



**Village of Nakusp**  
**Zoning Bylaw No. 729, 2023**  
**Consolidated November 2024**



**N A K U S P**

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## CONSOLIDATION TABLE

<b>Amending Bylaw</b>	<b>Sections Amended</b>
<p>Zoning Bylaw Amending Bylaw No. 738, 2024 – Adopted June 24, 2024.</p>	<p>1) By inserting viii) “Duplexes” to section 6.12.2(a);</p> <p>2) By inserting iii) “Accessory Dwelling Unit, Attached” to section 6.12.2(b);</p> <p>3) By inserting iv) “Accessory Dwelling Unit, Detached” to section 3.12.2(b); and,</p> <p>4) By striking out section 3.12.1(b) and renumbering the section accordingly.</p>
<p>Zoning Bylaw Amendment Bylaw No. 744, 2024 – Adopted November 25, 2024.</p>	<p>1) By striking out <i>ACCESSORY DWELLING, ATTACHED</i> and insert the following:  <i>ACCESSORY DWELLING, ATTACHED</i> means the use of a portion of a principal building as a dwelling unit, including secondary suites and attached garage suites; which may be attached to, or enclosed within a <i>SINGLE DETACHED DWELLING</i> or a building primarily used for commercial purposes.</p> <p>2) By striking out <i>BUILDING</i> and inserting the following:  <i>BUILDING</i> means any permanent structure with walls and a roof intended for containing or sheltering a use or occupancy.</p> <p>3) By striking out <i>FENCE</i> and insert the following:  <i>FENCE</i> means a constructed structure, or contiguous barrier composed of trees, shrubs, or hedges, used as an enclosure or screening along parcel boundaries, but does not include retaining walls, stand-alone trees, landscape buffers and screening.</p> <p>4) By striking out <i>HOME OCCUPATION</i> and insert the following:  <i>HOME OCCUPATION</i> means an occupation, service, or profession carried out in a dwelling, accessory building, or a home garden, where the occupation or profession is clearly incidental to the use of a parcel for residential purposes and does not alter the residential character of the premises.</p> <p>5) By striking out <i>HOTEL</i> and insert the following:  <i>HOTEL</i> means a building containing six (6) or more dwelling units provided for the travelling public as temporary accommodation, containing an office for registration, and may include accessory uses such as eating establishments, pubs, banquet halls, meeting rooms, personal service establishments, recreational facilities, and a caretaker’s unit; a hotel may also be called an Inn, Motel, or Lodge.</p> <p>6) By striking out <i>PARCEL LINE, EXTERIOR</i> and insert the following:  <i>PARCEL LINE, EXTERIOR</i> means a Parcel line that is common to the Parcel and a Highway, but does not include the Front Parcel Line.</p> <p>7) By striking out <i>PUB</i> and insert the following:  <i>PUB</i> means an establishment where alcoholic beverages are offered for sale to the public for consumption on the premises may include the sale of food, and may involve the brewing of craft beers, mead, or distilling of alcohol on site, which may also be sold off-site; a <i>PUB</i> may also be called a bar.</p>

- 8) By striking out *SETBACK* and inserting the following:  
*SETBACK* means the minimum required distance between a building, structure, or use and the respective Parcel Line, notwithstanding the values provided in this bylaw a *SETBACK* may not be less than the minimum value prescribed by superior legislation.
- 9) By deleting *SLEEPING UNIT*.
- 10) By striking out 3.4.1 and insert the following:  
 3.4.1 In all zones, no fence, landscaping, retaining wall, or other obstruction shall be erected or permitted at a height greater than 1.0 metre above the established elevation of the centre point of intersecting highways within a sight triangle, at or within a distance of 6.0 metres from the corner of the parcel at the intersection of the highway as illustrated in Image 1.
- 11) By inserting “Image 1” to form part of subsection 3.4.1.
- 12) By deleting 3.4.1 (a) from the Bylaw.
- 13) By striking out 3.8.4 and insert the following:  
 3.8.4 Except as otherwise provided in this Bylaw, no building or part thereof will be situated in any *Setback*, including Front, Rear, or Side.
- 14) Striking out 3.10.1 (a) through (c) and insert the following:  
 (a) A projection from a dwelling unit that includes a balcony, open deck, open porch and any associated steps from the stated projections to grade is exempt from front setbacks values established in section 5, and may be situated within 1.5m of the Front parcel line, provided it does not interfere with the regulations established in section 3.4.1 of this Bylaw.  
 (b) A projection from a building that includes soffits, gutters, cornices, sills, bay windows, ornamental features, chimneys, heating and ventilating equipment, eaves, or canopies, the depth or width of the required setback into which such projections extend may be reduced by not more than 0.6m in any setback except the setback for an Interior Parcel line;  
 (c) Where such projection is a sign, the location and design thereof is not prohibited under any other bylaw or regulation of the Village; and
- 15) By adding 3.10.1(d) as follows:  
 (d) Where such projections are underground structures, the top surface of such structure must not extend above the average finished ground elevation.
- 16) By striking out 3.11.1 (a) and insert the following:  
 (a) A home occupation shall be carried out entirely within the dwelling unit or permitted accessory building unless it’s for the purpose of growing produce or plants for sale;
- 17) By deleting 3.11.1 (f) (iii) and renumbering the section accordingly.
- 18) By adding 3.11.1 (g) as follows:  
 (g) A person operating a *HOME OCCUPATION* may place a temporary building or structure within the *front setback* of the property indicated on the business license; the building will have a footprint of not more than 6 m<sup>2</sup>, and will not encroach into *site lines* as described in Section 3.4.1; the kiosk will only be used for the purpose of selling the goods produced by the *HOME OCCUPATION*.
- 19) By striking out 3.13.1 (b) and inserting the following:  
 (b) A secondary suite shall have a minimum floor area of 33m<sup>2</sup>.

20) By deleting 3.16.1 (a) and renumbering the subsection accordingly.

21) By deleting 3.23.2 in its entirety.

22) By striking out 4.2.2 and insert the following:

In all zones:

(a) the owner may apply for a Development Permit to locate up to 50% of the required parking spaces on an alternate Parcel located within 300m of the principal site, provided that a covenant in favour of the Village of Nakusp connecting the parking on the alternate Parcel with the principal site, is registered against the title of the alternate Parcel.

(b) the number of parking spaces provided on the alternate Parcel cannot interfere with the parking spaces required for the principal use of the alternate site.

23) By striking out subsection 4.3.1 and insert the following:

Any person who applies for a Building Permit to construct or extend a building or structure, or changes the use of a property in any zone, which requires Off-Street Parking to be provided, may be permitted to pay the Village the per off-street parking space fee established in the Fees and Charges Bylaw, in lieu of providing off-street parking pursuant to the following:

- (a) A person applying to the Village to allow for payment in-lieu of parking of up to 50% of the amount of parking spaces required under section 4 of the Zoning Bylaw, will be subject to the review and subsequent approval of refusal by the CAO; a person whose application is denied by the CAO may petition Council to reconsider the CAO's decision by:
  - i. Submitting a request, in writing, to the Village Office within 14 days of the date indicated on the letter sent by the CAO stating the application was denied; and,
  - ii. The person, or their authorized representative, whose application was denied will be required to appear at the next available Council meeting to present their argument as to why the CAO's decision should be reconsidered.;
- b. A person applying to the Village to allow for payment in-lieu of parking of 51% to 100% of the amount of parking spaces required under section 4 of the Zoning Bylaw, will be subject to the review and subsequent approval of refusal by Council; and,
- c. In all cases, any decision rendered by Council in regards to payment in-lieu of parking shall be final.

24) By deleting 4.3.2 and renumbering the subsection accordingly.

25) By striking out 5.2.1 and insert the following:

The location of each zone is defined in Schedule A, which is attached to, and forms a part of this Bylaw.

26) By striking out 5.2.2 and insert the following:

Where the boundary does not follow a legally defined parcel boundary, and where the distances are not specifically indicated, the location of the zoning boundary shall be determined by the CAO by scaling from the map located in Schedule A of this bylaw.

27) By adding 6.1.5 (b) as follows:

(b) Maximum 60% where the use is a Duplex, or a Single Detached Dwelling and one Detached Dwelling Unit.

28) By striking out 6.1.6 (a) and (b) and insert the following:

(a) Minimum setbacks for a Principal Building are as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.5 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

(b) The minimum setback for Accessory Buildings are as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.0 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

29) By striking out 6.1.8 (b) and insert the following:

(b) A maximum of one (1) short-term rental is permitted to operate on a parcel, and only if the parcel contains another dwelling unit that is occupied long term.

30) By striking out 6.2.6 (a) and (b) and insert the following:

(a) Minimum setbacks for Principal Buildings are as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.5 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

(b) Minimum setbacks for Accessory buildings are as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.0 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

31) By striking out 6.2.8 (b) and (c) and insert the following:

(b) A maximum of one (1) short-term rental is permitted to operate on a parcel, and only if the parcel contains another dwelling unit that is occupied long-term.

32) By striking out 6.3.4 (b) iii and iv and insert the following:

iii. One Multiple-Unit Residential development and one Attached Accessory Dwelling per each Primary Dwelling Unit of a Multiple-Unit Residential development; or,

iv. One Apartment Building development.

33) By striking out 6.3.5 (b) and insert the following:

(b) Maximum 60% where a Duplex, Semi-Detached Dwelling, Multi-Unit Residential, Townhouse, or Apartment is the principal building.

34) By striking out 6.3.6 (a) through (e) and insert the following:

(a) Minimum setbacks for Single Detached Dwelling and Duplex are as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.5 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

(b) Minimum setbacks for Townhouse, Multi-unit Residential are as follows:

Front Parcel Line 1.5 m

	<p>Rear Parcel Line 4.5 m  Interior Parcel Line 3.0 m  Exterior Parcel Line 4.5 m  (c) Minimum setbacks for an Apartment is as follows:  Front Parcel Line 1.5 m  Rear Parcel Line 6.0 m  Interior Parcel Line 3.0  Exterior Parcel Line 4.5 m  (d) Minimum setbacks for Accessory buildings are as follows:  Front Parcel Line 4.5 m  Rear Parcel Line 1.0 m  Interior Parcel Line 3.0 m  Exterior Parcel Line 4.5 m</p> <p>35) By striking out 6.3.8 (b) and insert the following:  (b) A parcel containing a Single Detached Dwelling and either an Attached or Detached Accessory Dwelling Unit may operate one (1) short-term rental, provided one of the Dwelling Units on the parcel is occupied long-term.</p> <p>36) By striking out 6.4.4 (a) and insert the following:  (a) A maximum of 30 mobile homes per ha are permitted.</p> <p>37) By striking out 6.6.8 and insert the following:  (a) A maximum of one (1) short-term rental is permitted to operate on a parcel, and only if the parcel contains another dwelling unit that is occupied long-term.</p> <p>38) By adding 6.6.9 as follows:  6.6.9 Site Specific Regulations:  (a) the maximum building height of an Accessory Building be increased to 8.39 m, to allow for a Detached Accessory Dwelling on top of a garage, only on parcel Lot B, Plan EPP98304 District Lot 397, Kootenay District, PID 030-971-900 (397 Lot B, Marshall Road, Nakusp, BC).</p> <p>39) By striking out 6.7.7 (b) and insert the following:  (b) A Short Term Rental is permitted to operate within an Attached Accessory Dwelling when the primary use of the parcel is commercial business or is a Single Detached Dwelling that is occupied long-term.</p> <p>40) By striking out 6.7.7 (c) and insert the following:  (c) For clarity, only one (1) Short -Term Rental is permitted to operate on any parcel when allowed under subsection 6.7.7 of this bylaw.</p> <p>41) By adding 6.8.5 (b) and (c) as follows:  (b) Minimum setback for Single Detached Dwelling is as follows:  Front Parcel Line 4.5 m  Rear Parcel Line 1.5 m  Interior Parcel Line 3.0 m  Exterior Parcel Line 4.5 m  (c) Minimum setbacks for Accessory Buildings are as follows:  Front Parcel Line 4.5 m  Rear Parcel Line 1.0 m  Interior Parcel Line 1.5 m  Exterior Parcel Line 4.5 m</p> <p>42) By striking out 6.8.7 (b) and insert the following:</p>
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Attached and Detached Accessory Dwellings shall be permitted on any property where the Principal Use is an Eating Establishment, Medical Clinic, Office, Personal Service Establishment, Pub, Retail Sales, or a Single Detached Dwelling pursuant to the conditions listed in subsection (c).

43) By adding 6.8.7 (c) (vi) as follows:

(vi) not be permitted to be combined with a Hotel unless used as *Staff Housing* or a *Caretaker's Unit*.

44) By striking out 6.10.5 (a) and insert the following:

(a) Maximum 60%

45) By adding 6.10.9 as follows:

6.10.9 Site Specific Regulations

(a) Single Detached Dwelling be permitted as a Primary Use on Lot 1, District Lot 398, Kootenay District Plan 8435; PID: 010-917-756 (553 Hwy 6, Nakusp).

46) By striking out 6.11.6 (a) through (f) and insert the following:

(a) Minimum setback for a Single Detached Dwelling is as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.5 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

(b) Minimum setbacks for a Duplex is as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.5 m

Interior Parcel Line 1.5 m

Interior Parcel Line where a common wall of a Duplex is the parcel line 0m

Exterior Parcel Line 4.5 m

(c) Minimum setbacks for Townhouse and Multiple-Unit Residential are as follows:

Front Parcel Line 1.5 m

Rear Parcel Line 4.5 m

Interior Parcel Line 3.0 m

Exterior Parcel Line 4.5 m

(d) Minimum setback for an Apartment is as follows:

Front Parcel Line 1.5 m

Rear Parcel Line 6.0 m

Interior Parcel Line 3.0 m

Exterior Parcel Line 4.5 m

(e) Minimum setbacks for Accessory Buildings are as follows:

Front Parcel Line 4.5 m

Rear Parcel Line 1.0 m

Interior Parcel Line 1.5 m

Exterior Parcel Line 4.5 m

(f) Minimum setbacks for Commercial Uses are as follows:

Front Parcel Line 7.5 m

Rear Parcel Line 3.0 m

Interior Parcel Line 3.0 m

Exterior Parcel Line 4.5 m

Exterior Parcel Lines Abutting Residential (R) Zones 6.0 m

47) By striking out 6.11.5 (b) iii. and iv. and inserting the following:

iii. One Multiple-Unit Residential development and one Attached Accessory Dwelling per each Primary Dwelling Unit of a Multiple-Unit Residential development; or

iv. One Apartment Building development.

- 48) By striking out 6.11.8 (a) and inserting the following:  
 (a) For Single Detached Dwellings, maximum 50%;
- 49) By adding 6.11.8 (b) and (c) as follows:  
 (b) For Single Detached Dwellings, including a detached Accessory Dwelling, maximum 60%  
 (c) For all other permitted uses excluding Single Detached Dwelling, maximum 60%.
- 50) By striking out 6.12.5 (a) v) and insert the following:  
 v) Apartment
- 51) By striking out 6.12.5 (a) and insert the following:  
 (a) Maximum 60% for Multiple-Unit Residential, Hotel, Apartment, and a Single Detached Dwelling with a Detached Accessory Dwelling.
- 52) By striking out 6.12.6 and inserting the following:  
 (a) Minimum setback for a Single Detached Dwelling and Duplex is as follows:  
 Front Parcel Line 4.5 m  
 Rear Parcel Line 1.5 m  
 Interior Parcel Line 1.5 m  
 Exterior Parcel Line 4.5 m  
 (b) Minimum setback for Multiple-Unit Residential, Hotel, or Apartment is as follows:  
 Front Parcel Line 1.5 m  
 Rear Parcel Line 3.0 m  
 Interior Parcel Line 3.0 m  
 Exterior Parcel Line 4.5 m  
 (c) Minimum setback for Eating Establishment, Pub, and Retail Sales is as follows:  
 Front Parcel Line 1.5 m  
 Rear Parcel Line 4.5 m  
 Interior Parcel Line 1.5 m  
 Exterior Parcel Line 1.5 m
- 53) By adding 6.12.6 (d) as follows:  
 (d) Minimum setback for any Building other than a Building containing an allowable Primary Use is as follows:  
 Front Parcel Line 4.5 m  
 Rear Parcel Line 1.0 m  
 Interior Parcel Line 1.5 m  
 Exterior Parcel Line 1.5 m
- 54) By adding 6.16.5 (b) as follows:  
 (b) Minimum setbacks for Assisted Living Residence and Community Care Facilities is as follows:  
 Front Parcel Line 1.5 m  
 Rear Parcel Line 4.5 m  
 Interior Parcel Line 3.0 m  
 Exterior Parcel Line 4.5 m

## TABLE OF CONTENTS

INTRODUCTION .....	11
1.0 ADMINISTRATION .....	12
1.1 Application.....	12
1.2 Compliance .....	12
1.3 Inspection.....	12
1.4 Offence.....	13
1.5 Penalty .....	13
1.6 Severability.....	13
1.7 Metric Units .....	13
1.8 Bylaw Amendments.....	13
2.0 DEFINITIONS .....	14
2.1 Definitions .....	14
3.0 GENERAL REGULATIONS .....	25
3.1 Application.....	25
3.2 Flood Damage Protection .....	25
3.3 Height of Fences .....	26
3.4 Visibility at Intersections .....	26
3.5 Storage of Vehicles or Equipment .....	27
3.6 Signage .....	27
3.7 Uses Permitted in All Zones .....	27
3.8 Use and Siting of Land, Buildings, and Structures .....	27
3.9 Non-Conforming Conditions .....	28
3.10 Setback Exceptions.....	28
3.11 Home Occupations.....	28
3.12 Accessory Dwelling Units .....	29
3.13 Secondary Suites .....	29
3.14 Garage Suites .....	30
3.15 Carriage Homes .....	30
3.16 Tiny Homes .....	30
3.17 Container Buildings .....	31
3.18 Height Exemptions .....	31
3.19 Parcel Coverage Exemptions .....	32
3.20 Drainage.....	32
3.21 Landscaping.....	32
3.22 Screening and Landscape Buffers.....	33

	TABLE 1 - Screening and Landscape Buffer Requirements.....	33
3.23	Parcel Area Exemptions .....	34
3.24	Short-Term Rentals .....	34
3.25	Cannabis Retail Sales Facility .....	34
3.26	Cannabis Cultivation and Processing Facilities.....	35
3.27	Undersized Parcels .....	35
3.28	Construction of Garage Prior to Principal Residence .....	35
3.29	Recreational Vehicles as a Residence .....	35
3.30	Swimming Pools.....	36
3.31	Drive Through Restaurants.....	36
3.33	Temporary Use Permits.....	36
4.0	OFF-STREET PARKING AND LOADING .....	36
4.1	Application.....	36
4.2	General .....	36
4.3	Cash-In-Lieu of Parking .....	37
4.4	Off-Street Parking Requirements.....	38
	TABLE 2 - Required Off-Street Parking Spaces.....	38
4.5	Off-Street Loading Area.....	40
	TABLE 3 - Required Off-Street Loading Spaces .....	41
4.6	Dimensions of Parking Spaces.....	41
4.7	Accessible Parking .....	41
4.8	Access to Parking Spaces .....	41
	TABLE 4 - Manoeuvring Aisle Requirements .....	42
4.9	Surfacing of Off-Street Parking and Loading Spaces.....	42
5.0	ESTABLISHMENT OF ZONES .....	43
5.1	Establishment of Zones .....	43
	TABLE 5 – Zones.....	43
5.2	Location of Zones .....	44
5.3	Delineation of Zones.....	44
6.0	ZONES .....	45
6.1	R-1 SMALL PARCEL RESIDENTIAL .....	45
6.2	R-2 LOW-DENSITY RESIDENTIAL.....	48
6.2	R-3 MULTIPLE UNIT RESIDENTIAL.....	52
6.4	RM-1 MOBILE HOME PARK.....	55
6.5	A-1 AGRICULTURAL .....	57
6.6	RU-1 RURAL RESIDENTIAL.....	59

6.7	C-1 CORE COMMERCIAL .....	62
6.8	C-2 SERVICE COMMERCIAL.....	66
6.9	C-3 TOURIST COMMERCIAL (NAKUSP HOT SPRINGS).....	69
6.10	C-4 HIGHWAY COMMERCIAL .....	71
6.11	C-5 NEIGHBOURHOOD MIXED USE .....	74
6.12	LD-1 LAKESHORE DEVELOPMENT .....	79
6.13	M-1 LIGHT INDUSTRIAL .....	82
6.14	M-2 HEAVY INDUSTRIAL .....	84
6.15	P PARK .....	86
6.16	I INSTITUTIONAL.....	88
7.0	ADOPTION .....	90
	SCHEDULES .....	91
	SCHEDULE A – Zoning Map.....	91

## INTRODUCTION

### **Introduction – Village of Nakusp Zoning Bylaw No. 729, 2023**

A Bylaw to regulate the development and re-development of lands within the Village of Nakusp.

**WHEREAS** the Village of Nakusp has prepared an Official Community Plan pursuant to Section 472 of the *Local Government Act*;

**AND WHEREAS** the Village of Nakusp wishes to give effect to the Official Community Plan and otherwise implement development regulations and requirements, including through the adoption of Land Use regulations;

**AND WHEREAS** the Village of Nakusp has held a public hearing pursuant to Section 464 of the *Local Government Act* on the portions of this Bylaw to be enacted that require a public hearing, including pursuant to Part 14 of the *Local Government Act* and the *Community Charter*;

**NOW THEREFORE** the Council of the Village of Nakusp, in open meeting duly assembled, enacts as follows:

## 1.0 ADMINISTRATION

### 1.1 Application

- 1.1.1 This Bylaw may be cited as "Zoning Bylaw No. 729, 2023.
- 1.1.2 Bylaw No. 614, 2008, being cited as "Village of Nakusp Zoning Bylaw No. 614, 2008" and all its amendments are repealed.
- 1.1.3 This Bylaw shall apply to all land including the surface of water, buildings, and structures within the boundaries of the Village of Nakusp.
- 1.1.4 The principal purpose of this Bylaw is to regulate development in the Village of Nakusp for the benefit of the community as a whole and to reflect the community's vision and goals as outlined in the Official Community Plan.
- 1.1.5 Any reference in this bylaw to an appendix, schedule, statute, regulation, bylaw or other legislative instrument shall be deemed to mean a reference to that appendix, schedule, statute, regulation, bylaw or legislative instrument in force at the effective date of this bylaw, and as amended, superseded or replaced from time to time thereafter.

### 1.2 Compliance

- 1.2.1 No land including the surface of water, buildings, or structures shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with this Bylaw.
- 1.2.2 No land shall be subdivided except in conformity with this Bylaw.

### 1.3 Inspection

- 1.3.1 The Chief Administrative Officer or their designate is authorized to enter at all reasonable times, on any property that is subject to regulations under this Bylaw to ascertain if the provisions of this Bylaw are being met, or the regulations are being observed.
- 1.3.2 No person shall interfere with or obstruct the entry of the appointed official or any authorized Village representative onto any land or into any building to which entry is made or attempted pursuant to the provisions of this Bylaw.

## **1.4 Offence**

- 1.4.1** A person who violates any provision of this Bylaw, permits any act or thing to be done in contravention of this Bylaw, or neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw.

## **1.5 Penalty**

- 1.5.1** Each day that a violation continues to occur may be deemed to be a separate offence against this Bylaw.
- 1.5.2** Every person who commits an offence under this Bylaw is liable to a fine as set in the Village of Nakusp Bylaw Notice Enforcement Bylaw No. 694, 2020, as amended; or, liable to a fine up to \$50,000 and/or 6 months imprisonment, plus any legal costs, under the *Offence Act*.

## **1.6 Severability**

- 1.6.1** If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of this Bylaw or any remaining portions of this Bylaw.

## **1.7 Metric Units**

- 1.7.1** Metric Units are used for all measurements in this Bylaw. The approximate imperial equivalent of those units, if shown, are for convenience only and do not form part of this Bylaw.

## **1.8 Bylaw Amendments**

- 1.8.1** The Zoning Bylaw may be amended by the Village of Nakusp on its own initiative or in response to an application for amendment.
- 1.8.2** Amendments to this bylaw may be made pursuant to all applicable requirements of the *Local Government Act* and the Village of Nakusp Development Application Procedures Bylaw No. 714, 2022 and as amended.

## 2.0 DEFINITIONS

### 2.1 Definitions

In this bylaw all words or phrases have their normal or common meaning except where this is changed, modified, restricted, or expanded by the definitions set forth in this section:

**ACCESSORY BUILDING** means a building or structure which is incidental to a principal building or structure on the same parcel.

**ACCESSORY DWELLING, ATTACHED** means the use of a portion of a principal building as a dwelling unit, including secondary suites and attached garage suites; which may be attached to, or enclosed within a *SINGLE DETACHED DWELLING* or a building primarily used for commercial purposes.

**ACCESSORY DWELLING, DETACHED** means the use of an accessory building, or part thereof, for a dwelling unit, including carriage home, tiny home and detached garage suite.

**ACCESSORY USE** means a use which is subordinate or incidental to a principal use of the parcel.

**AGGREGATE EXTRACTION** means the quarrying, sorting, screening, removal and offsite sale of sand, gravel, earth or mineralized rock found on or under a site and includes quarries, gravel pits, gravel processing and stripping of topsoil.

**ASSISTED LIVING RESIDENCE** means housing licensed under the *Community Care and Assisted Living Act, and as amended*, where residents are provided with private living quarters, common living facilities, and access to recreational, hospitality, and emergency response services. Residents do not require 24-hour care and supervision.

**AGRICULTURE** means the use of land, buildings and structures for any of the following:

- (a) growing, producing, raising or keeping animals and plants, including agriculture, poultry and the growing of mushrooms and the primary products of those plants or animals, but does not include the breeding of pets or operating a kennel;
- (b) cultivation in plantations of any specialty wood crops or specialty fibre crops prescribed by the Minister of Agriculture;
- (c) turf production with approval under the ALCA, if required;
- (d) raising or keeping of farmed game by a person licensed to do so under the Game Farm Act;
- (e) raising or keeping of furbearing animals by a person licensed to do so under the Fur Farm Act;

- (f) raising or keeping of exotic animals prescribed by the Minister responsible for Agriculture;
- (g) British Columbia licensed brewery, cidery, distillery, meadery, winery provided that the use is in accordance with all conditions in the Agricultural Land Commission Act and regulations or orders pursuant thereto; and
- (h) the following farm activities to enable uses in paragraphs (a) to (g) of the farm on that parcel:
  - (i) clearing, draining, irrigating, or cultivating land;
  - (ii) using farm machinery, equipment, devices, materials, and structures;
  - (iii) applying fertilizers, manure, pesticides, biological control agents, including ground and aerial spraying; and
  - (iv) storage of agricultural products and the products of on-farm processing and on-farm product preparation.

**AGRICULTURAL LAND RESERVE USE REGULATION** means the *Agricultural Land Reserve Use Regulation* of the *Agricultural Land Commission Act* [SBC 2002] Chapter 36 and as amended.

**AIRPORT** means any area designed, prepared, equipped or set aside for the arrival, departure, movement or servicing of aircraft, including helicopters; and includes any associated buildings, installations, open space, and equipment in connection therewith. This also includes aircraft and airport related manufacturing and services.

**APARTMENT** means a residential development comprising of a minimum of six (6) but not more than sixty (60) attached dwelling units sharing common amenities and entryways.

**AUTOMOTIVE SERVICE AND EQUIPMENT SHOP** means the servicing and repair of motor vehicles and the sale, installation, or servicing of related accessories and parts. This does not include gasoline service stations or wrecking yards but may include autobody repair and paint shops, transmission repair shops, muffler shops, automotive glass shops, indoor automotive storage bays, and upholstery shops.

**BASEMENT** means a storey or storeys of a building located below the first storey.

**BED AND BREAKFAST** means a home occupation carried on in a single detached dwelling owned and occupied by the operator which provides not more than 3 rooms accommodating up to 6 transient paying guests for sleeping purposes only where the room rate includes breakfast, which is served on the premises, but does not include Short-Term Rentals.

**BOAT LAUNCH** means a ramp that extends from an upland property or right-of-way across the foreshore and into the lake, the purpose of which is to facilitate placement and removal of boats and other water vessels.

**BUILDING** means any permanent structure with walls and a roof intended for containing or sheltering a use or occupancy.

**BUILDING PERMIT** means a permit issued in accordance with the Regional District of Central Kootenay Building Bylaw No. 2200, and as amended.

**CABIN** means one self-contained or non-self-contained structure no larger than 100 m<sup>2</sup> intended for the purposes of temporary residential uses or temporary lodging for tourists and visitors.

**CAMPGROUND** means designated sites for the accommodation of the travelling public in tents, trailers, recreational vehicles and may include accessory personal service facilities to accommodate the needs of the campers and caretaker dwellings, but excludes the retail sale of recreational vehicles, tents and trailers.

**CANNABIS** has the same meaning as in the *Cannabis Act* (Canada), as amended or replaced from time to time.

**CANNABIS CULTIVATION FACILITY** means a facility licensed by Health Canada for the indoor and/or outdoor cultivation of cannabis. These facilities may include, but shall not be limited to, cultivation, micro cultivation, hemp, and nurseries.

**CANNABIS PROCESSING FACILITY** means the processing, micro processing, analytical testing and research of cannabis and cannabis products.

**CANNABIS RETAIL SALES FACILITY** means a facility licensed to sell non-medical cannabis that complies with Health Canada regulations

**CARRIAGE HOME** means a dwelling unit located within a building that is accessory to the principal dwelling unit on the parcel, including but not limited to laneway homes and garden suites.

**CEMETERY** means land, buildings and/or structures used as a place for interment for human remains or to memorialize the deceased.

**CHIEF ADMINISTRATIVE OFFICER** means the person appointed as such by the Municipal Council of the Village of Nakusp, or their designate.

**CHILD CARE FACILITY** means an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services and supervision of children.

**COMMUNITY CARE AND ASSISTED LIVING ACT** means the *Community Care and Assisted Living Act* [SBC 2002] Chapter 75, and as amended.

**CIVIC USE** means the non-commercial use of land, buildings, or structures for art or cultural exhibits, ambulance stations, courts of law, fire halls, hospitals, provincial and federal government offices, legislative chambers, libraries, municipal purposes, and police stations.

**CLUBS or LODGE** means a building or establishment used by an association or organisation for fraternal, social or recreational purposes which may include private sleeping unit accommodation with cooking facilities.

**COMMERCIAL STORAGE** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods; or a facility used exclusively to store bulk goods of a non-hazardous nature.

**COMMUNITY CARE FACILITY** means housing licensed under the *Community Care and Assisted Living Act*, where 24-hour care and supervision is provided to residents.

**COMMUNITY GARDEN** means a publicly or privately owned parcel that is gardened collectively and used by members of the public for growing plants for personal consumption and instructional programming. This does not include the sale of produce for commercial purposes.

**COMMUNITY RECREATION FACILITY** means a recreation, social or multi-purpose use primarily intended for community purposes. Uses include but are not limited to community halls, non-profit social clubs, and community centres.

**COMMUNITY SEWER SYSTEM** means a system of sewage disposal which serves two or more parcels and is owned, operated, and maintained by the Village.

**COMMUNITY WATER SYSTEM** means a system of waterworks which serves five or more parcels, and which is owned, operated, and maintained by the Village.

**CONSTRUCTED WATER FEATURES** means manufactured landscaping elements greater than 1 m in depth for the decorative purpose of highlighting water, such as ornamental ponds, water fountains, and other manufactured water landscaping features intended for decoration and does not include a swimming pool.

**CONTAINER BUILDING** means a closed, prefabricated metal container, commonly referred to as Intermodal Shipping Containers (ISP), or box specifically constructed for the transportation of goods by rail, ship, or truck.

**COUNCIL** means the Municipal Council of the Corporation of the Village of Nakusp.

**DOCK** means a structure that extends from the shore into the water that is permanently affixed to aquatic land. Docks do not include private moorage facilities that are withdrawn from the water during the winter season.

**DUPLEX** means a detached building designed to accommodate two separate dwelling units above and below, or side by side each other with a common wall, but does not include a primary dwelling unit with a secondary suite.

**DRIVEWAY** means the primary access route from a Highway (road) to a Parcel or Building.

**DRIVE THROUGH RESTAURANT** means a building offering the sale of food or beverages where transactions are made from a vehicle through a takeout window.

**DWELLING UNIT** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**DWELLING, CARETAKER** means a dwelling unit that is used as a permanent residence by an employee of a commercial or industrial operation which is associated with and on the same parcel as the dwelling, and that does not contain an accessory dwelling unit or a boarding or lodging use.

**DWELLING, SINGLE DETACHED** means a detached building containing one dwelling unit occupied or intended for use as a permanent residence of one household, or where permitted by this Bylaw, one dwelling unit and a secondary suite, and may include an attached garage; and includes a manufactured home.

**EATING ESTABLISHMENT** means a commercial establishment which offers prepared food or beverages for sale to the public including restaurants, banquet halls, coffee shops, cafes, take-out restaurants, and catering establishments.

**EDUCATION FACILITY** means premises used for education or training purposes and may include administration offices and dormitories to house students, including elementary and secondary schools, colleges, universities, and business and trade schools.

**ENTERTAINMENT FACILITY** means a facility that provides for the commercial enjoyment of patrons and includes but is not limited to arcades, billiard halls, bowling alleys, night clubs, social clubs, sports clubs, sports facilities, and theatres but excludes Community Recreation Facility

**FEES AND CHARGES BYLAW** means the Village of Nakusp Fees and Charges Bylaw No. 693 and as amended or replaced from time to time.

**FENCE** means a constructed structure, or contiguous barrier composed of trees, shrubs, or hedges, used as an enclosure or screening along parcel boundaries, but does not include retaining walls, stand-alone trees, landscape buffers and screening.

**FINANCIAL INSTITUTION** means the provision of financial and investment services by a bank, trust company, investment dealer, credit union, mortgage broker, or similar business.

**FLOOR AREA** means the finished or liveable space on any storey of a building between exterior walls and required firewalls, including a basement and the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies.

**FORESHORE** means the land area between the high and low water levels of a lake.

**FRONTAGE** means the width of a parcel measured along a line 6 m back from the front parcel line and parallel thereto. In the case of a parcel fronting on more than one highway, the shortest parcel boundary contiguous to a highway other than a lane shall be its frontage.

**FUNERAL HOME** means a building designed for the purposes of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the deceased for burial or cremation but does not include a crematorium.

**GARAGE SUITE, ATTACHED** means a dwelling unit located within, or on top of a space designed and used for the storage of motor vehicles that is attached to the principal dwelling unit on the parcel by means of a foundation or party wall.

**GARAGE SUITE, DETACHED** means a dwelling unit located within, or on top of a standalone accessory building designed and used for the storage of motor vehicles.

**GOLF COURSE** means a facility used for participation in the sport of golf, including but not limited to club houses, course greens, and driving ranges.

**GRADE, FINISHED** means the average level of the finished surface of the ground adjoining a building at its exterior walls or the average level of the finished surface of the ground adjoining a structure at its support.

**HEALTH SPA FACILITY** means an indoor facility providing amenities and services including, but not limited to, massage, sauna, steam baths and hot spring baths.

**HEIGHT** means the vertical distance measured from the finished grade to the peak of roof of a building or structure, but does not include roof top building appurtenances that are less than 10% of the floor area of the building.

**HIGHWAY** includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare, and any other way open to public use, but does not include a private right-of-way on private property.

**HOME OCCUPATION** means an occupation, service, or profession carried out in a dwelling or accessory building, or a home garden, where the occupation or profession is clearly incidental to the use of a parcel for residential purposes and does not alter the residential character of the premises.

**HOTEL** means a building containing six (6) or more dwelling units provided for the travelling public as temporary accommodation, containing an office for registration, and may include accessory uses such as eating establishments, pubs, banquet halls, meeting rooms, personal service establishments, recreational facilities, and a caretaker's unit; a hotel may also be called an Inn, Motel, or Lodge.

**KENNEL** means premises used for the breeding, buying, selling or overnight boarding of domesticated animals, excluding livestock.

**LANE** means a highway more than 3 m but not greater than 8 m in width, intended to provide secondary access to parcels of land.

**LANDSCAPE BUFFER** means a continuous landscaped or natural area that may comprise any combination of shrubs, trees, fences, or walkways as a means of improving land use compatibility and environmental quality.

**LOADING SPACE** means an area of a parcel reserved for temporary parking for the purpose of loading or unloading passengers, goods, or materials.

**LONG-TERM** means a period of time that is a continuation of 31 days or longer.

**LOCAL GOVERNMENT ACT** means Local Government Act [RSBC 2015] Chapter 1 as amended.

**MANUFACTURED HOME** means any structure, that is designed, constructed, or manufactured at a construction facility and transported from the construction facility to a parcel where it is placed on a permanent foundation or cribbing to provide a dwelling or premises, and which conforms to the requirements of the British Columbia Building Code and manufactured to and compliant with the Canadian Standards Association (CSA) Z-240 MH and CSA A277 MH series of standards.

**MANUFACTURING** means the making of goods or wares by manual labour or by machinery, on a large scale.

**MARINA** means a facility containing docking or moorage facilities where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed, or kept for sale or for rent, including but not limited to wharves.

**MEDICAL CLINIC** means a public or private clinic offering health care services by qualified medical professionals, including holistic medicine practitioners.

**MOBILE HOME** means a single or multiple section single detached dwelling unit (CAN/CSA Z240 certified standards or BC Building Code standards) for residential occupancy designed to be transportable on wheels, but does not include travel trailers, campers, or other vehicles which are exempt from the provisions of the *Manufactured Home Act* [SBC 2003] Chapter 75, and as amended.

**MOBILE HOME PARK** means a parcel of land for the placement of two or more mobile homes.

**MOTORIZED VEHICLE SALES** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, boats, tent trailers, travel trailers, recreational vehicles, or similar, together with incidental insurance services, maintenance services, and sale of parts. It includes automobile dealerships but does not include the sale of automobiles with a gross vehicle weight rating of greater than 5,500 kg.

**MULTIPLE-UNIT RESIDENTIAL** means any building consisting of three, up to six dwelling units and includes Townhouses.

**OCP** means the Village of Nakusp Official Community Plan, Bylaw No. 697, and as amended.

**OFFENCE ACT** means Offence Act [RSBC 1996] Chapter 338 and as amended.

**OFFICE** means the provision of professional, management, administrative, or consulting services in a building, including but not limited to offices for lawyers, accountants, real estate agencies, and engineers. This includes offices for the construction and trades industry but excludes the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacture or handling of a product.

**OFF-STREET PARKING** means a use providing parking spaces for the temporary storage of vehicles, excluding traffic aisles, work areas and Highways.

**OUTDOOR STORAGE** means an area outside of an enclosed building where materials, goods, products, vehicles, equipment or machinery are displayed, stored, baled, piled,

handled, sold, or distributed, but explicitly excludes an automobile wrecking yard or a junk yard.

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

**PARCEL COVERAGE** means the ratio of the combined floor area of principal and accessory buildings measured at their base compared to the Parcel area and expressed as a percentage.

**PARCEL LINE, EXTERIOR** means a Parcel line that is common to the Parcel and a Highway, but does not include the Front Parcel Line.

**PARCEL LINE, FRONT** means a Parcel Line common to the Parcel and an abutting Highway other than a lane, walkway, or path, or in the case of a corner Parcel, the shortest Parcel Line or lines common to the Parcel and the abutting highway. Where the abutting Parcel Lines are equal in length, then the front Parcel Line is the Parcel Line towards which the majority of the buildings on adjacent Parcels are faced.

**PARCEL LINE, INTERIOR** means a Parcel Line common to more than one Parcel or lane separating two Parcels.

**PARCEL LINE, REAR** means the Parcel Line opposite to, and most distant from the front Parcel Line, or, where the rear portion of the Parcel is bounded by intersecting side Parcel Lines the rear Parcel Line shall be deemed to be the point of such intersection.

**PARCEL LINE, SIDE** means any parcel line which is not a front or rear parcel Line.

**PERSONAL SERVICE ESTABLISHMENT** means a business providing personal services to an individual related to the care and appearance of the body or the cleaning and repair of personal effects. Uses include but are not limited to tailors, dry cleaners, dressmakers, laundromat, shoe repair, photographers, travel agencies, barbershops, and beauty salons.

**PETROLEUM DISTRIBUTION INSTALLATION** means any building or land used or intended to be used for the wholesale of petroleum fuel or lubricants to commercial vehicles and industrial equipment, which may include keylock methods of distribution, and excludes bulk storage facilities.

**PRINCIPAL BUILDING** means the building which contains the principal use of the Parcel and shall include attached garages or carports, but does not include accessory buildings.

**PUB** means an establishment where alcoholic beverages are offered for sale to the public for consumption on the premises may include the sale of food, and may involve the

brewing of craft beers, mead, or distilling of alcohol on site, which may also be sold off-site; a PUB may also be called a bar.

**PUBLIC UTILITY USE** means land, buildings, structures, or facilities provided by a governmental body, crown corporation, improvement district, or by a company operating under the *Water Utilities Act*, including but not limited to electrical transformer stations, telecommunications infrastructure, sewage collection systems and treatment plants, water pumping stations, and reservoirs.

**RECREATIONAL VEHICLE** means a vehicle, either designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, campers, motor homes, or other similar vehicles designed to provide temporary accommodation for recreational, camping, or travel use. A Tiny Home on wheels is classified as a recreational vehicle.

**RECYCLING DEPOT** means a facility in which recyclable resources originating in households, including but not limited to newspapers, cardboard, bottles, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing.

**RELIGIOUS ASSEMBLY** means a building wherein people regularly assemble for religious worship and related religious, philanthropic, or social activities which is maintained and controlled for public worship. Uses include but are not limited to accessory manses, churches, chapels, mosques, temples, synagogues, convents, rectories, and monasteries.

**RETAIL SALES** means the business of selling or renting goods, merchandise, parts, and accessories to the consumer, excluding the sale or distribution of cannabis.

**RETAINING WALL** means a structure or portions thereof of any kind supported by or sunk into land to hold back soil or rock from a building, structure, or area.

**ROOFTOP DECK** means an outdoor space constructed on the roof of a dwelling unit.

**SECONDARY SUITE** means a self-contained dwelling unit located within and is subordinate to the principal residential use on a Parcel, not including other forms of multiple-unit residential dwellings.

**SETBACK** means the minimum required distance between a building, structure, or use and the respective Parcel line, notwithstanding the values provided in this bylaw a SETBACK may not be less than the minimum value prescribed by superior legislation.

**SERVICE STATION** means any building or land, the use of which shall be the retail sale of motor fuels, lubricant and related vehicle operating components and may

include automobile diagnostic centres, the servicing and minor repairing of motor vehicles, car wash facilities, and the sale of automotive accessories.

**SCREENING** means a fence, wall, hedge, berm or combination thereof used to visually separate areas or uses on a Parcel.

**SHORT-TERM RENTAL** means the rental of a Dwelling Unit to paying guests for periods not exceeding thirty (30) days but does not include a Hotel, Bed and Breakfast, or Tourist Accommodation as defined in this bylaw;

**SIGN** means any device visible from a public place that communicates information about a product, service, place, activity, person, institution, business, or solicitation.

**STAFF HOUSING** means dwelling units used exclusively by an employer to provide living accommodations primarily to staff. It is intended to be rental housing for staff who may have difficulty finding market-supplied housing because their income is below the median household income or due to the lack of available rental housing. The dwelling units include common areas such as a lobby, kitchen, separate living areas and does not include short-term rental or rental of rooms for any other purpose.

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

**STRUCTURE** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 m in height.

**SWIMMING POOL** means a constructed or prefabricated pool, existing or prospective, situated wholly or in part above or below the adjacent ground level, used primarily for swimming, bathing or wading, having a surface water area greater than 15 m<sup>2</sup> or a depth of 600 mm and does not include a constructed water feature.

**TINY HOME** means a detached dwelling unit no greater than 37.2 m<sup>2</sup> in size on a permanent or temporary foundation that may be a principal or accessory residential use on a Parcel. Tiny homes on wheels are classified as a recreational vehicle unless the wheels are removed and replaced by a temporary or permanent foundation. Tiny homes may also be referred to as carriage homes when permitted as an accessory dwelling.

**TOURIST ACCOMODATION** means commercial facilities providing temporary accommodation for the travelling public, which may be in the form of cabins, campgrounds, cottages, resorts, or yurts.

**TOWNHOUSE** means a building divided into three or more dwelling units with separate private entrance to each unit and with each unit sharing at least one wall with another unit, including row housing and stacked row housing.

**TRANSPORTATION DEPOT** means a use providing for the shipping and receiving of goods and people including the operation of truck terminals, freight handling, passenger and transit depots, and taxi dispatch offices.

**VETERINARY CLINIC** means a facility for the prevention, cure and alleviation of disease and injury to animals and includes provisions for their overnight care but does not include a kennel.

**VILLAGE** means the Village of Nakusp in the Province of British Columbia;

**WRECKING YARD** means any land or building used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, vehicles, machinery, and other discarded materials.

**YARD** means an area between the principal building and relevant Parcel Line.

**YARD, FRONT** means the area between side Parcel Lines extending from the front Parcel Line to the nearest wall or supporting member of a building or structure.

**YARD, REAR** means the area between side Parcel Lines extending from the rear Parcel line to the nearest wall or supporting member of a building or structure.

**YARD, SIDE** means the portion of a Parcel extending from the front yard to the rear yard between the side Parcel Line and the nearest wall or supporting member of a building or structure.

## 3.0 GENERAL REGULATIONS

### 3.1 Application

**3.1.1** Except as otherwise specified in this Bylaw, Sections 3.1 to 3.33 inclusive apply to all zones established under this Bylaw.

### 3.2 Flood Damage Protection

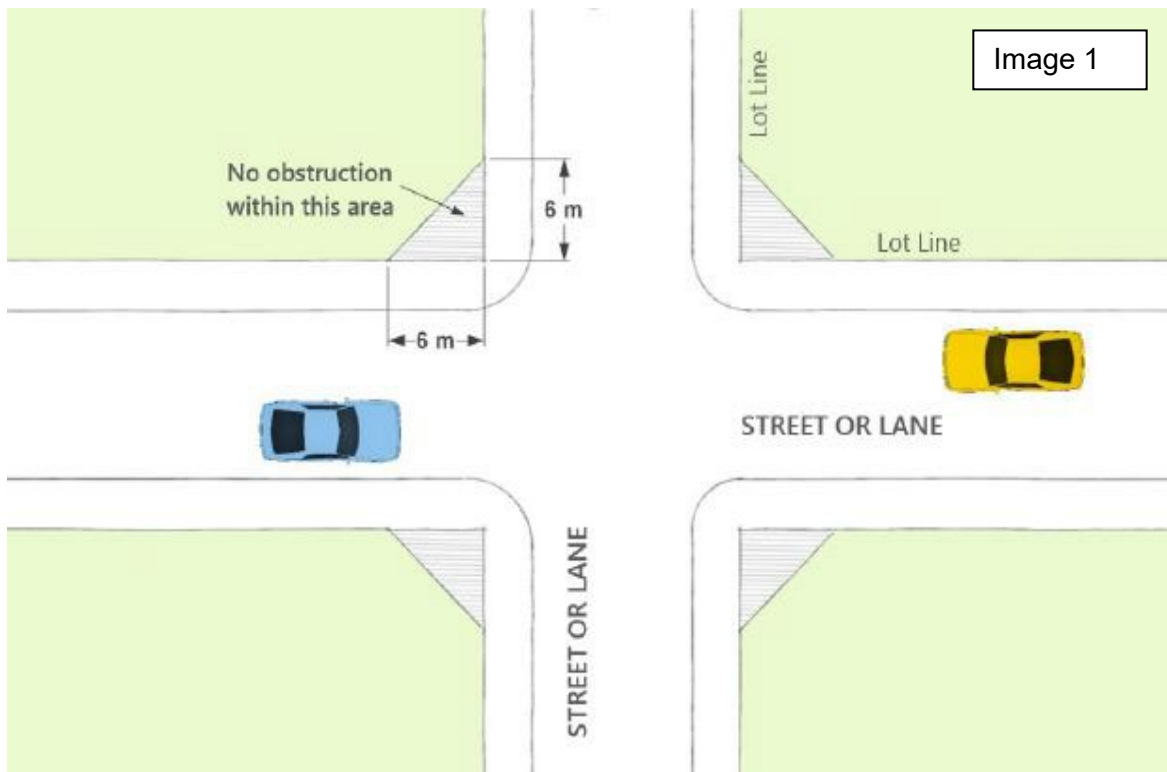
**3.2.1** Notwithstanding any other regulations of this Bylaw, the Village of Nakusp will use the floodplain regulations set out in the Regional District of Central Kootenay Floodplain Management Bylaw No 2080, 2009 as amended or replaced from time to time.

### 3.3 Height of Fences

**3.3.1** No fence shall exceed 2.13 m (7 ft) in height in an interior side yard, exterior side yard, front yard, and back yard. Fences on corner Parcels within a sight triangle as described in Section 3.4.1 of this Bylaw shall not exceed 1m in height.

### 3.4 Visibility at Intersections

**3.4.1** In all zones, no fence, landscaping, retaining wall, or other obstruction shall be erected or permitted at a height greater than 1.0 metre above the established elevation of the centre point of intersection highways within a sight triangle, at or within a distance of 6.0 metres from the corner of the parcel at the intersection of the highway as illustrated in Image 1.



### **3.5 Storage of Vehicles or Equipment**

- 3.5.1** Except as otherwise provided in this Bylaw, no Parcel shall be used for:
- (a) the wrecking or storage of vehicles, equipment or materials in disrepair or derelict condition;
  - (b) the storage of any unlicensed vehicle that is not contained within a carport or accessory building.

### **3.6 Signage**

- 3.6.1** All signage posted in the Village of Nakusp shall be in accordance with the regulations of the Village of Nakusp bylaw or Signage Guidelines that governs the display of signs, as adopted by the Village and as amended from time to time.

### **3.7 Uses Permitted in All Zones**

- 3.7.1** Subject to Section 6.0, the following uses are permitted in all zones established in this Bylaw, except parcels designated Agricultural Land Reserve (ALR). For ALR parcels, refer to *Agricultural Land Reserve Use Regulation*
- (a) Public Parks, playgrounds
  - (b) Civic Use;
  - (c) Public Utility Use
  - (d) Child Care Facilities; and
  - (e) Community Gardens

### **3.8 Use and Siting of Land, Buildings, and Structures**

- 3.8.1** Except as otherwise provided in this Bylaw, not more than one principal building shall be permitted per Parcel.
- 3.8.2** The use of land, including the surface of water, of buildings, and of structures must be in accordance with the permitted uses specified in this Bylaw. All other uses, by exclusion, are explicitly prohibited.
- 3.8.3** The construction, reconstruction, alteration, moving, or extension of buildings and structures within any zone must be in conformity with the regulations for the siting, size, and dimensions of buildings and structures specified in this Bylaw.
- 3.8.4** Except as otherwise provided in this Bylaw, no building or part thereof will be situated in any *Setback*, including Front, Rear, or Side.
- 3.8.5** Constructed water features must not be constructed within 3 m of any property line.

- 3.8.4** Swimming pools must not be constructed within any front yard or within 3 m to any property line.

### **3.9 Non-Conforming Conditions**

**3.9.1** Where the use of land, buildings or structures or portions thereof does not conform with this Bylaw and was lawfully used prior to the enactment of this Bylaw, the use of the land, building or structure or portion thereof may be continued as a non-conforming use subject to the provisions within Part 14, Division 14 of the *Local Government Act*.

**3.9.2** Any Parcel which is shown on a plan duly filed in the Land Title Office, which has less than the minimum Parcel area or frontage required, may be developed for any of the uses permitted in the zone, provided that all other requirements applicable within the zone can be met.

### **3.10 Setback Exceptions**

**3.10.1** Where under the provisions of this Bylaw, the minimum setback of a Parcel, for a part of a building or structure, may be reduced provided that:

- (a) A projection from a dwelling unit that includes a balcony, open deck, open porch and any associated steps from the stated projections to grade is exempt from front setbacks values established in section 5, and may be situated within 1.5 m of the Front parcel line, provided it does not interfere with the regulations established in section 3.4.1 of this Bylaw;
- (b) A projection from a building that includes soffits, gutters, cornices, sills, bay windows, ornamental features, chimneys, heating and ventilating equipment, eaves, or canopies, the depth or width of the required setback into which such projections extend may be reduced by not more than 0.6 m in any setback except the setback for an Interior Parcel line;
- (c) Where such projection is a sign, the location and design thereof is not prohibited under any other bylaw or regulation of the Village; and,
- (d) Where such projections are underground structures, the top surface of such structure must not extend above the average finished ground elevation.

### **3.11 Home Occupations**

**3.11.1** Home occupations shall comply with all of the following regulations:

- (a) a home occupation shall be carried out entirely within the dwelling unit or permitted accessory building unless it's for the purpose of growing produce or plants for sale;
- (b) no signs or displays, other than one non illuminated name sign not exceeding 0.75 m<sup>2</sup> attached flat against the dwelling unit or accessory building, shall be permitted;

- (c) outdoor storage of materials and equipment shall not be permitted, however for certainty, items may be placed outside for display purposes during the hours the home business is open to the public;
- (d) only 1 person shall be employed in a home occupation who is not a resident of the dwelling unit in which the home occupation is taking place;
- (e) no retail sales other than the sale of goods produced on the premises is permitted;  
in the RU-1 zone, the floor area for a home occupation within a dwelling unit shall be limited to 100 m<sup>2</sup>; home occupations that are accommodated within accessory buildings are limited to 100 m<sup>2</sup> for this area;
- (f) the following uses are not permitted as a home occupation:
  - (i) stable, kennel, veterinary clinic I, animal breeding operation, restaurant;
  - (ii) the salvage, repair, maintenance of motor vehicles, vehicle engines, heavy equipment or parts;
  - (iii) uses that produce noise, vibration, smoke, dust, odour, litter, heat, fire hazard, electrical interference, or traffic congestion other than normally associated with a dwelling unit.
- (g) a person operating a *home occupation* may place a temporary building or structure within the *front setback* of the property indicated on the business license; the building will have a footprint of not more than 6 m<sup>2</sup>, and will not encroach into *site lines* as described in Section 3.4.1; the kiosk will only be used for the purpose of selling the goods produced by the *HOME OCCUPATION*.

### 3.12 Accessory Dwelling Units

**3.12.1** The following pertains to secondary suites, carriage homes, garage suites, and tiny homes:

- (a) Parking must be provided in accordance with Section 4 - Off Street Parking and Loading of this Bylaw.
- (b) Accessory Dwelling Units may not be subdivided by any means.
- (c) Accessory Dwelling Units constructed on Parcels with on-site septic disposal must provide written confirmation from a Registered Onsite Wastewater Practitioner that the existing sewage system has capacity in accordance with the Sewerage System Regulation requirements for both the accessory and principal dwelling units.
- (d) Accessory Dwelling Units are not permitted on Parcels that contain a caretaker dwelling.

### 3.13 Secondary Suites

**3.13.1** The following shall apply in zones where a secondary suite is a permitted use:

- (a) A secondary suite shall be entirely contained within a principal dwelling.
- (b) A secondary suite shall have a minimum floor area of 33 m<sup>2</sup>.

### 3.14 Garage Suites

**3.14.1** The following shall apply in zones where attached or detached garage suites are a permitted use:

- (a) An attached or detached garage suite shall be entirely contained within the foot-print of an attached or detached garage.
- (b) The entrance to the garage suite shall be a separate exterior entrance that does not require passage through any part of the building used for motor vehicle parking or accessory uses.
- (c) A garage suite shall not include a rooftop deck.
- (d) The maximum floor area of a detached garage suite shall be 90 m<sup>2</sup> or 75% of the habitable floor space of the building housing the principal residence on the Parcel, whichever is less.
- (e) The maximum floor area of an attached garage suite shall be 90 m<sup>2</sup> or 45% of the habitable floor space of the principal dwelling in which the attached garage suite is contained, whichever is less.

### 3.15 Carriage Homes

**3.15.1** The following shall apply in zones where carriage home is a permitted use:

- (a) No portion of the roof of a carriage home shall be higher than the peak of the roof of the building housing the principal residence on the same Parcel.
- (b) A carriage home shall not include a rooftop deck.
- (c) The maximum floor area of a carriage home shall be 90 m<sup>2</sup> or 75% of the habitable floor space of the building housing the principal residence on the Parcel, whichever is less.
- (d) A carriage home shall be separated a minimum distance of 3 m from the building housing the principal residence on the same Parcel.

### 3.16 Tiny Homes

**3.16.1** The following shall apply in zones where tiny home is a permitted use:

- (a) A tiny home shall have a maximum floor area of 37.2 m<sup>2</sup>;
- (b) A tiny home permitted as an Accessory Use on a property shall:
  - i) be separated a minimum distance of 3 m from the building housing the principal residence on the same Parcel,
  - ii) not exceed 37.2 m<sup>2</sup> or 75% of the habitable floor space of the building housing the principal residence on the Parcel, or whichever is less; and,
  - iii) not have a roof higher than the peak of the roof of the building housing the principal residence on the Parcel

### 3.17 Container Buildings

**3.17.1** Container buildings are permitted as an accessory use for outdoor storage purposes in the M-1, M-2, RU-1, A-1, I, C-1, C-2, and C-4 zones, and as noted in this bylaw on a site specific basis; the following conditions apply:

- a) A maximum of two (2) container buildings are permitted as an accessory use per 0.2 ha of land, to a maximum of five (5) container buildings per Parcel in the RU-1, M-1, and M-2 zones.
- b) One (1) container building maximum is permitted per Parcel as an accessory use in all other zones where container buildings are permitted.
- c) Container buildings must be located in the rear yard of any Parcel.
- d) Container buildings must not encroach into any rights-of-way, setbacks, easements, required parking spaces, or required landscaping buffers/areas on the Parcel.
- e) Container buildings located in C-1, C-2, and C-4 zones must be screened from view in the form of a solid fence or landscaping as described in Table 1 of this Bylaw that is prescribed for parcel boundaries, or at the discretion of the CAO, clad in a building material that shall match the general appearance of the principal building on a Parcel the container building is situated on.
- f) Container buildings located in all other zones where permitted and where the Parcel borders a residential zone, shall be screened from view in the form of a solid fence or landscaping as described in Table 1 of this Bylaw, or at the discretion of the CAO, clad in a building material that shall match the general appearance of the principal building on the Parcel the container building is situated on.

**3.17.2** A person may place a maximum of two (2) container buildings temporarily for storage purposes during the period that the property owner has been issued a valid building permit by the Regional District of the Central Kootenay; the temporary container building(s) must be removed upon expiry of the building permit and are exempt from provisions outlined in (a) of this section of this bylaw.

**3.17.3** Container buildings shall not be stacked.

**3.17.4** Container buildings shall be adequately ventilated.

### 3.18 Height Exemptions

**3.18.1** The height of buildings and structures permitted elsewhere in this Bylaw may be exceeded for the following:

- (a) flag poles;
- (b) water towers;
- (c) telecommunications towers;
- (d) transmission towers;
- (e) observation towers;

- (f) chimneys;
- (g) spires;
- (h) domes;
- (i) monuments;
- (j) roof top appurtenances;
- (k) industrial cranes;
- (l) lighting poles;
- (m) stair towers;
- (n) multiple-unit residential elevator shafts;
- (o) stadium bleachers; and
- (p) fire and hose towers.

**3.18.2** Mechanical apparatus located on a roof top must be screened from view and not cover more than 10% of the roof area of a building.

### **3.19 Parcel Coverage Exemptions**

**3.19.1** The area of the following is not included in the calculation of Parcel Coverage:

- (a) Uncovered and open exterior balconies and stairs;
- (b) Decks and porches under 1 m<sup>2</sup>;
- (c) Eaves and gutters, cornices, sills, bay windows, sunshades, or other similar features, providing that the feature does extend to grade level adjacent to the building;
- (d) Chimneys and columns external to the building;
- (e) Driveways, manoeuvring aisles, and Parking and Loading Spaces;
- (f) Sidewalks, patios, and hard surfacing of the ground; and,
- (g) Underground structures, provided that the top surface of any part of such structures does not extend above the average finished ground elevation.

### **3.20 Drainage**

**3.20.1** All developments shall be provided with the required stormwater works in conformity with the current Subdivision and Development Servicing Bylaw adopted by the Village and as amended from time to time.

### **3.21 Landscaping**

**3.21.1 Landscape** features such as arbours, trellises, constructed water features, and ornaments are exempt from setback requirements, except where a landscape feature exceeds 2 m in height, in which case it shall be located 1.5 m from any Parcel Line.

### 3.22 Screening and Landscape Buffers

**3.22.1** Screening and landscape buffers shall be provided in accordance with Table 1 below by the owner of the Parcel prior to the completion of a development, building or structure on the Parcel and shall be constructed, erected, installed or planted and inspected and approved prior to the issuance of an occupancy permit.

**TABLE 1 - Screening and Landscape Buffer Requirements**

Zone	Screening or Buffer Requirement
C-1, C-5	a) Landscaping, screening or fencing of not less than 2.13 m in height shall be provided along all Parcel boundaries that abut a residential zone.
C-2, C-3, C-4, M-1, M-2	a) Solid Screening or fencing of not less than 2.13 m in height and a thick landscape buffer of not less than 1.8 m in width shall be provided along all Parcel boundaries that abut a residential zone. b) For automotive service related establishments in these zones, the width of landscape buffers may be reduced to a minimum of 1 m. c) For Parcels that abut a highway, a thick landscape buffer or screening or fencing may be provided in these zones.
LD-1	a) Landscape buffers of not less than 1 m in height and 1.3 m in width may be provided along Parcel Lines that abut the Waterfront/Lakefront Promenade.
R-3	a) Storage, garbage / recycling containers, shall be screened at least 2.2 high, whether by a landscape buffer, a solid decorative fence, a building or a combination thereof.
A-1	a) Refer to <i>Guide to Edge Planning</i> (2015), Ministry of Agriculture BC. Up to a 30 m residential building setback from the ALR boundary and an associated 15 m vegetated buffer to reduce the potential for urban/agricultural conflicts.

**3.22.2** Pursuant to section 3.4 of this Bylaw, screening and landscape buffers provided within the visibility triangle area described in this section shall conform with the regulations relating to fences and be no greater than 1 m in height.

**3.22.3** The height of screening and landscape buffers is determined by measurement from the finished grade level.

**3.22.4** Any portion of a retaining wall projecting above the surface of the ground which it supports is considered as a screen and is subject to the requirements of this section.

### **3.23 Parcel Area Exemptions**

**3.23.1** If a Parcel has insufficient area to be subdivided in accordance with the minimum Parcel area required in Section 6 of this Bylaw, the Parcel may nonetheless be subdivided if the proposed subdivision is one of the following and meets local health authority requirements:

- (a) a subdivision to adjust a boundary that does not create, or make it possible to create, a greater number of Parcels than existed at the time of application;
- (b) the subdivision of a Parcel that is divided by a highway or Forest Service Road if the boundaries of the highway or road will be the boundaries of the new Parcel;
- (c) the subdivision of a Parcel on which two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to the adoption of this by-law and the purpose and effect of the subdivision is only to provide a separate Parcel for each building; or
- (d) the subdivision of a Parcel divided by a zone boundary if the zone boundary will be the boundaries of the new Parcels.

### **3.24 Short-Term Rentals**

**3.24.1** The following shall apply in zones where short-term rental is a permitted use:

- (a) A valid business license must be issued by the Village for operation.
- (b) A maximum of one short-term rental is permitted on a Parcel.
- (c) A short-term rental may not operate on the same Parcel where a Bed and Breakfast, Hotel, Tourist Accommodation is operating.
- (d) A short-term rental may operate within a principal or accessory dwelling unit pursuant to the conditions of use stated in Section 6.
- (e) Parking for the principal or accessory dwelling unit in which the short-term rental will operate must be provided in accordance with Section 4.

### **3.25 Cannabis Retail Sales Facility**

**3.25.1** Cannabis Retail Sales Facility shall comply with all of the following regulations:

- (a) Must be licensed by the British Columbia Liquor Control and Licensing Branch under the provisions of Cannabis Control and Licensing Act [SBC 2018] Chapter 29, and as amended; and Cannabis Distribution Act [SBC 2018] Chapter 29, and as amended.
- (b) Must not be located within 500 m of a school, day care or playground.
- (c) Is prohibited as a home occupation.
- (d) May be located on a Parcel approved by Council by means of a zoning amendment to add the use to a specific property.
- (e) May be located on a property zoned C-1 or C-4.

### **3.26 Cannabis Cultivation and Processing Facilities**

**3.26.1** A Cannabis Cultivation Facility and/or Cannabis Processing Facility shall not be permitted on lands outside of the Agricultural Land Reserve.

**3.26.2** A Cannabis Cultivation Facility and/or Cannabis Processing Facility shall not be located less than 1,000 m from the nearest point of any Parcel on which another Cannabis Cultivation Facility or Cannabis Processing Facility is located.

### **3.27 Undersized Parcels**

**3.27.1** Parcels of land that are shown on a plan deposited in the BC Land Title Office prior to the adoption of this Bylaw, which have less than the minimum Parcel size, width or depth requirements as established in the zone in which the Parcel is situated, may be used for any permitted use in that zone subject to meeting all of the other regulations outlined in this Bylaw.

### **3.28 Construction of Garage Prior to Principal Residence**

**3.28.1** A garage with an accessory dwelling unit may be constructed on a property where single detached dwellings are permitted prior to construction of the principal residence so long as a valid building permit has been issued by the Regional District of Central Kootenay for the construction of the principal residence.

**3.28.2** A garage containing an accessory dwelling unit must adhere to the regulations outlined in the Section 3 Accessory Dwelling Units and Garage Suites regulations.

**3.28.3** Notwithstanding this section, no accessory buildings may be constructed prior to construction of a principal building.

### **3.29 Recreational Vehicles as a Residence**

**3.29.1** A Recreational Vehicle used as a temporary residence, may be permitted for a maximum twenty-one (21) days during the period of April 1 to October 31, as an accessory use in R-1, R-2, R-3, RM-1, RU-1, and A-1 zones; and in C-2, C-4, and C-5 zones if the primary use of the property is a dwelling.

**3.29.2** A Recreational Vehicle used as a temporary residence may be permitted for more than twenty-one (21) days subject to the issuance of a temporary use permit by the Village to permit a Recreational Vehicle as a temporary use.

**3.29.3** For certainty, a Recreational Vehicle are prohibited from being occupied as a permanent dwelling unit on any Parcel of land located within the Village.

### **3.30 Swimming Pools**

**3.30.1** Installation of swimming pools is subject to the provisions of Regional District of Central Kootenay *Building Bylaw No. 2200, 2010*, as amended from time to time.

### **3.31 Drive Through Restaurants**

**3.31.1** Drive-through restaurants shall not be permitted to operate in any zone located within the Village.

### **3.32 Mobile and Manufactured Homes**

**3.32.1** A Manufactured Home or Mobile Home that was manufactured more than 20 years from the date it is intended to be moved onto a Parcel of land within the Village, shall not be permitted to be used as a Dwelling Unit, except in the M1 and M2 zones where it may only be used as an Accessory Use as a Caretaker Dwelling.

### **3.33 Temporary Use Permits**

**3.33.1** All areas within the boundaries of the Village of Nakusp are designated for the issuance of temporary use permits to allow for the provision of uses on a temporary basis that are not explicitly permitted in the zoning.

**3.33.2** A temporary use permit may only be renewed once for the same use.

**3.33.3** If a temporary use permit has expired before a renewal has been applied for, a new temporary use permit is required.

## **4.0 OFF-STREET PARKING AND LOADING**

### **4.1 Application**

**4.1.1** Except as otherwise specified, Section 4 applies to all zones established under this Bylaw.

### **4.2 General**

**4.2.1** Unless otherwise noted in this Bylaw, required off-street parking and loading spaces shall be located on the same Parcel as the use they are allocated for.

**4.2.2** In all zones:

- a) the owner may apply for a Development Permit to locate up to 50% of the required parking spaces on an alternate Parcel located within 300 m of the principal site, provided that a covenant in favour of the Village of Nakusp connecting the parking on the alternate Parcel with the principal site, is registered against the title of the alternate Parcel.
- b) the number of parking spaces provided on the alternate Parcel cannot interfere with the parking spaces required for the principal use of the alternate site.

**4.2.3** The regulations contained in this section do not apply to buildings, structures existing as of the date of adoption of this Bylaw, except that:

- a) off street parking and loading shall be provided and maintained in accordance with this section for any addition of gross floor area to an existing building or structure.
- b) the number of off-street parking or loading spaces provided prior to the date of adoption of this Bylaw shall not be reduced below the applicable off-street parking or loading space requirements of this section.

**4.2.4** The number of required off-street parking and loading spaces shall be calculated as follows:

- a) where gross floor area is used as a unit of measurement for the calculation of required off-street parking and loading spaces, it shall include the total floor area on a Parcel;
- b) the number of off-street parking spaces required for building or Parcel is calculated in accordance with Table 2;
- c) the number of off-street loading spaces is calculated in accordance with Table 3;
- d) where the calculation of the required off-street parking spaces or loading spaces results in a fraction of 0.5 or more, the number of spaces required shall be rounded up to the nearest whole number
- e) in the case of mixed uses, the total requirements for the off-street parking or loading facility shall be the sum of the requirements for the various uses computed separately.

**4.2.5** As a component of the required off-street parking spaces, a maximum of twenty percent (20%) of the required off-street parking spaces for a site may be allocated to small car parking.

### **4.3 Cash-In-Lieu of Parking**

**4.3.1** Any person who applies for a Building Permit to construct or extend a building or structure, or changes the use of a property in any zone, which requires Off-Street Parking to be provided, may be permitted to pay the Village the per off-street parking space fee established in the Fees and Charges Bylaw, in lieu of providing off-street parking, pursuant to the following:

- a) A person applying to the Village to allow for payment in-lieu of parking of up to 50% of the amount of parking spaces required under section 4 of the Zoning Bylaw, will be subject to the review and subsequent approval or refusal by the CAO; a person whose application is denied by the CAO may petition Council to reconsider the CAO’s decision by:
  - i. Submitting a request, in writing, to the Village Office within 14 days of the date indicated on the letter sent by the CAO stating the application was denied; and,
  - ii. The person, or their authorized representative, whose application was denied will be required to appear at the next available Council meeting to present their argument as to why the CAOs decision should be reconsidered.;
- b) A person applying to the Village to allow for payment in-lieu of parking of 51% to 100% of the amount of parking spaces required under section 4 of the Zoning Bylaw, will be subject to the review and subsequent approval or refusal by Council; and,
- c) In all cases, any decision rendered by Council in regards to payment in-lieu of parking shall be final.

**4.3.2** Payment of cash-in-lieu of parking amount is payable at the time when the Building Permit is issued for the building or structure that requires the parking spaces specified in this Bylaw, or where no Building Permit is required, the use that requires the parking space specified in this Bylaw is granted a business license.

**4.3.3** The fee prescribed per parking space for cash-in-lieu is defined in the Fees and Charges Bylaw, and as amended from time to time.

**4.3.4** Funds received for cash-in-lieu, may at the Village’s discretion be used pursuant to Part 14, Division 13 of the Local Government Act.

#### **4.4 Off-Street Parking Requirements**

**4.4.1** Off-street parking spaces must be provided as follows:

**TABLE 2 - Required Off-Street Parking Spaces**

<b>Column I Use of Building or Parcel</b>	<b>Column II Required Number of Spaces</b>	<b>Column III Required Visitor Parking Spaces</b>
<b>RESIDENTIAL USES</b>		
Single Detached Dwelling and Duplex	2 per dwelling unit	
Townhouse, Apartment, Multi-Unit Residential	1.5 per dwelling unit	0.2 per dwelling unit
Mobile Home Park	1.5 per mobile home	
Bed and Breakfast, Short-term rental	1 per sleeping unit	

Attached Accessory Dwelling, Detached Accessory Dwelling, and Caretaker Dwelling	1 per dwelling unit	
Staff Housing	1 per 2 dwelling units	
<b>COMMERCIAL USES</b>		
Automobile and Boat Sales, Rental, and Servicing	1 per 50 m <sup>2</sup> of gross floor area	
Financial Institution	1 per 25 m <sup>2</sup> of gross floor area	
Building Material Supply	1 per 100 m <sup>2</sup> of gross floor area	
Campground	1 per campground space	
Cannabis Retail Sales Facility and Liquor Store	1 per 25 m <sup>2</sup> of gross floor area	
Funeral Home	1 per 15 m <sup>2</sup> of gross floor area	
Gasoline Service Station	1 per 30 m <sup>2</sup> of gross floor area	
Golf Course	4 per hole	
Health Spa Facility	1 per 25 m <sup>2</sup> of gross floor area	
Hotel and Tourist Accommodation	1 per sleeping unit	
Marina	1 per 3 moorage slips	
Medical clinic	1 per 20 m <sup>2</sup> of gross floor area	
Eating Establishment or Pub	1 per 10 m <sup>2</sup> of gross floor area	
Office	1 per 30 m <sup>2</sup> gross floor area	
Personal Service Establishment	1 per 25 m <sup>2</sup> of gross floor area	
Retail Sales	Less than 400 m <sup>2</sup> of gross floor area – 1 per 35 m <sup>2</sup> of gross floor  400m <sup>2</sup> to 4,000 m <sup>2</sup> of gross floor area – 1 per 30 m <sup>2</sup> of gross floor area  Greater than 4,000 m <sup>2</sup> of gross floor area – 1 per 25 m <sup>2</sup> of gross floor area	
Theatre	1 per 10 m <sup>2</sup> of gross floor area	
Transportation Depot	1 per 20 m <sup>2</sup> of gross floor area	
Entertainment Facility (excluding theatre)	1 per 35 m <sup>2</sup> of gross floor area	
Veterinary Clinic and Kennel	1 per 20 m <sup>2</sup> of gross floor area	
All Other Commercial Uses	1 per 50 m <sup>2</sup> of gross floor area	
<b>INDUSTRIAL</b>		
Machine and Welding Shop, Manufacturing Fabricating and Processing Industry, all other Industrial Uses	1 per 100 m <sup>2</sup> gross floor area	
Storage, Warehousing, Garage, Express Freight Facilities	1 per 200 m <sup>2</sup> gross floor area	
<b>INSTITUTIONAL USES</b>		

Child Care Facility	1 per 5 children permitted as licensed under the <i>Community Care and Assisted Living Act</i>	
Civic Use (libraries, government offices, public utilities, fire halls, police stations etc.), not including hospital	1 per 35 m <sup>2</sup> of gross floor area	
Religious Assembly	1 per 10 m <sup>2</sup> of gross floor area	
College, University	1 per 35 m <sup>2</sup> of gross floor area	
Community Care Facility	1 per 2 sleeping units	
Hospital	1 per 50 m <sup>2</sup> of gross floor area	
Community Recreation Facility	1 per 35 m <sup>2</sup> of gross floor area	
School – Elementary	1 per 70 m <sup>2</sup> of gross floor area	
School – Secondary	1 per 50 m <sup>2</sup> of gross floor area	
All other Institutional Uses	1 per 50 m <sup>2</sup> of gross floor area	
<b>RURAL USES</b>		
Agricultural Use	1 per 50 m <sup>2</sup> of gross floor area used for retail sales, or packaging and processing facilities	
Cannabis Cultivation or Processing Facility	1 per 50 m <sup>2</sup> of gross floor area used for retail sales, or packaging and processing facilities	

## 4.5 Off-Street Loading Area

### 4.5.1 Off-street loading spaces shall:

- (a) Be provided in accordance with Table 3 for all principal uses except Single Detached Dwellings;
- (b) Not be located within a required front or side yard setback;
- (c) Not be located such that encroachment is necessary upon a Highway or right-of way during loading;
- (d) Be at least 3.5 m in width, 9.0 m in length, and have a clearance of 3.7 m in height;
- (e) Be constructed to permit unobstructed access and egress from each loading space at all times;
- (f) Be clearly marked with the words “Loading Space Only”;
- (g) Be drained and graded so as to dispose of all surface water to a storm drainage system; and;
- (h) Not be included in the calculation of off-street parking space requirements.

**TABLE 3 - Required Off-Street Loading Spaces**

<b>Column I Principal Use of Building or Parcel</b>	<b>Column II Required Number of Spaces</b>
under 300 m <sup>2</sup> in floor area	0 per building
300 m <sup>2</sup> to 2,000 m <sup>2</sup> in floor area	1 per building
Greater than 2,000 m <sup>2</sup> in floor area	2 per building

#### **4.6 Dimensions of Parking Spaces**

- 4.6.1** Each off-street parking space required by this Bylaw shall not be less than 2.6 m wide, 6.0 m long (and have a vertical clearance not less than 2.2 m.
- 4.6.2** Notwithstanding this section, off-street parking spaces may be provided for small cars and shall not be less than 2.45 m wide, and 4.9 m long.
- 4.6.3** For parking located within a single or double car garage, the width and length of the parking space shall be measured from the inside of the opposite finished wall of the garage. The parking space shall be clear of any projections or encroachments by any building elements.
- 4.6.4** Where one or both sides of a parking space abut a wall or other barrier more than 0.15 m high, an additional 0.3 m width shall be provided to each abutting parking space on the side(s) adjacent to such a barrier to allow easier opening of car doors.

#### **4.7 Accessible Parking**

- 4.7.1** Where 20 or more parking stalls are required, accessible parking shall be provided as follows:
  - a) One accessible parking space for the first 20 off-street parking spaces;
  - b) One accessible parking space for each 50 required off-street parking spaces or portion thereof; and
  - c) Each accessible parking space shall count as one of the total number of required off-street parking spaces.
- 4.7.2** Each accessible parking space shall have a minimum width of 3.6 m wide.
- 4.7.3** Accessible parking spaces shall be located as close as possible to a main accessible building entrance and shall be clearly identified as being for designated for use by disabled persons only.

#### **4.8 Access to Parking Spaces**

- 4.8.1** Each off-street parking space for all uses excluding single detached and two-unit dwellings shall have access to a manoeuvring aisle that intersects with a highway

that shall be unobstructed and designed in accordance with the provisions outlined in Table 4:

**TABLE 4 - Manoeuvring Aisle Requirements**

<b>Angle of Parking Spaces</b>	<b>Minimum Manoeuvring Aisle Width</b>
90 degrees, 0 degrees (Parallel)	7.3 m (2 Way)
60 degrees to 89 degrees	5.5 m (1 Way)
45 degrees to 59 degrees	4.0 m (1 Way)
0 degrees (Parallel) to 44 degrees	3.7 m (1 Way)

- 4.8.2** Notwithstanding the section above, multiplex, apartment, and townhouses may in some instances may not require a manoeuvring aisle, at the discretion of the Chief Administrative Officer.
- 4.8.3** Single detached dwellings shall have a driveway access that is a minimum width of 3.0 m and a maximum width of 6.0 m. All other residential uses not requiring a manoeuvring aisle shall have a driveway access that is a minimum width of 2.6 m.
- 4.8.4** Driveways that are greater than 3.6 m in width must provide a minimum of two off-street parking spaces using a side-by-side or tandem parking configuration, that may or may not include a garage. Where a garage is not utilized, the minimum driveway length shall be 6.0 m.
- 4.8.5** Driveways greater than 3.0 m in width but less than 3.6 m may utilize a tandem parking arrangement that sufficiently provides for the minimum number of required parking spaces outlined in Table 2 via:
  - a) a garage, for which the minimum driveway length shall align with setback requirements of the applicable zone; or
  - b) the driveway, for which the minimum driveway length shall be 6.75 m.

**4.9 Surfacing of Off-Street Parking and Loading Spaces**

- 4.9.1** Off-street parking containing three or more spaces and all loading spaces, including manoeuvring aisles, shall be surfaced with paving, asphalt, concrete, or a permeable surface such as, crushed gravel or similar, to provide a durable, dust free surface.
- 4.9.2** All off-street parking and loading areas, including manoeuvring aisles, shall be graded, or drained to direct all surface water to a stormwater drainage system or otherwise permeable ground.

## ESTABLISHMENT OF ZONES

### 5.1 Establishment of Zones

5.1.1 For the purposes of this Bylaw, the Village of Nakusp is divided into zones listed in Table 5.

**TABLE 5 – Zones**

Title Elaboration	Zone
<b>Residential Zones:</b>	
Small Parcel Residential	R-1
Low-Density Residential	R-2
Multiple-Unit Residential	R-3
Mobile Home Park	RM-1
<b>Rural Zones:</b>	
Agricultural	A-1
Rural Residential	RU-1
<b>Commercial Zones:</b>	
Core Commercial – Downtown	C-1
Service Commercial	C-2
Tourist Commercial – Nakusp Hot Springs	C-3
Highway Commercial	C-4
Neighbourhood Mixed Use	C-5
Lakeshore Development	LD-1
<b>Industrial Zone:</b>	
Light Industrial	M-1
Heavy Industrial	M-2
<b>Public Zones:</b>	
Park	P
Institutional	I

## **5.2 Location of Zones**

**5.2.1** The location of each zone is defined in Schedule A, which is attached to, and forms a part of this bylaw.

**5.2.2** Where the boundary does not follow a legally defined parcel boundary, and where the distances are not specifically indicated, the location of the zoning boundary shall be determined by the CAO by scaling from the map located in Schedule A of this bylaw.

## **5.3 Delineation of Zones**

**5.3.1** Where a zone boundary is shown on Schedule A as following a highway, rail right-of-way or water course, the centre line of the highway, rail right-of-way or water course shall be the zone boundary.

## 6.0 ZONES

### 6.1 R-1 SMALL PARCEL RESIDENTIAL

R-1

#### 6.1.1 Intent

To accommodate Single Detached Dwellings, Duplexes, and Accessory Dwellings on small Parcels.

#### 6.1.2 Uses Permitted

##### (a) Principal Uses

The following uses and no others are permitted in the R-1 zone:

- i) Single Detached Dwelling
- ii) Duplex

##### (b) Accessory Uses

The following Uses and no others are permitted as accessory to the Principal Uses in the R1 Zone:

- i) Accessory Dwelling, Attached
- ii) Accessory Dwelling, Detached
- iii) Bed and Breakfast
- iv) Home Occupation
- v) Short-Term Rental

#### 6.1.3 Subdivision Regulations

Minimum Parcel Area for Single Detached Dwellings	320 m <sup>2</sup>
Minimum Parcel Area for Duplex	700 m <sup>2</sup>
Minimum Parcel Area for Parcels subdivided along a common wall separating two dwelling units in a Duplex	350 m <sup>2</sup>
Minimum Parcel Frontage for Single Detached Dwellings	9 m
Minimum Parcel Frontage for Duplex	15 m

#### 6.1.4 Density

- (a) Maximum one principal building per Parcel.
- (b) The maximum number of dwelling units per Parcel shall be in accordance with one of the following configurations:

- (i) One Single Detached Dwelling and one attached Accessory Dwelling unit per Parcel on Parcels 320 m<sup>2</sup> or greater; or
- (ii) One Single Detached Dwelling and one attached or detached Accessory Dwelling unit per Parcel on Parcels 534 m<sup>2</sup> or greater; or
- (iii) One Duplex on Parcels that are 700 m<sup>2</sup> or greater.

**6.1.5 Parcel Coverage**

- (a) Maximum 50%.
- (b) Maximum 60% where the use is a Duplex, or Single Detached Dwelling and one Detached Dwelling Unit.

**6.1.6 Setbacks**

(a) Minimum setbacks for a Principal building are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

(b) Minimum setbacks for Accessory buildings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.0 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

**6.1.7 Height**

(a) Maximum building heights are as follows:

Principal Buildings	10.0 m
Accessory Buildings	7.3 m

**6.1.8 Conditions of Use**

- (a) Detached Accessory Dwellings shall only be permitted on Parcels where the principal use is a Single Detached Dwelling.

- (b) A maximum of one (1) short-term rental is permitted to operate on a parcel, and only if the parcel contains another dwelling unit that is occupied long-term.

**6.2 R-2 LOW-DENSITY RESIDENTIAL R-2**
**6.2.1 Intent**

To accommodate Single Detached Dwellings, Duplexes, and Accessory Dwellings on standard low-density residential Parcels.

**6.2.2. Permitted Uses**
**(a) Principal Uses**

The following uses and no others are permitted in the R-2 zone:

- i) Single Detached Dwelling
- ii) Duplex

**(b) Accessory Uses**

The following uses and no others are permitted as accessory to the Principal Uses in the R2 zone:

- i) Accessory Dwelling, Attached
- ii) Accessory Dwelling, Detached
- iii) Bed and Breakfast
- iv) Home Occupation
- v) Short-Term Rental

**6.2.3 Subdivision Regulations**

Minimum Parcel Area for Single Detached Dwellings	534 m <sup>2</sup>
Minimum Parcel Area for Duplex	700 m <sup>2</sup>
Minimum Parcel Area for Parcels subdivided along a common wall separating two dwelling units in a Duplex	350 m <sup>2</sup>
Minimum Parcel Frontage	15 m

**6.2.4 Density**

- (a) Maximum one principal building per Parcel.
- (b) The maximum number of dwelling units per Parcel shall be in accordance with one of the following configurations:
  - (i) One Single Detached Dwelling and one attached or detached Accessory Dwelling unit per Parcel on Parcels 534 m<sup>2</sup> or greater; or
  - (ii) One Duplex per principal dwelling unit on Parcels 700 m<sup>2</sup> or greater.

**6.2.5 Parcel Coverage**

- (a) Maximum 50%.

### 6.2.6 Setbacks

(a) Minimum setbacks for Principal buildings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

(b) Minimum setbacks for Accessory buildings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.0 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

### 6.2.7 Height

(a) Maximum building heights are as follows:

Single Detached Dwelling	10.0 m
Accessory Buildings	7.3 m

### 6.2.8 Conditions of Use

- (a) Detached Accessory Dwellings shall only be permitted on Parcels where the principal use is a Single Detached Dwelling.
- (b) A maximum of one (1) short-term rental is permitted to operate on a parcel, and only if the parcel contains another dwelling unit that is occupied long-term.

### 6.2.9 Site Specific Regulations

- (a) The minimum rear Parcel line setback for principal buildings shall be 29.0 m on:
  - Lot 1 Plan NEP10155 District Lot 397 Kootenay Land District (328 10<sup>th</sup> Ave NW)
  - Lot 2 Plan NEP10155 District Lot 397 Kootenay Land District (318 10<sup>th</sup> Ave NW)
  - Lot 3 Plan NEP10155 District Lot 397 Kootenay Land District (312 10<sup>th</sup> Ave NW)

- Lot 4 Plan NEP10155 District Lot 397 Kootenay Land District (308 10<sup>th</sup> Ave NW)
- Lot 5 Plan NEP10155 District Lot 397 Kootenay Land District (302 10<sup>th</sup> Ave NW)
- Lot 6 Plan NEP10155 District Lot 397 Kootenay Land District (246 10<sup>th</sup> Ave NW)
- Lot 7 Plan NEP10155 District Lot 397 Kootenay Land District (242 10<sup>th</sup> Ave NW)
- Lot 8 Plan NEP10155 District Lot 397 Kootenay Land District (238 10<sup>th</sup> Ave NW)
- Lot 9 Plan NEP10155 District Lot 397 Kootenay Land District (232 10<sup>th</sup> Ave NW)
- Lot 10 Plan NEP10155 District Lot 397 Kootenay Land District (228 10<sup>th</sup> Ave NW)
- Lot 11 Plan NEP10155 District Lot 397 Kootenay Land District (222 10<sup>th</sup> Ave NW)
- Lot 13 Plan NEP10155 District Lot 397 Kootenay Land District (218 10<sup>th</sup> Ave NW)
- Lot 17 Plan NEP10155 District Lot 397 Kootenay Land District (912 Broadway St NW)
- Lot 18 Plan NEP10155 District Lot 397 Kootenay Land District (910 Broadway St NW)
- Lot 19 Plan NEP10155 District Lot 397 Kootenay Land District (908 Broadway St NW)
- Lot 20 Plan NEP10155 District Lot 397 Kootenay Land District (906 Broadway St NW)
- Lot 1 Plan EPP122009 District Lot 397 Kootenay Land District (202 10<sup>th</sup> Ave NW)

(b) The minimum rear Parcel line setback for accessory buildings shall be 25.5 m on:

- Lot 1 Plan NEP10155 District Lot 397 Kootenay Land District (328 10<sup>th</sup> Ave NW)
- Lot 2 Plan NEP10155 District Lot 397 Kootenay Land District (318 10<sup>th</sup> Ave NW)
- Lot 3 Plan NEP10155 District Lot 397 Kootenay Land District (312 10<sup>th</sup> Ave NW)
- Lot 4 Plan NEP10155 District Lot 397 Kootenay Land District (308 10<sup>th</sup> Ave NW)
- Lot 5 Plan NEP10155 District Lot 397 Kootenay Land District (302 10<sup>th</sup> Ave NW)
- Lot 6 Plan NEP10155 District Lot 397 Kootenay Land District (246 10<sup>th</sup> Ave NW)
- Lot 7 Plan NEP10155 District Lot 397 Kootenay Land District (242 10<sup>th</sup> Ave NW)
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- Lot 9 Plan NEP10155 District Lot 397 Kootenay Land District (232 10<sup>th</sup> Ave NW)
- Lot 10 Plan NEP10155 District Lot 397 Kootenay Land District (228 10<sup>th</sup> Ave NW)
- Lot 11 Plan NEP10155 District Lot 397 Kootenay Land District (222 10<sup>th</sup> Ave NW)
- Lot 13 Plan NEP10155 District Lot 397 Kootenay Land District (218 10<sup>th</sup> Ave NW)
- Lot 17 Plan NEP10155 District Lot 397 Kootenay Land District (912 Broadway St NW)
- Lot 18 Plan NEP10155 District Lot 397 Kootenay Land District (910 Broadway St NW)
- Lot 19 Plan NEP10155 District Lot 397 Kootenay Land District (908 Broadway St NW)
- Lot 20 Plan NEP10155 District Lot 397 Kootenay Land District (906 Broadway St NW)
- Lot 1 Plan EPP122009 District Lot 397 Kootenay Land District (202 10<sup>th</sup> Ave NW)

**6.2 R-3 MULTIPLE UNIT RESIDENTIAL** **R3**

**6.3.1 Intent**

To accommodate medium to high density forms of residential development such as Townhouses, Multiple-Unit Residential, and Two-Unit Dwellings on large residential Parcels while still allowing for traditional low-density residential development in the form of Single Detached Dwellings with the option for Accessory Dwellings.

**6.3.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the R-3 zone:

- i) Apartment
- ii) Duplex
- iii) Multiple-Unit Residential
- iv) Single Detached Dwelling

(b) Accessory Uses

The following uses and no others are permitted as accessory to the Principal Uses in the R-3 zone:

- i) Accessory Dwelling, Attached
- ii) Accessory Dwelling, Detached
- iii) Bed and Breakfast
- iv) Home Occupation
- v) Short-Term Rental

**6.3.3 Subdivision Regulations**

Minimum Parcel Area for Parcels with community water and sewer systems	800 m <sup>2</sup>
Minimum Parcel Area for Parcels with a community water system but without a community sewer system	1,115 m <sup>2</sup>
Minimum Parcel Frontage for Parcels with community water and sewer systems and lane access	18 m

Minimum Parcel Frontage for Parcels with community water and sewer systems without lane access	22 m
Minimum Parcel Frontage for Parcels with a community water system but without a community sewer system	27 m

### 6.3.4 Density

- a) Maximum one principal building per Parcel.
- b) The maximum number of dwelling units per Parcel shall be in accordance with one of the following configurations:
  - i. One Single Detached Dwelling and one attached or detached Accessory Dwelling;
  - ii. One Multiple-Unit Residential development and one Attached Accessory Dwelling per each Primary Dwelling Unit of a Multiple-Unit Residential development;
  - iii. One Multiple-Unit Residential development; or
  - iv. One Apartment Building development.

### 6.3.5 Parcel Coverage

- (a) Maximum 50% where a Single Detached Dwelling is the principal building.
- (b) Maximum 60% where a Duplex, Semi-Detached Dwelling, Multi-Unit Residential, Townhouse, or Apartment is the principal building.

### 6.3.6 Setbacks

- (a) Minimum setbacks for Single Detached Dwellings and Duplex are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

(b) Minimum setbacks for Townhouse, Multi-unit Residential are as follows:

Front Parcel Line	1.5 m
Rear Parcel Line	4.5 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

(c) Minimum setbacks for an Apartment is as follows:

Front Parcel Line	1.5 m
Rear Parcel Line	6.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

(d) Minimum setbacks for Accessory buildings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

### 6.3.7 Height

(a) Maximum building heights are as follows:

Apartment, Multiple-Unit Residential	12.0 m
All other Principal Buildings	10.0 m
Accessory Buildings	7.3 m

### 6.3.8 Conditions of Use

- a) A maximum of one Dwelling Unit shall be permitted to be used as a Short-Term Rental in a Duplex or Multiple-Unit Residential development;
- b) A parcel containing a Single Detached Dwelling and either an Attached or Detached Accessory Dwelling Unit may operate one (1) short-term rental, provided one of the Dwelling Units on the parcel is occupied long-term.

<b>6.4</b>	<b>RM-1 MOBILE HOME PARK</b>	<b>RM-1</b>
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**6.4.1 Intent**

To accommodate mobile homes on individual pads within an unsubdivided Mobile Home Park.

**6.4.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the RM-1 zone:

- i) Mobile Home Park

(b) Accessory Uses

The following uses and no others are permitted as accessory to Principal Uses on Parcels in the RM-1 zone:

- i) Caretaker Dwelling
- ii) Home Occupation

**6.4.3 Subdivision Regulations**

Minimum Parcel Area	1.6 ha
Minimum Parcel Frontage	60 m
Minimum Mobile Home Space Area – Single-Wide Mobile Home	325 m <sup>2</sup>
Minimum Mobile Home Space Area – Double-Wide Mobile Home	420 m <sup>2</sup>
Minimum Mobile Home Space Frontage – Single-Wide Mobile Home	12 m
Minimum Mobile Home Space Frontage – Double-Wide Mobile Home	14.5 m
Minimum Mobile Home Space Frontage – Spaces abutting a cul-de-sac or panhandle space	6.0 m

**6.4.4 Density**

- (a) A maximum of 30 mobile homes per ha are permitted.
- (b) A maximum of one mobile home per pad is permitted.

#### 6.4.5 Parcel Coverage

- (a) Maximum 35%.

#### 6.4.6 Setbacks

- (a) Minimum setbacks for Mobile Homes are as follows:

Distance between Mobile Homes	9.0 m
Mobile Home Park Parcel Lines abutting a Highway	7.5 m
All other Mobile Home Park Parcel Lines	4.0 m
Mobile Home Space Line abutting an internal road or right-of-way and Front Mobile Home Pad Line	1.8 m
All other Mobile Home Pad Lines	1.5 m

- (b) Minimum setbacks for Accessory Buildings and Structures are as follows:

Mobile Home Space Line abutting an internal road or right-of-way and Front Mobile Home Pad Line	1.8 m
All other Mobile Home Pad Lines	0 m

#### 6.4.7 Height of Buildings and Structures

- (a) Maximum building heights are as follows:

Principal Buildings	7.5 m
Accessory Buildings and structures	4.8 m

#### 6.4.8 Conditions of Use

- (a) Maximum of one Caretaker Dwelling is permitted per Parcel.
- (b) Each mobile home park shall include outdoor recreation space and storage space.
- (c) Any addition to a mobile home, exclusive of carport and deck shall not exceed 50% of the floor area of the mobile home.
- (d) A mobile home shall not be moved on to the property if the mobile home was manufactured more than 20 years prior to the date of the move.

**6.5 A-1 AGRICULTURAL** **A-1**

**6.5.1 Intent**

To accommodate residential and agricultural uses on lands within the Agricultural Land Reserve.

**6.5.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the A-1 zone:

- i) Agriculture
- ii) Cannabis Cultivation Facility
- iii) Cannabis Processing Facility
- iv) Single Detached Dwelling

(b) Accessory Uses

The following uses and no others are permitted as accessory to Principal Uses in the A-1 zone:

- i) Accessory Dwelling, Attached
- ii) Accessory Dwelling, Detached
- iii) Bed and Breakfast
- iv) Home Occupation
- v) Kennel
- vi) Agri-tourism Accommodation as defined by the *Agricultural Land Reserve Use Regulations*

**6.5.3 Subdivision Regulations**

Minimum Parcel Area	4.0 ha
Minimum Parcel Frontage	10% of the perimeter of the Parcel

**6.5.4 Density**

- (a) The maximum number of dwelling units per Parcel shall be in accordance with one of the following configurations:
  - (i) One Single Detached Dwelling and one Attached or Detached Accessory Dwelling;

### 6.5.5 Parcel Coverage

- (a) Maximum 35%; or,
- (b) Maximum 75% for greenhouses.

### 6.5.6 Setbacks

- (a) Minimum setbacks for Agricultural Uses are as outlined below.

#### Parcels Larger than 1.0 hectares

Front Parcel Line	7.5 m
Rear Parcel Line	7.5 m
Interior Parcel Line	4.5 m
Exterior Parcel Line	4.5 m

#### Parcels 1.0 hectares or less

Front Parcel Line	4.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	3.0 m

### 6.5.7 Height

- (a) Maximum building heights are as follows:

Principal Uses and Kennels	10 m
Detached Accessory Dwellings	7.3 m
All other accessory buildings and structures	8.0 m

### 6.5.8 Conditions of Use

- a) Notwithstanding any other provisions of this bylaw, all lands within the Agricultural Land Reserve except those exempted under Section 23 of the *Agricultural Land Commission Act* or a general Order of the Commission, are subject to the provisions of the *Agricultural Land Commission Act*, Regulations thereto, and Orders of the Commission.
- b) See Section 33 of the *Agricultural Land Reserve Use Regulation* concerning Agri-tourism Accommodation and provision of Short-Term Rental in relation to an Agri-tourism use.

**6.6 RU-1 RURAL RESIDENTIAL**
**RU-1**

**6.6.1 Intent**

To accommodate rural residential and small-scale agricultural uses on rural Parcels.

**6.6.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the RU-1 zone:

- i) Agriculture
- ii) Kennel
- iii) Single Detached Dwelling
- iv) Veterinary Clinic

(b) Accessory Uses

The following uses and no others are permitted as accessory to Principal Uses in the RU-1 zone:

- i) Accessory Dwelling, Attached
- ii) Accessory Dwelling, Detached
- iii) Bed and Breakfast
- iv) Home Occupation
- v) Short-Term Rental
- vi) Tourist Accommodation

**6.6.3 Subdivision Regulations**

Minimum Parcel Area	0.4 ha
Minimum Parcel Frontage	20 m

**6.6.4 Density**

- (a) Maximum one Single Detached Dwelling or one Manufactured Home per Parcel.
- (b) Maximum one attached or detached Accessory Dwelling per Parcel.

**6.6.5 Parcel Coverage**

- (a) Maximum 35%.

### 6.6.6 Setbacks

- (a) Minimum setbacks for Single Detached Dwellings, Manufactured Homes, and Veterinary Clinics are as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	7.5 m
Interior Parcel Line	4.5 m
Exterior Parcel Line	4.5 m

- (b) Minimum setbacks for Kennels and other structures for the Keeping of Animals abutting Residential Zones are as follows:

Front Parcel Line	12.0 m
Rear Parcel Line	30.0 m
Interior Parcel Line	30.0 m
Exterior Parcel Line	12.0 m

- (c) Minimum setbacks for uses accessory to Principal Buildings on Parcels with the RU-1 zone are as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	7.5 m
Interior Parcel Line	4.5 m
Exterior Parcel Line	4.5 m

### 6.6.7 Building Height

- a) Maximum building heights are as follows:

Principal Buildings	10.0 m
Detached Accessory Dwellings and Tourist Accommodations	7.3 m
All other accessory buildings and structures	7.3 m

### 6.6.8 Condition of Use

- a) A maximum of one (1) short-term rental is permitted to operate on a parcel, and only if the parcel contains another dwelling unit that is occupied long-term.

### **6.6.9 Site Specific Regulations**

- (a) The maximum building height of an Accessory Building be increased to 8.39 m, to allow for a Detached Accessory Dwelling on top of a garage, only on parcel Lot B, Plan EPP98304 District Lot 397, Kootenay District, PID 030-971-900 (397 Lot B, Marshall Road, Nakusp, BC).

**6.7 C-1 CORE COMMERCIAL** **C-1**

**6.7.1 Intent**

To allow for commercial and mixed-use commercial with residential development in the Village’s Downtown Core.

**6.7.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the C-1 zone:

- i) Cannabis Retail Sales Facility
- ii) Civic use
- iii) Clubs or Lodge
- iv) Eating establishment
- v) Educational facility
- vi) Entertainment facility
- vii) Financial institution
- viii) Funeral home
- ix) Hotel
- x) Medical Clinic
- xi) Office
- xii) Personal Service Establishment
- xiii) Retail Sales
- xiv) Pub

(b) Accessory Uses

The following uses and no others are permitted as accessory to Principal Uses in the C-1 zone:

- i) Dwelling Unit
- ii) Short-Term Rental pursuant to section 6.7.7

**6.7.3 Subdivision Regulations**

Minimum Parcel Area	230 m <sup>2</sup>
Minimum Parcel Frontage	7.5 m

#### 6.7.4 Parcel Coverage

- (a) Maximum 100%.

#### 6.7.5 Setbacks

- (a) Minimum setbacks for all buildings and structures shall be as follows:

Front Parcel Line	0 m
Rear Parcel Line	0 m
Interior Parcel Line	0 m
Exterior Parcel Line	0 m

#### 6.7.6 Heights

- (a) Maximum height of all buildings and structures shall be as follows:

Hotel	12.0 m
All Other Principal Buildings	10.0 m
Accessory buildings and structures	7.3 m

#### 6.7.7 Conditions of Use

- a) A Short-Term Rental shall be permitted to operate in any Dwelling Unit for a maximum of 90 days per calendar year, provided the Dwelling Unit is otherwise occupied long-term.
- b) A Short Term Rental is permitted to operate within an Attached Accessory Dwelling when the primary use of the parcel is a commercial business or is a Single Detached Dwelling that is occupied long-term.
- c) For clarity, only one (1) Short-Term Rental is permitted to operate on any parcel when allowed under subsection 6.7.7 of this bylaw.
- d) Outdoor storage areas are prohibited on Parcels in the C-1 zone unless allowed for in site specific regulations.
- e) Dwelling unit(s) shall:
  - (i) Be permitted in the same building as a Principal Use;
  - (ii) Be located above, to the rear of, or below the Principal Use, provided that the Principal Use is situated at-grade;
  - (iii) Have a separate access; and

- (iv) Per unit, occupy a maximum of 50% of the gross floor area of the Principal Use at street level.
  
- f) Any Parcel that has been developed as a Single Detached Dwelling prior to adoption of this Bylaw is hereby considered a conforming use, unless purposefully demolished for any other reason than to allow for the rebuilding of the dwelling after an event including a fire, earthquake, damage due to extreme weather, or flood.

### 6.7.8 Site Specific Regulations

- (a) Cannabis Retail Sales Facility shall only be permitted on Parcel A (Explanatory Plan 14150I) of Lot 21 DL 397 Kootenay District Plan 494 (PID 012-210-650).
- (b) an Educational Facility shall only be permitted on Lot B, Plan 9379) (311-Broadway St.)
- (c) a Service Station shall only be permitted on:
  - Lot 8 Block 8 Plan NEP494 District Lot 397 Kootenay Land District & Lot 9 Block 8 Plan NEP494 District Lot 397 Kootenay Land District & Lot 10 Block 8 Plan NEP494 Kootenay Land District (301 Broadway St W)
  - Lot 11, Block 47, Plan NEP494, District Lot 397, Kootenay Land District
  - Lot 12, Block 47, Plan NEP494, District Lot 397, Kootenay Land District
  - Lot 13 Block 47 NEP494 District Lot 397 Kootenay Land District
  - Lot 14 Block 47 Plan NEP494 District Lot 397 Kootenay Land District
  - Lot 15 Block 47 Plan NEP494 District Lot 397 Kootenay Land District
  - Lot 16 Block 47 Plan NEP 494 District Lot 397 Kootenay Land District (92 Nelson Ave N)
- (d) a Lumber Yard shall only be permitted on:
  - Parcel B, Block 8, Plan NEP494, District Lot 397, Kootenay Land District, (See H1658)
  - Parcel 1, Lot 14, Block 8 Plan NEP494, District Lot 397, Kootenay Land District, (See 141508I)
  - Lot 14, Block 8, Plan NEP494, District Lot 397, Kootenay Land District, (See 141508i)
  - Lot 15, Block 8, Plan NEP494, District Lot 397, Kootenay Land District
  - Lot 16, Block 8, Plan NEP494, District Lot 397, Kootenay Land District Plan NEP86792, District Lot 397, Kootenay Land District, That Pt Shown As Closed Rd.

- Lot 17, Block 8, Plan NEP494, District Lot 397, Kootenay Land District
- Lot 18, Block 8, Plan NEP494, District Lot 397, Kootenay Land District Lot 19, Block 8, Plan NEP494, District Lot 397, Kootenay Land District
- Lot 20, Block 8, Plan NEP494, District Lot 397, Kootenay Land District.
- (90 3rd Ave NW, 98 3rd Ave NW, and 117 4th Ave NW)

(e) a Service Station shall be only permitted on:

- Lot 17, Block 10, Plan NEP494, District Lot 397, Kootenay Land District
- Lot 18, Block 10, Plan NEP494, District Lot 397, Kootenay Land District

**6.8 C-2 SERVICE COMMERCIAL** **C-2**

**6.8.1 Intent**

To accommodate service commercial uses along Provincial Highway routes that complement the Village Core Commercial Areas.

**6.8.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the C-2 zone:

- i) Eating Establishment
- ii) Financial Institution
- iii) Funeral Home
- iv) Gasoline Service Station
- v) Hotel
- vi) Medical Clinic
- vii) Office
- viii) Personal Service Establishment
- ix) Retail Sales
- x) Single Detached Dwelling

(b) Accessory Uses

The following uses and no others are permitted as accessory to Principal Uses in the C-2 zone:

- i) Accessory Dwelling, Attached
- ii) Accessory Dwelling, Detached
- iii) Dwelling Unit
- iv) Home Occupation
- v) Short-Term Rental

**6.8.3 Subdivision Regulations**

Minimum Parcel Area	345 m <sup>2</sup>
Minimum Parcel Frontage	10.0 m

**6.8.4 Parcel Coverage**

- (a) Maximum 60%
- (b) Maximum 50% for Single Detached Dwelling

### 6.8.5 Setbacks

(a) Minimum setbacks for all buildings and structures shall be as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	3.0 m
Side and Rear Parcel Lines abutting Residential Zones	6.0 m

(b) Minimum setbacks for Single Detached Dwelling is as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

(c) Minimum setbacks for Accessory Buildings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.0 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

### 6.8.6 Height

(a) Maximum height of all buildings and structures shall be as follows:

Hotel	12.0 m
All Other Principal Buildings	10.0 m
Accessory buildings and structures	7.3 m

### 6.8.7 Conditions of Use

(a) Short-Term Rentals shall only be permitted on a property where a Single Detached Dwelling is the principal use, and only operate within an Attached or Detached Accessory Dwelling unit.

- (b) Attached and Detached Accessory Dwellings shall be permitted on any property where the Principal Use is an Eating Establishment, Medical Clinic, Office, Personal Service Establishment, Pub, Retail Sales, or a Single Detached Dwelling pursuant to the conditions listed in subsection (c).
- (c) Dwelling unit(s) shall:
- (i) Be permitted in the same building containing a separate Principal Use;
  - (ii) Be located above, to the rear of, or below the Principal Use, provided that the Principal Use is situated at-grade;
  - (iii) Have a separate access;
  - (iv) Per unit, occupy a maximum of 50% of the gross floor area of the Principal Use at street level; and
  - (v) Have a minimum floor area of 55 m<sup>2</sup>.
  - (vi) Not be permitted to be combined with a *Hotel* unless used as *Staff Housing* or a *Caretaker's Unit*.

**6.9 C-3 TOURIST COMMERCIAL (NAKUSP HOT SPRINGS) C-3**

**6.9.1 Intent**

To accommodate tourist commercial uses at the Nakusp Hot Springs facility.

**6.9.2 Permitted Uses**

(a) Principal Uses

The following uses and no others are permitted in the C-3 zone:

- i) Campground
- ii) Entertainment Facility
- iii) Golf course
- iv) Health Spa Facility
- v) Hotel
- vi) Lounge
- vii) Tourist Accommodation

(b) Accessory Uses

The following uses and no others are permitted as accessory to Principal Uses in the C-3 zone:

- i) Caretaker Dwelling
- ii) Office
- iii) Eating Establishment
- iv) Retail Sales

**6.9.3 Subdivision Regulations**

Minimum Parcel Area	4,000 m <sup>2</sup>
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**6.9.4 Density**

(a) Maximum density shall be as follows:

Hotel, Tourist Accommodation	1 sleeping unit per 55 m <sup>2</sup> of Parcel area
Campground	1 sleeping unit per 92 m <sup>2</sup> of Parcel area

**6.9.5 Parcel Coverage**

- (a) Maximum 35%.

**6.9.6 Setbacks**

- (a) The minimum setback for all buildings and structures is as follows:

All Parcel Lines	7.5 m
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**6.9.7 Height**

- (a) Maximum height of all buildings and structures shall be as follows:

Hotel	12.0 m
All Other Principal Buildings	10.0 m
Accessory buildings and structures	7.3 m

**6.9.8 Conditions of Use**

- (a) Outdoor storage areas are prohibited in the C-3 zone unless for Public Utility Use.
- (b) A Caretaker Dwelling shall only be permitted as an accessory use to a Hotel, Health Spa Facility, or Campground.
- (c) An Office shall only be permitted as an accessory use to a Hotel, Health Spa Facility, or Campground.

**6.10 C-4 HIGHWAY COMMERCIAL**
**C-4**
**6.10.1 Intent**

To provide highway commercial uses within Gateway areas of the community.

**6.10.2 Permitted Uses**
**(a) Principal Uses**

The following uses and no others are permitted in the C-4 zone:

- i) Automotive Service and Equipment Repair
- ii) Cannabis Retail Sales Facility
- iii) Campgrounds
- iv) Commercial Storage
- v) Eating Establishment
- vi) Hotel
- vii) Gasoline Service Stations
- viii) Laundromat
- ix) Motorized Vehicle Sales
- x) Retail Sales
- xi) Retail Sales of Agricultural Products and Equipment
- xii) Retail Sales of Building Supplies
- xiii) Staff Housing
- xiv) Tourist Accommodations

**(b) Accessory Uses**

The following uses and no others are permitted as accessory to Principal Uses in the C-4 zone:

- i) Dwelling Unit

**6.10.3 Subdivision Regulations**

Minimum Parcel Area	1,500 m <sup>2</sup>
Minimum Parcel Frontage	20 m

**6.10.4 Density**

- (a) A maximum of 1 sleeping unit per 92 m<sup>2</sup> of Parcel area is permitted for Campground uses.

### 6.10.5 Parcel Coverage

- (a) Maximum 60%

### 6.10.6 Setbacks

- (a) Minimum setbacks for all buildings and structures are as follows:

All Parcel Lines	5.0 m
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### 6.10.7 Height

- (a) Maximum height of all buildings and structures shall be as follows:

Hotel	12.0 m
All Other Principal Buildings	10.0 m
Accessory buildings and structures	7.3 m

### 6.10.8 Conditions of Use

- (a) A Recycling Depot shall only be permitted on Lot 1 Plan 61024 (1200 Highway 23 North).
- (b) The maximum floor area for any Tourist Accommodation sleeping units shall be 100 m<sup>2</sup>
- (c) Dwelling unit(s) shall:
  - (i) Be permitted in the same building as a Principal Use;
  - (ii) Be located above, to the rear of, or below the Principal Use, provided that the Principal Use is situated at-grade;
  - (iii) Have a separate access;
  - (iv) Per unit, occupy a maximum of 50% of the gross floor area of the Principal Use at street level; and
  - (v) Have a minimum floor area of 55 m<sup>2</sup>.
  - (vi) Are not permitted to be combined with a Hotel unless as Staff Housing.
- (d) Any Parcel that has been developed as a Single Detached Dwelling prior to adoption of this Bylaw is hereby considered a conforming use, unless purposefully demolished for any other reason than to allow for the rebuilding of the dwelling after an event including a fire, earthquake, damage due to extreme weather, or flood.
- (e) Outdoor storage areas must:
  - (i) be screened in accordance with Section 3 by landscaping or solid fence.
  - (ii) not exceed 2.1 m in height; and
  - (iii) be located in the rear yard.

### **6.10.9 Site Specific Regulations**

- (a) Single Detached Dwelling be permitted as a Primary Use on Lot 1, District Lot 398, Kootenay District, Plan 8435; PID: 010-917-756 (553 Hwy 6, Nakusp, BC).

**6.11 C-5 NEIGHBOURHOOD MIXED USE**
**C-5**
**6.11.1 Intent**

To accommodate and regulate the development of a mixture of uses to create housing and support economic development.

**6.11.2 Permitted Uses**
**(a) Principal Uses**

The following uses and no others are permitted in the C5 Neighbourhood Mixed Use Residential Zone:

- i) Apartment
- ii) Duplex
- iii) Eating Establishment
- iv) Medical Clinic
- v) Multiple-Unit Residential
- vi) Office
- vii) Personal Service Establishment
- viii) Pub
- ix) Retail Sales
- x) Duplex
- xi) Single Detached Dwelling
- xii) Outdoor Storage pursuant to 6.11.9(c)

**(b) Accessory Uses**

The following uses and no others are permitted in the C5 Neighbourhood Mixed Use Residential Zone:

- i) Accessory Dwelling, Detached
- ii) Accessory Dwelling, Attached
- iii) Bed and Breakfast
- iv) Home Occupation
- v) Short-Term Rental

**6.11.3 Exceptions: Uses**

- (a) Uses which are noxious or otherwise undesirable because of smoke, noise, vibration, dirt or odour are not permitted.
- (b) Uses which are an offensive trade within the meaning of the Health Act of British Columbia shall not be permitted.

### 6.11.4 Subdivision Regulations

- (a) Subject to the provisions of this Bylaw, no Parcel shall be created in the C-5 zone which is less than:

Minimum Parcel Area for Single Detached Dwelling	554 m <sup>2</sup>
Minimum Parcel Area for Two Unit and Semi-Detached Dwelling	700 m <sup>2</sup>
Minimum Parcel Area for Townhouse	801 m <sup>2</sup>
Minimum Parcel Area for Apartment	1,000 m <sup>2</sup>
Minimum Parcel Frontage for Single Detached dwelling	15 m
Minimum Parcel Frontage for Two-Unit	15 m
Minimum Parcel Frontage for Townhouse	15 m
Minimum Parcel Frontage for Apartment	15 m
Minimum Parcel Frontage for All other uses	10 m

### 6.11.5 Density

- (a) Maximum one principal building per Parcel.
- (b) The maximum number of dwelling units per Parcel shall be in accordance with one of the following configurations:
- i) One Single Detached Dwelling and one attached or detached Accessory Dwelling;
  - ii) One Duplex and one attached Accessory Dwelling per principal dwelling unit;
  - iii) One Multiple-Unit Residential development and one Attached Accessory Dwelling per each Primary Dwelling Unit of a Multiple-Unit Residential development; or
  - iv) One Apartment Building development.

### 6.11.6 Setbacks

- (a) Minimum setbacks for Single Detached Dwellings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

(b) Minimum setbacks for Duplex is as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	1.5 m
Interior Parcel Line where a common wall of a Duplex is the parcel line.	0 m
Exterior Parcel Line	4.5 m

(c) Minimum setbacks for Townhouse and Multiple-Unit Residential are as follows:

Front Parcel Line	1.5 m
Rear Parcel Line	4.5 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

(d) Minimum setbacks for Apartments are as follows:

Front Parcel Line	1.5 m
Rear Parcel Line	6.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

(e) Minimum setbacks for Accessory buildings are as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.0 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

(f) Minimum setback for Commercial Uses:

Front Parcel Line	7.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m
Exterior Parcel lines Abutting Residential (R) Zones	6.0 m

### 6.11.7 Maximum Height

(a) Maximum building heights are as follows:

Apartment, Multiple-Unit Residential	12.0 m
All Other Principal Buildings	10.0 m
Accessory Dwellings	7.3 m
All other accessory buildings and structures	7.3 m

### 6.11.8 Parcel Coverage

- (a) For Single Detached Dwellings, maximum 50%.
- (b) For Single Detached Dwellings, including a detached Accessory Dwelling, maximum 60%.
- (c) For all other permitted uses excluding Single Detached Dwellings, maximum 60%.

### 6.11.9 Conditions of Use

- (a) The following uses shall not be located on a parcel with frontage onto Provincial Highway 23:
  - i) Medical Clinic
  - ii) Office
  - iii) Personal Service Establishment
  - iv) Pub
  - v) Retail Sales
- (b) Only one (1) Short-term rental unit shall only be permitted on a parcel of land where:
  - i) the Primary Use is a Single Detached Dwelling but the Short-Term Rental is located in an Attached or Detached Accessory Dwelling; or,
  - ii) the Primary Use is a Duplex or a Multiple-Unit Residential development.
- (c) Dwelling unit(s) shall:
  - i) Be permitted in the same building as a Principal Use that contains an Eating Establishment, Office, Retail Sales, Medical Clinic, or Personal Service Establishment;
  - ii) Be located above, to the rear of, or below the Principal Use, provided that the Principal Use is situated at-grade;
  - iii) Have a separate access; and

- iv) Per unit, occupy a maximum of 50% of the gross floor area of the Principal Use at street level.
- (c) A storage parcel for the collective use of neighbourhood residents is permitted in this zone.

**6.12 LD-1 LAKESHORE DEVELOPMENT LD-1**
**6.12.1 Intent**

To accommodate higher density residential and complementary commercial development along the waterfront.

**6.12.2 Permitted Uses**
**(a) Principal Uses**

The following uses and no others are permitted in the LD-1 zone:

- i) Single Detached Dwelling
- ii) Eating Establishment
- iii) Hotel
- iv) Multiple-Unit Residential
- v) Apartment
- vi) Pub
- vii) Retail Sales
- viii) Duplexes

**(b) Accessory Uses**

The following uses and no others are permitted as accessory to the Principal Uses of the LD-1 zone:

- i) Dwelling Unit pursuant to Section 6.12.8
- ii) Short-Term Rental pursuant to Section 6.12.8
- iii) Accessory Dwelling Unit, Attached
- iv) Accessory Dwelling Unit, Detached

**6.12.3 Subdivision Regulations**

Minimum Parcel Area for Multiple-Unit Residential	669 m <sup>2</sup>
Minimum Parcel Area for all other uses	900 m <sup>2</sup>
Minimum Parcel Frontage	20 m

**6.12.4 Density**

- (a) Maximum 60 dwelling units per hectare for Multiple-Unit Residential

### 6.12.5 Parcel Coverage

- (a) Maximum 60% for Multiple-Unit Residential and Hotel, Apartment, and a Single Detached Dwelling with a Detached Accessory Dwelling.
- (b) Maximum 50% for all other uses.

### 6.12.6 Setbacks

- (a) Minimum setbacks for Single Detached Dwelling and Duplex is as follows:

Front Parcel Line	4.5 m
Rear Parcel Line	1.5 m
Interior Parcel Line	1.5 m
Exterior Parcel Line	4.5 m

- (b) Minimum setbacks for a Multi-Unit Residential, Hotel, or Apartment is as follows:

Front Parcel Line	1.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

- (c) Minimum setbacks for Eating Establishment, Pub, and Retail Stores is as follows:

Front Parcel Line	1.5 m
Rear Parcel Lines	4.5 m
Interior Parcel Lines	1.5 m
Exterior Parcel Lines	1.5 m

- (d) Minimum setback for any Building other than a Building containing an allowable Primary Use is as follows:

Front Parcel Line	4.5 m
Rear Parcel Lines	1.0 m
Interior Parcel Lines	1.5 m
Exterior Parcel Lines	1.5 m

### 6.12.7 Height

(a) Maximum height of all buildings and structures shall be as follows:

Hotel, Multiple-Unit Residential	12.0 m
Principal Building	10.0 m
Accessory buildings and structures	7.3 m

### 6.12.8 Conditions of Use

(a) Dwelling unit(s) shall:

- i) Be permitted as an accessory use to an Eating Establishment, Pub, Office, or Retail Sales in the same building as a Principal Use;
- ii) Be located above, to the rear of, or below the Principal Use, provided that the Principal Use is situated at-grade;
- iii) Have a separate access;
- iv) Per unit, occupy a maximum of 50% of the gross floor area of the Principal Use at street level; and
- v) Have a minimum floor area of 55 m<sup>2</sup>.

(b) Only one (1) Short-Term Rental unit shall be permitted on a Parcel where:

- i) the Primary Use is a Single Detached Dwelling but the Short-Term Rental is located in an Attached or Detached Accessory Dwelling; or,
- ii) the Primary Use is a Duplex or a Multiple-Unit Residential development.

(c) A Short-Term Rental shall only be permitted to operate in any Single Detached Dwelling for a maximum of 90 days per calendar year, provided the Single Detached Dwelling Unit is otherwise occupied long-term.

**6.13 M-1 LIGHT INDUSTRIAL M-1**
**6.13.1 Intent**

To accommodate a mix of light industrial uses.

**6.13.2 Permitted Uses**
**(a) Principal Uses**

The following uses and no others are permitted in the M-1 zone:

- i) Airport
- ii) Automotive Service and Equipment Repair
- iii) Automobile Service and Equipment Shop
- iv) Eating establishment
- v) Gasoline Service Station
- vi) Kennel
- vii) Light Manufacturing, Processing and Assembly of goods or materials
- viii) Motorized Vehicle Sales
- ix) Petroleum Distribution Installation
- x) Recycling Depot
- xi) Retail sales of building supplies, chemicals, garden supplies, Industrial and Agricultural Equipment, mobile and manufactured homes; tools and small equipment; and other products manufactured or processed on site
- xii) Transportation Depot
- xiii) Veterinary Clinic
- xiv) Warehouse

**(b) Accessory Uses**

The following uses and no others are permitted as accessory to Principal Uses in the M-1 zone:

- i) Outdoor Storage
- ii) Caretaker Dwelling

**6.13.3 Subdivision Regulations**

Minimum Parcel Area	900 m <sup>2</sup>
Minimum Parcel Frontage	20 m

**6.13.4 Parcel Coverage**

- (a) Maximum 60%.

### 6.13.5 Setbacks

(a) Minimum setbacks for all buildings and structures are as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	3.0 m
Rear and Side Parcel Lines abutting Residential Zones	7.5 m

### 6.13.6 Height

(a) Maximum height of all buildings and structures shall be as follows:

Principal Building	10 m
Accessory buildings and structures	7.3 m

### 6.13.7 Conditions of Use

- a) Outdoor storage must:
- i) be screened in accordance with Section 3 by landscaping or solid fence.
  - ii) not exceed 2.1 m in height; and
  - iii) be located in the rear yard.

**6.14 M-2 HEAVY INDUSTRIAL M-2**
**6.14.1 Intent**

To accommodate a range of general industrial uses.

**6.14.2 Permitted Uses**
**(a) Principal Uses**

The following uses and no others are permitted in the M-2 zone:

- i) Aggregate Extraction
- ii) Airport
- iii) Automotive Service and Equipment Repair
- iv) Automobile Service and Equipment Shop
- v) Cannabis Processing Facility
- vi) Eating Establishment
- vii) Gasoline Service Station
- viii) Kennel
- ix) Manufacturing, Processing and Assembly goods or materials
- x) Motor Vehicle Sales
- xi) Petroleum Distribution Installation
- xii) Retail sales of building supplies, chemicals, garden supplies, Industrial and Agricultural Equipment, mobile and manufactured homes; tools and small equipment; and other products manufactured or processed on site
- xiii) Recycling Depot
- xiv) Single Detached Dwelling
- xv) Transportation Depot
- xvi) Veterinary Clinic
- xvii) Warehouse
- xviii) Wrecking yard

**(b) Accessory Uses**

The following uses and no others are permitted as accessory to Principal Uses in the M-2 zone:

- i) Caretaker Dwelling
- ii) Outdoor Storage

### 6.14.3 Subdivision Regulations

Minimum Parcel Area	6,000 m <sup>2</sup>
Minimum Parcel Frontage	10% of the total perimeter of the parcel

### 6.14.4 Parcel Coverage

- (a) Maximum 80%.

### 6.14.5 Setbacks

- (a) Minimum setbacks for all buildings and structures are as follows:

Front Parcel Line	7.5 m
Front Parcel Line separated by road from Residential zones	9.0 m
Rear Parcel Line	3.0 m
Rear Parcel Line abutting Residential zones	9.0 m
Interior Side Parcel Line	3.0 m
Interior Side Parcel Line abutting Residential Zones	6.0 m
Exterior Side Parcel Line	6.0 m
Exterior Side Parcel Lines abutting Residential Zones	9.0 m

### 6.14.6 Height

- (a) Maximum height of all buildings and structures shall be as follows:

Principal Building	10.0 m
Accessory buildings and structures	7.3 m

### 6.14.7 Conditions of Use

- (a) A Single Detached Dwelling is permitted on lot 22, Plan 980, DL 397 only.
- (b) All outdoor storage areas accessory to a Wrecking Yard shall:
  - (i) be enclosed by a fence which provides a complete visual screen of not less than 2.1 m in height; and
  - (ii) ensure materials are not piled higher than the height of such fence.
- (c) One caretaker dwelling is permitted per parcel.
- (d) Caretaker dwelling shall have a minimum floor area of 50 m<sup>2</sup>.

### 6.14.8 Site Specific Regulations

- (a) the Minimum Parcel Area for Lot 4 of Block D, DL 397, PID# 025-142-348 (1500 Hot Springs Rd) is 0.4 ha.

**6.15 P PARK P**
**6.15.1 Intent**

To accommodate parks, open spaces, and recreational uses.

**6.15.2 Permitted Uses**
**(b) Principal Uses**

The following uses and no others are permitted in the P zone:

- i) Public Boat Launch
- ii) Municipal Campground
- iii) Civic use
- iv) Community Recreation Facility
- v) Public Marina
- vi) Public Park
- vii) Public Beach
- viii) Public Trail

**6.15.3 Parcel Coverage**

- (a) Maximum 40% for a Community Recreation Facility
- (b) Maximum 10% for all other buildings and structures.

**6.15.4 Height**

- (a) Maximum 10 m.

**6.16.5 Setbacks**

- (a) Minimum setbacks for Community Recreation Facility uses are as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	6.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

(b) Minimum setbacks for all other buildings and structures are as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	2.0 m

**6.16 I INSTITUTIONAL I**
**6.16.1 Intent**

To accommodate general institutional uses such as churches, community facilities, and schools.

**6.16.2 Permitted Uses**
**(b) Principal Uses**

The following uses and no others are permitted in the I zone:

- i) Assisted Living Residence
- ii) Cemetery
- iii) Civic uses
- iv) Community Care Facility
- v) Community Recreation Facility
- vi) Educational Facility
- vii) Hospital
- viii) Religious Assembly

**(c) Accessory Uses**

The following uses and no others are permitted as accessory to the Principal Uses permitted in the I zone:

- i) Caretaker Dwelling
- ii) Retail Sales

**6.16.3 Subdivision Regulations**

Minimum Parcel Area	600 m <sup>2</sup>
Minimum Parcel Frontage	6.0 m

**6.16.4 Parcel Coverage**

- (a) Maximum 50%.

### 6.16.5 Setbacks

(a) Minimum setbacks for all buildings and structures are as follows:

Front Parcel Line	7.5 m
Rear Parcel Line	3.0 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	3.0 m

(b) Minimum setbacks for Assisted Living Residence and Community Care Facilities is as follows:

Front Parcel Line	1.5 m
Rear Parcel Line	4.5 m
Interior Parcel Line	3.0 m
Exterior Parcel Line	4.5 m

### 6.16.6 Height

(a) Maximum height of all buildings and structures shall be as follows:

Principal Building	10.0 m
Accessory buildings and structures	7.3 m

### 6.16.7 Conditions of Use

(a) Retail sales shall be limited to 10% of the gross floor area of the principal building or use.

## 7.0 ADOPTION

READ A FIRST TIME this 12<sup>th</sup> day of June, 2023.

READ A SECOND TIME this 12<sup>th</sup> day of June, 2023.

PUBLIC HEARING was held this 10th day of July, 2023.

READ A THIRD TIME this 10th day of July, 2023.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this 6th day of July, 2023.

*Rajeeta Bains*

Rajeeta Baine, Approval Authority, Ministry of Transportation and Infrastructure.

ADOPTED by the Municipal Council of the Village of Nakusp this 10th day of July, 2023.

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Mayor

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Chief Administrative Officer

## SCHEDULES

### SCHEDULE A – Zoning Map

SCHEDULE A

VILLAGE OF NAKUSP

Zoning Bylaw No. 729, 2023

ZONING MAP