

SUMMARY:

The Zoning Bylaw is a bylaw to regulate zoning within the City of Nelson.

This Bylaw is a “consolidated” version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Administration office at City Hall. Plans pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

THE CORPORATION OF THE CITY OF NELSON

ZONING BYLAW NO. 3199, 2013

Revised: November 2, 2015

Consolidated for Convenience to Include Bylaw No.: 3279, 3287, 3295,
3312, 3319, 3303

BEING A BYLAW TO REGULATE ZONING WITHIN THE CITY OF NELSON

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WHEREAS Part 26 of the *Local Government Act* authorizes a local government to enact bylaws respecting zoning and certain other related developmental matters;

AND WHEREAS Council has held a Public Hearing pursuant to section 890 of the *Local Government Act*.

NOW THEREFORE the Council of the Corporation of the City of Nelson in open meeting assembled enacts as follows:

PART 1 – INTERPRETATION

1.1 Definitions

In this Bylaw, all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth below:

“Accessory To” means customarily incidental to the permitted use of land, buildings, or structures located on the same lot or site.

“Accessory Building or Structure” means a building or structure which is incidental and ancillary to the principal permitted use, building or structure located on the same lot or site as the main building or structure. Accessory building or structure may include greenhouses where permitted by the zone.

“Amenity Areas” means that part of a multi-unit residential building or lot intended for the indoor or outdoor recreational use of the occupants, either for common use or individual dwelling unit use, exclusive of the areas occupied by entrance hallways, driveways, parking areas, dwelling units, and storage areas.

“Animal Daycare” means the business of caring for household pets during the day and which may include accessory grooming.

“Art Gallery and Museum” means the premises used for the exhibition or creation of works of art, and which may include the collection or preservation of works of art, primarily for the recreation or cultural education of the public.

“Aquatic Land” means the foreshore and/or land covered by water.

“Bed and Breakfast” means a single-detached residential dwelling in which guest rooms are rented to paying customers on an overnight basis with no more than one meal served daily, before noon; the entire service to be included in one stated price and is subject to section 1.1.10 of Schedule “A”.

“Boarder or Lodger” means a person who for hire occupies a sleeping room, with or without individual toilet facilities, in a dwelling unit occupied by a household to which he/she is not closely related by blood or marriage.

“Boat Launch, Public” means a ramp that extends from an upland property or right-of-way across the foreshore and into the lake/river, the purpose of which is to facilitate lake/river placement and removal of boats and other water vessels.

“Broadcasting Studios” means development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television, internet and motion picture studios.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building Supply” means a use in which building or construction or home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement, and may include garden

centres as an accessory use.

“Campground” means the temporary accommodation of travelers using tents, travel trailers, tent trailers or recreational vehicles but specifically excludes a manufactured home park and hotel.

“Car Wash” means a facility used primarily for the cleaning of automobiles and other motorized vehicles.

“Care Services” means a use providing for the care of people, other than a public hospital and includes, private hospitals, assisted living units, nursing homes, and group homes pursuant to the *Community Care and Assisted Living Act* or any subsequent Act or Acts which may be enacted in substitution therefore and other provincial legislation as applicable.

“Carport Closed In” means a roofed structure used for the storage or parking of a car or cars with at least 40 percent of the total perimeter unobstructed.

“Carport Open” means a roofed structure used for the storage or parking of a car or cars with all of its perimeter unobstructed, except for open railings when required by the *British Columbia Building Code*.

“Cemetery” means those areas of land that are set aside for the burial of human remains. Typical uses are memorial parks and burial grounds, including crematoriums.

“Child Care Facility” means a facility providing group child care, family child care, child minding, out of school care, or specialized child care in accordance with the provisions of the *Community Care and Assisted Living Act* or any subsequent Act or Acts which may be enacted in substitution therefor.

“City” means the Corporation of the City of Nelson.

“Commercial School” means a school used for training, instruction, and or certification in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical uses include but are not limited to secretarial, business, hairdressing, beauty, art, dance, language, or music schools.

“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. Commercial Storage use does not include unenclosed storage of goods or materials.

“Community Garden” means a garden in which shared plots are available to members of the public on a not for profit basis, and which support demonstration gardening, instructional programming and the production of produce for personal and not-for-profit consumption.

“Contractor Services, General” means a use providing for building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which requires on-site storage and warehouse space. Any sales, display, office or technical support service areas shall only be permitted as an accessory use.

“Contractor Services, Limited” means a use providing for electrical, plumbing, heating, painting, glass, surveying and engineering, and similar contractor services and the accessory sale of goods normally associated with the contractor services, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities. Excludes retail sales. Any sales, display, office or technical support service areas, storage of equipment and/or vehicles shall only be permitted as an accessory use.

“Council” means the Council of The Corporation of the City of Nelson.

“Custom Indoor Manufacturing” means a use providing for small scale on-site indoor production of goods by hand, manufacturing primarily involving the use of hand tools. Typical uses include but are not limited to: toy and musical instrument manufacturing, specialty food and beverage products, blacksmiths, artist studio, pottery studios, woodworking, textiles.

“Density” means the number of dwelling units per hectare.

“Derelict Vehicle” means a motor vehicle without a license under the Motor Vehicle Act for a period of more than one year and is not housed in a garage or carport, and which is intended to be self-propelled but is not capable of moving under its own power. Derelict Vehicle shall not include a vehicle deemed to be a collector item outlined in the list of cars recognized by the Vintage Car Club of Canada.

“Detached Secondary Dwelling Unit” means an accessory building used as a Dwelling Unit and subject to section 1.1.9 in Schedule “A”.

“Drive-Thru Restaurant” means a building providing for a restaurant use where food is purchased from a vehicle through a drive-thru takeout window.

“Dwelling Unit” means one or more habitable rooms when such a room or rooms together are used or intended to be used as a residence, and does not include tourist accommodation.

“Dock, Public” means a structure available for use by the general public or a non-profit society that is permanently affixed to or floating above aquatic land.

“Early Childhood Development Centre” means a building used to provide community services for children and includes parent support programs such as workshops or support groups, parent-child literacy programs, toy lending library and childminding services.

“Eave” means that portion of the roof structure projecting beyond the outside wall or supports not intended for occupancy.

“Entertainment Facility” means the use of a building or structure for assembly and entertainment including auditoriums, billiard halls, bowling alleys, dance halls, karaoke, night clubs, theatres, and cinemas.

“Extended Medical Treatment Services” means a facility providing room, board and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences. Typical uses include but are not limited to

hospitals, nursing homes with health care for dependant residents and hospices.

“Fence” means a barrier or other such structure enclosing, bordering or dividing a parcel of land.

“Funeral Home” means an establishment with facilities for the preparation of the dead for burial, for viewing of bodies, and for funerals.

“Garage” means any totally enclosed and roofed structure for the parking or storage of a car or cars.

“Geodetic Height” means the height in metres above sea level;

“Gross Floor Area (GFA)” means the total gross floor area of each individual floor measured from the perimeter of a building, excluding the following: sun decks, carports, and parking garages.

“Guest Home” means a Single-Detached Residential dwelling used for short-term residential occupancy offered for rent, or rented, for periods of less than one month.

“Guest Suite” means a Detached Secondary Dwelling Unit or Secondary Suite used for short-term residential occupancy offered for rent, or rented, for periods of less than one month.

“Guest Room” means a habitable room providing accommodation for guests and does not contain cooking facilities.

“Health Services” means uses and buildings providing for physical and mental health services on an out-patient basis; includes medical and dental clinics and offices, health clinics and counseling services; may include dispensing and accessory retail sales or prescriptions and medications, and other types of health services goods and equipment.

“Height” means the vertical distance from the average finished ground level, measured from the outermost corners of a building or structure to the highest point of a structure. If a localized depression such as a building entrance is located at an outermost corner, the level of finished surface of the ground at that location may be ignored in the calculation of the average finished surface elevation.

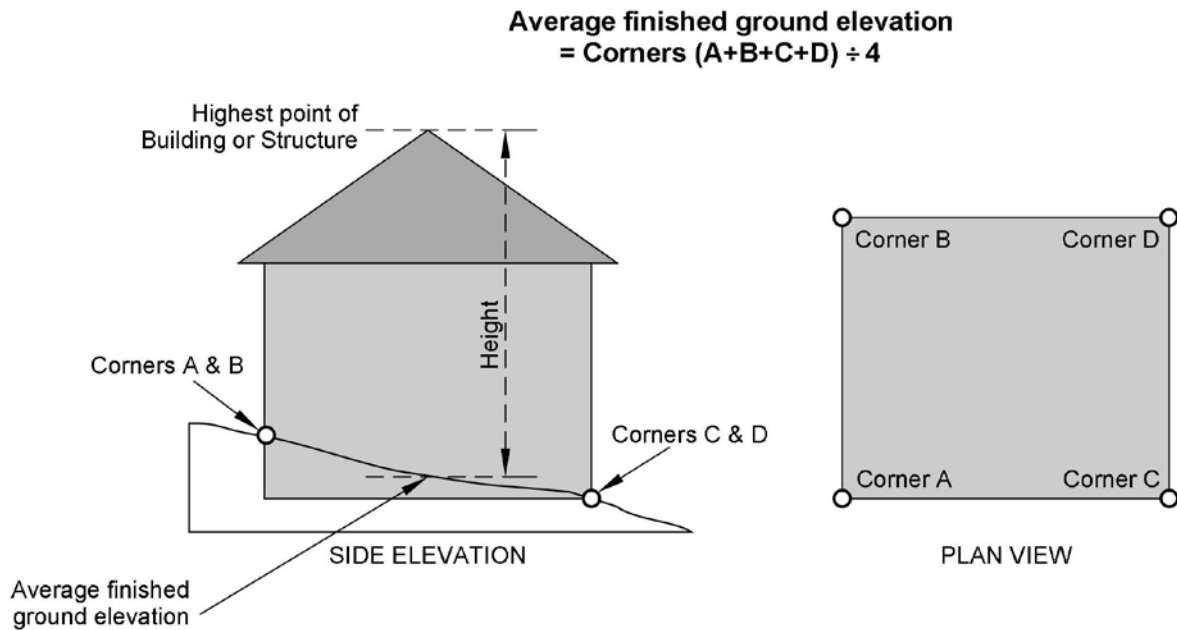


Diagram: Height

“Home Occupation” means a commercial use carried out by an occupant of a dwelling unit for remuneration which is clearly accessory to the residential use of the dwelling and subject to section 1.1.6 in Schedule “A”.

“Hospital” means a public institution providing health services for both in-patients and out-patients including room, board, emergency care, and the prevention and treatment of sickness, disease or injury. This use is intended to include: standard administrative and operational support functions; laboratories, small offices for health-related fundraising charities and research advocacy organizations; areas for staff wellness; provision for compassionate religious services (not to include a regular congregation); institutional cafeteria services; and may include accessory education of health care professionals. The operation of private medical practices are permitted as an accessory use.

“Household” means:

- a person;
- or two or more persons related by blood, marriage, or adoption;
- or a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoptions;
- or unrelated people living together with related people, provided that the number of unrelated people does not exceed 3 persons.

“Industry, Heavy” means a use engaged in the storage, processing or manufacturing

of materials or products predominantly from extracted, bulk, or raw materials, or a use engaged in the storage of, or manufacturing processes using flammable, or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions but specifically excluding the storage, processing or handling of special wastes.

“Industry, Light” means a use engaged in the manufacture, predominantly from previously prepared materials, of finished projects or parts; including the processing, fabrication, assembly, packaging, incidental storage and wholesale distribution of such products, but excluding heavy industry. Typical uses include but are not limited to brewery uses.

“Lane” means a public thoroughfare which affords only a secondary means of vehicular access to a lot, at the side or rear thereof, with a road allowance of more than 2 metres but less than 10 metres in width.

“Liquor Primary Establishment” means an establishment licensed by the BC Liquor Control and Licensing Branch where the service of liquor, as opposed to food, is the primary focus of the business.

“Live/Work” means a dwelling unit, part of which may be used as a business establishment and the dwelling unit as the principal residence of the business operator. Examples of business establishments in Live/Work units typically include artist studios, high-tech businesses, offices, personal and professional services, and the making, processing and assembling of a product on a small scale. Live/work units are subject to section 1.1.11 in Schedule “A”

“Lot” means an area of land registered as a separate parcel in the Land Title Office. In the case of strata lots the lot from which the strata plan is derived constitutes the lot.

“Lot Coverage” means the sum total horizontal area as measured from the outermost perimeter of all buildings, structures (including stairs, porches, balconies, decks, breezeways, covered exterior open space) or part thereof on the lot expressed as a percentage of the total lot area.

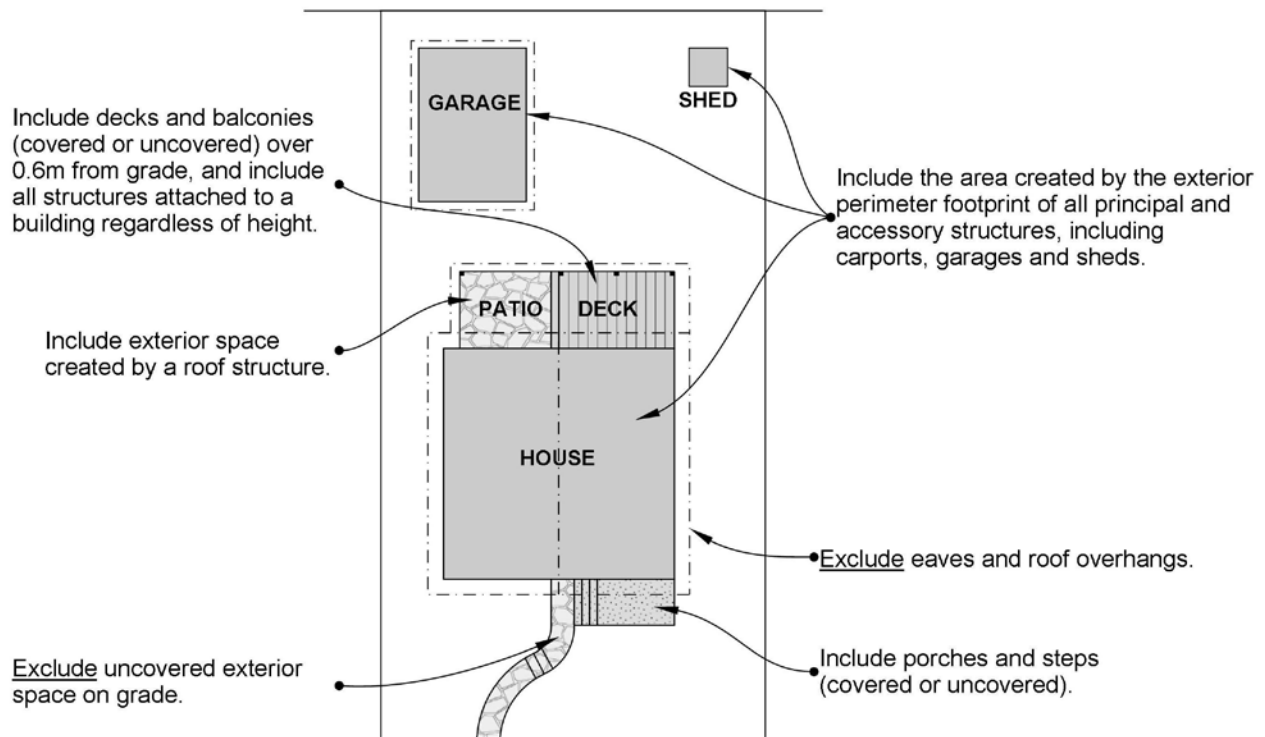


Diagram: Lot Coverage

“Lot Line, Exterior Side” means the lot line or lines not being the front or rear lot line, common to the lot and a street.

“Lot Line, Front” means:

- i. the lot line common to the lot and an abutting street, or
- ii. where there is more than one (1) lot line common to abutting streets, the shortest of these lines shall be considered as the front lot line, or
- iii. the lot line common to the lot and an abutting lane, where there is no abutting street. Or
- iv. in the case of a lot abutting two (2) parallel or approximately parallel streets, the lot lines abutting these two (2) streets shall be considered as front lot lines.

“Lot Line, Interior Side” means the lot line or lines, not being the front or rear lot line; common to more than one (1) lot or to the lot and a lane.

“Lot Line, Rear” means the lot line opposite to, and most distant from the front lot line, or, where the rear portion of the lot is bounded by intersecting side lot lines, the rear lot line shall be deemed to be the point of such intersection.

“Lot, Strata” means a lot shown on a strata plan according to the Strata Property Act.

“Lot Width” means the distance between side lot lines at the front building setback line.

“Manufactured Home” means a single-detached dwelling unit suitable for year-round occupancy specially designed to be moved along the highway from time to time, and which arrives at the site where it is occupied complete and ready for occupancy except for placing on supports, connection of utilities and some incidental assembly.

“Manufactured Home Park” means any parcel of land on which are located two (2) or more manufactured homes.

“Market” means an indoor or outdoor venue where individual merchants sell produce, food, and other goods and crafts that they make, bake, grow or raise in a community festival environment. Typical uses include: food vendors, produce sales, artists, woodworkers, photographers, craft sales, baked goods sales, and makers of health and beauty products.

“Marina” means the use of land or surface of water for the sale and/or rental of boats, marine engines, marine supplies, and/or docking facilities for the use of recreational motor vessels and tour vessels; and includes related retail sales, and excludes service station use.

“Mechanical Repair, Service and Sales” means a building or part thereof where facilities are provided for the repair, servicing or sale of motor vehicles or boats or open space provided for the sale of motor vehicles or boats.

“Mechanical Repair and Service” means a building or part thereof where facilities are provided for the repair and service of motor vehicles, boats and other mechanical equipment, and includes accessory retail sales.

“Micro-Brewery” means a small scale brewery dedicated to producing less than 12,500 hectolitres of beer per year for sale to a number of licensed establishments and/or liquor stores. Ancillary sales and tasting of beer brewed on-site shall be permitted.

“Mobile Food Vendor” means an independently operated vehicle or mobile food vending apparatus that does not require a building permit for the purpose of providing prepared food and beverages in an outdoor setting to passers-by.

“Mobile Retail Vendor” means an independently operated vehicle or mobile vending apparatus that does not require a building permit for the purpose of retailing goods in an outdoor setting to passers-by.

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

“Municipality” means the City of Nelson.

“Natural Resource Development” means development for the on-site removal, extraction, and primary processing of raw materials found on or under the Site, or accessible from the lot. Typical uses include gravel pits, sandpits, clay pits, and stripping of topsoil. This includes the processing of raw materials transported to the lot.

“Neighbourhood Pub” means the serving and consumption of alcoholic and other beverages, and includes the associated serving of food in a neighbourhood-oriented facility.

“Nursery” means the use of lands principally involved in agriculture and horticulture, and may include the production and sale of plants and/or produce grown on site and the accessory sale of garden supplies.

“Occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

“Panhandle Lot” means any lot which gains street frontage through the use of a narrow strip of land which is an integral part of the said lot (hereinafter called the “access strip”).

“Participant Recreation Services, Indoor” means facilities within an enclosed building for sports, active recreation and performing and cultural arts where patrons are predominantly participants. Use can include accessory uses such as concessions and equipment rental or sale. Typical uses include but are not limited to athletic clubs, health and fitness clubs (including pilates, yoga, etc.), dance studios, swimming pools, arenas, sports fields, bowling alleys, and racquet clubs.

“Participant Recreation Services, Outdoor” means facilities which are available for sports and active recreation conducted outdoors and includes accessory uses such as concessions and equipment rental or sale. Typical uses include but are not limited to golf courses, ball fields, pools, skate parks, bike parks, soccer fields, public parks and open space, beach and picnic areas.

“Permitted Use” means the allowable uses for which land, buildings or structures may be used.

“Personal Service Establishment” means uses which provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects and can include the accessory sale of goods. Typical uses include but are not limited to hair salons, barbershops, aestheticians, spas, shoe repair shops, watch repair shops, tailors, dressmakers, dry cleaners and laundries.

“Principal Building” means the main building on a lot in which the majority of the floor space is used as a permitted principal use or uses.

“Principal Use” means the main purpose for which land, buildings or structures are ordinarily used.

“Printing and Publishing Establishment” for the publishing and printing of newspapers, magazines, periodicals, books, almanacs, maps, guidelines, pamphlets, flyers, or similar matter; for book binding and associated binding operations as allied to the printing or publishing industries.

“Private Education Services” means a use for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This use includes dormitory and accessory buildings. This use does not include commercial schools.

“Professional and Business Offices” means a building or part thereof, primarily designed, intended or used for the practice of a profession, the carrying on of a business, or where not conducted on the site thereof, the administration of an industry, but shall not include any industrial use, or place of assembly.

“Public” means as authorized or established pursuant to legislative authority by any government.

“Public Administration” means the use of a building used by municipal, regional, provincial, or federal government that provides a combination of direct services to the public, and offices for administration.

“Public Assembly” means a non-commercial building and non-residential use, with no ongoing overnight accommodation use, where persons gather periodically for public, cultural, religious, philanthropic or entertainment purposes, such as meeting halls, churches, chapels, theatres, synagogues, and fraternal lodges.

“Public Education Services” means a use which is publicly supported and involves public assembly for education, training or instruction purposes, and includes the administration offices and maintenance/storage facilities required for the daily operation of the facility on the same site. Typical uses include but are not limited to public schools, independent schools, community colleges, universities, and technical and vocational schools, and their accessory administrative offices. This use includes dormitories and accessory buildings. This use does not include private education services nor vehicle and equipment services, industrial or storage facilities other than what is required for operation of the educational facility on the same site.

“Public Park” means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally sensitive areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It includes all natural and man-made landscaping, facilities, playing fields, access, trails, accessory concession stands, nurseries, buildings and structures consistent with the general purpose of public park land.

“Public Utility” means a privately owned or publicly owned infrastructure, including buildings and equipment, providing for the essential and emergency servicing of the region, such as electricity, water, waste management, sanitary and storm sewers, where such use is established or authorized pursuant to legislative authority by any governmental body.

“Railways and Rail Yard” means the use of a premise for the purpose of rail transport; the servicing, cleaning and storage of railroad cars, engines and other related storage of goods pending transport.

“Recreational Vehicle” means any camper, vehicle, trailer, fifth wheel, coach, house, car, structure or conveyance designed to travel or to be transported on the highways and constructed or equipped to be used as a temporary living or sleeping quarter by travelers.

“Regional Commercial Use” means one or more buildings providing for the selling of goods and services and for the servicing and repair of goods geared towards regional customers. Typical uses include but are not limited to: retail sales, liquor sales, wholesaling incidental to retail sales, shopping centres, and accessory service station use. Regional commercial use excludes such uses as funeral homes, veterinary clinics, professional and business office, and warehousing.

“Residential

Multi-Unit” means any detached building divided into three (3) or more dwelling units each of which is occupied or intended to be occupied as the home or residence of one (1) household and may include shared entrances, exits and other essential facilities and services and/ or dwelling units separated by common party walls each with its own separate entrance and exit with private space at grade level;

Single-Detached” means any detached or semi-detached building consisting of one (1) dwelling unit which is occupied or intended to be occupied as the home or residence of one (1) household;

Duplex” means any detached building divided into two (2) dwelling units each of which is occupied or intended to be occupied as the home or residence of one (1) household;

Secondary Suite” means a dwelling unit provided within and accessory to a single-detached dwelling unit subject to section 1.1.8 of Schedule “A”;

Secondary Suite Ready” means a single-detached residential use that is designed and constructed to accommodate conversion to a secondary suite.

“Restaurant” means a building or premises where food and beverages are sold to the public for immediate consumption within or on the premises or outside of the premises, or delivered to other premises, and may be licensed to serve beer, wine or spirits, and includes cafes, take-out establishments and coffee shops, but excludes Drive-Thru Restaurant.

“Restaurant, Drive Thru” means a restaurant catering to customers arriving in motor vehicles, whom drive onto the site, and where the customer is served in the vehicle or from a drive-up window; may also include indoor or outdoor seating.

“Retail Store” means premises where goods, merchandise and other materials are sold or rented to the final consumer, provided that the product may be stored and sold from within the building, and includes limited on-site storage or limited seasonal outdoor sales to support that store’s operations. It may include limited on-site processing or manufacturing of goods for sale. Typical uses include but are not limited to grocery stores, jewellery, hardware, pharmaceutical, retail liquor sales, clothing, home furnishing, bakeries, meat markets, fish markets, and sporting goods stores. This use **excludes** warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, large scale manufacturing and large-scale on-site processing, and retail stores requiring outdoor storage.

“Retail, Warehouse” means premises where goods, merchandise or other materials are offered for sale at retail to the general public and for the wholesaling of goods to retailers. The use typically requires extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical uses include but are not limited to sales of food, home furnishings and appliances.

“Service Station” means any building or land, the use of which shall be the retail sale of motor fuels and lubricants and may include automobile diagnostic centres, the servicing and minor repairing of motor vehicles, car wash facilities, and the sale of automotive accessories.

“Setback” means the required minimum distance between a building or structure or use and each of the respective lot lines.

“Shopping Centre” means one or more buildings designed as an integrated unit to be used for retail stores, restaurants, arcades, internet centres, exercise studios, personal service establishments, appliance repair shops, auto repair shops, garden centres, and bus terminals.

“Social Services Centre”, which means the use of premises for the purpose of providing information, referral, counselling, advocacy; services; or dispensing aid in the nature of food or clothing; emergency overnight shelter, or providing drop-in or activity space.

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

“Street” means any highway, road, boulevard, square or other improved thoroughfare 10 metres or more in width, which has been dedicated or deeded for public use, and is accessible to fire department vehicles and equipment.

“Structure” means any construction fixed to, supported by, or sunk into land or water; excludes concrete and asphalt paving or similar surfacing of a lot.

“Temporary Building” means a building which is not supported on permanent foundations, such as metal storage containers.

“Temporary Shelter” means a pre-manufactured structure consisting of wood, tubular metal or tubular plastic frame covered with fabric, reinforced plastic, vinyl or similar material.

“Tourist Accommodation” means a building, buildings, guest rooms, or part thereof wherein accommodation is provided for the travelling public on a temporary basis (30 days or less) and may include the accessory uses such as: restaurants, licensed beverage rooms, banquet halls, accessory boutique retail, spa and hair salon services, ballrooms and meeting rooms.

“Transition House” means a single-detached dwelling occupied by not more than eight (8) persons that is used to provide temporary accommodation, care, supervision, guidance, or counselling for victims of family violence.

“Use” or “Uses” see “Occupancy”.

“Veterinary Clinic” means a facility designed for the care and treatment of animals under the supervision of a doctor of veterinary medicine.

“Warehouse” means a use of land, buildings, or structures for the purpose of receiving and storage of goods for compensation, and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations, and includes sales at wholesale and limited accessory office space.

“Watercourse” means any natural or man-made depression with well-defined banks and a bed of 0.6 m. or more below the surrounding land serving to give direction to or containing a current of water at least six (6) months of the year and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply, whether enclosed or in a conduit.

“Wrecking or Salvage Yard” means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles.

“Yard – Front” means an open space unoccupied to the sky lying between the principal building and the Front lot Line.

“Yard – Side” means an open space unoccupied to the sky lying between the principal building and an exterior or interior side lot line.

“Yard – Rear” means an open space unoccupied to the sky lying between the principal building and the rear lot line.

“Zone” means a zone established under Part 26 of the *Local Government Act* and this Bylaw.

1.2 Interpretation

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.

PART 2 – PURPOSE

The principal purpose of this Bylaw is to regulate development in the municipality 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*.

PART 3 – APPLICATION

No land, water surface, building or structure shall be used or occupied, and no building or structure or part thereof shall be erected, moved or altered, with the City, unless in conformity with this Bylaw, except as otherwise provided for in this Bylaw or in the *Local Government Act*.

PART 4 – ACCESS

Employees of the City may enter at all reasonable times any premises or lands controlled by this Bylaw in order to ascertain whether the requirements of the Bylaw are being observed. Obstruction of the City's employees in the performance of his/her duties shall constitute an offence.

PART 5 – EXCLUSIONS

This Bylaw does not apply to the following Developments:

- 5.1. The use of non-residential Zones for activities such as amusement carnivals and music festivals for less than 7 days in any six-month period provided a valid approval have been issued under the Business License and any associated permit requirements, and no permanent structures are required.
- 5.2. A building or structure for a residential sales centre for the sale of dwelling units of a building under construction or lots in a subdivision that is located either on the lot of construction or on a lot within the subdivision. Such uses shall be permitted in all zones for as long as it is necessary for the construction and sales in progress to be completed, but only while a valid Building Permit for such construction remains in force.

PART 6 – METRIC MEASUREMENTS

All measurements in this Bylaw are expressed in metric units.

PART 7 – DENSITY CALCULATIONS

When the calculation of dwelling units for residential density results in a fractional figure, the whole number shall be used. For clarity, no rounding shall apply for the purposes of calculating residential densities.

PART 8 – APPLICATIONS IN PROCESS

A completed application for Building Permit, Development Permit, or Development Variance Permit that is received prior to the effective date of this Bylaw shall be processed in accordance with the City of Nelson *Land Use Regulation Bylaw No. 2243, 1987*. Such applications shall have two years from the date of adoption of this Bylaw to be issued after which time they must comply with this Bylaw.

PART 9 – PENALTIES AND ENFORCEMENT

- 9.1 Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$10,000 and costs of prosecution or to imprisonment for not more than six months.
- 9.2 Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this bylaw to continue,
- 9.3 Each day a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
- 9.4 Pursuant to section 264 of the *Community Charter*, any person designated as a Bylaw Enforcement Officer pursuant to the City's *Bylaw Notice Enforcement Bylaw* and all amendments thereto is hereby authorized and empowered to enforce the provisions of this bylaw or bylaw notice or as otherwise provided by this and any other bylaw of the City.
- 9.5 No person may obstruct a Bylaw Enforcement Officer in the fulfillment of their duties.

PART 10 – SEVERABILITY

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

PART 11 – GENERAL PROVISIONS

Schedules “A” and “B” are attached to and form part of this bylaw.

Diagrams are provided for convenience and illustrative purposes only.

PART 12 – REPEAL

The Corporation of the City of Nelson “Land Use Regulation Bylaw No. 2243, 1987” together with all amendments thereto, is hereby repealed.

PART 13 – CITATION

This Bylaw may be cited for all purposes as the “**Corporation of the City of Nelson Zoning Bylaw No. 3199, 2013**” and shall come into force and effect upon its adoption.

READ A FIRST TIME the 16th day of December, 2013
READ A SECOND TIME the 16th day of December, 2013,

WHEREAS A PUBLIC HEARING was held on the 23rd day of
January, 2014

APPROVED PURSUANT TO THE TRANSPORTATION ACT this 27th day of January,
2014.

Original signed _____
Ministry of Transportation and Infrastructure

READ A THIRD TIME the 3rd day of February, 2014

FINALLY PASSED AND ADOPTED the 3rd day of February, 2014

John Dooley _____
Mayor

Frances Long _____
Corporate Officer

CERTIFIED A TRUE AND CORRECT COPY OF
THE “**Corporation of the City of Nelson Zoning Bylaw No.
3199, 2013**”

Frances Long _____
Manager of Legislative and Administrative Services

SCHEDULE “A” – Regulations & Zones

1.0 GENERAL REGULATIONS

1.1 Use of Land, Building and Structures

1. General Operative Clauses

- a. No land, building or structure in any zone shall be used for any purpose other than that specified for the zone in which it is located in accordance with Schedule “B” - Zoning Map.
- b. 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 the prohibition in this Bylaw, the use of the land, building or structure or portion thereof may be continued as a non-conforming use subject to section 911 of the *Local Government Act*.
- c. Any lot which is shown on a plan duly filed in the Land Title Office, which has less than the minimum lot area or frontage required, may be developed for any of the uses permitted, provided that all other requirements applicable within the zone can be met.

2. Uses Permitted in All Zones

The following uses shall be permitted in all zones within this bylaw:

- a. Public parks
- b. Trails
- c. Playgrounds
- d. Community Gardens
- e. Child Care Facilities
- f. Electric Railway
- g. Public Utility

3. Prohibited Uses of Land, Buildings and Structures and Water

The following uses shall be prohibited in all zones, except as permitted in this Bylaw:

- a. A tent or recreation vehicle used for habitation.

4. Temporary Shelters and Buildings

- a. Temporary Shelters shall:
 - i. be located on the lot;
 - ii. meet the required setbacks of the zone; and
 - iii. not exceed one per lot.
- b. Temporary Buildings and Temporary Shelters used for construction-related purposes connected to an active Building Permit may be placed in all Zones, provided that:
 - i. the Temporary Building meets the requirements of the *British Columbia Building Code, the British Columbia Fire Code, and the Fire Regulation and Protection Bylaw No. 3241*;
 - ii. The Temporary Building and/or Temporary Shelter is located on the lot for which the Building Permit is issued;
 - iii. The Temporary Building and/or Temporary Shelter is removed within 30 days of completion of the permanent facility or 12 months after the Temporary Building and/or Temporary Shelter is erected or installed, whichever is the lesser period.
- c. Temporary Buildings may be placed in any Mixed-Use, Commercial, Industrial, Public and Institutional, and Comprehensive Development Zones provided that:
 - i. The use is permitted in the Zone;
 - ii. The Temporary Building meets the requirements of the *British Columbia Building Code, the British Columbia Fire Code and the Fire Regulation and Protection Bylaw No. 3241*.
 - iii. The Temporary Building meets the requirements of the zone;
 - iv. The use meets the parking requirements of the *Off-Street Parking and Landscape Bylaw No. 3274*;
 - v. The Temporary Building is removed within 30 days of completion of the permanent facility or 12 months after the Temporary Building is erected or installed, whichever is the lesser period; and
 - vi. The Temporary Building complies with Development Permit requirements, if applicable.

5. Storage

- a. Except for those zones that specifically permit a wrecking and salvage yard, no lot shall be used for the outdoor storage of a derelict vehicle.
- b. Except for those zones that specifically permit the following use, no lot shall be used for the storage, parking, or repair of vehicles in excess of 4,000 kilograms gross vehicle weight.
- c. Except as otherwise permitted, no lot shall be used for the storage,

parking, or repair of recreational vehicles.

- d. One recreational vehicle shall be permitted to be stored per lot, unless otherwise permitted by the zone.

6. Home Occupation Use

A Home Occupation Use shall be permitted in association with any Residential Use, unless otherwise stated, subject to the following conditions:

- a. The activities shall be conducted entirely within the principal building or accessory building except where such activity involves horticultural practices.
- b. The commercial use shall not involve the exterior storage of any materials used directly or indirectly in the processing or resulting from the processing or any product of such craft or occupation.
- c. The commercial use shall not involve the sale of any commodity or good not produced on the premises, except that telephone, electronic or mail order sales of goods shall be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.
- d. The commercial use within the principal dwelling unit shall occupy no more than 25% of the gross floor area of the principal building, and in no case shall a home occupation use exceed 50 sq. m. gross floor area. Gross floor area does not apply to unenclosed horticultural practices.
- e. The total display area of any outdoor advertising sign shall not exceed 0.14 sq. m. in area placed flat against a building on the premises.
- f. The commercial use or occupation shall be solely operated by residents in the Dwelling Unit and shall not involve the employment of more than 1 full-time equivalent or 2 part-time equivalent non-resident employees at the site of the principal Dwelling Unit.
- g. The commercial use or occupation shall not discharge or emit the following across lot lines:
 - i. odorous, toxic or noxious matter or vapours;
 - ii. heat, glare, electrical interference or radiation;
 - iii. recurring ground vibration;
 - iv. noise levels exceeding 45 decibels.

7. Accessory Buildings and Structures

- a. Buildings and structures containing an accessory use are permitted in each zone, unless otherwise specified in that zone, provided that:
 - i. the principal use is being carried out on the parcel, or

- ii. a building for the purpose of the principal use has been constructed on the parcel, or
 - iii. a building for the purpose of the principal use is in the process of being constructed on the parcel with an active Building Permit.
 - b. An accessory building or structure shall not contain a Dwelling Unit, except as provided for in this Bylaw.
 - c. An accessory building or structure must be completely detached from the principal building or structure.
 - d. Despite section 1.1.7.c. of Schedule “A”, a maximum of one side of an open carport shall be permitted to be attached to the principal building or structure provided that:
 - a. The open carport meets all other requirements for the zone.
 - e. An accessory building or structure must not exceed the lot coverage of the principal building.
 - f. Buildings and structures accessory to the uses permitted shall be permitted in each zone subject to all applicable requirements of that zone, such as setbacks, height, and lot coverage.
8. Secondary Suite

In any zone in which a Secondary Suite is permitted, the following conditions shall be satisfied:

- a. Compliance with the requirements of the *British Columbia Building Code*.

9. Detached Secondary Dwelling Unit

In any zone in which a Detached Secondary Dwelling Unit is permitted, the following conditions shall be satisfied:

- a. Except as otherwise permitted, a Detached Secondary Dwelling Unit shall not be permitted on a lot if the lot contains a single detached dwelling with a secondary suite or a duplex;
- b. A Detached Secondary Dwelling Unit shall have a minimum gross floor area of 30 sq. m. and a maximum gross floor area of 65 sq. m.;
- c. A Detached Secondary Dwelling Unit shall have a maximum building footprint or lot coverage of 55 sq. m.;

- d. A Detached Secondary Dwelling Unit shall satisfy all the requirements of the *British Columbia Building Code* and other associated bylaws and regulations;
- e. A Detached Secondary Dwelling Unit shall be sited on a permanent foundation.
- f. A Detached Secondary Dwelling Unit shall not be permitted to be strata titled.
- g. A Detached Secondary Dwelling Unit shall not include a Secondary Suite.

10. Bed and Breakfast

In any zone in which a Bed and Breakfast is permitted, the following conditions shall be satisfied:

- a. The principal use of the Single Detached Residential building which may have guest rooms used for bed and breakfast accommodation shall remain a single detached residential use, where the permanent residents or operators of the bed and breakfast reside;
- b. That residents shall alone be engaged in the operation of the bed and breakfast accommodation to work on the premises, but the operator may hire employees to work on the premises; and
- c. Not more than 2 guest rooms in the Dwelling Unit shall be used for bed and breakfast accommodation, except as provided for in the R6, Bed and Breakfast Zone.

11. Live/Work Units

In any zone in which a Live/Work unit is permitted, the following conditions shall be satisfied:

- a. No more than 50% of the gross floor area is used for the dwelling unit.
- b. Each dwelling unit and each work unit has an independent entrance into the unit.

1.2 Regulation of Size, Shape and Siting of Buildings and Structures

1. Size, Shape and Siting of Buildings & Structures

- a. The interior lot line setbacks of this Bylaw shall not apply to building Strata Lots under a registered plan pursuant to the *Strata Property Act* where there is a common wall shared by 2 or more Dwelling Units within a building.
- b. Where the use and density of a building or structure conform to this Bylaw but the size, shape or dimensions, or siting of a building or structure or portions thereof does not conform with this Bylaw, and was lawfully constructed prior to the enactment of the prohibition in this Bylaw, the building or structure or portions thereof may be repaired, extended or altered subject to section 911 of the *Local Government Act* and the *British Columbia Building Code*, as amended from time to time provided that:
 - i. The building or structure does not encroach on public property or public right of way;
 - ii. The repair, extension or alteration would when completed involve no further contravention of the Bylaw than that existing at the time the repair, extension or alteration was started except where the repair, extension or alteration is permitted or authorized through a Council approved variance.

2. Height Requirements

- a. A chimney, flagpole, receiving antenna, church spires, belfries, elevator shafts and stair lofts or similar object not used for human occupancy is not subject to the height limitations of this bylaw, provided that such structures do not occupy more than 10% of the roof area of a building unless specifically stated within the applicable zone. These exceptions do not apply in instances where the heights interfere with Transport Canada approach slopes in the vicinity of an airport.
- b. In no case, shall the height of a building or structure exceed the Ministry of Transportation flight path regulations.

3. Exceptions to Siting Requirements

- a. Where chimneys, chimney chases, cornices, headers, gutters, pilasters, sills, eaves, steps, projecting roofline, or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this Bylaw may be reduced by not more than

0.6 m. providing such reduction shall only apply to the projecting feature, and in no case shall any part of a structure or building be sited closer than 0.9 m. from the property line.

- b. Despite subsection 1.2.3.(a) of Schedule “A” where uncovered steps are less than 0.6 m. above finished grade, they shall not be subject to the siting requirements of this Bylaw.
- c. An underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend 0.6 metres above the average finished ground elevation.
- d. Free-standing lighting poles, warning devices, antennas (including satellite dishes), masts, solar collectors, utility poles, wires and flag poles, except as otherwise limited in other by-laws, may be sited on any portion of a lot.
- e. Fire escapes for emergency exiting, only when required by the *British Columbia Building Code* or *British Columbia Fire Code*, may be sited on any portion of a lot.

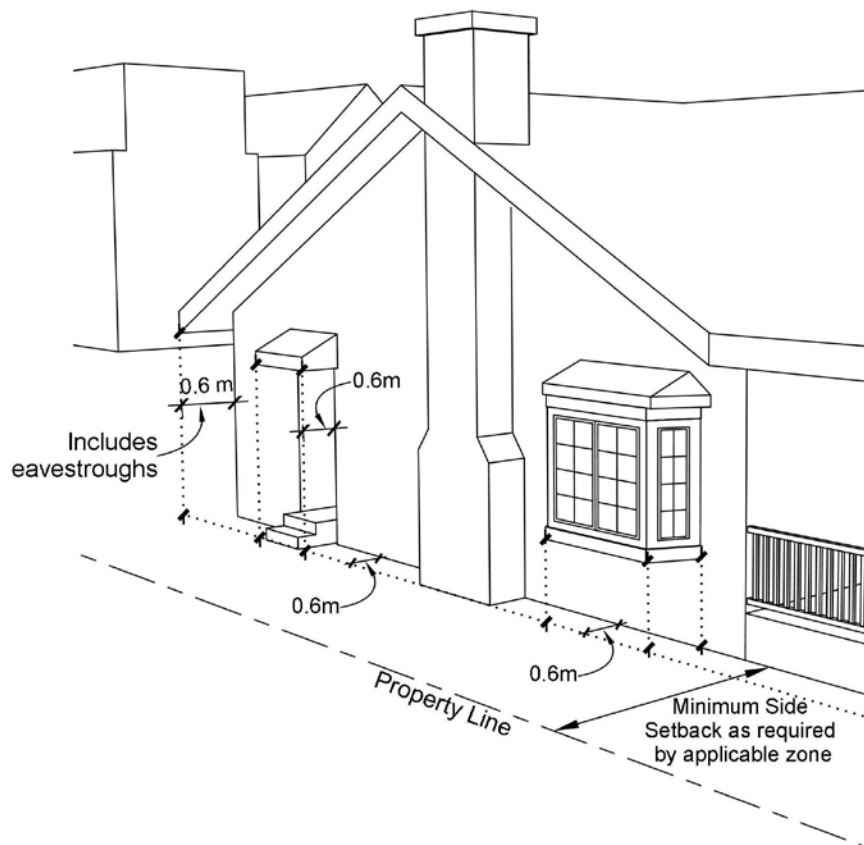


Diagram: Exceptions to Siting Requirements

4. Amenity Areas

The minimum amenity areas for multi-unit residential developments and mixed use development shall be provided as follows per dwelling unit:

- | | |
|-------------------------------|-----------------------------|
| a. bachelor unit | 10 sq. m. per dwelling unit |
| b. one bedroom unit | 15 sq. m. per dwelling unit |
| c. two bedroom unit | 20 sq. m. per dwelling unit |
| d. three bedroom unit or over | 30 sq. m. per dwelling unit |

5. Setbacks from Watercourses

The *City of Nelson Official Community Plan (OCP) Bylaw No. 2347, 2013*, establishes Development Permit Areas and Development Permit guidelines in which best management requirements are provided for the site design, construction and post-construction of Buildings and Structures in relation to all riparian areas, streams, ravines and other ecologically sensitive areas. Such requirements will take precedence over any Setback or other requirements contained in this Bylaw for Principal and Accessory Buildings and Structures.

6. Obstruction of Vision

On a corner parcel in any zone, except as otherwise permitted by the zoning setbacks, there shall be no obstruction to the line of vision between the heights of 1 m. and 3 m. above the established grade of a street within the sight triangle, being a triangular area formed by extending a 6 m. boundary along the parcel lines from the point of the exterior corner intersection of the parcel lines and a line connecting these two points as illustrated below:

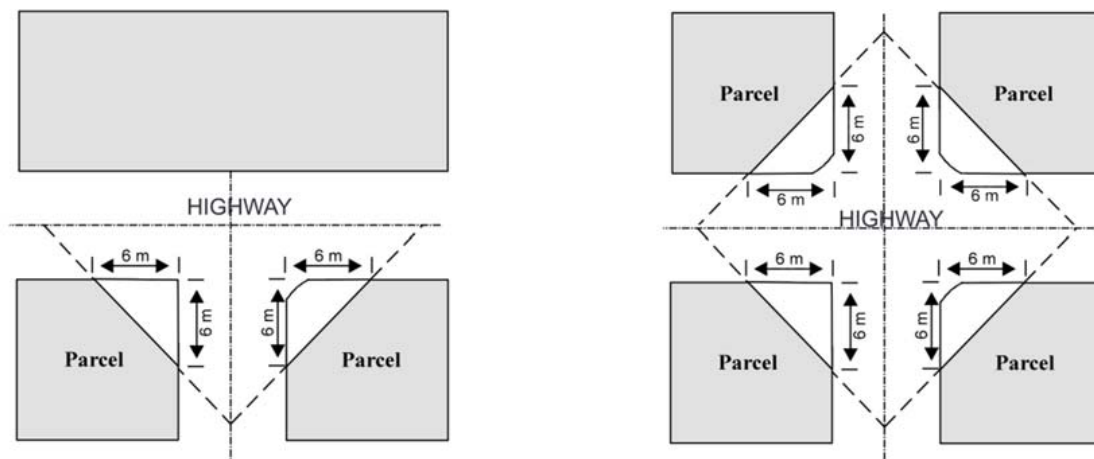


Diagram: Obstruction of Vision

7. Lighting

- a. Any outdoor lighting for any multi-unit residential, commercial, mixed-use, or industrial development on a lot shall be located, arranged and shielded so that no direct rays of light are oriented upwards, shine beyond the boundaries of the lot or interfere with the effectiveness of any traffic control device.
- b. Areas with public access shall be lit in keeping with the principles of crime prevention through environmental design (CPTED) and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings, streets, parking areas and walkways.
- c. Lighting regulations do not apply to decorative lights used on a seasonal basis.

8. Fences

- a. In any residential zone and the C1 Zone, no fence or projecting retaining wall shall:
 - i. exceed 1 m. in height between the front lot line and the principal building face;
 - ii. exceed 2 m. in height between the rear lot line and the principal building face when adjacent to an interior side lot line;
 - iii. exceed 1 m in height between the front lot line and the back of principal building when adjacent to an exterior side lot line;.
 - iv. exceed the permitted fence heights within the required setbacks.

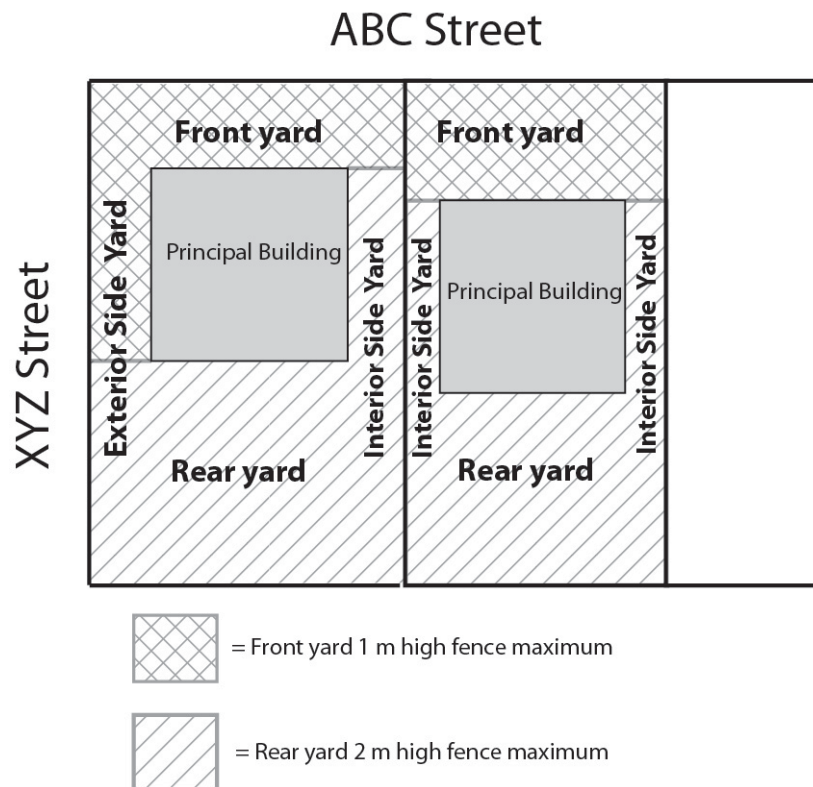


Diagram: Section 1.2.8.a
Fence Height

- b. In any Commercial zone (except C1 Zone), Mixed Use, Industrial Zone, no fence or projecting retaining wall shall exceed 3 m. in height.
9. Waste and Recycling Facilities (**amended by Bylaw No. 3319, 2015**)
- a. On any lot with commercial, public and institutional, industrial, or multi-unit residential uses, or a combination thereof:
 - i. A minimum of one common area for the collection of recycled materials and waste shall be provided and maintained for the use of the occupants;
 - ii. Waste, recycling, and compost facilities shall comply with the *City of Nelson Waste Management and Wildlife Attractant Bylaw* as amended from time to time; and
 - iii. Waste and recycling facilities, including dumpsters and recycling and refuse containers shall not be located within the front yard. The front yard extends from side lot line to side lot line and is the space between the front lot line and the foundation wall of the principle building.
 - iv. Waste and recycling facilities, including dumpsters and

recycling and refuse containers shall be located a minimum of 3m from any side lot line adjoining a lot zoned for residential use. In the R3 – Downtown Residential Zone, facilities shall be located a minimum of 1.0m from any side lot line adjoining a lot zoned for residential use.

- v. For multi-unit residential developments, waste and recycling facilities shall have an area large enough to accommodate two twenty gallon recycling and refuse containers cans per residential unit.
 - vi. Waste and recycling facilities, including dumpsters and recycling and refuse containers shall be screened from view from any street, and from adjacent sites in a residential zone by fences, berms, landscape materials or a combination of these to the satisfaction of the Manager of Development Services and Sustainability; and
 - vii. Screening for all waste and recycling facilities shall be equivalent in height to the waste, recycling, or compost container.
- b. Despite 1.9 (v), on any lot with multi-unit residential use where there are ten or more residential units, or industrial, commercial or public and institutional uses:
- i. The total minimum size for a waste and recycling facility shall be 11 sq. m. with a minimum clearance above any dumpster, or recycling or refuse container of 4.0m.

10. Dwelling Unit Size

- a. The minimum width or depth of a dwelling unit shall be not less than 4.5 m.
- b. The minimum gross floor area of a dwelling unit shall be 30 sq.m.

11. Off-Street Parking, Loading, and Landscaping

Unless otherwise stated, all lots and occupancies, shall comply with the Off-street parking and loading and landscaping requirements set out in the *Off-Street Parking and Landscape Bylaw No. 3274*.

2.0 SUBDIVISION OF LAND

2.1. Regulation of Subdivision

The purpose is to regulate the minimum dimensions and area of land which may be created by subdivision.

2.2. Minimum Lot Size and Shape

1. Except as otherwise permitted, the lot size to be created by subdivision and which may lawfully be used as the site for a building shall not be less than the minimum dimensions and area for the construction of buildings or dwellings, as set out in the minimum lot size statement in the applicable zone, where such minimum lot size have been specified.
2. Unless the pattern of existing subdivision precludes it, and unless it is impracticable, side lot lines shall be perpendicular or radial to the adjoining street.
3. The access strip of a panhandle lot shall not be considered part of a lot for the purpose of calculating lot size.
4. No panhandle lot shall be created:
 - a. where the access strip is narrower than 18.0 metres, as determined by the Approving Officer, if subdivision of the lot is possible under the provisions of this Bylaw; or
 - b. where the access strip is narrower than 6.0 metres.
5. No newly created lot shall be bisected by a legally dedicated street.
6. Despite the provisions of this bylaw, the Approving Officer may approve a subdivision of lots with a lot area smaller than required in the R1, Low Density Residential Zone provided that:
 - a. Proposed lots may be reduced to 80% of the lot area otherwise permitted;
 - b. The number of lots created is not greater than the number of conventional lots that could have been developed in compliance with the minimum lot area and lot width required, and all requirements of the Subdivision and Development Servicing Bylaw are met; and
 - c. A Section 219 covenant in favour of the City of Nelson is registered against all lots in the subdivision prohibiting further subdivision of the land.
7. Despite the provisions of this bylaw, the Approving Officer may approve a bare

land subdivision of lots with a lot area smaller than required provided that:

- d. The number of lots created is not greater than the number of conventional lots that could have been developed in compliance with the minimum lot area and lot width required, and all requirements of the Subdivision and Development Servicing Bylaw are met; and.
- e. A Section 219 covenant in favour of the City of Nelson is registered against all lots in the subdivision prohibiting further subdivision of the land.

2.3. Lots exempt from Minimum Lot Dimension Requirements

1. The consolidation or adjustment of lot lines to create two or more lots into a single lot may be permitted at the discretion of the Approving Officer, even though the consolidated lot may not comply with the minimum lot size requirement as specified in the zone in which the new parcel is situated.
2. Where three (3) or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot area required by this bylaw, the lots may be consolidated or adjusted to create fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.
3. Where it is not possible to create a lot that has the minimum lot area required for a zone, the minimum lot area requirement may be reduced where the proposed subdivision involves any one of the following and meets all other requirements outlined in legislation:
 - a. a boundary adjustment that does not create, or make it possible to create, additional lots to those that exist at the time of application;
 - b. a lot that, at the time of adoption of this bylaw, is divided by a street and where the boundaries of the street will be the boundaries of the proposed lots;
 - c. a lot where two (2) or more single-detached dwelling, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw; or
 - d. a lot divided by a zone boundary.
4. Where a dwelling has been constructed across a legal property line prior to the adoption of this Bylaw, lot lines may be adjusted in order to legitimize buildings as long as no lot created results in a lot area that is less than currently exists.
5. There shall be no minimum lot area or lot width for lots dedicated for trails, parks, playgrounds, community gardens and unattended public utility buildings and

structures.

6. Lots that are shown on a plan duly filed in the Land Title Office, which have less than the minimum lot area required in this bylaw may be used for any permitted use in the zone where the lot is located provided that the use meets all other requirements of this bylaw.

2.4. Bare Land Strata Subdivision

Any lot created under a Bare Land Strata Plan pursuant to the *Strata Property Act* shall be subject to the requirements of this Bylaw.

3.0 ESTABLISHMENT OF ZONES

3.1. Establishment of Zones

For the purpose of this Bylaw, the whole of the area within the boundaries of the municipality of the City of Nelson is divided into the following zones:

Table 3.1 – Zone Description

Zone Name	Short Term Abbreviation
Residential	
R1, Low Density Residential Zone	R1
R2, Medium Density Residential Zone	R2
R3, Downtown Residential Zone	R3
R4, High Density Residential Zone	R4
R5, Manufactured Home Park Zone	R5
R6, Bed and Breakfast Zone	R6
Mixed-Use	
MU1, Waterfront Tourist Commercial Zone	MU1
MU2, Waterfront Mixed-Use – Residential and Commercial Zone	MU2
MU3, Railtown Mixed-Use - Residential and Commercial Zone	MU3
MU4, Waterfront Mixed-Use – Industrial and Commercial Zone	MU4
MU5, Mixed Commercial and Residential Zone	MU5
Commercial	
C1, Core Commercial Zone	C1
C2, Service Commercial Zone	C2
C3, Neighbourhood Commercial Zone	C3
Industrial	
M1, Industrial Zone	M1
M2, Transportation Industrial Zone	M2
Public & Institutional	
I1, Institutional Zone	I1
P1, Park, Open and Recreational Space Zone	P1
P2, Water Use Zone	P2
RZ1, Reserve Zone	RZ1
CD Zones	
CD 1 - Kutenai Landing Zone	CD1
CD 2	CD2

CD 3	CD3
CD 4	CD4
CD 5	CD5
CD 6	CD6
CD 7	CD7
CD 8	CD8
CD 9	CD9

3.2. Zone Boundaries

1. The extent of each zone is shown on Schedule “B” – Zoning Map, which is attached to and forms part of this Bylaw and which bears the words, "Schedule “B” – Zoning Map”, to the *City of Nelson Zoning Bylaw No. 3199, 2013*.
2. Where a zone boundary is designated as following a street, the centre line of the street, shall be the zone boundary.
3. Where a zone boundary is shown as approximately following the edge, shoreline, or high water mark of a river, lake, or other water body, it follows the natural boundary. In the event of change, it moves with the natural boundary.
4. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule “B” – Zoning Map, to the *City of Nelson Zoning Bylaw No. 3199, 2013*.

4.0 RESIDENTIAL ZONE REGULATIONS

4.1 R1, LOW DENSITY RESIDENTIAL ZONE

1. Purpose

The purpose is to provide a zone for single-detached dwellings, duplexes, secondary suites and detached secondary dwelling units.

2. Permitted Uses

1. The following uses of land, buildings and structures and no others shall be permitted in the R1, Low Density Residential Zone.
 - a. Bed and Breakfast (subject to section 1.1.10 of Schedule “A”)
 - b. Duplex Residential
 - c. Care Services (for no more than 8 persons)
 - d. Single-Detached Residential
 - e. Single-Detached Residential and
 - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”)
 - OR
 - ii. Detached Secondary Dwelling Unit (subject to Section 1.1.9 of Schedule “A”)
 - f. Transition House
 - g. Multi-Unit Residential containing a maximum of 3 dwelling units on lots with a minimum site area of 0.4 hectares

3. Density

- a. The maximum density on lots equal to or less than 276 sq.m. is one Single-Detached Residential Dwelling Unit.

4. Minimum Lot Area & Minimum Lot Width

- a. The minimum lot area shall be not less than 370 sq. m.
- b. The minimum strata lot area shall be not less than 370 sq.m. for a single-detached residential use or duplex residential use.
- c. The minimum lot width shall be 12 m.

5. Substandard Lot Areas

Despite section 4.1.4.a, where on two or more contiguous lots that are each less than 370 sq. m. in size a subdivision into equal or fewer lots may be accommodated as long as no new lot is smaller than any existing lot. In such cases, any existing single-detached dwelling shall meet setback requirements to newly created lot lines.

6. Dwelling Units per Lot

- a. Not more than 2 (two) dwelling units shall be permitted on one (1) lot,

except as otherwise permitted in section 4.1.2.g.

7. Lot Coverage

- a. Buildings and structures on lots with a lot area **equal to or greater** than 370 sq. m. shall not cover more than 35 percent of the lot.
- b. Buildings and structures on lots with a lot area **less** than 370 sq. m. shall not cover more than 40 percent of the lot.
- c. Despite section 4.1.7.a. buildings and structures on lots between 370 sq. m. and 422 sq. m. in area shall be permitted a maximum of 148 sq. m. in lot coverage.
- d. Despite section 4.1.7.a and 4.1.7.b, Care Services shall not cover more than 45 % of the lot area.

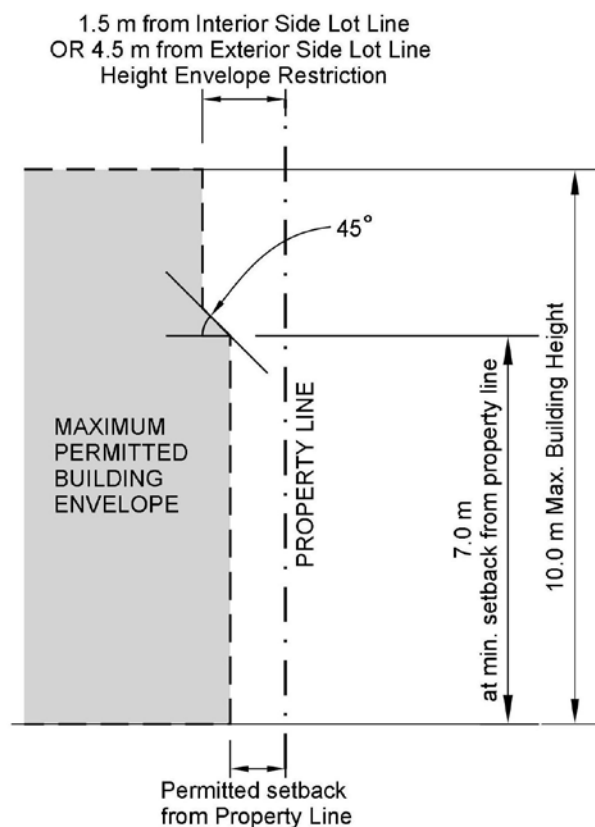
8. Minimum Setback and Height

Minimum Setback	Distance for lots with a front lot line greater than 9.2 m.	Distance for lots with a front lot line less than 9.2 m.
Front lot line	4.5 m	4.5 m
Open carport	1.5 m	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m	1.5 m
Rear lot line	4.5 m	4.5 m
Accessory Building and Detached Secondary Dwelling Unit	1.5 m	1.5 m
Exterior side lot line	1.5 m	1 m
Interior side lot line	1.5 m	1 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0.0 m	0.0 m
Maximum Height		
Principal Building	10 m	10 m
Accessory Building	4.5 m	4.5 m
Detached Secondary Dwelling Unit	5.0 m	5.0 m

9. Height Envelope

For that portion of a building that is located closer than 1.5 metres to the interior side lot line or 4.5 metres to the exterior side lot line to the property line, the height of a principal building shall not exceed the maximum dimensions formed by:

- Planes extending vertically above each side property line to a point 7.0 metres in height above average finished ground level, and
- Planes starting from 7.0 metres above average finished ground level at the property line then extending inward and upward at an angle of 45 degrees, and intersecting with,
- A plane parallel to and 10 metres above average finished ground level.



DRAWING NOT TO SCALE

Diagram: Height Envelope

4.2 R2, MEDIUM DENSITY RESIDENTIAL ZONE

1. Purpose

The purpose is to provide a zone for medium density, multi-unit residential developments in all residential neighbourhoods.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted in the R2, Medium Density Residential Zone

- a. Care Services
- b. Multi-Unit Residential
- c. Single-Detached Residential, subject to section 4.2.5.a.
- d. Duplex Residential, subject to section 4.2.5.a.
- e. Single-Detached, Residential and Duplex dwelling units that exist prior to the adoption of Bylaw 3199, 2013 shall be permitted to be extended, altered and maintained so that it remains a single-detached residential or duplex residential building in accordance with the requirements of the zone, the *Local Government Act*, and the *British Columbia Building Code*. This permission includes the ability to add a secondary suite, subject to section 1.1.8 of Schedule "A".

3. Permitted Uses – Site Specific

Permitted Use	Address	Legal Description
Multi-Unit Residential Maximum 3 dwelling units	501 Howe Street	Lot A, District Lot 304, Kootenay District Plan NEP81525
Multi-Unit Residential Maximum 3 dwelling units	1007 Gordon Street	Lot 2, District Lot 97, Kootenay District Plan 2902
Multi-Unit Residential Maximum 25 dwelling units	1106 Seventh Street	Strata Plan NES3707 (phases 1, 2, 3 and 4)
Single Attached Residential dwelling unit	1702 – 1720 Silverking Road	Lots 1 – 10, District Lot 304, Kootenay District Plan 8185
Single Attached Residential	302, 304, 306, 308, 310, 312, 314, 316	Lots 1-8, District Lot 304, Kootenay District Plan 8181

dwelling unit	Tower Road	
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4. Minimum Lot Area & Minimum Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. The minimum lot width shall be 30 m.

5. Density

- a. The minimum permitted density for residential uses shall be three (3) dwelling units per lot.
- b. The maximum permitted density for residential uses shall be 60 dwelling units per gross hectare of the lot.

6. Lot Coverage

Buildings and structures permitted in this zone shall not cover more than 45 percent of the lot area.

7. Minimum Setback & Maximum Height

Minimum Setback	Distance
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building	1.5 m
Exterior side lot line	4.5 m
Accessory Building	1.5 m
Interior side lot line	3.0 m
Accessory Building	1.5 m
Lots 1-8, District Lot 304, Kootenay District Plan 8181	0 m.
Lot 1 – 10, District Lot 304, Kootenay District Plan 8185	0 m.
Maximum Height	
Principal Building	12 m
Accessory Building	4.5 m

8. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9 of Schedule "A".
9. Amenity Areas shall comply with applicable requirements of section 1.2.4. of Schedule "A".

4.3 R3, DOWNTOWN RESIDENTIAL ZONE

1. Purpose

The purpose is to provide a zone for infill residential development near the City Centre.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

- a. Bed and Breakfast (subject to section 1.1.10. of Schedule "A")
- b. Care Services
- c. Duplex, Residential
- d. Duplex, Residential and
 - i. Detached Secondary Dwelling unit (subject to section 1.1.9 of Schedule "A")
- e. Multi-Unit, Residential
- f. Multi-Unit, Residential and
 - i. Detached Secondary Dwelling unit (subject to section 1.1.9 of Schedule "A")
- g. Single-Detached, Residential and
 - i. Secondary Suite Ready (subject to section 1.1.8 of Schedule "A")
- h. Single-Detached, Residential and
 - i. Secondary Suite (subject to section 1.1.8 of Schedule "A")
- i. Single-Detached, Residential and
 - i. Detached Secondary Dwelling unit (subject to section 1.1.9 of Schedule "A")
- j. Single-Detached, Residential and
 - i. Detached Secondary Dwelling unit (subject to section 1.1.9 of Schedule "A") and
 - ii. Secondary Suite
- k. Early Childhood Development Centre permitted at Parcel A (See XJ20563) Block 31, District Lot 95, Kootenay District Plan 9500 (804 Stanley Street) and Parcel A (See 111671) Lot 22, Lot 23, Lot 24, Block 30, District Lot 95, Kootenay District Plan 9500 (312 Silica Street)
- l. Single-Detached, Residential dwelling units that exist prior to the adoption of Bylaw 3199, 2013 shall be permitted to be extended, altered and maintained in accordance with the requirements of the zone, the *Local Government Act* and the *British Columbia Building Code*.

3. Minimum Lot Area & Minimum Lot Width

- a. The minimum lot area shall be not less than 278 sq. m.
- b. The minimum lot width shall be 7.6 m.

4. Density

- a. The maximum density on lots equal to or less than 278 sq. m is two

dwelling units.

5. Width of Building

- a. The maximum length of a Multi-Unit Residential building along a street shall be 30.0 m.

6. Lot Coverage

- a. Buildings and structures on lots with a lot area **greater than or equal to** 278 sq. m. shall not cover more than 40 percent of the lot area.
- b. Buildings and structures on lots with a lot area **less than** 278 sq. m. shall not cover more than 45 percent of the lot area.
- c. Despite section 4.3.6.a. buildings and structures on lots between 278 sq. m. and 312 sq. m. in lot area shall be permitted a maximum of 125 sq. m. in lot coverage.

7. Minimum Setback & Maximum Height

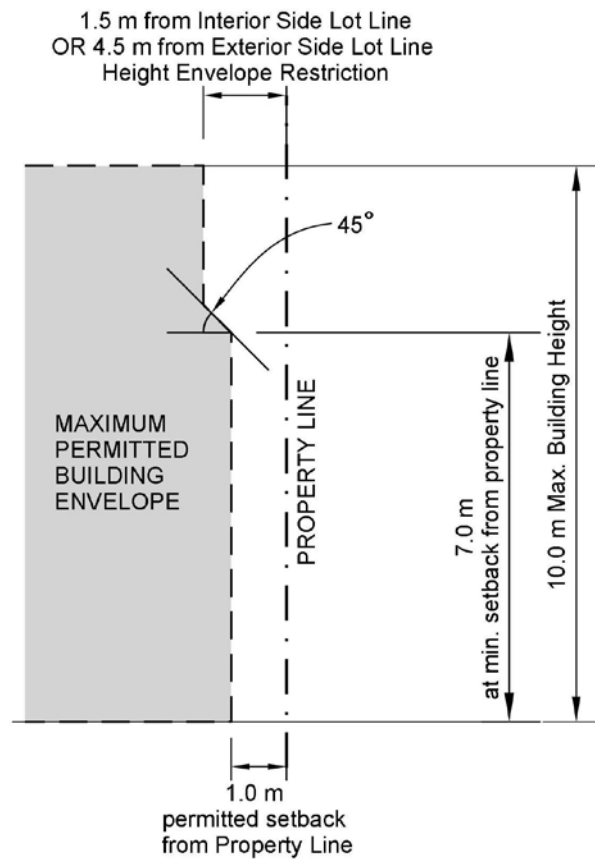
Minimum Setback	Distance
Front lot line	3.0 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	3.0 m
Accessory Building and Detached Secondary Dwelling Unit	1.0 m
Exterior side lot line	1.0 m
Interior side lot line	1.0 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0.0 m
Maximum Height	
Principal Building	10 m
Accessory Building	4.5 m
Detached Secondary Dwelling Unit	5.0 m

8. Height Envelope

For that portion of a building that is located closer than 1.5 metres to the interior side lot line or 4.5 metres to the exterior side lot line to the property

line, the height of a principal building shall not exceed the maximum dimensions formed by:

- a) Planes extending vertically above each side property line to a point 7.0 metres in height above average finished ground level, and
- b) Planes starting from 7.0 metres above average finished ground level at the property line then extending inward and upward at an angle of 45 degrees, and intersecting with,
- c) A plane parallel to and 10 metres above average finished ground level.



DRAWING NOT TO SCALE

Diagram: Height Envelope

9. Lots containing three (3) dwelling units or more shall comply with the applicable Landscaping requirements in the *Off-street Parking and Landscape Bylaw 3274, 2013*.
10. Lots containing three (3) dwelling units or more shall comply with the applicable

Waste and Recycling requirements in section 1.2.9 of Schedule “A”.

- 11.** Amenity Areas shall be required for all Multi-unit residential dwellings and shall comply with applicable requirements of section 1.2.4. of Schedule “A”.

4.4 R4, HIGH DENSITY RESIDENTIAL ZONE

1. Purpose

The purpose is to provide a zone for higher-density, multi-unit residential developments located in areas in or adjacent to the downtown core and waterfront and institutional uses such as colleges or hospitals.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

- a. Care Services
- b. Duplex Residential, subject to section 4.4.6.a
- c. Multi-Unit Residential
- d. Single-Detached Residential, subject to section 4.4.6.a.

3. Permitted Uses – Site Specific

Permitted Use	Address	Legal Description
Multi-Unit Residential Maximum 42 dwelling units	38 High Street Place	Strata Plan NES122
Multi-Unit Residential Maximum 5 dwelling units	402, 404, 406, 408, 410 Behnsen Street	Strata Plan NES118
Multi-Unit Residential Maximum 5 dwelling units	130 Chatham Street	Strata Plan NES143
Multi-Unit Residential Maximum 39 dwelling units	807 Radio Avenue	Strata Plan NES3179
Multi-Unit Residential Maximum 43 dwelling units	909 Radio Avenue	Strata Plan NES3550
Multi-Unit Residential or Care Services Maximum 90 dwelling units	1020 Seventh Street	Lot A, District Lot 97, Kootenay District Plan NEP86431

4. Minimum Lot Area & Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. The minimum lot width shall be 30 m.

5. Siting

Buildings and structures, in the case of a lot which may be further subdivided, shall be sited so as to facilitate the future subdivision of the lot or adjacent parcels of land.

6. Density

- a. The minimum permitted density for residential uses shall be three (3) dwelling units per lot.
- b. The maximum density shall be 160 dwelling units per gross hectare.
- c. The maximum density may be increased to 200 dwelling units per gross hectare if underground parking is provided for the required off-street parking.

7. Lot Coverage

Buildings or structures permitted in this zone shall not cover more than 45 percent of the lot area.

8. Minimum Setbacks and Maximum Height

Minimum Setback	Distance
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building	1.5 m
Exterior side lot line	4.5 m
Accessory Building	1.5 m
Interior side lot line	4.5 m
Accessory Building	1.5 m
Maximum Height	
Principal Building	13 m
Accessory Building	4.5 m

9. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".
10. Amenity Areas shall be developed requirements shall comply with applicable requirements of section 1.2.4. of Schedule "A".

4.5 R4A, MEDIUM-HIGH DENSITY RESIDENTIAL ZONE (Amended by Bylaw 3303, 2015)

1. Purpose

The purpose is to provide a zone for Alpine Lake Suites.

The regulations in this zone shall mirror the regulations found in the R2, Medium Density Residential Zone, except as noted in Sections 2 through 5 below.

2. Density

- a. The maximum density shall be 122 dwelling units per gross hectare.

3. Minimum Setbacks and Maximum Height

Minimum Setback	Distance
Exterior side lot line	4.28 m
Maximum Height	
Principal Building	13.6 m

4. Waste and recycling containers may be located in the front yard on Eighth Street.

5. A minimum of 47 parking stalls are required for Alpine Lake Suites.

6. Condition of Use

- a. If the property is redeveloped or if the building is rebuilt, all work must be carried out in accordance with the requirements outlined in a Section 219 covenant registered on the property titles.

4.6 R5, MANUFACTURED HOME PARK RESIDENTIAL ZONE

All development in the R5, Manufactured Home Park Residential Zone shall conform to the *City of Nelson Mobile Home Park Bylaw No. 1751*.

4.7 R6, BED AND BREAKFAST ZONE

1. Purpose

The purpose is to provide a zone to accommodate Bed and Breakfasts with up to six guest rooms.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

- a. Bed and Breakfast (subject to section 1.1.10 of Schedule “A”)
- b. Single-Detached Residential
- c. Single-Detached, Residential and
 - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”)
- d. Single-Detached, Residential and
 - i. Detached Secondary Dwelling unit (subject to Section 1.1.9. of Schedule “A”)

3. Guest Accommodation

- a. A maximum of 6 Guest Rooms are permitted on a lot.
- b. A Secondary Suite or a Detached Secondary Dwelling Unit may be used as Guest Suite. Where one Guest Suite exists in a Secondary Suite or Detached Secondary Dwelling Unit, a maximum of 5 Guest Rooms shall be permitted.

4. Minimum Lot Area & Lot Width

- a. The minimum lot area shall be not less than 370 sq. m.
- b. The minimum lot width shall be 12 m.

5. Lot Coverage

Buildings and structures permitted in this zone shall not cover more than 35 percent of the lot.

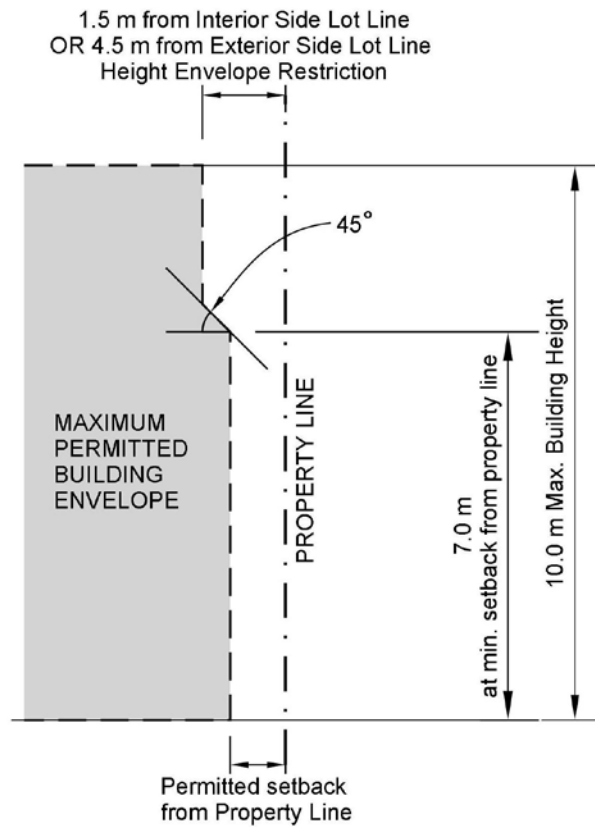
6. Minimum Setbacks and Maximum Height

Minimum Setback	
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building and Detached Secondary Dwelling Unit	1.5 m
Exterior side lot line	1.5 m
Interior side lot line	1.5 m
Maximum Height	
Principal Building	10 m
Accessory Building	4.5 m
Detached Secondary Dwelling Unit	5.0 m

7. Height Envelope

For that portion of a building that is located closer than 4.5 metres to the exterior side lot line to the property line, the height of a principal building shall not exceed the maximum dimensions formed by:

- d) Planes extending vertically above each side property line to a point 7.0 metres in height above average finished ground level, and
- e) Planes starting from 7.0 metres above average finished ground level at the property line then extending inward and upward at an angle of 45 degrees, and intersecting with,
- f) A plane parallel to and 10 metres above average finished ground level.



DRAWING NOT TO SCALE

Diagram: Height Envelope

5.0 MIXED USE ZONE REGULATIONS

5.1 MU1, WATERFRONT TOURIST COMMERCIAL ZONE

1. Purpose

The purpose is to provide a zone to accommodate tourist and commercial uses on the waterfront.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

- a. Tourist Accommodation
- b. Marina
- c. Market
- d. Mobile Food Vendor

3. Conditions of Use

- a. Accessory retail store uses permitted with the Tourist Accommodation use subject to a maximum gross floor area on a lot to 70 sq.m.
- b. No commercial uses shall involve the exterior, unenclosed storage of goods.

4. Minimum Lot Area and Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. The minimum lot width shall be not less than 30 m.
- c. In the case of a lot which may be further subdivided, buildings and structures shall be sited so as to facilitate the future subdivision of the lot or adjacent parcels of land.

5. Lot Coverage

Buildings and structures shall not cover more than 80 percent of the lot.

6. Setbacks and Height

Minimum Setback	
Front lot line	1.5 m
Rear lot line	1.5 m
Accessory Building	1.5 m
Exterior side lot line	1.5 m
Interior side lot line	0.0 m
Siting Exception	
In addition to section 1.2.3. of Schedule "A", awnings, canopies, and lighting may also project from the building face to a setback of 0.0m.	
Height	
Minimum Principal Building	10 m
Maximum Principal Building within 30 m of the high water mark of Kootenay Lake	10.5 m
Maximum Principal Building	14 m
Maximum Accessory Building	4.5 m

7. Waste and recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

5.2 MU2, WATERFRONT MIXED-USE – RESIDENTIAL & COMMERCIAL ZONE

1. Purpose

The purpose is to provide a zone to accommodate residential development and commercial uses on the waterfront.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

- a. Care Services
- b. Live/Work
- c. Health Services permitted adjacent to Hall Street only when located above retail.
- d. Multi-Unit Residential
- e. Neighbourhood Pub
- f. Professional and business office use permitted adjacent to Hall Street only when located above retail.
- g. Restaurants
- h. Shopping Centre permitted on Lot 1, District Lots 95, 3868 and 6004, Kootenay District Plan 12215, except parts included in Plan 16451 (PID:012-571-075)
- i. Shopping Centre permitted when located with a Multi-Unit Residential use on Lot 1, District Lots 95, 3868 and 6004, Kootenay District Plan 12215, except parts included in Plan 16451 (PID:012-571-075)
- j. Retail Store uses permitted adjacent to Hall Street, when located at-grade and limited in size to a maximum retail floor area of 400 sq. m. per business

3. Conditions of Use

- a. No commercial uses shall involve the exterior, unenclosed storage of goods.
- b. The work portion of Live/Work shall be any of the non-residential uses permitted in this zone, as well as the following uses:
 - i. Custom Indoor Manufacturing
 - ii. Professional and business office use

4. Minimum Lot Area and Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. In the case of a lot which may be further subdivided, buildings and structures shall be sited so as to facilitate the future subdivision of the lot or adjacent parcels of land.

5. Lot Coverage

- a. Buildings and structures with a mix of commercial and residential uses shall not cover more than 80 percent of the lot.
- b. Buildings and structures for multi-unit residential uses only shall not cover more than 50 percent of the lot.

6. Setbacks and Height

Minimum Setback	
Front lot line	1.5 m
Rear lot line	1.5 m
Accessory Building	1.5 m
Exterior side lot line	1.5 m
Interior side lot line	0.0 m
Siting Exception	
In addition to section 1.2.3. of Schedule "A", awnings, canopies, and lighting may also project from the building face to a setback of 0.0 m.	
Height	
Minimum Principal Building	10 m
Maximum Principal Building within 30 m of the high water mark of Kootenay Lake	10.5 m
Maximum Principal Building	14 m
Maximum Accessory Building	4.5 m

7. Combination of Uses

1. Except as otherwise required in this zone, where a lot is used for a combination of uses that includes residential, the non-residential use commercial use shall:
 - a. be located with direct access to the street.
2. Where a lot is used for a combination of uses that includes residential, the residential use shall:
 - a. be contained in the same building as the other use(s); and
 - b. be located over or behind the other non-residential use.

8. Waste and recycling requirements shall comply with applicable requirements of section 1.2.9 of Schedule "A".

9. Amenity Areas shall comply with applicable requirements of section 1.2.4 of Schedule "A".

5.3 MU3, RAILTOWN MIXED-USE – RESIDENTIAL & COMMERCIAL ZONE

1. Purpose

The purpose is to provide a zone to accommodate residential development with commercial uses, and limited stand alone commercial activity in the Railtown neighbourhood.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

The following commercial uses shall only be permitted when combined with residential dwelling units:

- a. Building Supply
- b. Contractor Services, Limited
- c. Custom Indoor Manufacturing at grade and limited in size to a maximum gross floor area of 500 sq. m. per business.
- d. Live/Work (subject to section 1.1.11 of Schedule “A”)
- e. Market
- f. Mechanical Repair and Service
- g. Micro-Brewery
- h. Neighbourhood Pub
- i. Participant Recreation Services, Indoor
- j. Personal Service Establishment
- k. Residential uses permitted when combined with a non-residential use.
- l. Retail Store
- m. Restaurants
- n. Veterinary Clinic

3. Conditions of Use

- 1. The non-residential use shall be located with direct access to the street.
- 2. Where a lot is used for a combination of uses that includes residential, the residential use shall:
 - a. be contained in the same building as the other use(s); and
 - b. be located over or behind the other non-residential use.
- 3. The work portion of Live/Work shall be any of the non-residential uses permitted, as well as the following uses:

- a. Professional and business office use
 - b. Health services
4. Commercial storage permitted when accessory to a permitted use. Accessory commercial storage use cannot occupy more than 50% of the gross floor area of the building, and shall not be located to have direct street frontage.

4. Minimum Lot Area and Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. The minimum lot width shall be not less than 30 m.
- c. In the case of a lot which may be further subdivided, buildings and structures shall be sited so as to facilitate the future subdivision of the lot or adjacent parcels of land.

5. Lot Coverage

Buildings and structures shall not cover more than 80 percent of the lot.

6. Setbacks and Height

Minimum Setback	
Front lot line	1.5 m
Rear lot line	1.5 m
Accessory Building	1.5 m
Exterior side lot line	1.5 m
Interior side lot line	0.0 m
Siting Exception	
In addition to section 1.2.3. of Schedule "A", awnings, canopies, and lighting may also project from the building face to a setback of 0.0m.	
Height	
Minimum Principal Building	8 m
Maximum Principal Building	20 m
Maximum Accessory Building	4.5 m

7. Waste and recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".
8. Amenity Areas shall comply with applicable requirements of section 1.2.4. of Schedule "A".

5.4 MU4, WATERFRONT MIXED-USE – INDUSTRIAL & COMMERCIAL ZONE

1. Purpose

The purpose is to provide a zone to accommodate industrial, commercial and limited accessory residential development within a portion of lands adjacent to the waterfront.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

1.
 - a. Animal Daycare
 - b. Broadcasting Studios
 - c. Building Supply
 - d. Car Wash
 - e. Commercial School
 - f. Commercial Storage
 - g. Retail Warehouse
 - h. Contractor Services General
 - i. Contractor Services, Limited
 - j. Custom Indoor Manufacturing
 - k. Industry, light
 - l. Live/Work (subject to section 1.1.11 of Schedule “A”)
 - m. Mechanical Repair, Service and Sales
 - n. Mobile Food Vendor
 - o. Mobile Retail Vendor
 - p. Neighbourhood Pub
 - q. Off-Street Parking and Structures
 - r. Participant Recreation Services, Indoor
 - s. Printing and Publishing Establishment
 - t. Regional Commercial
 - u. Veterinary Clinic
 - v. Warehouse
2. One dwelling unit in conjunction with each permitted use in section 5.4.2.1 of Schedule “A” shall be permitted.

3. Conditions of Use

1. The work portion of Live/Work shall be any of the non-residential uses permitted.

4. Minimum Lot Area

- a. The minimum lot area shall be not less than 1,000 sq. m.

- b. The minimum lot width shall be not less than 30 m.

5. Lot Coverage

Buildings and structures shall not cover more than 80 percent of the lot area.

6. Minimum Setbacks and Maximum Height

Minimum Setback	
Front lot line	0 m
Rear lot line	0 m
Exterior side lot line	0 m
Interior side lot line	0 m
Maximum Height	
Principal Building	As specified in the Downtown and Waterfront Design Guidelines found within the Official Community Plan Bylaw No. 3247, 2013
Accessory Building	4.5 m

7. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

5.5 MU5, MIXED COMMERCIAL & RESIDENTIAL ZONE

1. Purpose

The purpose is to provide a zone to accommodate a mixture of commercial and residential uses in areas of the City outside of the downtown core and waterfront neighbourhoods.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

1.
 - a. Animal Daycare
 - b. Care Services
 - c. Custom Indoor Manufacturing
 - d. Health Services
 - e. Live/Work
 - f. Participant Recreation Services, Indoor
 - g. Personal Service Establishment
 - h. Professional and Business Offices
 - i. Restaurant
 - j. Retail Store
 - k. Veterinary Clinic
2. Residential dwelling units shall be permitted when combined with any of the uses permitted in section 5.5.2.1. of Schedule "A".

3. Conditions of Use

- a. Commercial uses shall front the street.
- b. Residential dwelling unit(s) combined with a use permitted in subsection 5.5.2.1. of Schedule "A" shall:
 - i. be contained in the same building, and
 - ii. have a separate entrance from the outside.
- c. In buildings that include multi-unit residential, no signage or advertising shall be located above the first storey of a building.
- d. All non-residential uses shall be limited in size to a gross floor area of 150 sq.m. per business, with the exception that 2 businesses per lot shall be permitted to be a maximum of 250 sq.m. gross floor area.
- e. Professional and Business Office and Health Services uses are limited to a maximum of 20% of the gross floor area of any building(s).
- f. No commercial uses shall involve the exterior, unenclosed storage of goods.

- g. The work portion of Live/Work shall be any of the non-residential uses permitted in this zone.

4. Minimum Lot Area & Lot Width

- a. The minimum lot size is 1,000 sq. m.
- b. The minimum lot width is 30 m.

5. Lot Coverage

Buildings and structures shall not cover more than 60 percent of the lot area.

6. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line	0 m
Rear lot line	4.5 m
Accessory Buildings	1.5 m
Exterior side lot line	4.5 m
Interior side lot line	0 m
If lot is adjacent to a lot with Residential zoning, the interior lot line adjacent to the lot with residential zoning	1.5 m
If lot is not served by a constructed rear lane, one interior side setback shall be:	3.0 m
Maximum Height	
Principal Building	10 m
Accessory Building	4.5 m

7. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".
8. Amenity Areas shall comply with applicable requirements of section 1.2.4. of Schedule "A".

5.6 MU5 – Medical (Amended by Bylaw No. 3295, 2015)

1. Purpose

The purpose is to provide a prescriptive zone to accommodate health care and commercial uses on lands across from the Kootenay Lake Hospital on View Street.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted:

- a. Health Services
- b. Restaurant

3. Conditions of Use

- a. Commercial uses shall front the street.
- b. No commercial uses shall involve the exterior, unenclosed storage of goods.
- c. The restaurant use is restricted to a maximum gross floor area of 50 sq. metres.
- d. The “Health Services” accessory use is limited to dispensing and accessory retail sales of prescriptions and medications, and other types of health services goods and equipment and is restricted to a maximum gross floor area of 75 sq. metres.
- e. Landscaping shall comply with the *Off-Street Parking and Landscape Bylaw* and the Development Permit requirements in the *Official Community Plan*.
- f. The building and landscape design shall minimize the visual impact of the building and site within the surrounding residential context.
- g. The landscape design shall ensure that the site contributes positively to the use, enjoyment, safety, and aesthetics of neighbouring properties by addressing issues related to privacy, noise abatement, and visual impact.
- h. A landscape plan, prepared by a registered Landscape Architect, or a professional certified in landscape design shall consider the following:

- i. Landscaping shall be incorporated into the following areas: along all property boundaries and to the edge of roadways; between buildings and parking areas; along on-site access roads; along the sides of buildings; around loading areas, as well as mechanical equipment and garbage/recycling areas; and in all open spaces not required for parking roads or walkways.
- ii. Vegetative screening is required on all sides of the property where there is an adjacent residential zone. Screening shall be:
 - i. A minimum of 1.5 m on the east interior lot line for the first 20 m;
 - ii. A minimum of 3.0 m on the remainder of the east interior lot line and along the entire length of the west interior lot line; and
 - iii. Continuous along the affected property boundaries, interrupted only by walkways and driveways providing access to the property.
- i. An opaque fence (not chain-link) may be installed on the east and west interior property lines to protect the privacy, use and enjoyment of adjoining residences. The final height and design of the fence shall be determined by the Manager of Development Services.
- j. Heating, ventilation, and air conditioning (HVAC) systems shall be contained largely within the building.
- k. The building design, including all mechanical systems will be designed to minimize the following:
 - i. Odorous, toxic, or noxious matter or vapours;
 - ii. Heat, glare, electrical interference, or radiation;
 - iii. Recurring ground vibration;
 - iv. Noise levels exceeding 45 decibels

4. Minimum Lot Area

- c. The minimum lot size is 3659 sq. m
- d. The maximum lot size is 3659 sq. m

5. Lot Coverage

The building shall cover not more than 40 percent of the lot area.

6. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line	0 m
Rear lot line	4.5 m
Interior side lot line (the interior side yard shall be used for landscaping only)	3.0 m
Maximum Height	
Principal Building	10 m

7. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

6.0 COMMERCIAL ZONE REGULATIONS

6.1 C1, CORE COMMERCIAL ZONE

1. Purpose

The purpose is to designate and preserve land for the orderly development of the financial, retail and entertainment, governmental and cultural core of Downtown.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted to the C1, Core Commercial Zone:

1.
 - a. Art Gallery and Museum
 - b. Animal Daycare
 - c. Broadcasting Studios
 - d. Car Wash
 - e. Care Services
 - f. Commercial School
 - g. Custom Indoor Manufacturing
 - h. Early Childhood Development Centre
 - i. Entertainment Facility
 - j. Funeral Home
 - k. Health Services
 - l. Liquor Primary Establishment
 - m. Mechanical Repair and Service
 - n. Micro-Brewery
 - o. Mobile Food Vendor
 - p. Mobile Retail Vendor
 - q. Neighbourhood Pub
 - r. Off-Street Parking
 - s. Participant Recreation Services, indoor
 - t. Personal Service Establishment
 - u. Printing and Publishing Establishment
 - v. Professional and Business Offices
 - w. Public Administration
 - x. Public Assembly
 - y. Market
 - z. Restaurant
 - aa. Retail Store
 - bb. Social Services Centre
 - cc. Tourist Accommodation
 - dd. Veterinary Clinic
2. Residential dwelling units shall only be permitted when combined with one or more of the uses in section 6.1.2.1. of Schedule "A".

3. Conditions of Use

- a. Animal Daycare use must be within an enclosed building.
- b. Commercial storage permitted when accessory to a permitted use. Accessory commercial storage use cannot occupy more than 50% of the gross floor area of the building, and shall not be located to have direct street frontage.
- c. Exterior, unenclosed storage or goods or materials is not permitted.
- d. Car Wash use must be completely enclosed within a building.

4. Combination of Uses that Includes a Residential use

- a. Residential dwelling unit(s) shall:
 - i. be contained in the same building, and
 - ii. be located above or to the rear of the non-residential use; and
- b. A minimum of 50% of the gross floor area at street level shall be used for non-residential uses.

5. Residential Dwelling Units

Any lot that has been developed as a single-detached residential dwelling prior to August 1987 is permitted to be repaired, extended or altered so that it remains a residential building. This permission includes the ability to add a secondary suite.

6. Minimum Lot Area and Minimum Lot Width

- a. The minimum lot area shall be not less than 278 sq. m.
- b. The minimum lot width shall not be less than 7.6 m.

7. Lot Coverage

Buildings and structures shall not cover more than 90 percent of the lot area.

8. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line	0 m
Rear lot line	0 m
If lot is not served by a constructed rear lane	1.5 m
Exterior side lot line	0 m
Interior side lot line	0 m
If lot is not served by a constructed rear lane	3.0 m
If lot is adjacent to a lot with Residential zoning.	3.0 m
Maximum Height	
Principal Building	16 m
Accessory Building	4.5 m

9. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".
10. Amenity Areas for Multi-Unit Residential dwelling units shall comply with applicable requirements of section 1.2.4. of Schedule "A".

6.2 C2, SERVICE COMMERCIAL ZONE

1. Purpose

The purpose is to provide a zone to permit commercial uses adjacent to major arterial streets which cater to the day-to-day needs of commuters and residents of adjacent neighbourhoods.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted in the C2, Service Commercial Zone:

1.
 - a. Animal Daycare
 - b. Car Wash
 - c. Contractor Services, Limited
 - d. Funeral Home
 - e. Tourist Accommodation
 - f. Mechanical Repair, Service and Sales
 - g. Mobile Food Vendor
 - h. Mobile Retail Vendor
 - i. Neighbourhood pub
 - j. Participant Recreation Services, Indoor
 - k. Personal Service Establishment
 - l. Restaurant
 - m. Retail Store
 - n. Service Station
 - o. Veterinary Clinic
2. One (1) dwelling unit shall be permitted in the same building as a non-residential use.

3. Minimum Lot Area & Minimum Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. The minimum lot width shall be not less than one-tenth of the perimeter of the lot.

4. Lot Coverage

Buildings and structures shall not cover more than 60 percent of the lot area.

5. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line	4.5 m
Rear lot line	0 m
If lot is not served by a constructed rear lane	1.5 m
Exterior side lot line	4.5 m
Interior side lot line	0 m
If lot is not served by a constructed rear lane	1.5 m
If lot is adjacent to a lot with Residential zoning, and building is one storey in height	3.0 m
If lot is adjacent to a lot with Residential zoning, and building is two or more storeys in height	4.5 m
Maximum Height	
Principal Building	10 m
Accessory Building	4.5 m

- a. Despite any other provisions, Gasoline service station pumps or pump islands shall be located and sited in accordance with the *Fire Services Act* and *BC Fire Code*.
6. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

6.3 C3, NEIGHBOURHOOD COMMERCIAL ZONE

1. Purpose

The purpose is to provide a zone for the range of services needed on a day to day basis by residents within their neighbourhoods.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted in the C3, Neighbourhood Commercial Zone:

1.
 - a. Commercial School
 - b. Personal Service Establishment
 - c. Retail Store
2. One (1) dwelling unit shall be permitted in the same building as a non-residential use.

3. Minimum Lot Area & Minimum Lot Width

- a. The minimum lot area shall be not less than 463 sq. m.
- b. The minimum lot width shall be not less than 15 m.

4. Maximum Commercial Floor Area

The maximum commercial floor area within all buildings on the lot shall be 93 sq. m.

5. Lot Coverage

Buildings and structures shall not cover more than 60 percent of the lot area.

6. Minimum Setbacks and Maximum Height

Minimum Setback	
Front lot line	4.5 m
Rear lot line	4.5 m
Accessory Building	1.5 m
Exterior side lot line	4.5 m
Interior side lot line	1.5 m
Maximum Height	
Principal Building	10 m
Accessory Building	4.5 m

7. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

7.0 INDUSTRIAL ZONE REGULATIONS

7.1 M1, INDUSTRIAL ZONE

1. Purpose

The purpose is to provide for general light industrial uses.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted in the M1, Industrial Zone:

1.
 - a. Animal Daycare
 - b. Car Wash
 - c. Commercial School
 - d. Contractor Services, General
 - e. Contractor Services, Limited
 - f. Funeral Home
 - g. Mechanical Repair, Service and Sales
 - h. Industry, light
 - i. Off-Street Parking Lots and Structures
 - j. Printing and Publishing Establishment
 - k. Commercial Storage
 - l. Restaurant
 - m. Veterinary Clinic
 - n. Warehouse
 2. One (1) dwelling unit shall be permitted in the same building as a non-residential use.
- #### **3. Minimum Lot Area**
- a. The minimum lot area shall be not less than 1,000 sq. m.
 - b. The minimum lot width shall be not less than one-tenth of the perimeter of the lot.

4. Lot Coverage

Buildings and structures shall not cover more than 70 percent of the lot area.

5. Minimum Setbacks and Maximum Height

Minimum Setback	
Front lot line	7.5 m
Rear lot line	4.5 m
If lot is adjacent to a residential zone. The rear yard shall be used only for landscaping or parking	7.5 m
Exterior side lot line Exterior side yard shall be used only for landscaping or parking	7.5 m
Interior side lot line	4.5 m
If lot is adjacent to a residential zone. The interior side yard shall be used only for landscaping or parking	7.5 m
Maximum Height	
Principal Building	12 m
Accessory Building	4.5 m

6. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

7.2 M2, TRANSPORTATION INDUSTRIAL ZONE

1. Purpose

The purpose is to provide a zone for railway facilities and airstrips.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted in the M2, Transportation Industrial Zone:

- a. Municipal Airport
- b. Off-street parking
- c. Railways and rail yard

3. Minimum Lot Area & Lot Width

- a. Minimum lot area shall be not less than two (2) hectares.
- b. The minimum lot width shall be not less than one-tenth the perimeter of the lot.

4. Lot Coverage

Buildings and structures shall not cover more than 20 percent of the lot area.

5. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line Front yard shall only be used for landscaping or parking	7.5 m
Rear lot line	4.5 m
If lot is adjacent to a residential zone. The rear yard shall be used only for landscaping or parking	15 m
Exterior side lot line Exterior side yard shall be used only landscaping or parking	7.5 m
Interior side lot line	4.5 m
If lot is adjacent to a residential zone. The interior side yard shall be used only for landscaping or parking	15 m
Maximum Height	
Principal Building	12 m
Accessory Building	4.5 m

6. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

8.0 PUBLIC AND INSTITUTIONAL ZONE REGULATIONS

8.1 I1, INSTITUTIONAL ZONE

1. Purpose

The purpose is to provide a zone for institutional uses.

2. Permitted Uses

The following uses of land, buildings and structures, and no others, shall be permitted in the I1, Institutional Zone:

1.
 - a. Art Gallery and Museums
 - b. Care Services
 - c. Fire Hall
 - d. Hospital
 - e. Early Childhood Development Centre
 - f. Extended Medical Treatment Services
 - g. Market
 - h. Mobile Food Vendor
 - i. Mobile Retail Vendor
 - j. Off-street parking lots and structures
 - k. Participant Recreation Services, Indoor
 - l. Participant Recreation Services, Outdoor
 - m. Public Education Services
 - n. Private Education Services
 - o. Public Administration including municipal, regional, provincial and federal government services
 - p. Public Assembly
 - q. Social Services Centre
 2. One (1) dwelling unit shall be permitted in the same building as a non-residential use.
- #### **3. Minimum Lot Area & Lot Width**
- a. The minimum lot area shall be not less than 463 sq. m.
 - b. The minimum lot width shall be not less than one-tenth the perimeter of the lot.

4. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line Front yard shall only be used for landscaping or parking	4.5 m
Rear lot line	4.5 m
If lot is adjacent to a residential zone. The rear yard shall be used only for landscaping or parking	15 m
Exterior side lot line Exterior side yard shall be used only landscaping or parking	4.5 m
Interior side lot line	4.5 m
If lot is adjacent to a residential zone. The interior side yard shall be used only for landscaping or parking	15 m
Maximum Height	
Principal Building	12 m
Accessory Building	4.5 m

5. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

8.2 P1, PARK, OPEN, AND RECREATIONAL SPACE ZONE

1. Purpose

The purpose is to provide a zone for the preservation and enhancement of open space, provide public outdoor recreational opportunity, and limited public facilities.

2. Permitted Uses

The following uses of land, buildings and structures, and no others, shall be permitted in the P1, Parks and Open Space Zone:

- a. Boat Launch, Public
- b. Campground
- c. Cemetery
- d. Dock, Public
- e. Off-Street Parking
- f. Market
- g. Mobile Food Vendor
- h. Mobile Retail Vendor
- i. Participant Recreation Services, Outdoor
- j. Public Park
- k. One Restaurant use permitted in Rotary Lakeside Park
- l. One dwelling unit permitted in Rotary Lakeside Park

3. Minimum Setbacks and Maximum Height

Minimum Setback	
Front lot line Front yard shall only be used for landscaping or parking	4.5 m
Rear lot line	4.5 m
If lot is adjacent to a residential zone. The rear yard shall be used only for landscaping or parking	15 m
Exterior side lot line Exterior side yard shall be used only landscaping or parking	4.5 m
Interior side lot line	4.5 m
If lot is adjacent to a residential zone. The interior side yard shall be used only for landscaping or parking	15 m
Maximum Height	
Principal Building	12 m
Accessory Building	4.5 m

8.3 P2, WATER USE ZONE

1. Purpose

The purpose is to provide a zone for water uses on the west arm of Kootenay Lake.

2. Permitted Uses

The following uses of land, buildings and structures, and no others, shall be permitted in the P2, Water Use Zone:

- a. Boat Launch, Public
- b. Dock, Public
- c. Marina

3. Conditions of Use

The City of Nelson *Official Community Plan (OCP) Bylaw No. 2347, 2013* establishes Development Permit Areas and Development Permit guidelines in which best management requirements are provided for the site design, construction and post-construction of Buildings and Structures, including docks or marinas, in relation to riparian areas and other ecologically sensitive areas. Such requirements will take precedence over any Setback or other requirements contained in this Bylaw.

8.4 RZ1, RESERVE ZONE

1. Purpose

The purpose of this Zone is to allow for a limited range of uses that do not prejudice the future use of these lands for future development .

2. Permitted Uses

The following uses of land, buildings and structures, and no others, shall be permitted in the RZ1, Reserve Zone:

- a. Boat Launch, Public
- b. Campground
- c. Dock, Public
- d. Nursery
- e. Off-Street Parking
- f. Natural Resource Development
- g. Participant Recreation Services, Outdoor

3. Minimum Lot Area

The minimum lot size shall be two (2) hectares.

4. Minimum Setbacks and Maximum Height

Minimum Setback	
Front lot line Front yard shall only be used for landscaping or parking	4.5 m
Rear lot line	4.5 m
If lot is adjacent to a residential zone, the required setback from the rear lot line shall be used only for landscaping or parking	15 m
Exterior side lot line The required setback from the exterior side lot line shall be used only landscaping or parking	4.5 m
Interior side lot line	4.5 m
If lot is adjacent to a residential zone, the required interior side yard shall be used only for landscaping or parking	15 m
Maximum Height	
Principal Building	12 m
Accessory Building	4.5 m

9.0 COMPREHENSIVE DEVELOPMENT ZONE REGULATIONS

1. Purpose

The purpose of the Comprehensive Development zone is to provide for the development of projects involving a mix of uses and/or a scale of development not accommodated by other zones.

2. Permitted Uses

All permitted uses shall be determined on a site-by-site basis and shall be in accordance with the Official Community Plan and specified in each Comprehensive Development Zone.

9.1 CD 1 - Kutenai Landing Zone

1. Purpose

The purpose of this Comprehensive Development Zone is to provide a site specific zone on the waterfront for a comprehensively planned development known as Kutenai Landing. The development includes multi-unit residential buildings, a senior's residential building, a commercial building and a marina to be developed to very specific guidelines.

2. Development Plans

The approved Comprehensive Development Plans applicable to the subject property form part of this bylaw and are attached this zone as section 9.1.8. of Schedule "A". Unless otherwise provided for in the approved Comprehensive Development Plans, lot coverage, height, and building setbacks shall be as provided in the MU1, Waterfront Tourist Commercial Zone.

3. Permitted Uses

The following uses of the land, buildings and structures and no others shall be permitted in the CD - Kutenai Landing:

- a. Care Services
- b. Commercial School
- c. Health Services
- d. Marina
- e. Multi-Unit Residential
- f. Neighbourhood pub
- g. Participant Recreation Services, Indoor
- h. Personal Service Establishments
- i. Professional and Business Offices
- j. Restaurant
- k. Retail Store, subject to a maximum size of 100 sq.m.

4. Density and Commercial Floor Area

- a. The maximum density for the subject property for multi-unit residential use in Buildings A, C and D shall be 160 dwelling units.
- b. The maximum number of assisted living units in Building B in the Development Plans shall be 95 units.
- c. The maximum commercial floor area in the combined residential/commercial building labeled as Building D in the Development Plans attached to and forming part of this bylaw shall be 603 sq. m.
- d. The maximum commercial floor area for the marina building shall be 650 sq. m.
- e. The maximum number of private marina slips shall be 60.

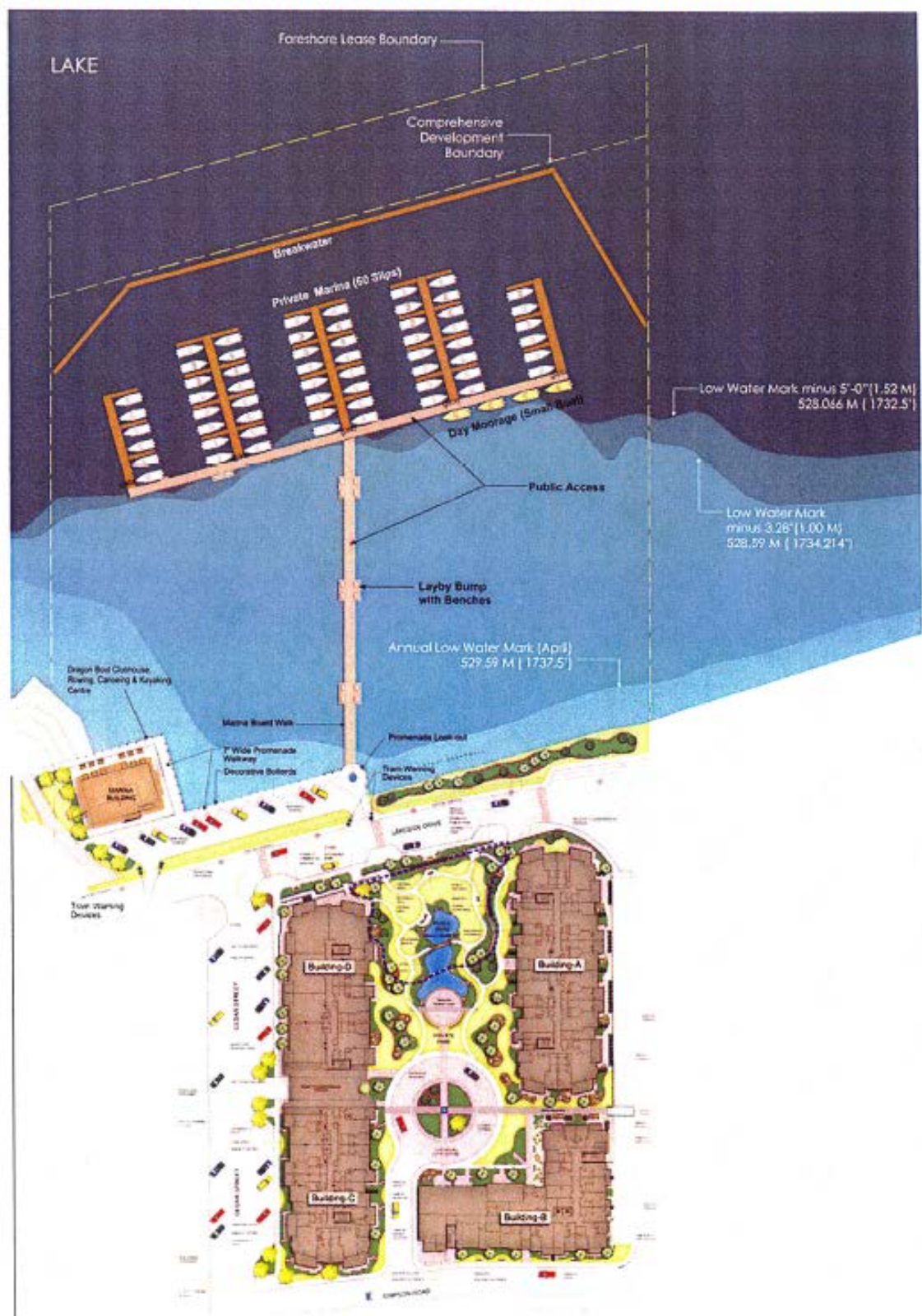
5. Height

- a. The maximum height of Buildings A, B, C and D identified in the Development Plans attached to and forming part of this bylaw shall not exceed a geodetic height of 554.2 m. and will not exceed the Transport Canada Approach Slope.
 - b. The maximum height of the commercial/marina building shall not exceed a geodetic height of 545.2 m.
 - c. No accessory building shall exceed 4.5 metres in height.
- 6.** Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

7. Parking

The minimum number of off-street parking spaces shall be 240 and as otherwise provided in accordance with the provisions of *Off-Street Parking and Loading Bylaw No. 3274, 2013*.

8. Development Plans



Schedule "B"

Phasing Plan

All on-site and off-site development will be constructed at the Owner's cost as per the following phasing plan and in accordance with the terms of this agreement and the designs and specifications approved in advance by the City, including but not limited to the following works and services:

PHASE I - Building A

- Parkade will be built to provide for the parking needs of Building A.
- Cedar Street will be built partially to allow traffic to go from Lakeside Drive to the existing paved surface at Simpson Road and Cedar Street. Work will start on the westerly side and come approximately 10.66 m east with one lift of asphalt, all to City standards (75mm).
- A temporary round-about will be constructed to provide access to the buildings in Phases I, II and III.
- Waterline loop to be constructed from the Prestige Lakeside Inn to the south end of the completed Cedar Street and Simpson Road road works.
- The Jetty will be built for the Marina, including public seating bump-outs in quantity and location as shown in Schedule A, and 30 slips put in with floating log breakwaters, siting the Marina so that the maximum depth of water is 5 feet or less at low water, and minimizing the length of the jetty so as to bring the jetty as close as feasible to the shoreline.
- Landscaping, including without limitation all sidewalk improvements and street lighting as per Schedule C, will be completed from the Jetty to East Boundary.
- Landscaping, including without limitation all sidewalk improvements and street lighting as per Schedule C, will be completed to support Building A as per Phase I drawing.
- The construction of the Highway 3A (Front Street) and Cedar Street intersection shall be complete and be accepted by the Ministry of Transportation prior to final inspection permitting occupancy of Building A. The drawings detailing construction are detailed in Schedule D.
- Storm line will be installed as required by the City under Cedar Street.
- New sanitary main will be installed under Cedar Street only.

PHASE II – Building B

- Parkade will be built to provide for the parking needs of Building B.
- The Seniors Building will go ahead in Phase II. The construction of this building will trigger the relocation of the sewer line, completion of the water line loop and the Simpson Road reconstruction, as required to reinstate the road works disturbed as a result of the installation of new sanitary main through the Simpson Road corridor.
- Parking and landscaping, including without limitation all sidewalk improvements and street lighting as per Schedule C, will be completed to provide for the requirements of Building B.

PHASE III – Building C

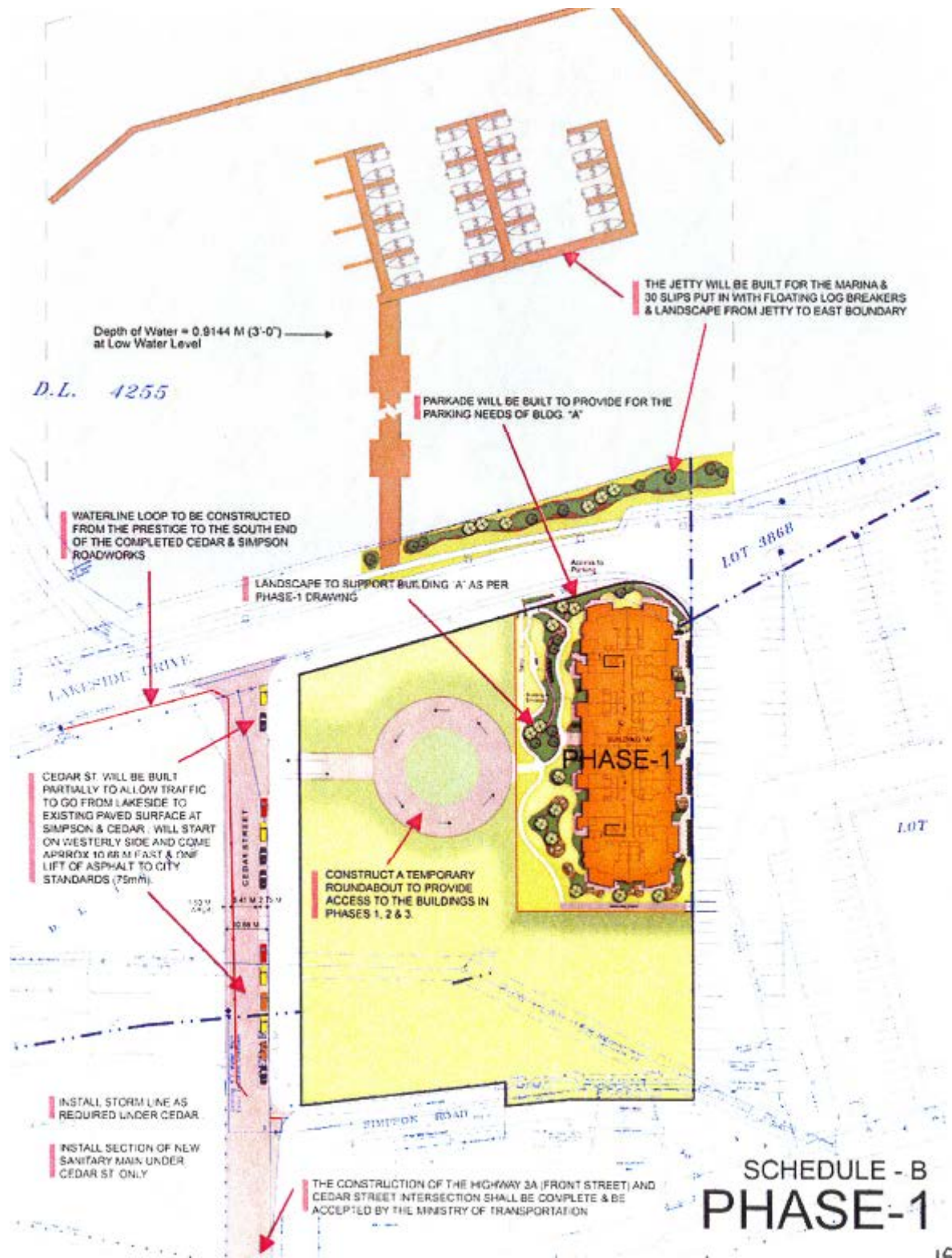
- Parkade will be built to provide for the parking needs of Building C.
- Prior to final building inspection permitting occupancy of Building C, the Developer will complete the Cedar Street road improvements in front of Building C through to Front Street and will improve the rail crossing as required by Canadian Pacific Railway ("CPR") and Transport Canada. The CPR crossing will include warning lights and bell. The CPR crossing improvements may be completed in an earlier phase, if required by Transport Canada.
- The balance of the Marina will be built and the boat slips will be completed.
- Landscaping, including without limitation all sidewalk improvements and street lighting as per Schedule C, will be completed to provide for the requirements of Building C and will be completed prior to the final building inspection permitting occupancy of Building C.

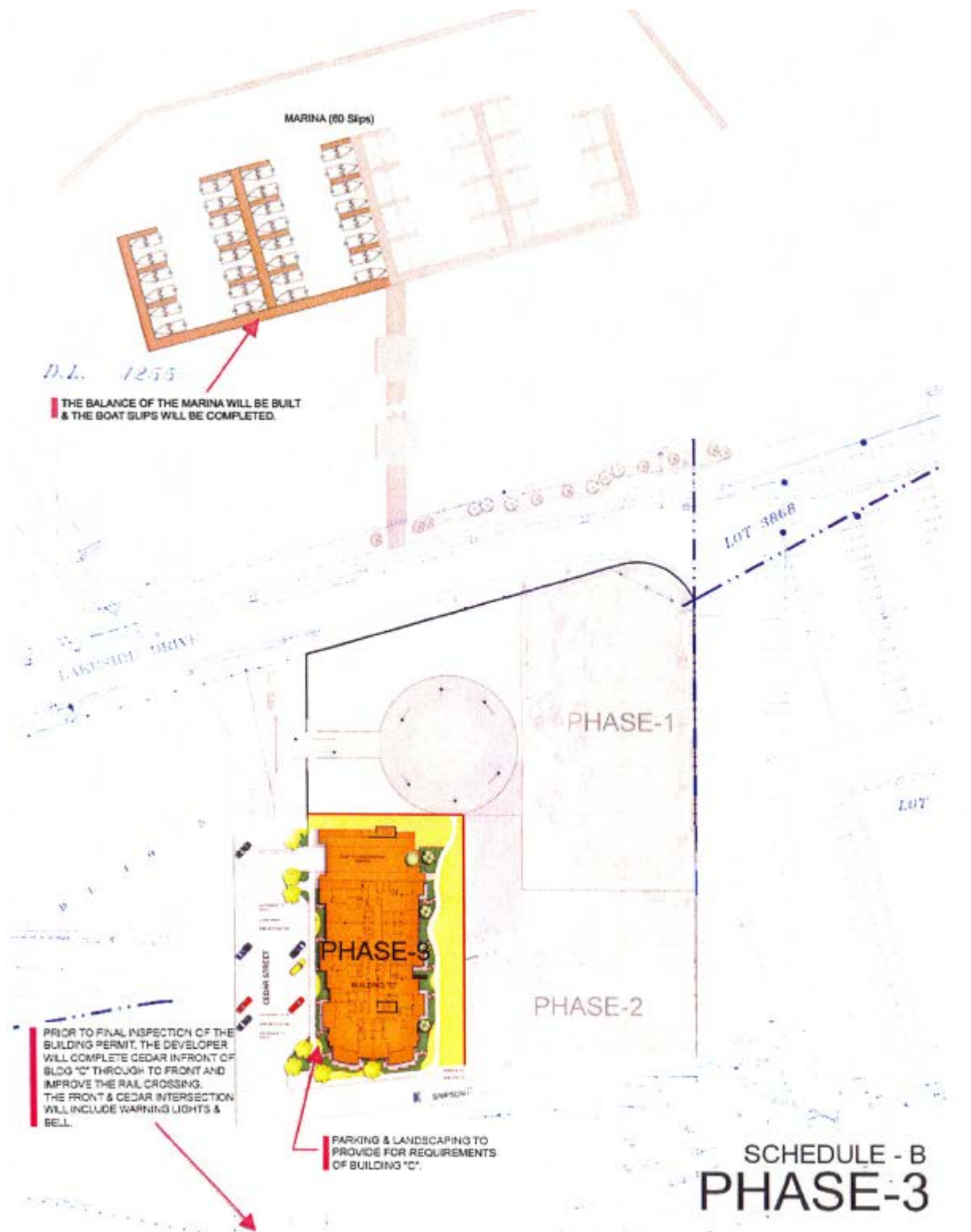
PHASE IV – Building D

- Parkade will be built to provide for Building D parking and access requirements.
- Landscaping, including without limitation all sidewalk improvements and street lighting as per Schedule C, will be completed to provide for the requirements of Building D and will be completed prior to the final building inspection permitting occupancy of Building D.
- Cedar Street road improvements will be finished from Lakeside Drive to the south end of parkade for Building D.
- The south side of Lakeside Drive will be completed adjacent to Building A and Building D in accordance with Schedule C
- Landscaping, including without limitation all sidewalk improvements and street lighting as per Schedule C, to be completed for the public access on Lakeside Drive.

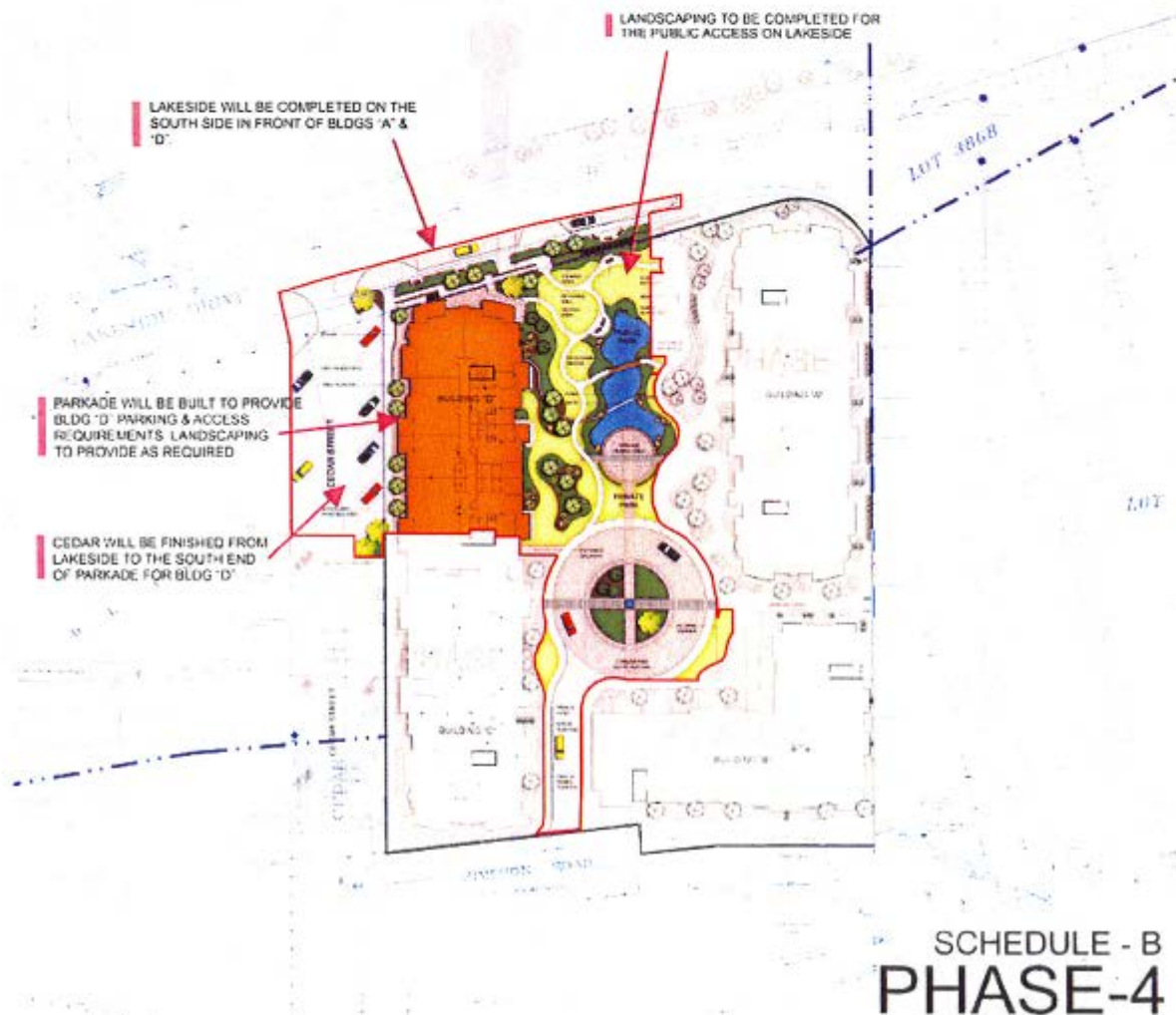
PHASE V – Marina, Building E

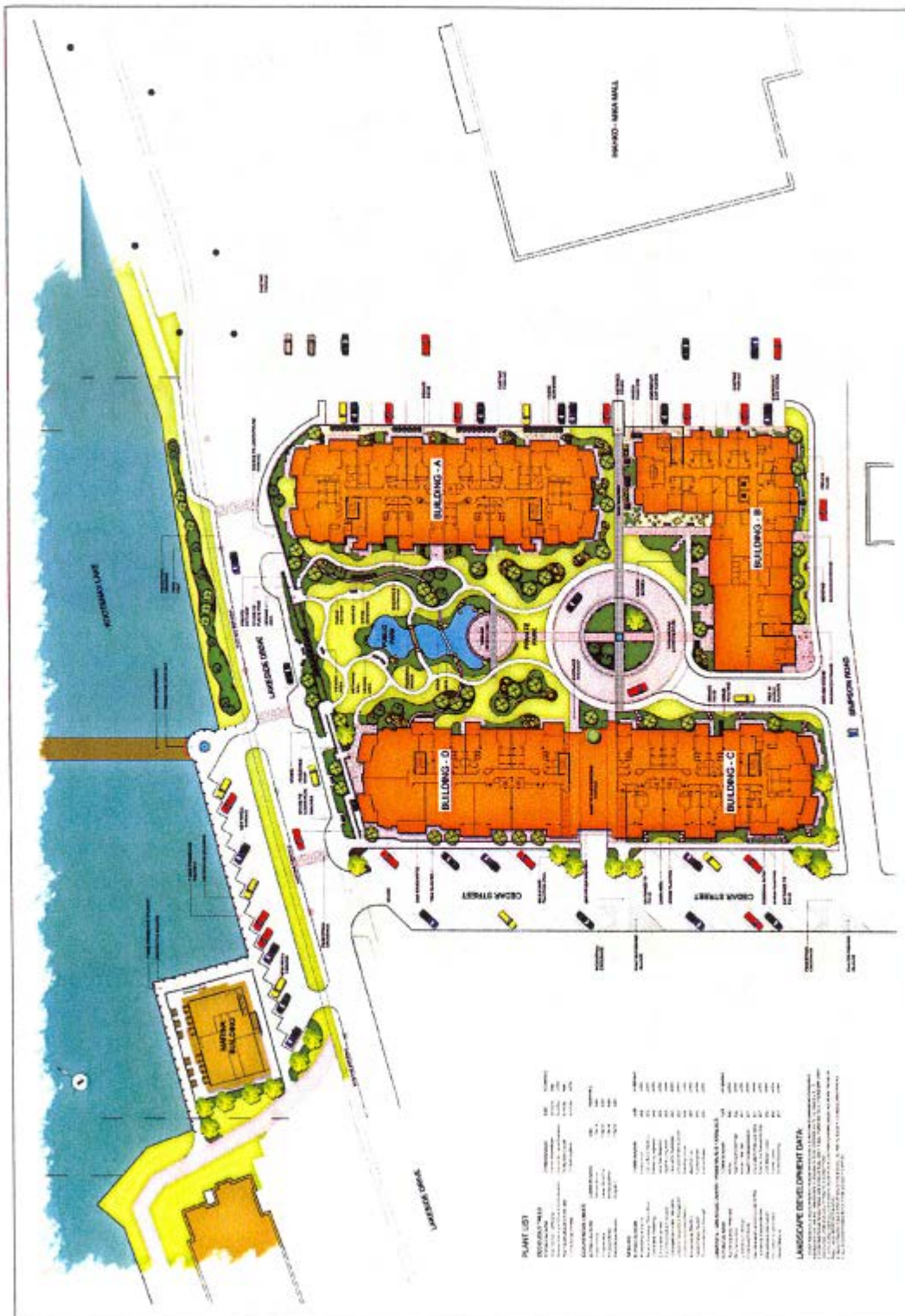
- Marina Building, the marina parking deck and related landscape will be constructed as Phase V including a public waterfront promenade pathway at least 7 feet in width.
- To be constructed as the market warrants.





D.L. 12-55





9.2 CD 2

1. Purpose

The purpose of this Comprehensive Development Zone is to provide a site specific zone for an existing building located at 501 Carbonate Street (Lots 23 and 24, Block 28, DL 95, Kootenay District Plan 9500).

2. Permitted Uses

The following uses of the land, buildings and structures and no others shall be permitted on the subject property:

- a) Single-Detached Residential
- b) Duplex Residential
- c) Multi-Unit Residential
- d) Veterinary Clinic
- e) Professional and Business Offices
- f) Public Assembly

3. Conditions of Use

- a. Professional and Business Office use and Veterinary Clinic use shall only be a permitted use on the first floor.

4. Setbacks and Lot Coverage

The existing building siting will reflect the section 9.2.7. of Schedule "A". Height shall be as provided in the R3, High Density Residential Zone of the said bylaw.

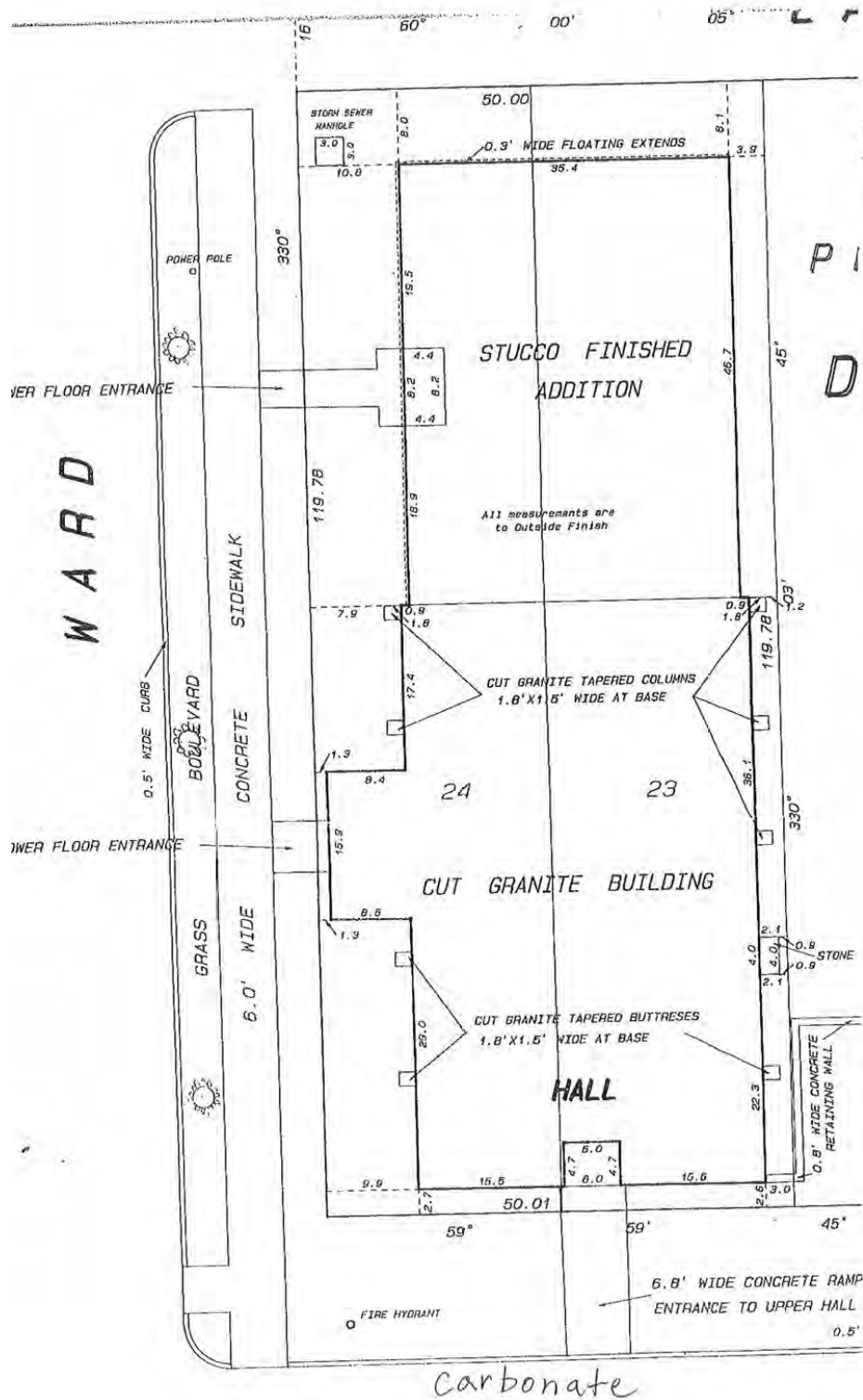
5. Off-Street Parking

The minimum number of off-street parking spaces shall be 0.

6. New Construction

In the event that the building is damaged or destroyed to the extent of 75% or more of its value above its foundations, except for the permitted uses, all other provisions of the R3, High Density Residential Zone and the *Off-Street Parking and Landscape Bylaw No. 3274* will apply.

7. Plans



9.3 CD 3

1. Purpose

The purpose of this Comprehensive Development Zone is to provide a site specific zone for a mix of commercial and residential activities.

2. Permitted Uses

The following uses of land, building and structures and no others shall be permitted:

- a. Contractor services, limited
- b. Commercial Storage
- c. Custom Indoor Manufacturing
- d. Participant Recreation Services, Indoor
- e. Live/Work
- f. Residential dwelling units subject to the conditions in this zone;

3. Conditions of Use

- a. Except as otherwise provided, every use of land, building or structure permitted in CD 3 shall conform with the provisions of Sections 9.3.4 to 9.3.9 inclusive.
- b. No commercial uses shall involve the exterior, unenclosed storage of goods.
- c. No commercial uses shall involve the exterior storage, parking, or repair of vehicles or equipment in excess of 4,000 kilograms of gross weight.
- d. The work portion of Live/Work shall be any of the non-residential uses permitted in this zone.
- e. No more than 50% of the gross floor area of a live/work unit is used for the dwelling unit.
- f. Each dwelling unit and each work unit of a live/work unit shall have an independent entrance into the unit.

4. Minimum Lot Area and Minimum Frontage

- a. The minimum lot area shall not be less than 900 sq.m.

- b. The minimum frontage on a street shall not be less than 15 m or one tenth of the perimeter of the lot, whichever is the greater.
- c. The minimum lot area and frontage requirements do not apply where the land used solely for parks, playgrounds, public recreation or public utility uses.

5. Density and Residential Dwelling

- a. The maximum permitted density for multi-unit residential uses shall be 1 dwelling unit per 114 sq.m.

6. Lot Coverage

Buildings and structures shall not cover more than forty-five (45%) percent of the lot area:

7. Maximum Commercial Floor Area of Neighbourhood Commercial Component

- a. The maximum commercial floor area of a commercial unit shall be 150 sq.m., except for two commercial units which may each be a maximum of 250 sq.m.
- b. A maximum gross floor area of 670 sq.m. for Commercial Storage use shall be permitted, with a maximum gross floor area of 335 sq.m. for a Commercial Storage use permitted per building.

8. Setbacks and Heights

- a. Setbacks
 - i. Setbacks of 4.5 metres in from any lot line shall be required to separate residential from commercial, industrial or institutional uses.
 - ii. Front - none required
 - iii. Rear - none required
 - iv. Side - none required
- b. Height
 - i. No principal building shall exceed 13 m in height.
 - ii. No accessory buildings or structures shall exceed 4.5 m in height, except in the case of towers, retaining walls, monuments, chimneys,

flag poles, stadium bleachers, lighting poles, elevator shafts, stair towers, scenery lofts and radio and television antennas.

- iii. Landscape screens or fences not exceeding a height of 1.2 m may be sited on any portion of a lot.
 - iv. Landscape screens or fences not exceeding a height of 2 m may only be sited to the rear of the face of the principal building that abuts a front lot line and to the rear of the face of the principal building that abuts an exterior side lot line.
9. Waste & Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

9.4 CD 4

1. Purpose

The purpose of this zone is to accommodate multi-unit residential development.

2. Permitted Uses

The following uses of land, building and structures and no others shall be permitted in this zone:

- a) Multi-Unit Residential;
- b) Care Services

3. Minimum Lot Area and Minimum Frontage

- a) The minimum lot area shall not be less than 463 m².
- b) The minimum frontage on a street shall not be less than 15 m.
- c) The minimum lot area and frontage requirements do not apply where the land used solely for parks, playgrounds, public recreation or public utility uses.

4. Density

The maximum number of residential units for the entire zone shall be 38 dwelling units.

5. Width of Buildings

The minimum width or depth of a dwelling unit shall not be less than 4.5m.

6. Lot Coverage

Buildings and structures shall not cover more than forty-five (45%) percent of the lot area.

7. Amenity Areas

Amenity areas for each dwelling unit shall be provided in accordance with the following schedule:

- a) bachelor unit 10 m²
- b) one bedroom unit 15 m²
- c) two bedroom unit 20 m²
- d) three bedroom unit 30 m²
- e) four bedroom unit 40 m²

8. Setbacks and Heights

(1) Setbacks

- a) Setbacks of 4.5 m from any lot line shall be required to separate residential from commercial, industrial or institutional uses.
- b) Front - none required
- c) Rear - none required
- d) Side - none required

(2) Height

- a) No principal building shall exceed 13 m in height.

9. Waste and Recycling Facility

On all sites with 4 or more residential units, one common area for the collection of recycled materials shall be provided for the use of the residents.

9.5 CD 5 (Amended by Bylaw No. 3312, 2015)

1. Purpose

The purpose of this comprehensive development zone is to accommodate a variety of commercial and residential uses, as well as recreational opportunities for residents. The zone is comprised of three sub-areas, which are identified in Schedule B, and summarized below.

Area V: The Pier and Marina accommodates residential, local commercial, public amenity and recreational activity – including the water lot area to be used for marina and commercial purposes. The area does not provide a public foreshore path along the lakeshore, but public access connections shall be provided to the foreshore path, recreational water activities, and the waterfront deck open space.

Area W: Nelson Landing Residential accommodates waterfront residential neighbourhoods with a range of medium density housing options.

Area W1: located within Area W, sub-area W1 allows medium density residential housing with increased height.

2. Permitted Uses

2.1 Area V

The following uses of land, building and structures and no others shall be permitted:

- (a) Care Services (assisted living units);
- (b) Multi-Unit Residential;

Local Serving Commercial

- (c) Animal Daycare;
- (d) Garage (parking);
- (e) Health Services;
- (f) Marina (includes accessory storage, service, repair, sales, social, educational and other water recreation related uses);
- (g) Market;
- (h) Micro Brewery;
- (i) Mobile Food Vendor;
- (j) Neighbourhood Pub;
- (k) Participant Recreation Services, Indoor;
- (l) Participant Recreation Services, Outdoor;
- (m) Personal Service Establishments;
- (n) Restaurant;

- (o) Retail Store;
- (p) Professional and Business Offices (subject to section 5d);
- (q) Tourist Accommodation;
- (r) Veterinary Clinic;

2.2 Area W (including Sub-Area W1)

The following uses of land, building and structures and no others shall be permitted:

- (a) Care services (assisted living units);
- (b) Multi-Unit, Residential;
- (c) Pocket Neighbourhood, Residential
 - i. Single-detached, Residential
 - ii. Duplex, Residential

Definitions

Pocket Neighbourhood, Residential means the construction of more than one detached or duplex residential dwelling on a lot whereby the dwellings are concentrated to provide a shared open space.

3. Minimum Lot Area and Minimum Frontage

- (a) The minimum lot area shall not be less than 370 sq. m.
- (b) The minimum frontage on a street shall not be less than 12 m.
- (c) The minimum lot area for **Pocket Neighbourhood, Residential** shall be not less than 1300 sq. m.

4. Lot Coverage

- (a) Buildings and structures shall not cover more than fifty-five (55%) percent of the lot area.
- (b) Lot coverage calculation shall only be applied to the land portion of Area V.
- (c) In Area 'V' (Land) (see Attachment B), lot coverage shall be measured to include any new habitable buildings or structures but excluding parking structure roofs and/or suspended decks used for pedestrian access.
- (d) Area 'V' (Water) shall not be regulated by lot coverage.

5. Density

The maximum density permitted shall be:

- (a) 265 residential units (includes Care Services and Tourist Accommodation units);
- (b) Maximum residential density shall be restricted to 130 residential or care service units in Area 'V' and 175 residential or care service units in area 'W' (including area 'W1'). The total number of residential units shall not exceed 265 in accordance with Section 5 (a);
- (c) 78 permanent moorage berths in Area 'V'. Public boat access to day-use dock facilities is not included in the moorage density;

2,500 sq. m. gross floor area of local serving commercial use, of which Professional and Business Office use shall be permitted a gross floor area up to a maximum of 500 sq. m;

- (d) Maximum gross floor area of local serving commercial use for any one individual establishment is 465 square metres, except for Garage (parking), Marina and Tourist Accommodation;
- (e) Maximum number of units allowed for Tourist Accommodation use is 40 units;
- (f) Maximum gross floor area per individual dwelling unit in a Pocket Neighbourhood, Residential is 150 sq. m.
- (g) Maximum number of dwelling units in the CD 5 zone developed as Pocket Neighbourhood, Residential is 22.

6. Amenity Space

- (a) The total amenity area required for all multi-unit and mixed-use developments in the CD 5 zone shall be the total amount of land dedicated to the City of Nelson in the form of the Foreshore path and Red Sands Beach.
- (b) For **Pocket Neighbourhood, Residential** a minimum of fifteen (15%) of the lot shall be retained as outdoor amenity space.

7. Setbacks (see Attachment C)

Area V	Minimum Setback
Front lot line	0.0 m
Rear lot line	0.0 m
Exterior side lot line	0.0 m
Interior side lot line	0.0 m
A lot adjacent to a lot with R1 residential zoning	3.0 m
Area W (including sub-area W1)	Minimum Setback
Front lot line	
a. Municipal road	
- Principle building (not including garage)	4.5 m
- Accessory building (detached or attached garage)	0.6 m
b. Bare Land Strata road	
- Principle & Accessory building	4.5 m
Rear lot line	4.5 m
Rear lot line (adjacent to Foreshore Path)	4.5 m
Interior side lot line	1.5 m
Exterior side lot line	4.5 m
Sub-Area W1 – Pocket Neighbourhood, Residential	Minimum Setback
Setback line (fronting Municipal road)	4.5 m
Exterior side lot line	3.0 m
Interior side lot line	1.5 m

- (a) Building projections (including building elements such as roof overhangs, unenclosed decks or balconies) are permitted in setbacks as noted below:
 - a. In setbacks adjacent to municipal roads, building projections may be sited no closer than 1.0 m for principle buildings to the property line. Accessory use (garage) projections can be sited no closer to the property line than 0.1 m.
 - b. In setbacks adjacent to strata roads, building projections may be sited no closer than 0.1 m to the strata road line for all building types.
 - c. In setbacks adjacent to the Foreshore Path, the principle building and building projections can encroach into the rear setback area up to 12% of the 4.5 m rear setback area (calculated as the total area of both deck cover plus principle building cover intruding into the setback divided by the total area of the 4.5 m rear setback), but no portion of the principle building or deck can be sited closer than 1.0 metre to the Foreshore Path.

8. Heights

	Maximum Height
Area V	
Principal building	16.0 m
Accessory building	4.5 m
Area W (including Sub-area W1)	
Principle building	11.0 m
Principle building (sub-area W1)	16.0 m
Accessory building	4.5 m
Sub-Area W1 – Pocket Neighbourhood Residential	
Principle building	The lesser of 9.0 m or 2 storeys above parking level
Accessory building	4.5 m

- (a) In Area 'V' the height for all residential and commercial buildings shall be measured from the finished top of the pier or concrete structure on which the main building entry is located.
- (b) In Sub area 'W1' no building shall exceed 16.0 metres in height. Portions of buildings that are greater than 11 m in height shall not exceed 3,000 sq. m. In addition, no enclosed building area over 11.0 m in height shall be located closer than 15.0 metres from the westerly boundary of Plan NEP70102.
- (c) Rigging lofts, and any lifts, hoists and/or any other equipment, structures or buildings related to the operation of the marina may exceed 4.5 m in height.

9. Works and Services

- (a) For the CD 5 zone, the road classification, layout and cross section details as shown on Attachments D, E, F, and G are summarized in Table 1.

Table 1 – Road Classification and Cross-Section Details

Roadway Classification	Right-of-Way	Path/Road Width	Lane Width	Parking	Shoulder	Curb Type	Sidewalks	Bicycle Facilities
Multi-Use Pathway	5.0 m	3.5 m	n/a	n/a	0.5 m (gravel)	n/a	n/a	shared
Local Roadway – urban	12.0 m	7.0 m	2 x 3.5 m	parking in designated pull-outs only	n/a	barrier and rollover	1.5 m (one side)	shared

- (b) Path standards and locations are identified in Attachments D and E.
- (c) Additional cross-section details related to aspects of the site servicing not referenced here can be found in the Subdivision and Development Servicing Bylaw.
- (d) All one and two unit residential driveway accesses shall have a minimum width of 3 m and a maximum width of 6 m.
- (e) Multi-use pathways shall be constructed using crushed limestone or alternate material as approved by the Director of Public Works and Utilities as a permeable surface material.
- (f) Pavement structure to be provided as follows:

Design Traffic (EASL)
2.8×10^4

Sub-base	Base	Hot Mix Asphalt
300 mm	100 mm	75 mm

10. Servicing ROW requirements

The Rights-of-Way (R.O.W.) requirements for the provision of services for storm drainage, sanitary sewer and water for Nelson Landing for single service are as follows:

R.O.W. width = twice the depth from surface to the crown of the pipe or a 3.0 m minimum width, whichever is greater. In all cases, the width of rights-of-way shall be sufficient to permit an open excavation with side slopes in accordance with the WorkSafe BC regulations, without impacting on or endangering adjacent structures.

11. Waste and recycling requirements shall consist of four 11 square metre containers. Containers will be located throughout the development to minimize intrusion in the landscape and spaced so that residents travel a maximum of 85 m to access a facility.

12. Parking and loading shall comply with applicable requirements of Off Street Parking and Landscape Bylaw 3274, 2013. CD 5 site-specific parking requirements are summarized in Table 2 below.

Table 2 – Off-Street Vehicle Parking Requirements

Use	Number of Spaces
Commercial	
Care Services – Assisted Living units & Nursing Home units	0.25 spaces / DU for 1 bedroom units 1.25 spaces/ DU for 2+ bedroom units
Marina (residential)	5 spaces ¹
Nelson Landing Commercial (excluding Tourist Accommodation) ²	1 space / 40 sq. m. GFA

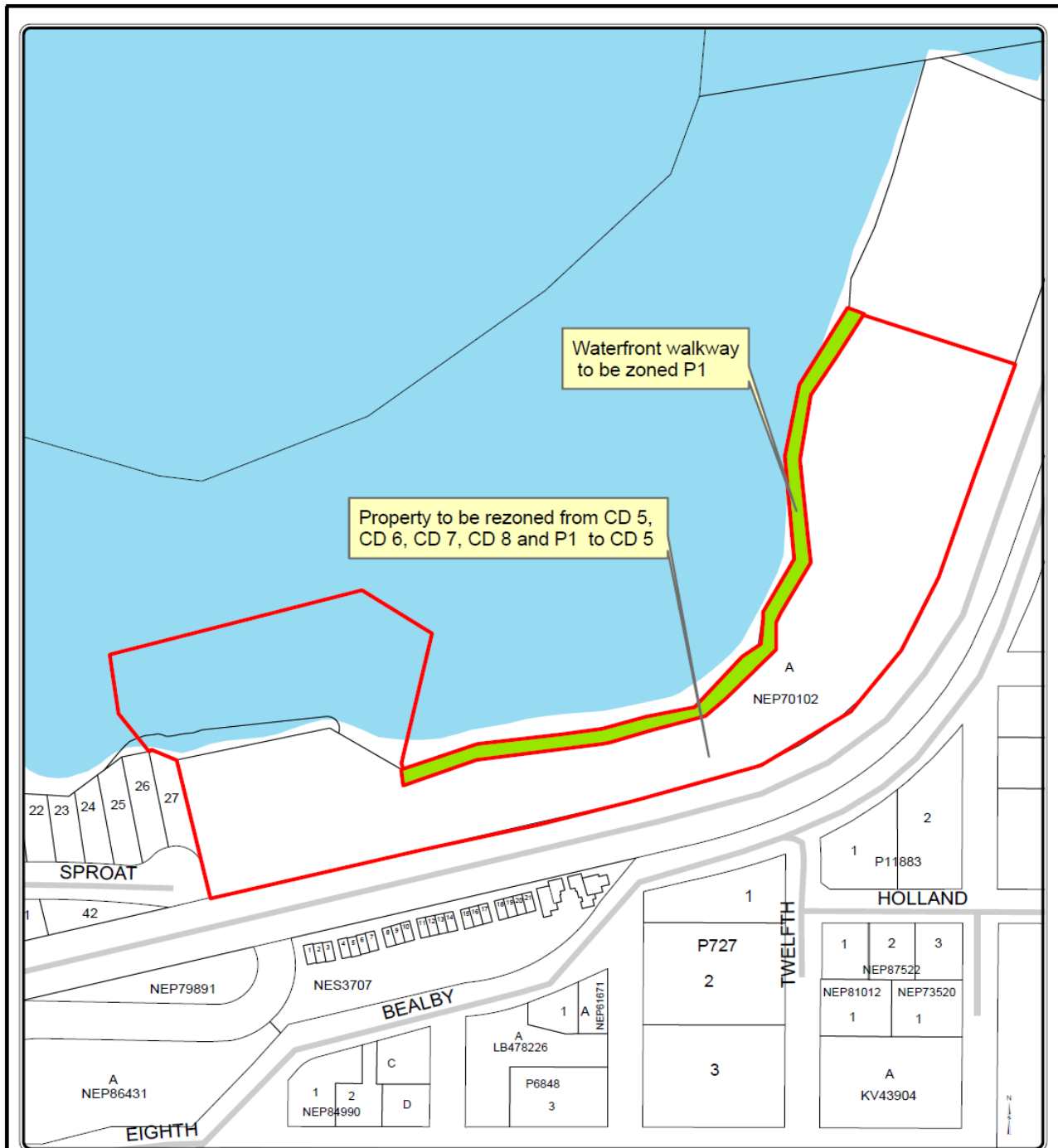
13. Landscaping shall comply with applicable requirements of Off Street Parking and Landscape Bylaw 3274, 2013.

14. Lighting shall comply with applicable requirements of Section 1.2.7 of Bylaw 3199 (2013). In addition, street and path lighting shall adhere to the principles of dark sky lighting.

1 A covenant will be registered on the marina title to limit permanent boat moorage within the marina to residents of the East Waterfront located within the boundaries of Elwyn Street, Highway 3, and the natural boundary of Kootenay Lake.

2 Parking requirements for Tourist Accommodation shall comply with the requirements of the Off-Street Parking and Landscape Bylaw.

ATTACHMENT A (Amended by Bylaw No. 3312, 2015)



City of Nelson
Suite 101 - 310 Ward Street, Nelson, BC V1L 5S4
Phone: 250-352-8221 Fax: 250-352-2131
Internet: www.nelson.ca

The mapping information shown are approximate representations and should only be used for reference purposes. The City of Nelson is not responsible for any errors or omissions on this map.

Nelson Landing Zoning

*This is a graphic presentation.
Final placement to be determined
upon final survey of walkway

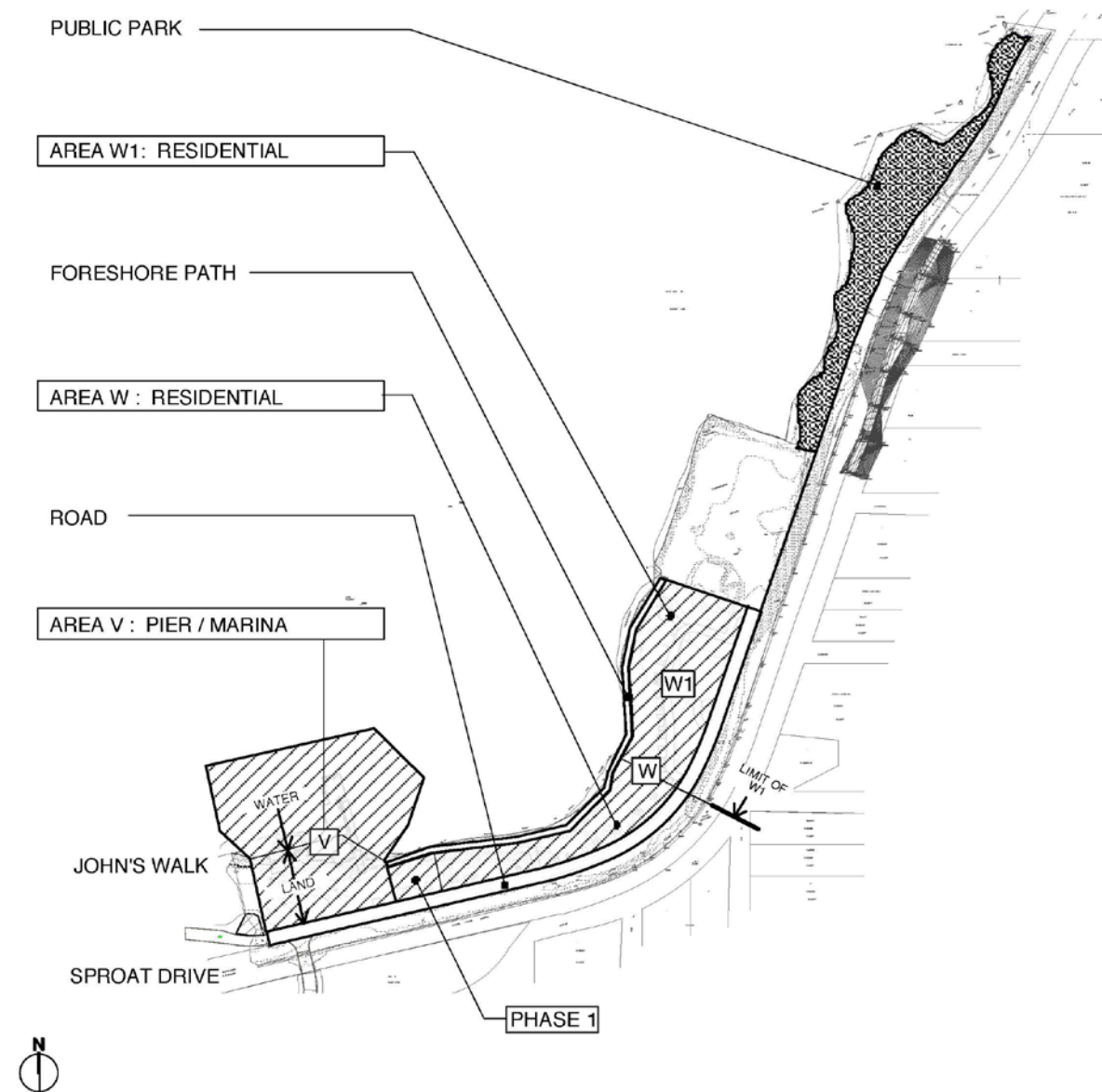
Map Scale:



Map Projection: UTM Zone 11 Map Datum: NAD83
Date Plotted: 2014

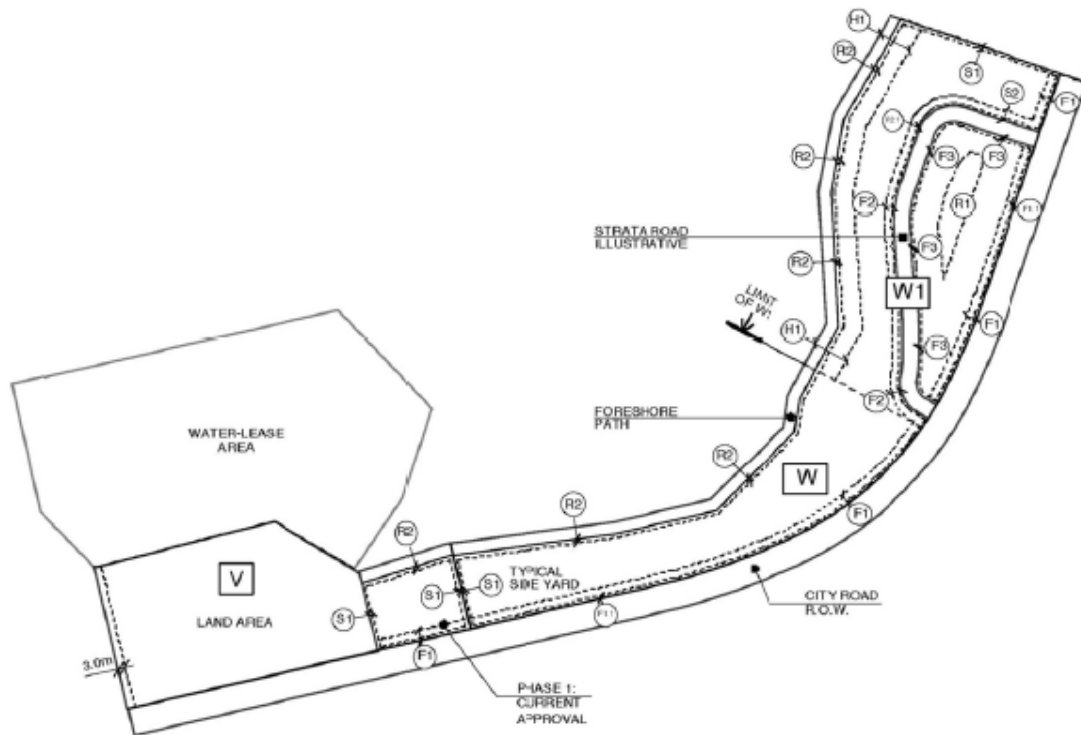
Attachment A to Section 9.5
of Zoning Bylaw 3199

ATTACHMENT B (Amended by Bylaw No. 3312, 2015) **CD 5 Zoning Areas**



TITLE	ZONING AREAS (V,W,W1)
PROJECT:	NELSON LANDING, NELSON B.C
ISSUED:	18 MARCH 2015

ATTACHMENT C (Amended by Bylaw No. 3312, 2015) **CD5 Setbacks**



SETBACK NOTES

1. INTERIOR SIDE YARDS TO BE APPLIED AT SUBDIVISION OF INDIVIDUAL LOTS
2. LOCATION OF STRATA ROAD IS ILLUSTRATIVE ONLY.
3. SEE BYLAW TEXT FOR DETAILED SETBACK INFORMATION.

SETBACK LEGEND

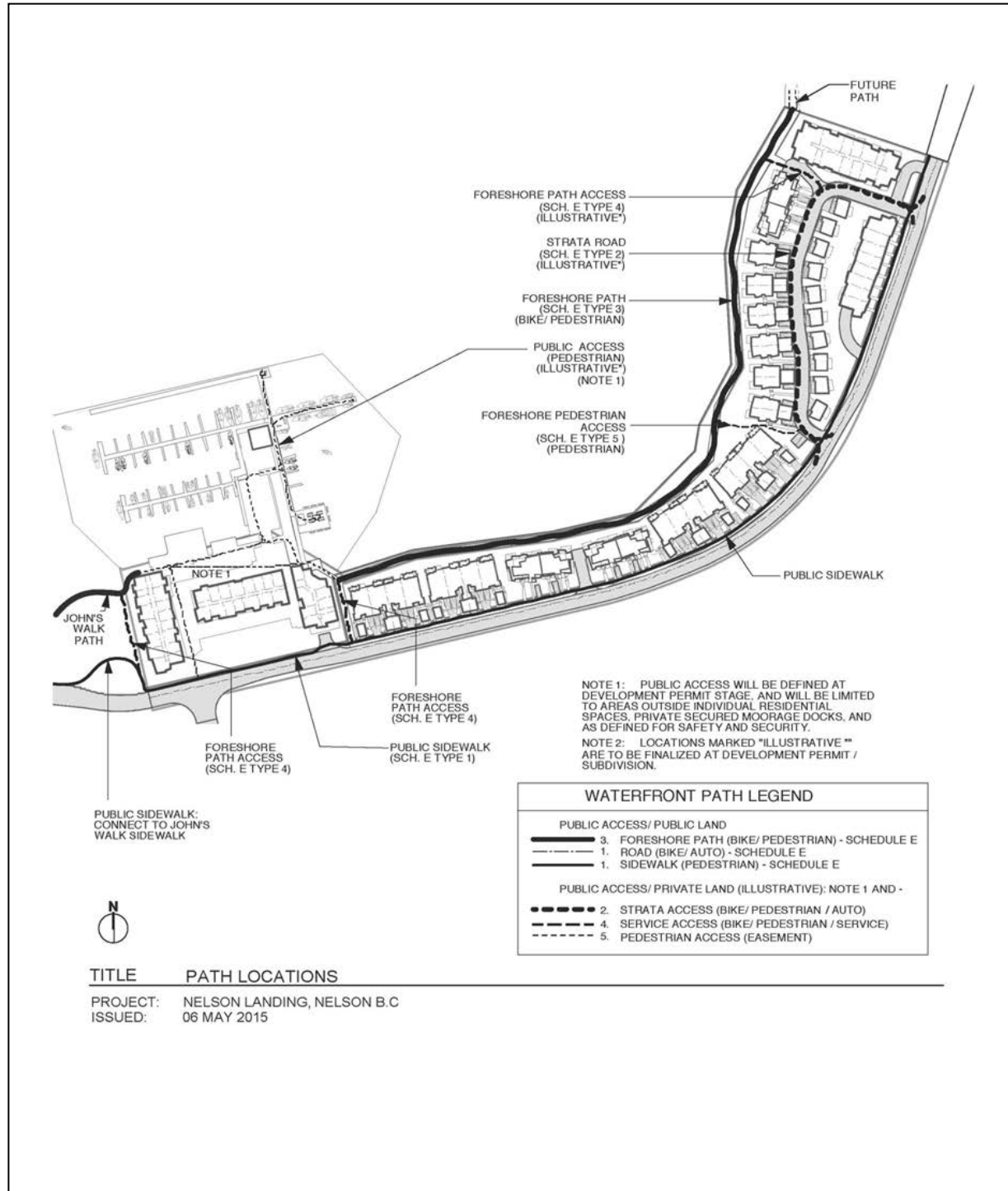
- (F1) FRONT SETBACK (CITY ROAD)
- (F11) FRONT SETBACK (ACCESSORY USE/ STRUCTURE)
- (F2) FRONT SETBACK (STRATA ROAD / WATERFRONT SIDE)
- (F3) FRONT SETBACK (ACCESSORY BUILDING)
- (F3) FRONT SETBACK (STRATA ROAD / INLAND SIDE)
- (R1) REAR SETBACK (EXCEPT ADJOINING FORESHORE PATH)
- (R2) REAR SETBACK (PRINCIPLE BUILDING ADJOINING FORESHORE PATH)
- (S1) SIDE SETBACK (INTERIOR LOT LINE)
- (S2) SIDE SETBACK (EXTERIOR SIDE LOT LINE)
- (H1) HEIGHT SETBACK (FORESHORE. SEE BYLAW CD5 8(b))



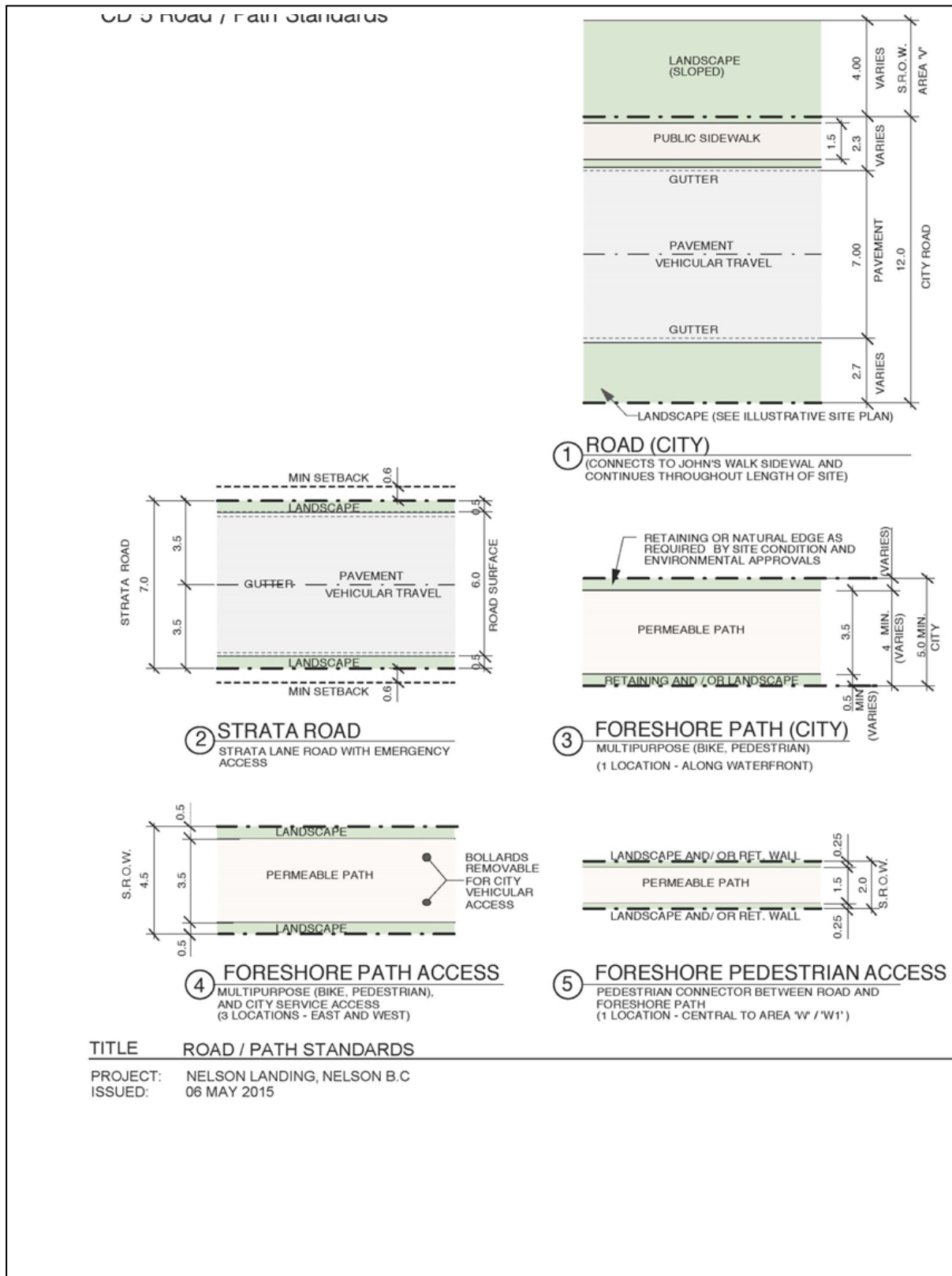
TITLE **SETBACKS**

PROJECT: NELSON LANDING, NELSON B.C.
ISSUED: 18 MARCH 2015

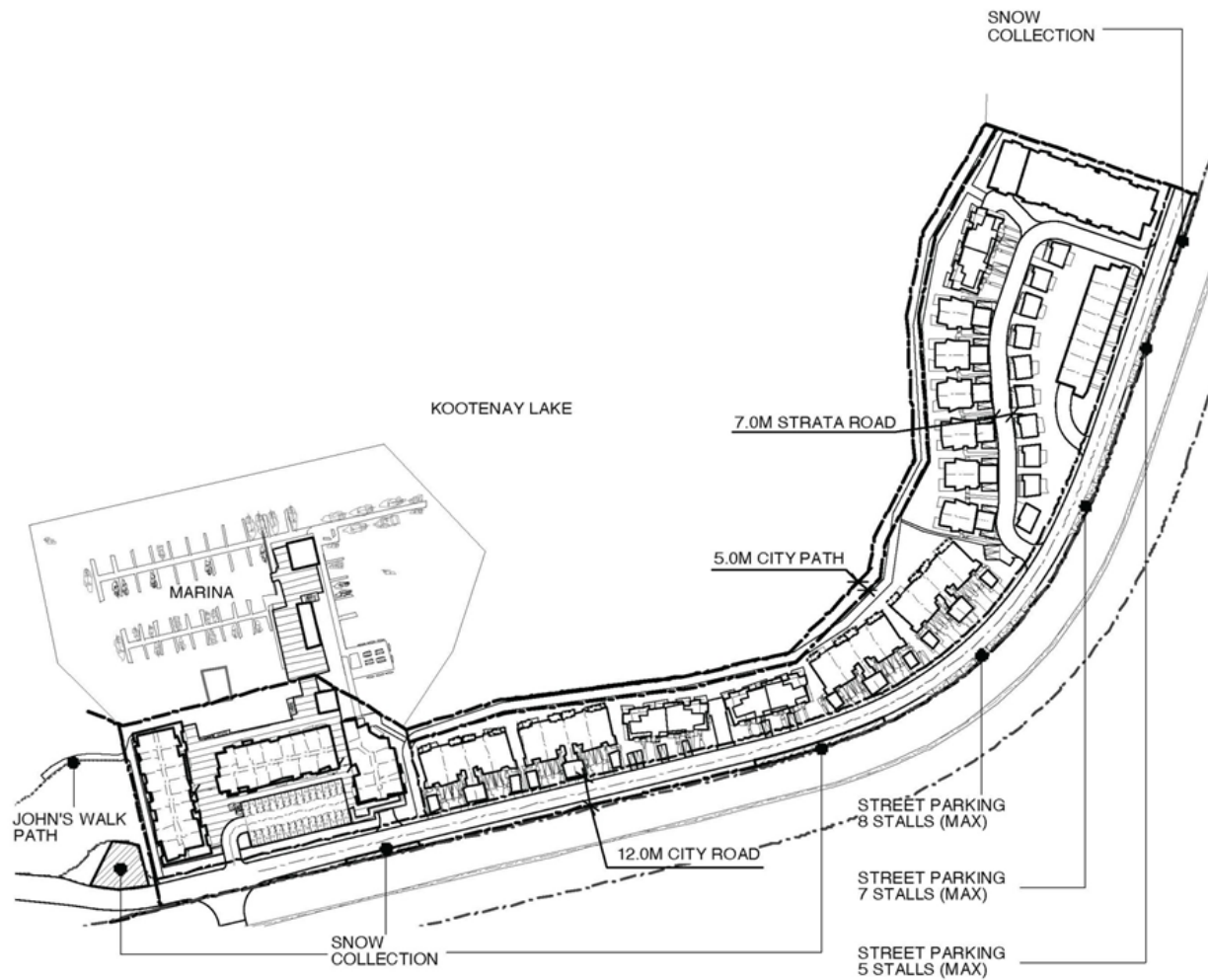
ATTACHMENT D (Amended by Bylaw No. 3312, 2015) **CD 5 Path Locations**



ATTACHMENT E (Amended by Bylaw No. 3312, 2015) **CD 5 Road/Path Standards**



ATTACHMENT F (Amended by Bylaw No. 3312, 2015)
CD 5 Illustrative Site Plan



NOTE: 1. SITE PLAN BUILDINGS ARE ILLUSTRATIVE OF DEVELOPMENT DENSITY ALLOCATION CONSISTANT WITH THE CD-5 (2015) BYLAW. ACTUAL DEVELOPMENT MAY VARY WITHIN CD-5 REGULATIONS.

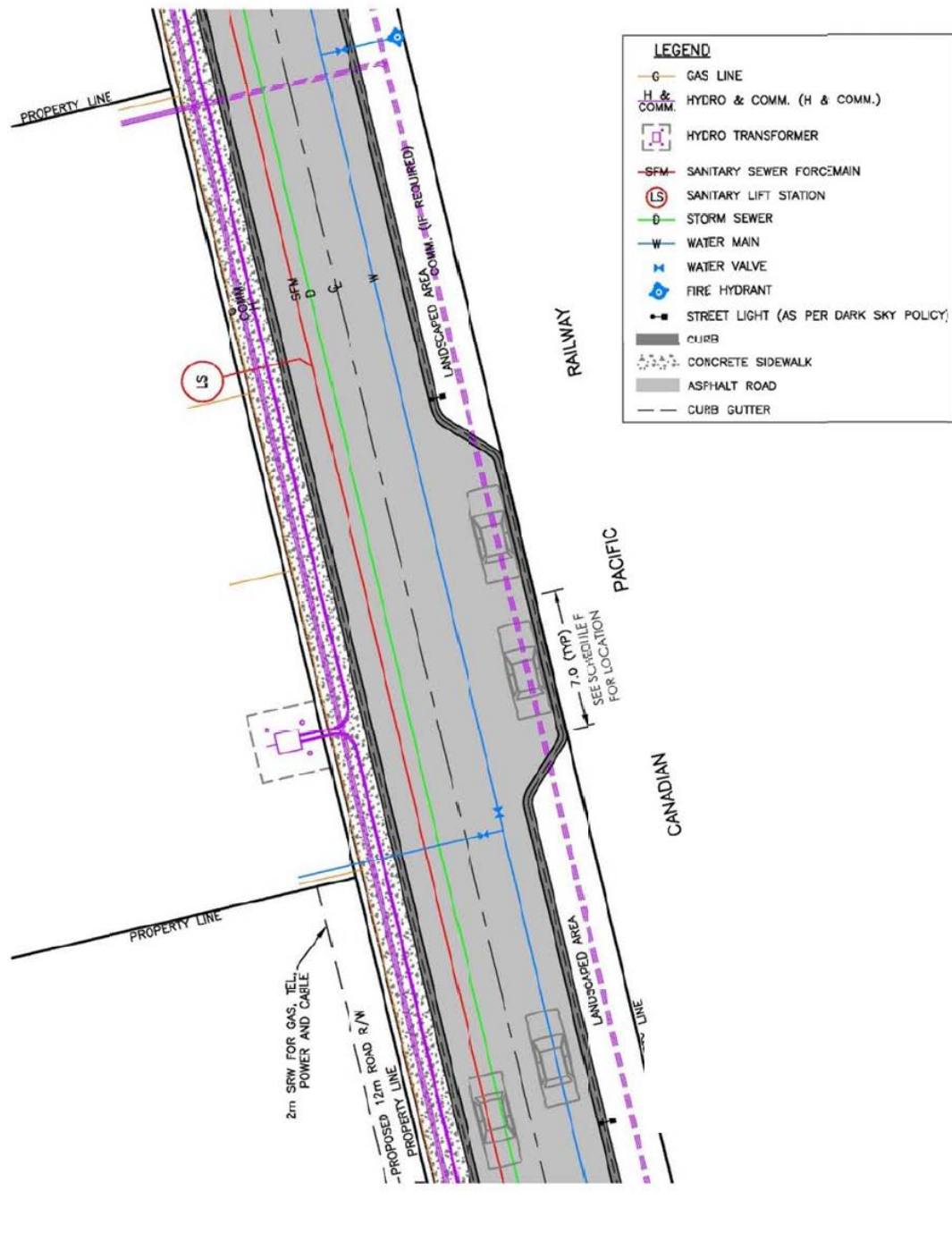
2. ON-STREET PARKING SPACES 7.0M X 2.25M



TITLE ILLUSTRATIVE SITE PLAN

PROJECT: NELSON LANDING, NELSON B.C
ISSUED: 18 MARCH 2015

ATTACHMENT G (Amended by Bylaw No. 3312, 2015) **Underground Service Locations**



TITLE UNDERGROUND SERVICE LOCATIONS

PROJECT: NELSON LANDING, NELSON B.C.
ISSUED: 10 MARCH 2015

9.6 CD 6 (Amended by Bylaw No. 3312, 2015)

1. Purpose

The purpose is to provide a site specific zone for single-detached dwellings, duplexes, secondary suites and detached secondary dwelling units along West Richards Street.

2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted.

- a. Bed and Breakfast (subject to section 1.1.10 of Schedule "A")
- b. Duplex Residential
- c. Care Services (for no more than 8 persons)
- d. Single-Detached Residential
- e. Single-Detached Residential and
 - i. Secondary Suite (subject to section 1.1.8 of Schedule "A")
 - OR
 - ii. Detached Secondary Dwelling Unit (subject to Section 1.1.9 of Schedule "A")
- f. Transition House

3. Density

- a. The maximum density on lots equal to or less than 276 sq.m. is one Single-Detached Residential Dwelling Unit.

4. Minimum Lot Area & Minimum Lot Width

- a. The minimum lot area shall be not less than 370 sq. m.
- b. The minimum lot width shall be 12 m.

5. Dwelling Units per Lot

- a. Not more than 2 (two) dwelling units shall be permitted on one (1) lot, except as otherwise permitted in section 9.9.2.g.

6. Lot Coverage

- a. Buildings and structures on lots with a lot area **equal to or greater** than 370 sq. m. shall not cover more than 35 percent of the lot.
- b. Buildings and structures on lots with a lot area **less** than 370 sq. m. shall not cover more than 40 percent of the lot.
- c. Despite section 9.9.6.a. buildings and structures on lots between 370 sq. m. and 422 sq. m. in area shall be permitted a maximum of 148 sq. m. in lot coverage.
- d. Despite section 4.1.7.a and 4.1.7.b, Care Services shall not cover more than 45 % of the lot area.

7. Minimum Setback and Height

Minimum Setback	Distance for lots with a front lot line greater than 9.2 m.	Distance for lots with a front lot line less than 9.2 m.
Front lot line	4.5 m	4.5 m
Open carport	1.5 m	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m	1.5 m
Rear lot line	4.5 m	4.5 m
Accessory Building and Detached Secondary Dwelling Unit	1.5 m	1.5 m
Exterior side lot line	1.5 m	1 m
Interior side lot line	1.5 m	1 m
The minimum permitted setback from one interior side lot line only shall be	1.5 m	0.76 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0.0 m	0.0 m
Maximum Height		
Principal Building	10 m	10 m
Accessory Building	4.5 m	4.5 m
Detached Secondary Dwelling Unit	5.0 m	5.0 m

8. Siting Exceptions

a. Interior Side Lot Line

Where chimneys; chimney chases; bay floor areas to a maximum of 0.93 sq.m. per bay area to a maximum of 3 bay areas per floor; or uncovered steps project beyond the face of a building, the minimum distance to an abutting interior side lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.3 m.;

b. Exterior Side Lot Line, Front Lot Line, or Rear Lot Line

Where chimneys; chimney chases; bay floor areas to a maximum of 0.93 sq.m. of floor space per floor; or uncovered steps project beyond the face of a building, the minimum distance to an abutting exterior side, front, or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 m, providing that such a reduction shall apply only to the projecting feature.

9. Off-Street Parking

Despite the requirements of *Off-Street Parking and Landscape Bylaw No. 3274, 2013*, a maximum of 1 parking stall shall be required per dwelling unit.

SCHEDULE "B" – ZONING MAP (Amended by Bylaw 3295, 2015)

