Physicians, Dentists and other Health Practitioners; Home Health Care Services; Health Clinics; Personal Care Services; Dry Cleaning and Laundry Services; Photo Finishing Services; and Religious Services.

(g) Arts, Entertainment and Recreation Service Uses – including Performing Arts Companies (with or without facilities); Theatres; Museums; Art Museums and Galleries; Amusement Arcades; Lottery Outlets; Fitness and Recreation Sports Centres; and Skiing Facilities (including all support services).

**Buildings per Parcel**

(2) Only one principle use building and one accessory building shall be permitted on a parcel; except

where Covenant for public access has been registered pursuant to Division H of the *"Silver Star Official Community Plan"* or a Development Permit has been issued to facilitate public access pursuant to Section J.5 of the Plan, there shall be no limit on the number of buildings on a parcel, subject to compliance with all other requirements outlined in this bylaw.

(3) Notwithstanding the provisions of Section 401(2) of this bylaw, the number of buildings permitted on Lot 1, Plan KAP 75038, District Lot 1355, 5262 and 5309, O.D.Y.D. (*Silver Bird Lodge*) shall be unlimited and shall be conforming to this bylaw.

**Parcel Area and Frontage**

(4) Parcels proposed to be subdivided within this zone shall have:

(a) a minimum parcel area of not less than 560.0 m²;

(b) a parcel frontage of not less than 15.0 m; and

(c) pursuant to Section 944 of the *"Local Government Act"*, a parcel fronting a highway should have a minimum frontage of not less than 10% of the perimeter of the parcel on the highway.

**Height and Setbacks**

(5) The height of buildings and structures shall not exceed 16.0 m. There shall be no limit on the number of basement storeys being situated below the first storey.

(6) All accessory buildings and structures shall not exceed 5.0 m in height.

(7) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(8) Buildings located on a pedestrian mall as outlined in Section E of the *"Silver Star Official Community Plan"* shall be provided with a minimum setback of 10.0 m on this mall and the side yard setback for these buildings may be reduced to zero.

(9) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined in Section 401(10) of this bylaw.

(10) Except where a greater distance is required pursuant to Sections 315, 401(7), 401(8) and 401(9) of this bylaw or a lesser distance is permitted pursuant to Section 401(8) of this bylaw, no building or structure shall be located within:

(a) 3.0 m of any property lines; or

(b) 10.0 m where a property line abuts a parcel in a Residential zone.

**Other Requirements**

(11) Storage yards are not permitted in the Village Commercial zone except construction materials as regards a valid Building Permit issued for the subject parcel which has not expired or been revoked.

(12) Off-street parking and loading shall be provided and maintained in accordance with Division Eight of this bylaw and in conformance with the Public Parking policies outlined in Section H of the *"Silver Star Official Community Plan"*.

(13) Signage shall comply with Division Nine of this bylaw.

(14) Pursuant to Section 909 of the *"Local Government Act"*, screening and landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to provide separation between commercial uses and to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

## 402. NEIGHBOURHOOD COMMERCIAL (NC)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and

in consideration of land use policies in the *"Silver Star Official Community Plan"* and the common definitions of industries from *"North American Industry Classification System 2002"*;

the following uses and no others shall be permitted in the Neighbourhood Commercial zone:

(a) Accessory Buildings and Structures.

(b) Accommodation Uses - including Hotels; Hostels; and Apartments where each apartment building shall consist of six or more dwelling units. One dwelling unit is permitted for the owner, operator or employee of the principle and permitted use on the parcel in the principle building.

(c) Food Service and Drinking Place Uses - including Restaurants with or without entertainment; and Neighbourhood Pubs.

(d) Retail Trade Uses – including Food and Beverage Stores; and General Merchandise Stores.

(e) Transportation Uses – including Parking Garages and Lots.

(f) Community Service Uses – including Real Estate and Offices of Real Estate Agents and Brokers; Activities Related to Real Estate; Personal Care Services; and Religious Services.

(g) Arts, Entertainment and Recreation Service Uses – including Fitness and Recreation Sports Centres; and Skiing Facilities (including all support services).

### Buildings per Parcel

(2) Only one principle use building shall be permitted on each parcel.

(3) Only one accessory building shall be permitted on each parcel.

### Parcel Area and Frontage

(4) Parcels proposed to be subdivided within this zone shall have:

(a) a minimum parcel area of not less than 560.0 $m^2$;

(b) a parcel frontage of not less than 15.0 m; and

(c) pursuant to Section 944 of the *"Local Government Act"*, a parcel fronting a highway should have a minimum frontage of not less than 10% of the perimeter of the parcel on the highway.

**Parcel Coverage**

(5) In no case shall parcel coverage be greater than 50% and this coverage may be reduced to accommodate driveways, outside parking and loading areas, screening and landscaping requirements as outlined in this bylaw.

**Building Height**

(6) The height of buildings and structures shall not exceed 12.0 m.

(7) All accessory buildings and structures shall not exceed 5.0 m in height.

(8) There shall be no limit on the number of basement storeys being situated below the first storey.

**Building Setbacks**

(9) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(10) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined below in Section 402(11) of this bylaw.

(11) Except where a greater distance is required pursuant to Sections 315, 402(9) and 402(10) of this bylaw, no building or structure including accessory buildings and structures, shall be located within:

(a) 5.0 m of the rear property line;

(b) 3.0 m of a side property line except where a property line abuts a parcel in a Residential zone the setback shall be 5.0 m;

(c) 5.0 m of an exterior side property line; and

(d) 5.0 m of the front property line.

**Other Requirements**

(12) Storage yards are not permitted in the Neighbourhood Commercial zone except construction materials as regards a valid Building Permit issued for the subject parcel which has not expired or been revoked.

(13) Off-street parking and loading shall be provided and maintained in accordance with Division Eight of this bylaw.

(14) Signage shall comply with Division Nine of this bylaw.

(15) Pursuant to Section 909 of the *"Local Government Act"*, screening and landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to provide separation with surrounding Residential properties and to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

## 501. RESIDENTIAL SINGLE DWELLING (R.1)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Residential Single Dwelling zone:

(a) Single Dwellings.

(b) Accessory Residential Buildings.

(c) Home Occupation Use.

(d) Short-Term Rental Accommodation Use.

(e) ***Retaining Wall Structures.***

(f) ***Suites.***

### Buildings per Parcel

(2) Only one single dwelling ***with or without one suite*** shall be permitted on each parcel.

(3) Only one accessory residential building shall be permitted on each parcel.

### Parcel Area

(4) Parcels that are proposed to be subdivided within this zone shall have a minimum parcel area of not less than 560.0 m².

(5) An access strip or panhandle for a panhandle parcel shall not be calculated as part of the minimum parcel area.

### Frontage

(6) Parcels proposed to be subdivided within this zone shall have a parcel frontage on a highway of not less than the greater of one-tenth of the perimeter or 15.0 m for interior parcels and 18.0 m for corner parcels; except

the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 317 of this bylaw.

(7) Pursuant to Section 944 of the *"Local Government Act"*, a parcel fronting a highway should have a minimum frontage of not less than 10% of the perimeter of the parcel on the highway.

**Parcel Coverage**

(8) In no case shall parcel coverage be greater than 35% and this coverage may be reduced to accommodate driveways, outside parking and landscaping requirements as outlined in this bylaw.

**Building Height**

(9) The height of dwellings shall not exceed 9.0 m.

(10) The height of garages and free standing carports shall not exceed 5.0 m above the building entrance. All other accessory residential buildings shall not exceed 5.0 m.

(11) One basement storey may be situated below the first storey.

**Building Setbacks**

(12) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(13) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined below in Sections 501(14) and 501(15) of this bylaw.

(14) Except where a greater distance is required pursuant to Sections 315, 501(12) and 501(13) of this bylaw, no accessory buildings shall be located within 3.0 m of any property line or other buildings.

(15) Except where a greater distance is required pursuant to Sections 315, 501(12) and 501(13) of this bylaw, no dwellings shall be located within:

(a) 8.0 m of the rear property line;

(b) 3.0 m of a side property line;

(c) 5.0 m of an exterior side property line; and

(d) 8.0 m of the front property line.

**Other Requirements**

(16) Storage yards are not permitted in the Residential Single Dwelling zone except construction materials as regards a valid Building Permit issued for the subject parcel which has not expired or been revoked.

(17) Off-street parking shall be provided and maintained in accordance with Division Eight of this bylaw.

(18) Signage shall comply with Division Nine of this bylaw.

(19) Pursuant to Section 909 of the *"Local Government Act"*, landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

(20) ***Retaining wall structures not exceeding 1.2 m in height are permitted to be constructed at any location within the boundaries of each property, provided that such structures must be separated from each other by a minimum of 1.5 m distance measured horizontally from the face of each retaining wall structure.***

## 502. RESIDENTIAL DUPLEX DWELLING (R.2)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Residential Duplex Dwelling zone:

(a) Single Dwellings.

(b) Duplex Dwellings.

(c) Accessory Residential Buildings.

(d) Home Occupation Use.

(e) Short-Term Rental Accommodation Use.

(f) ***Retaining Wall Structures.***

### Buildings per Parcel

(2) Only one single dwelling or one duplex dwelling shall be permitted on each parcel.

(3) Only one accessory residential building shall be permitted on each parcel.

(4) Notwithstanding the provisions of Section 502(2) of this bylaw, suites shall be permitted in each half of the duplex dwelling situated on the parcels listed below and shall be conforming to this bylaw.

(a) Lot 19, Plan 42012, District Lot 1355, O.D.Y.D.; 290 Monashee Road.

(b) Lot 80, Plan 42012, District Lot 1355, O.D.Y.D.; 183 and 185 Monashee Road (KAS1703).

(c) Lot 109, Plan 44119, Block 'O', District Lot 1355, O.D.Y.D.; 305 Monashee Road (KAS1144).

### Parcel Area

(5) Parcels that are proposed to be subdivided within this zone shall have a minimum parcel area of not less than:

(a) 560.0 $m^2$ for single dwellings; or

(b) 700.0 $m^2$ for duplex dwellings.

(6) Notwithstanding the minimum parcel areas outlined above in Section 502(5) of this bylaw, the minimum parcel area for parcels for a duplex dwelling located in District Lot 5264, ODYD ("*The Ridge*") shall be 1,110.0 $m^2$.

(7) A duplex that is proposed to be subdivided along a party wall shall have a minimum parcel area of 1,120.0 m² and each half of the duplex dwelling shall have a minimum parcel area of 560.0 m².

(8) The access strip or panhandle for a panhandle parcel shall not be calculated as part of the minimum parcel area.

**Frontage**

(9) Parcels proposed to be subdivided within this zone for single dwellings shall have a parcel frontage on a highway of not less than the greater of one-tenth of the perimeter or 15.0 m for interior parcels and 18.0 m for corner parcels; except

the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 317 of this bylaw.

(10) Parcels proposed to be subdivided within this zone for duplex dwellings shall have a parcel frontage on a highway of not less than the greater of one-tenth of the perimeter or 22.0 m for interior parcels and 25.0 m for corner parcels; except

the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 318 of this bylaw.

(11) Pursuant to Section 944 of the *"Local Government Act"*, a parcel fronting a highway should have a minimum frontage of not less than 10% of the perimeter of the parcel on the highway.

**Parcel Coverage**

(12) In no case shall parcel coverage be greater than 35% and this coverage may be reduced to accommodate driveways, outside parking and landscaping requirements as outlined in this bylaw.

**Building Height**

(13) The height of dwellings shall not exceed 12.0 m.

(14) The height of garages and free standing carports shall not exceed 5.0 m above the building entrance. All other accessory residential buildings shall not exceed 5.0 m.

(15) One basement storey may be situated below the first storey.

**Building Setbacks**

(16) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(17) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined below in Sections 502(18) and 502(19) of this bylaw.

(18) Except where a greater distance is required pursuant to Sections 315, 502(16) and 502(17) of this bylaw, no dwellings shall be located within:

(a) 5.0 m of the rear property line;

(b) 3.0 m of a side property line;

(c) 5.0 m of an exterior side property line; and

(d) 5.0 m of the front property line.

(19) Except where a greater distance is required pursuant to Sections 315, 502(16) and 502(17) of this bylaw, no accessory buildings shall be located within 3.0 m of any property line or other buildings.

**Other Requirements**

(20) Storage yards are not permitted in the Residential Duplex Dwelling zone except construction materials as regards a valid Building Permit issued for the subject parcel which has not expired or been revoked.

(21) Off-street parking shall be provided and maintained in accordance with Division Eight of this bylaw.

(22) Signage shall comply with Division Nine of this bylaw.

(23) Pursuant to Section 909 of the *"Local Government Act"*, landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

***(24) Retaining wall structures not exceeding 1.2 m in height are permitted to be constructed at any location within the boundaries of each property, provided that such structures must be separated from each other by a minimum of 1.5 distance measured horizontally from the face of each retaining wall structure.***

## 503. RESIDENTIAL MEDIUM DENSITY (R.3)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the "*Silver Star Official Community Plan*"; the following uses and no others shall be permitted in the Residential Medium Density zone:

(a) Single Dwellings.

(b) Duplex Dwellings.

(c) Townhouses.

(d) Apartments.

(e) Accessory Residential Buildings when the parcel is used for a single dwelling, duplex dwelling or townhouse complex.

(f) Accessory Buildings and Structures when the parcel is used for an apartment building(s).

(g) Home Occupation Use except that a home occupation use is not permitted in a townhouse complex or apartment building.

(h) Short-Term Rental Accommodation Use.

(i) ***Retaining Wall Structures.***

### Buildings and Dwellings per Parcel

(2) Only one principle use building and one accessory building shall be permitted per parcel; except,

where Covenant for public access has been registered pursuant to Division H of the *"Silver Star Official Community Plan"* or a Development Permit has been issued to facilitate public access pursuant to Section J.5 of the Plan, there shall be no limit on the number of buildings on a parcel, subject to compliance with all other requirements outlined in this bylaw.

(3) Where a development consists of only single and duplex dwellings, a maximum of 20 dwelling units are permitted per parcel.

(4) Where a development consists of only single dwellings, duplex dwellings and townhouse complexes, a maximum of 40 dwelling units are permitted per parcel;

provided that, no more than 20 dwelling units consist of single and duplex dwellings.

(5) Where a development consists of only townhouse complexes, a maximum of 40 dwelling units are permitted per parcel.

(6) Where a development consists of single dwellings, duplex dwellings, townhouse complexes and apartment buildings, a maximum of 100 dwelling units are permitted per parcel;

provided that, no more than 20 dwelling units consist of single and duplex dwellings; and

provided that, no more than 40 dwelling units consist of single dwellings, duplex dwellings and townhouse complexes.

(7) Where a development consists of only apartment buildings, a maximum of 100 dwelling units are permitted per parcel.

(8) Notwithstanding the provisions of Sections 503(2) through 503(7) of this bylaw, the number of townhouses or apartments currently situated on the parcels listed below shall be conforming to this bylaw.

(a) Block R, District Lot 1355, O.D.Y.D.; 357 Monashee Road ("*Grandview*").

(b) Lot A, KAP 51133, District Lot 1355, O.D.Y.D.; 875 Monashee Road ("*The Mews*").

(c) Lot 1, Plan KAP 66296, District Lot 1355, O.D.Y.D.; 635 Monashee Road ("*Silver Views*").

(d) Block T, District Lot 1355, O.D.Y.D.; 9802-9812 Silver Star Road ("*Creekside*").

**Parcel Area**

(9) Parcels that are proposed to be subdivided within this zone shall have a minimum parcel area of not less than:

(a) 560.0 $m^2$ for single dwellings;

(b) 700.0 $m^2$ for duplex dwellings; and

(c) 1,900.0 $m^2$ for townhouse complexes or apartment buildings.

(10) A duplex that is proposed to be subdivided along a party wall shall have a minimum parcel area of 1,120.0 $m^2$ and each half of the duplex dwelling shall have a minimum parcel area of 560.0 $m^2$.

(11) An access strip or panhandle for a panhandle parcel shall not be calculated as part of the minimum or maximum parcel area.

**Frontage**

(12) Parcels proposed to be subdivided within this zone for single dwellings shall have a parcel frontage on a highway of not less than the greater of one-tenth of the perimeter or 15.0 m for interior parcels and 18.0 m for corner parcels; except

the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 317 of this bylaw.

(13) Parcels proposed to be subdivided within this zone for duplex dwellings shall have a parcel frontage on a highway of on less than the greater of one-tenth of the perimeter or 22.0 m for interior parcels and 25.0 m for corner parcels; except

the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 318 of this bylaw.

(14) Parcels proposed to be subdivided within this zone for townhouse complexes or apartment buildings shall have a parcel frontage on a highway of not less than the greater of one-tenth of the perimeter or 10.0 m.

(15) Pursuant to Section 944 of the *"Local Government Act"*, a parcel fronting a highway should have a minimum frontage of not less than 10% of the perimeter of the parcel on the highway.

**Parcel Coverage**

(16) Except where a smaller coverage is necessary to accommodate driveways, outside parking, screening and landscaping requirements as outlined in this bylaw, the parcel coverage shall not be greater than:

(a) 35% for all buildings on a parcel being used for single dwellings, duplex dwellings or townhouse complexes; or

(b) 50% for all buildings and structures on any parcel being used for apartment buildings.

**Building Height**

Single and Duplex Dwellings and Townhouses

(17) The height of single dwellings, duplex dwellings and townhouse complexes shall not exceed 12.0 m.

(18) The height of garages and free standing carports on land being used for a single dwelling, duplex dwelling or a townhouse complex shall not exceed 5.0 m above the building entrance. All other accessory residential buildings shall not exceed 5.0 m.

(19) For single dwellings, duplex dwellings and townhouse complexes, one basement storey may be situated below the first storey.

Apartment

(20) The height of apartment buildings shall not exceed 12.0 m.

(21) All accessory buildings and structures on land being used for apartment buildings shall not exceed 5.0 m in height.

(22) For apartment buildings, there shall be no limit on the number of basement storeys being situated below the first storey.

**Building Setbacks**

(23) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(24) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined below in Sections 503(25) to 503(27) of this bylaw.

(25) Except where a greater distance is required pursuant to Sections 315, 503(23)and 503(24) of this bylaw, no single dwelling or duplex dwelling shall be located within:

(a) 5.0 m of the rear property line;

(b) 3.0 m of a side property line;

(c) 5.0 m of an exterior side property line; and

(d) 5.0 m of the front property line.

(26) Except where a greater distance is required pursuant to Sections 315, 503(23)and 503(24) of this bylaw, no townhouse complex or apartment building shall be located within:

(a) 5.0 m of the rear property line;

(b) 3.0m of a side property line except where a property line abuts a parcel for a single dwelling or duplex dwelling, the setback shall be 5.0 m;

(c) 5.0 m of an exterior side property line; and

(d) 5.0 m of the front property line.

(27) Except where a greater distance is required pursuant to Sections 315, 503(23) and 503(24) of this bylaw, no accessory building or structure shall be located within 3.0 m of any property line or other buildings.

**Other Requirements**

(28) Storage yards are not permitted in the Residential Medium Density zone except construction materials as regards a valid Building Permit issued for the subject parcel which has not expired or been revoked.

(29) Off-street parking shall be provided and maintained in accordance with Division Eight of this bylaw.

(30) Signage shall comply with Division Nine of this bylaw.

(31) Pursuant to Section 909 of the *"Local Government Act"*, screening and landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to provide aesthetic and functional separation with surrounding single and duplex dwelling developments and to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

(32) ***Retaining wall structures not exceeding 1.2 m in height are permitted to be constructed at any location within the boundaries of each property, provided that such structures must be separated from each other by a minimum of 1.5 m distance measured horizontally from the face of each retaining wall structure.***

## 504. RESIDENTIAL SINGLE DWELLING AND SUITE (R.4)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Residential Single Dwelling and Suite zone:

(a) Single Dwellings.

(b) Suites.

(c) Accessory Residential Buildings.

(d) Home Occupation Use.

(e) Short-Term Rental Accommodation Use.

(f) ***Retaining Wall Structures.***

### Buildings per Parcel

(2) Only one single dwelling with or without one suite shall be permitted on each parcel.

(3) Only one accessory residential building shall be permitted on each parcel.

### Parcel Area

(4) Parcels that are proposed to be subdivided within this zone shall have a minimum parcel area of not less than 560.0 m².

(5) An access strip or panhandle for a panhandle parcel shall not be calculated as part of the minimum parcel area.

### Frontage

(6) Parcels proposed to be subdivided within this zone shall have a parcel frontage on a highway of not less than the greater of one-tenth of the perimeter or 15.0 m for interior parcels and 18.0 m for corner parcels; except

the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 317 of this bylaw.

~~(7) Notwithstanding frontage regulations outlined above in Section 504(6) of this bylaw, parcels proposed to be subdivided within this zone marked as Meadowlands on map Schedule A to this bylaw shall have a parcel frontage~~

~~of not less than the greater of one-tenth of the perimeter or 18.0 m for interior parcels and 21.0 m for corner parcels; except~~

~~the frontage may be reduced for parcels located on a cul-de-sac or on a curved road as provided in Section 317 of this bylaw.~~

(8) Pursuant to Section 944 of the *"Local Government Act"*, a parcel fronting a highway should have a minimum frontage of not less than 10% of the perimeter of the parcel on the highway.

**Parcel Coverage**

(9) In no case shall parcel coverage be greater than 35% and this coverage may be reduced to accommodate driveways, outside parking and landscaping requirements as outlined in this bylaw.

**Building Height**

(10) The height of dwellings shall not exceed 12.0 m.

(11) The height of garages and free standing carports shall not exceed 5.0 m above the building entrance. All other accessory residential buildings shall not exceed 5.0 m.

(12) One basement storey may be situated below the first storey.

**Building Setbacks**

(13) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(14) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined below in Sections 0(15) and 504(16) of this bylaw.

(15) Except where a greater distance is required pursuant to Sections 315, 504(13) and 504(14) of this bylaw, no dwellings shall be located within:

(a) 5.0 m of the rear property line;

(b) 3.0 m of a side property line;

(c) 5.0 m of an exterior side property line; and

(d) 5.0 m of the front property line.

(16) Except where a greater distance is required pursuant to Sections 315, 504(13) and 504(14) of this bylaw, no accessory buildings shall be located within 3.0 m of any property line or other buildings.

**Other Requirements**

(17) Storage yards are not permitted in the Residential Single Dwelling and Suite zone except construction materials as regards a valid Building Permit issued for the subject parcel which has not expired or been revoked.

(18) Off-street parking shall be provided and maintained in accordance with Division Eight of this bylaw.

(19) Signage shall comply with Division Nine of this bylaw.

(20) Pursuant to Section 909 of the *"Local Government Act"*, landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

(21) ***Retaining wall structures not exceeding 1.2 m in height are permitted to be constructed at any location within the boundaries of each property provided that such structures must be separated from each other by a minimum 1.5 m distance measured horizontally from the face of each retaining wall structure.***

# DIVISION SIX – SPECIAL USE ZONES

## 601. RESORT USE (RU)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Resort Use zone:

(a) Skiing and other all-season outdoor recreational activities.

(b) Limited-Service Eating Places and Mobile Food Services subject to the provisions of Section 601(4) of this bylaw.

(c) Accessory Buildings and Structures.

(d) Resource Use.

(e) Storage Yards.

(f) Parking Garages and Lots.

### Parcel Area and Setbacks

(2) No building or structure shall be located within 10.0 m of a parcel boundary in a Residential zone.

(3) Parcels that are proposed to be subdivided within this zone shall have a minimum parcel area of not less than 50.0 $m^2$.

### Other Requirements

(4) Limited-service eating places or mobile food services shall be incidental to skiing or other outdoor recreational activities and may or may not include the serving of alcoholic beverages. These food services establishments do not include full-service restaurants.

(5) Notwithstanding Section 303 of this bylaw, buildings and structures in the Resort Use zone may utilize an alternate means to provide sewer and water service, as appropriate.

(6) The extent of the Resort Use zone outlined on map Schedule A shall extend into unconstructed highway right-of-ways.

(7) Pursuant to Section 909 of the *"Local Government Act"*, screening for storage yards shall be provided and maintained in accordance with Division Ten of this bylaw.

## 602. SERVICE UTILITY (U)

### Permitted Uses

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Service Utility zone:

(a) Civic Use.

(b) Ski Resort Maintenance Facilities.

(c) Sewage Treatment and Disposal Sites.

(d) Waste Transfer Stations.

(e) Storage Yards.

(f) Accessory Buildings and Structures.

### Parcel Size and Frontage

(2) A parcel proposed to be subdivided within this zone shall have a parcel area not less than 50.0 m² and a parcel frontage of not less than 10% of the perimeter of the parcel.

### Other Requirements

(3) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the subject parcel.

(4) A greater setback required by a Development Permit pursuant to the provisions of Section J of the *"Silver Star Official Community Plan"* will take precedence over the setbacks outlined in Sections 602(5) of this bylaw.

(5) Except where a greater distance is required pursuant to Sections 315, 602(3) and 602(4) of this bylaw;

(a) no buildings for a civic use shall be located within 1.0 m of a property line except where the Building Code may require a larger setback depending upon the use and building design; and

(b) except for a civic use, no building or structure shall be located within 10.0 m of a parcel boundary in a Residential zone.

(6) The maximum permitted height for all buildings and structures in this zone is 12.0 m.

(7) Notwithstanding Section 303 of this bylaw, buildings and structures in the Service Utility zone may utilize an alternate means to provide sewer and water service, as appropriate.

(8) Pursuant to Section 909 of the *"Local Government Act"*, landscaping requirements and screening for storage yards shall be provided and maintained in accordance with Division Ten of this bylaw.

## OPEN SPACE (OS)

(1) Subject to the provisions of Division Three of this bylaw, and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Open Space zone:

(a) Environmental management activities including activities necessary for the management of the wildfire interface and walking trails maintenance.

(b) Passive recreational activities such as skiing, walking and nature study.

(c) Crossings for highways, utility lines and similar community infrastructure services.

(d) Crossings for ski routes and pedestrian bridges as well as walking and skiing trails.

(2) A parcel proposed to be subdivided within this zone shall have a parcel area not less than 50.0 m² and a parcel frontage of not less than 10% of the perimeter of the parcel.

(3) The extent of the Open Space zone outlined on map Schedule A shall be as follows:

(a) 15.0 m from the natural boundary of BX Creek from the headwaters near the base of the Silver Queen Chair to the boundary of the bylaw area;

(b) the lesser of 15.0 m from the natural boundary or the top-of-bank of the incised channel of the BX Tributary Creek along a portion of the western boundary of the plan area;

(c) 15.0 m from the natural boundary of Brewer's Pond; and

(d) 15.0 m from the southeast natural boundary and to the adjacent road from the northwest natural boundary of the tributary to Brewer's Pond from Monashee Road.

## 603. COMMUNITY RECREATION (R)

(1) Subject to the provisions of Division Three of this bylaw, and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Community Recreation zone:

(a) One Training Centre with spa and meeting facilities.

(b) One Community Ski Club House.

(c) Summer Recreation Facilities such as tennis courts, basketball courts, playground facilities and picnic areas.

(d) Accessory buildings for outdoor skating where such buildings have no accommodation, retail or service activities other than directly ancillary to skating activities.

(e) Environmental management activities including activities necessary for the management of the wildfire interface and walking trails maintenance.

(f) Passive recreational activities such as walking, skiing, skating and fishing.

(2) Notwithstanding Section 303 of this bylaw, buildings and structures in the Community Recreation zone may utilize an alternate means to provide sewer and water service, as appropriate.

(3) Parcels that are proposed to be subdivided within this zone shall have a minimum parcel area of not less than 50.0 $m^2$.

## 604. HERITAGE CONSERVATION (H)

(1) Subject to the provisions of Division Three of this bylaw, the Heritage Conservation zone shall only permit a heritage conservation use.

(2) The extent of the Heritage Conservation zone outlined on map Schedule A shall be 5.0 m extending from the foundation of the forestry lookout building.

(3) Parcels that are proposed to be subdivided in this zone shall be contiguous with the extent of the zone outlined above in Section 604(2) of this bylaw.

## DIVISION SEVEN
## COMPREHENSIVE DEVELOPMENT ZONES

### 701. SILVER WEST COMPREHENSIVE DEVELOPMENT ZONE (CD1)

**Permitted Uses**

(1) Subject to the provisions of Division Three of this bylaw; and in consideration of land use policies in the *"Silver Star Official Community Plan"*; the following uses and no others shall be permitted in the Silver West Comprehensive Development Zone:

Principle Uses

(a) The principle uses permitted in this zone are as follows:

(i) a minimum 20 unit recreational vehicle campground; and

(ii) a snowmobile rental and storage facility with snowmobile trails to connect to recreational opportunities at Silver Star Provincial Park or other lands.

Ancillary Uses

(b) Ancillary uses are permitted only in combination with the development of a principle use cited above in Section 701(1)(a) of this bylaw. The ancillary uses in this zone are as follows:

(i) Single Dwellings.

(ii) Duplex Dwellings.

(iii) Townhouses.

(iv) Accessory Residential Buildings.

(v) Short Term Rental Accommodation Use.

(vi) Gas Station Use with or without other fuel retailing.

(vii) Convenience Store Use which may include hardware and other convenience products retailing.

(viii) Recreation Equipment Rentals.

**Recreational Vehicle Campground**

(2) A recreational vehicle campground shall be connected to a community water and sewer service and notwithstanding Section 303 of this bylaw, any

suitable alternative means for sewage disposal as may be approved by the Interior Health Authority.

(3) A recreational vehicle campground may include ancillary buildings and structures such as a washroom building, information booth or check-in building as well as a single dwelling for the owner or operator of the facility.

**Snowmobile Rental Facility**

(4) Notwithstanding Section 303 of this bylaw, buildings and structures for a snowmobile rental facility may utilize any alternate means to provide sewer and water service, as appropriate.

(5) A snowmobile rental facility may include ancillary buildings and structures such as storage shelters or a washroom building; a single dwelling for the owner or operator of the facility; and retail sales and services ancillary to the snowmobile rental and storage principle use.

**Other Requirements**

(6) Storage yards ancillary to a principle use shall be permitted. Storage yards shall provide screening as outlined in Division Ten of this bylaw.

(7) Except for a restriction on the number of dwelling units permitted in this zone as outlined in Section 701(8) of this bylaw, there shall be no restriction on the number of buildings and structures within this zone.

(8) A maximum of 100 dwelling units shall be permitted in this zone.

(9) Parcels proposed to be subdivided within this zone shall have a minimum parcel area of not less than 1,900.0 m².

(10) The height of dwellings shall not exceed 12.0 m and the height of other buildings and structures shall not exceed 5.0 m.

(11) Building setbacks shall be provided with sufficient depth whereby all snow shed from the roof will be retained on the parcel where the building is located.

(12) A front yard setback buffer for all buildings and structures shall be established along Silver Star Road with a minimum setback from the existing cleared border along the road right-of-way of 5.0 m except:

(a) one entrance driveway to access the subject parcel;

(b) disturbances necessary to accommodate a gas station use as determined by a Development Permit; and

(c) disturbances necessary by Development Permit to complete works regarding objectives for the protection of the natural environment or to reduce wildfire hazard conditions.

(13) Parcels created in this zone shall have practical access from an interior driveway or road. Except for a Gas Station or Convenience Store use, no use shall have direct access to Silver Star Road.

(14) Off-street parking and loading shall be provided and maintained in accordance with Division Eight of this bylaw.

(15) Signage shall comply with Division Nine of this bylaw.

(16) Except for the front yard setback buffer as outlined in Section 701(12) of this bylaw and pursuant to Section 909 of the *"Local Government Act"*, screening of storage yards and landscaping shall be provided and maintained in accordance with Division Ten of this bylaw to enhance the natural environment; and

where a Development Permit has been issued for the character of landscaping as outlined in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be maintained in accordance with Division Ten of this bylaw.

## DIVISION EIGHT
## PARKING REGULATIONS

801. **General Parking Requirements**

(1) Where any building is being erected, enlarged or increased in capacity, off-street parking spaces shall be provided in accordance with Sections 803(1) and 804(1) of this bylaw which includes Tables #1 and #2 and shall be the sum of all uses outlined on these tables.

(2) In addition to the parking requirements outlined in this Division, parking spaces for persons with disabilities as may be required by the *"BC Building Code"* shall also be incorporated into a parking area.

(3) Pursuant to Section 906(6) of the *"Local Government Act"*, a consideration of all uses in the subject building and their parking requirements as outlined in this Division shall be required and implemented where the value of a renovation exceeds 60% of the current assessed value; or

where a renovation or addition, when added to the value of a renovation and/or addition undertaken within the previous three years, totals an amount exceeding 60% of the current assessed value.

(4) Parking areas for uses in the Special Use zones as well as day-use and/or overnight parking areas provided by the Ski Resort Corporation are not regulated by this bylaw; and

notwithstanding this provision, parking size and design standards outlined in this Division will apply to day-use and/or overnight parking areas when considering parking requirements for a Development Permit as outlined in Section J.3 of the *"Silver Star Official Community Plan"*.

Community Care Facilities Use

(5) Two parking spaces shall be provided as well as one parking space for each employee on shift for a community care facilities use as outlined in Section 320 of this bylaw and these parking spaces shall be provided on the subject parcel. In addition, parking spaces shall be provided for all other uses on the subject parcel as outlined in this Division.

802. **Size and Design Standards**

(1) An indoor parking space shall not be less than 5.5 m long, 2.5 m wide and 2.2 m in height. A parking space shall be increased to not less than 3.0 m wide when adjacent to a wall or column (measured from the face of the wall or the centerline of the column).

(2) An outdoor parking space shall not be less than 5.8 m long and 2.8 m wide.

(3) All indoor parking garages shall be constructed to provide either perpendicular parking spaces with a two-way maneuvering aisle of 7.3 m or a one-way maneuvering aisle of 5.8 m.

(4) Maneuvering aisles for all outdoor parking lots shall be 8.0 m.

(5) Parking spaces in the Residential Medium Density and Commercial zones shall be so designed so that vehicles are not required to back-out onto a highway.

## 803. Residential Parking Standards

(1) Off-street parking spaces for residential uses shall be provided in accordance with Table #1 attached to and forming part of this section.

(2) The number of required residential parking spaces shall be derived from the sum of uses on the subject property as outlined on Table #1. A fractional portion of a parking space shall require one additional parking space. Where a specific use is not identified, a similar use on Table #1 shall be selected and applied.

Table #1 – Required Parking Spaces for Residential Uses

| | |
|---|---|
| (a)<br>• Residential Single Dwelling<br>• Residential Duplex Dwelling<br>• Townhouse – 2 sleeping units or larger | • 2 spaces for up to 4 sleeping units; thereafter, ½ space for each additional sleeping unit |
| (b)<br>• Townhouse – With one sleeping unit | • 1 space |
| (c)<br>• Suite | • ***0.5 space*** |
| (d)<br>• Home Occupation Use | • 2 spaces |
| (e)<br>• Short-Term Rental Accommodation (Single and duplex dwellings only) | • 1 space |
| (f)<br>• Apartment Building | • 1 space for an apartment unit with one sleeping unit<br>• ½ space for each lock-off unit<br>• 1.3 spaces for each apartment with more than 1 sleeping unit |

(3) Driveways in Residential zones shall have a maximum 10% finished grade except a 15% finished driveway grade shall be permitted for all parcels located in District Lot 5264, O.D.Y.D. ("*The Ridge*").

(4) Residential parking spaces for single and duplex dwellings shall be provided either end-to-end or side-to-side and designed in accordance with Section 802 of this bylaw; and

(a) where a parking space(s) is provided in a garage or carport, one outdoor parking space may be provided in front of the garage or parking space;

(b) where end-to-end parking spaces are provided, a minimum 3.0 m maneuvering aisle shall be provided along the full length of all such parking spaces; however, this requirement may be waived where the parking spaces are for the same dwelling unit.

~~(5) Except for apartment buildings, a minimum of one indoor parking space shall be provided for each dwelling unit in a Residential zone.~~

***(5) Except for apartment buildings or parcels proposed to be subdivided within the zone marked as "Alpine Meadows" on map Schedule 'A' to this bylaw, a minimum of one indoor parking space shall be provided for each dwelling unit in a Residential zone. Parcels in the zone identified as "Alpine Meadows" shall comply with all other relevant parking requirements outlined in Section 803.***

(6) A minimum of two-thirds of all parking spaces for an apartment building shall be provided in an indoor parking garage.

(7) Outdoor parking areas for an apartment building shall have a dust-free surface such as pavement or asphalt except a maximum of 10% of this area may be left graveled.

(8) Residential parking areas shall be provided on the parcel where the subject building or use is situated; and

notwithstanding this requirement, parking areas may be provided on an adjacent parcel where an Easement has been registered to favour the parking use and a legal instrument such as a Covenant is provided to the Regional District to prevent the discharge of this agreement.

Apartment Buildings Snow Storage

(9) The provision of snow storage areas for snow removed from an outdoor parking area for an apartment building in the Residential Medium Density zone shall be determined when considering a Development Permit application.

Other Residential Buildings Snow Storage

(10) The provision of snow storage areas for snow removed from an outdoor parking area for single, duplex and townhouse dwelling units shall:

(a) be located within 10.0 m of the parking area; and

(b) equal 50% of the size of the parking area; however,

(c) this requirement for snow storage areas may be waived upon confirmation of an off-site snow storage dump or where a subterranean heating system is installed for the parking area.

## 804. Commercial Parking Standards

(1) Off-street parking spaces for commercial uses shall be provided in accordance with Table #2 attached to and forming part of this section.

Table #2 – Required Parking Spaces for Commercial Uses

| | |
|---|---|
| (a)<br>• Hotels; Resorts | • 1 space for a "room" consisting of one sleeping unit<br>• ½ space for each lock-off unit<br>• 1.3 spaces for each "room" with more than 1 sleeping unit |
| (b)<br>• Hostels | • 1 space per five beds |
| (c)<br>• Food Services | • 1 space per 10 seat capacity |
| (d)<br>• Drinking Place Uses – Such as outlined in Section 401(1)(c) | • 1 space per 8 seat capacity |
| (e)<br>• Retail Trade Uses – Such as outlined in Section 401(1)(d) | • 1 space per 40 $m^2$ (430 $ft^2$) of gross floor area |

| | |
|---|---|
| (f)<br>• Offices - Such as outlined in Sections 401(e) and 401(f) | • 1 space per 60 m² (645 ft²) of gross floor area |
| (g)<br>• Theatres | • 1 space per four seats |
| (h)<br>• Tourist Attractions | • 1 space per 40 m² (430 ft²) of gross floor area |
| (i)<br>• Recreation Centre | • 1 per employee |

(2) The number of required commercial parking spaces shall be derived from the sum of uses on the subject property as outlined on Table #1. A fractional portion of a parking space shall require one additional parking space. Where a specific use is not identified, a similar use on Table #1 shall be selected and applied.

(3) Where units of measurement on Table #2 include seating capacity and such capacity consists of benches, each 0.5 m of such seating shall be counted as one seat.

(4) Parking spaces for residential uses associated with a commercial use shall use the standards outlined on Table #1 of Section 803(1) of this bylaw.

(5) A minimum of two-thirds of all parking spaces for a commercial use shall be provided in an indoor parking garage.

(6) Outdoor commercial parking areas shall have a dust-free surface such as pavement or asphalt except a maximum of 10% of this area may be left graveled.

(7) All commercial parking areas shall be provided on the parcel where the subject building or use is situated; and

notwithstanding this requirement, up to 50% of an outdoor parking area may be located on another parcel where this bylaw has applicability where an Easement or Right-of-Way has been registered to favour the parking use and a legal instrument such as a Covenant is provided to the Regional District to prevent the discharge of this agreement.

(8) ***Village Commercial zoned properties shall be exempted from parking requirements under (c) Food Services, (d) Drinking Place Uses, and (e) Retail Trade Uses, of Table #2, under Section 804, Part (1), except that each legal title shall provide a minimum of 5 parking spaces dedicated and signed for non-accommodation use.***

Village Commercial Snow Storage

(9) The provision of snow storage areas for snow removed from an outdoor parking area in the Village Commercial zone shall be determined when considering a Development Permit.

Neighbourhood Commercial Snow Storage

(10) The provision of snow storage areas for snow removed from an outdoor parking area in the Neighbourhood Commercial zone shall:

(a) be located within 10.0 m of these parking areas; and

(b) equal 50% of the size of the parking area; however,

(c) this requirement for snow storage areas may be waived upon confirmation of an off-site snow storage dump or where a subterranean heating system is installed for parking areas.

805. **Commercial Loading Standards**

(1) Where any commercial building is being erected, enlarged or increased in capacity, off-street loading spaces shall be provided in accordance with Section 805(2) of this bylaw.

(2) One off-street loading space shall be provided for every 2,000.0 m² of commercial uses in a building or combination of commercial establishments involving the receipt and delivery of goods and every fractional unit shall require the addition of one loading space.

(3) Pursuant to Section 906(6) of the *"Local Government Act"*, a consideration of all uses in the subject building and their loading requirements as outlined in this Division shall be required and implemented where an addition to an existing building for an additional room(s) will increase the gross floor area by more than 10% and where a Building Permit is required pursuant to the *"Regional District of North Okanagan Building Bylaw No. 1747, 2003".*

(4) All loading spaces shall be provided on the parcel where the subject building or use is situated.

(5) A loading space shall not be less than 9.0 m long, 2.4 m wide and 3.7 m in height.

## DIVISION NINE
## REGULATION OF SIGNS

901. **Ski Resort Information Signs**

(1) Notwithstanding signage regulations outlined in this Division, signs and all aspects of those signs installed by the Ski Resort Corporation pertaining to vehicle traffic and pedestrian circulation or instruction signs for resort activities, skiing or other recreational activities are not regulated by this bylaw.

902. **Permitted Signs**

(1) Subject to the provisions of this bylaw, signs shall be permitted to be located on any parcel of land only if they relate to or advertise a product, service, place, activity, person, institution or business located on the same parcel.

(2) Notwithstanding the provisions of Section 902(1) of this bylaw and subject to the regulations contained elsewhere in this bylaw, the following signs shall be permitted to be located anywhere this bylaw has applicability:

- Community Events Signs.
- Community Identification Signs.
- Construction Signs.
- Government Signs.
- “Neighbourhood Watch” Signs.
- Political Signs.
- Directory Signs in the Commercial, Residential Medium Density and Comprehensive Development zones.

903. **Prohibited Signs**

(1) Notwithstanding the provisions of Sections 902(1) and 902(2) of this bylaw, the location of the following signs on any land anywhere this bylaw has applicability is expressly prohibited:

- Animated or Flashing Signs.
- Billboards.
- Portable / Temporary Signs.
- Roof Signs.
- Wall Signs except in the Commercial and Comprehensive Development zones.

(2) Except as provided in Section 902(2) of this bylaw, the placement of an off-premise sign on land anywhere this bylaw has applicability is expressly prohibited.

904. **Permits to be Obtained**

(1) With the exception of flag poles, wall signs and those signs identified in Section 902(2) of this bylaw, a sign permit shall be obtained from a Building Official for an engineered sign prior to the location, relocation, construction, reconstruction, alteration or extension of any sign.

(2) The necessity for engineering for a sign will be determined by the Building Official based on the requirements of the *"BC Building Code".*

905. **Sign Area**

(1) The sign area shall be not greater than:

(a) 1.0 m² for real estate and political signs located on a parcel located in a built-up Residential zone.

(b) 3.0 m² for real estate and political signs located on a parcel other than a built-up Residential zone and all signs in Special Use zones.

(c) 3.0 m² for directory signs when comprised of only one face or 1.5 m² per face when comprise of multiple faces.

(d) 0.5 m² for a home occupation, short-term rental accommodation and community care facility signs.

(e) 5.0 m² for construction and community identification signs.

(2) For signs in Commercial and Comprehensive Development zones the maximum sign area shall be the lesser of 3.5 m² or:

(a) the square root of (the total wall area x 10) for wall signs.

(b) the square root of (the total wall area x 2) for free-standing signs.

(3) For signs in Commercial and Comprehensive Development zones and where no building exists on the subject property, the maximum sign area shall not be greater than 3.5 m².

(4) There shall be no size restriction on community events, community identification, government and "Neighbourhood Watch" signs.

(5) The size of a sign not specifically identified in this Division shall not be greater than 1.0 m².

906. **Height of Signs**

(1) The maximum height for a free standing sign in Residential zones shall not exceed 3.0 m.

(2) The maximum height for a free standing sign in Commercial, Special Use and Comprehensive Development zones shall not exceed 6.0 m.

907. **Copy Area**

(1) The copy area shall not be greater than 45% of the sign area.

(2) Double-sided signs or v-shaped signs (to a maximum of 60°) need only consider one face in determining the maximum sign copy area.

908. **Illumination of Signs**

(1) Internal and external illumination of signs shall be permitted in Commercial and Comprehensive Development zones except that real estate and political signs shall not be illuminated.

(2) Signs on parcels not within Commercial and Comprehensive Development zones shall not be illuminated.

909. **Number of Signs and Setback Requirements**

(1) Number of Signs. There shall be no more than one sign on a parcel in a Residential zone and the number of signs in all other zones shall not be restricted.

(2) Sign Setbacks. The setback of a free standing sign from all property lines shall not be less than 1.0 m except as may be required by the Ministry of Transportation.

## DIVISION TEN
## SCREENING AND LANDSCAPING

### 1001. Screening

(1) Pursuant to Section 909 of the "*Local Government Act*":

(a) commercial uses and apartments on parcels in a Commercial zone that abut a property line in a Residential zone shall be provided with screening along the common property line as outlined below in Section 1001(2) of this bylaw;

(b) apartments on parcels in a Medium Density Residential zone that abut a property used for a single or duplex dwelling shall be provided with screening along the common property line as outlined below in Section 1001(2) of this bylaw; and

(c) storage yards shall be provided with screening as outlined below in Section 1001(2) of this bylaw when located in proximity to, or easily visible from, a parcel in a Residential zone or when easily visible from public spaces or highways.

(2) Screening shall consist of a natural forested buffer not less than 5.0 m wide and where additional plantings may be required to create a screening mask, these materials shall be provided from nursery stock suitable for high-elevation climate or through transplanting; except,

where a natural forest is absent or not of sufficient density to create a screening mask, or capable of creating a screening mask; then,

(a) the requirement for a screen for a commercial or apartment use may be waived.

(b) a solid fence, wall or hedge 2.5 m in height may be used to screen a storage area; except where such installations shall impede a skiing route or formalized pedestrian pathway then screening may be waived in the area of this feature.

(3) Screening which constitutes a traffic hazard as determined by the Ministry of Transportation shall not be required. Generally, a corner cut-off sight triangle of 6.0 m is applied where vegetation and structures shall not exceed 1.0 m in height.

### 1002. Commercial Landscaping

(1) Pursuant to Sections 909, 919.1 and 920 of the *"Local Government Act"* and in consideration of Development Permit policies in Section J.3 of the

(2) *"Silver Star Official Community Plan"*, landscaping shall be provided for all parcels within a Commercial zone.

(3) Parcels in the Village and Village West development areas as outlined on map Schedule C of the *"Silver Star Official Community Plan"* shall be provided with landscaping characterized as follows:

- Existing trees and shrubs should be retained where possible and practical.
- Landscaping and reclamation should consider the threat of wildfire.
- Except areas for trees, shrubs, flowers and pathways, all areas shall be planted in grass suitable for high-elevation climate and pedestrian traffic.
- Feature shrubs and / or trees shall be planted to highlight building features and walking paths which shall be provided from nursery stock suitable for high-elevation climate or through transplanting.
- Screening shall be provided for solid waste and recycling bins as well as for similar facilities.
- Areas for summer annuals shall be indicated.
- Walking paths constructed of suitable materials consistent with adjacent parcels shall be identified to access commercial establishments along the pedestrian mall and to provide linkages to adjacent parcels.

(4) Parcels in the Upper Village and Silver Woods development areas as outlined on map Schedule C of the *"Silver Star Official Community Plan"* shall be provided with landscaping the character of which will be determined when considering a Development Permit application as either:

(a) consistent with the provisions outlined above in Section 1002(3) of this bylaw where similar intensive pedestrian-oriented functions will be accommodated; or

(b) a summer landscaping strategy characterized as follows:

- Existing trees and shrubs should be retained where possible and practical.
- Landscaping and reclamation should consider the threat of wildfire.
- Except areas for trees, shrubs, flowers and pathways, any disturbed areas shall be planted in grass suitable for high-elevation climate and pedestrian traffic.

- Feature shrubs and / or trees shall be planted to highlight building features which shall be provided from nursery stock suitable for high-elevation climate or through transplanting.
- Screening shall be provided for solid waste and recycling bins as well as for similar facilities.
- Areas for summer annuals shall be indicated.
- Walking paths constructed of suitable materials consistent with adjacent parcels shall be identified to access principle buildings and to provide linkages to adjacent parcels as may be appropriate.

(5) Landscaping for parcels in the Neighbourhood Commercial zone shall be provided with summer landscaping as outlined in Section 1002(4)(b) of this bylaw.

1003. **Residential Landscaping**

(1) Pursuant to Sections 909, 919.1 and 920 of the *"Local Government Act"* and in consideration of Development Permit policies in Section J.3 of the *"Silver Star Official Community Plan"*, landscaping shall be provided for all parcels within a Residential zone.

(2) Parcels with single and duplex dwellings in the Residential zones shall be provided with landscaping characterized as follows:

- Existing trees and shrubs should be retained where possible and practical.
- Landscaping and reclamation should consider the threat of wildfire.
- Except areas for trees and shrubs, any disturbed areas shall be planted in grass suitable for high-elevation climate.
- Feature shrubs and / or trees should be planted to highlight building features which shall be provided from nursery stock suitable for high-elevation climate or through transplanting.

(3) Parcels with a townhouse complex(es) or apartment building(s) shall be provided with summer landscaping as outlined in Section 1002(4)(b) of this bylaw.

1004. **Other Areas Landscaping**

(1) Parcels in the Service Utility zone shall be provided with landscaping characterized as follows:

- Existing trees and shrubs should be retained where possible and practical.

- Landscaping and reclamation should consider the threat of wildfire.
- Where a building has been constructed consistent with the Victorian era theme, feature shrubs and / or trees should be planted to highlight building features which shall be provided from nursery stock suitable for high-elevation climate or through transplanting.
- Screening shall be provided as necessary and practical.

(2) Parcels in a Comprehensive Development zone shall be provided with landscaping consistent with Section 1003(2) of this bylaw.

Read a First Time this 6th day of July, 2004.

Read a Second Time this 6th day of July, 2004.

Advertised on the 25th day of July, 2004

and the 28th day of July, 2004.

And a public hearing held pursuant to Section 890 of the "*Local Government Act*" on the 3rd day of August, 2004.

AND a Second public hearing advertised on the 27th day of October, 2004

and the 29th day of October, 2004

and a Second public hearing held pursuant to Section 890 of the *"Local Government Act*

on the 2nd day of November, 2004

Read a Third Time this 2nd day of November, 2004.

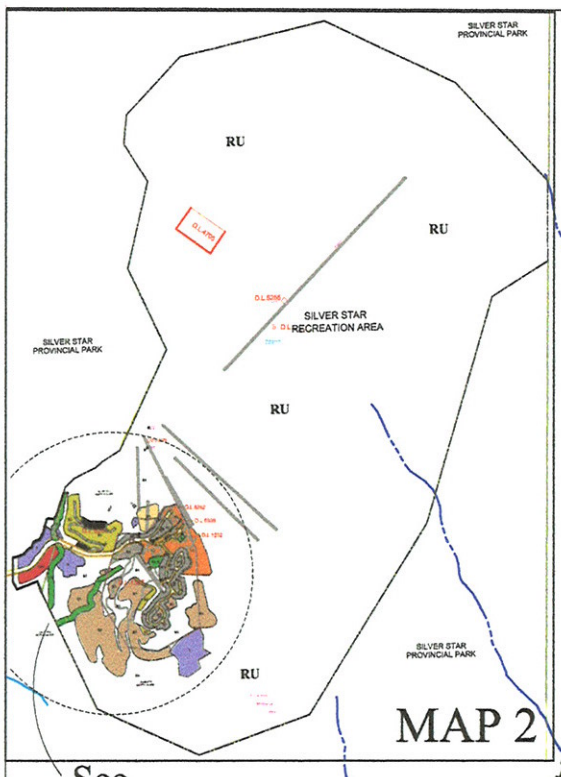
Received the approval of the Minister of Community, Aboriginal and Women's Services

this 1st day of December, 2004.

Reconsidered and Finally Adopted this 7th day of December, 2004.

"signature on file"
Chairperson

"signature on file"
Corporate Officer




See MAP 1

SILVER STAR RECREATION AREA

D.L.5275

H

RU

D.L.5262

D.L.5309

D.L.1232

D.L.5264

D.L.1355

R2 R4 "Meadowlands" VC R1 R3 R4 R VC R3 OS/R R4 R2 R3 CD1 U OS RU

PINNACLES ROAD, SILVER STAR ROAD, SILVER LODE LANE, SHORTS RD, MAIN STREET, MONASHEE ROAD, Silver Queen Crest Lift, SILVER QUEEN ROAD, MISTAYA ROAD, ODIN ROAD

SILVER STAR RECREATION AREA

SILVER STAR RECREATION AREA

RU

SILVER STAR RECREATION AREA

MAP 1

I hereby certify this to be a true and correct copy of Schedule A attached to and forming part of the "Silver Star Zoning Bylaw No. 1926, 2004.

Corporate Officer

# "SILVER STAR ZONING MAP SCHEDULE A"

**LEGEND:**

| | | | | | |
|---|---|---|---|---|---|
| R1 | Residential - Single Dwelling | VC | Village Commercial | CD1 | Silver West C.D. Zone |
| R2 | Residential - Duplex Dwelling | NC | Neighbourhood Commercial | H | Heritage Conservation |
| R3 | Residential - Medium Density | U | Service Utility | RU | Resort Use |
| R4 | Residential - Single Dwelling & Suite | OS / R | Open Space and Community Recreation | | Zoning Plan Boundary |

REVISED: JULY 6, 2004

DATE COMPILED: MAY 2004

This document is a composite legal drawing. Several information sources have been used to create this drawing including the B.C. Land Titles Office, the Regional District, local Municipal Governments and a number of Provincial ministries. As such the Regional District of North Okanagan assumes no responsibility for the accuracy or completeness of this drawing. The original data sources should be contacted to verify information as needed.

Prepared by:

REGIONAL DISTRICT OF NORTH OKANAGAN

METRES 100 0 100 200 300 400 500 METRES

File Name: Silver Star Zoning