

# Village of Nakusp Zoning Bylaw No. 614, 2008

THIS DOCUMENT COMPLIMENTS THE NEW OFFICIAL COMMUNITY PLAN BYLAW NO. 612, AND REFLECTS THE LAND USES SHOWN ON MAP 14 of the OCP.

**CONSOLIDATED VERSION including Bylaws 614-1, 614-2, 614-4, 614-5, 614-6, 614-7, 614-9, 614-10, 614-11, 614-12, 614-13, 614-14, 614-15, 614-16, 614-17, 614-18, 614-19, 614-20, 614-21, 614-22, 614-23 and 614-24  
January 15, 2019**

## 1 - TITLE

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- 1.0 This Bylaw may be cited for all purposes as the "Village of Nakusp Zoning Bylaw No. 614, 2008."

## PART 2 - DEFINITIONS

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

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

**ACCESSORY USE** means a use which is incidental to a principal use on the same parcel.

**Bylaw 614-1, 2008 amended the following definition:**

**AFFORDABLE & ASSISTED LIVING HOUSING** means housing designated as affordable or assisted living by CMHC, or by a resolution of Council for the purpose of administering this bylaw.

**Bylaw 614-1, 2008 amended the following definition:**

**AGRICULTURE** means the growing, rearing, cultivation and harvesting of agricultural products and the processing and sales of products produced on the parcel and includes apiaries, horticulture, silviculture, dairying, rearing of livestock, nurseries and greenhouses.

**ANIMAL HOSPITAL** means a building or structure in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be a shelter provided within the building or structure, during the period of treatment.

**AUTOMOBILE AND RECREATIONAL VEHICLE SALES AND SERVICE** means a business engaged in the retail sale of new or used automobiles and recreational vehicles and servicing of motor vehicles excluding automotive body shops, provided that all servicing work is carried out entirely within the principal building.

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

**Bylaw 614-19, 2017 added the following definition:**

**CABIN** means one (1) self-contained or non-self-contained structure no larger than 100 square metres (1076 square feet) intended for the purposes of temporary residential uses or temporary lodging for tourists and visitors.

**Bylaw 614-19, 2017 replaced the following definition:**

**CAMPGROUND** means a parcel, within which campground spaces are used or intended to be used, leased or rented for the temporary accommodation of campers or tourists occupying tents, trailers or recreational vehicles. Campgrounds must offer central washrooms and may offer full or partial hook-ups, in addition to common amenity areas and facilities; such as a sani-dump, showers, laundry facilities, playgrounds, picnic areas, recreational trails, swimming pool, recreational facilities, marinas, boat launches, complimentary retail or similar uses.

**Bylaw 614-22, 2018 added the following definition:**

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

**Bylaw 614-22, 2018 added the following definition:**

**CANNABIS ACCESSORIES** means things, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis.

**Bylaw 614-22, 2018 added the following definition:**

**CANNABIS RETAIL SALES FACILITY** means a facility that complies with Government of Canada regulations and is licensed to sell non-medical cannabis and cannabis accessories.

**Bylaw 614-1, 2008 amended the following definition:**

**CLUBS AND LODGES** means a building or establishment used by an association or organisation for fraternal, social or recreational purposes operated for the use of the club members or their guests only.

**Bylaw 614-22, 2018 replaced the following definition:**

**CONVENIENCE STORE** means an establishment where food, tobacco, pharmaceuticals, periodicals, or similar items of household convenience, but specifically excludes the sale or distribution of cannabis or cannabis accessories, are kept for the retail sale to primarily the residents of the immediate neighbourhood and to the general public.

**DEVELOPMENT** means affecting a change in the use or intensity of use of any land, water, buildings or structures, or the renovation, construction, excavation or placement of any buildings or structures on land or water.

**DOCK** means a structure which floats on the surface of the water for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland.

**DWELLING UNIT** means – one or more habitable rooms when such room or rooms together contain only one set of cooking facilities, to be used for living and sleeping purposes by the members of a family or not more than three unrelated persons as a functioning set of living quarters, and which has a private entrance from outside of from a common hall inside a multiple family building, and includes a “secondary suite”

**DWELLING, SINGLE FAMILY** means – a detached building consisting of one dwelling used or intended for use as a permanent home or residence of one family, and which complies with the BC Building Code whether built on site or constructed as a Modular Home transported to the site and does not include a Mobile Home.

**DWELLING, TWO FAMILY** means any detached building consisting of two dwelling units each of which is occupied or intended to be occupied as the permanent home or residence of one family.

**FENCE** means a structure or visual barrier used as an enclosure or screening along parcel boundaries.

**FORESHORE** means the land area below the natural boundary or approximate high water mark.

**FRONTAGE** means the width of a parcel measured along a line 6 metres (20 feet) back from the front parcel line and parallel thereto. In the case of a parcel fronting on more than one highway, the shortest parcel boundary contiguous to a highway other than a lane shall be its frontage.

**FUNERAL HOME** means a building designed for the purposes of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the human corpse for interment or cremation.

**GARDEN AND CARRIAGE HOUSE SUITES** means suites that are constructed as a separate building at grade, and can be attached or detached from the main residence. A Carriage House Suite is typically constructed above a garage or work shop, as part of and ancillary building. These suites are constructed to the requirements of the BC Building Code in all respects, and cannot exceed the areas and limitations imposed for secondary suites in this bylaw or the Village of Nakusp Building Bylaw. **[added by Bylaw 614-5]**

**GASOLINE SERVICE STATION** means any building or land used or intended to be used for the retail sale of motor fuels and lubricants and may include the servicing and minor repairing of motor vehicles and the sale of automobile accessories, but does not include painting, body work and major repairs.

**GRADE** means the average of the finished ground level at the centre of all walls of a building. Where walls are parallel to and within 1.5 metres (5.0 feet) of a sidewalk of a highway, the ground level shall be measured at the sidewalk.

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

**HEIGHT** means the vertical distance from the grade to the highest point of a building or structure.

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

**HOME OCCUPATION** means an occupation, service or profession carried out in a dwelling or accessory building, where the occupation or profession is clearly incidental to the use of a parcel for residential purposes (examples: accountant, dentist, engineer, lawyer, physician or other professional person, office or studio of artist, chiropractor, dressmaker, music teacher, musician, seamstress, writer, home crafts and hobbies). The intent is NOT to carry on a commercial business

**HOSTEL** means a Home Occupation carried on in a single family dwelling owned and occupied by the operator in a residential or agricultural zone, OR a building allowed in a commercial zone, which provides affordable lodging to travellers. It can include up to 5 private rooms and up to 2 dormitories with shared kitchen, living and bathroom facilities; but is not structured as a hotel or motel.

**HOTEL** means a building or part thereof wherein accommodation is provided for transient lodgers with or without individual cooking facilities, restaurant, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**Bylaw 614-19, 2017 added the following definition:**

**INDUSTRIAL OPERATION** means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, cleaning, servicing, testing, storing, and distribution of materials, goods, products or equipment.

**KENNEL** means an establishment for the keeping, breeding and raising of four or more dogs over four months of age for profit or gain, but shall not apply to the keeping of animals in an animal hospital for the purposes of observation and/or recovery necessary to veterinary treatment.

**LANE** means a public way or minor street affording only secondary means of access to a parcel, at the side or rear, and not less than 6 metres (20 feet) in width.

**LANDSCAPE BUFFER** means a continuous strip planted in lawns, shrubs and trees with or without fences, walkways or other structures and materials as used in landscape architecture.

**LOADING SPACE** means an open area used to provide free access for vehicles to a loading door, platform or bay for the purpose of loading or unloading.

**LODGING HOUSE** means a single family residence that is used commercially as a rental accommodation that is let on a daily or weekly basis, and for the purpose of providing the travelling public a source of accommodation. Unlike a bed and breakfast, a Lodging House

does not have to be occupied by the owner; however, must be located in a commercial zone. Parking is subject to the requirements of the zoning bylaw, and the premise may be subject to a building inspection report.

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

**MARINA** means a docking area or moorage basin for small vessels together with accessory uses customarily associated with a marina including the sale of fuel to boats, sales, repair and maintenance of marine equipment and social and recreational facilities catering specifically to those persons using the marina.

**Bylaw 614-15, 2016 added the following definition:**

**MEDICAL MARIHUANA, COMMERCIAL PRODUCTION** means the use of premises for the commercial cultivation, processing, testing, packaging and shipping of marihuana used for medical purposes under the *Controlled Drugs and Substances Act (Canada)* or any regulations made pursuant to that Act, and permitted as a farm use under the *Agricultural Land Commission Act (British Columbia)* or any regulations made pursuant to that Act and includes the sale of marihuana used for medical purposes only to customers who are not on the premises.

**MEDICAL CLINIC** means a doctor's or dentist's office and accessory uses for the provision of health care and may include within the clinic a physio-or massage therapist.

**MOBILE HOME** means any structure containing not more than one dwelling whether ordinarily equipped with wheels or not that is designed, constructed or manufactured to be moved from one place to another by being towed or carried but does not include travel trailers, campers, or other vehicles which are exempt from the provisions of the Manufactured Home Act. Mobile Homes are factory built to comply with CSA Standard Z240 MH Series. Mobile Homes are permitted only in the R2M Residential Mobile Home Zone, and the RM-1 Mobile Home Park Zone.

**MODULAR HOME** – means a building certified as being constructed to the requirements of the CSA A277-90 National Standard. A modular home is manufactured in a factory for transport, assembly and completion as a dwelling.

**MOTEL** means a building primarily for transients travelling by automobile with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

**Bylaw 614-19, 2017 added the following definition:**

**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.

**MULTIPLE FAMILY RESIDENTIAL** means a residential use where a building or buildings on a parcel consists of three or more dwelling units and including triplex, four plex, townhouses, row houses or apartment buildings – and includes affordable and assisted living housing.

**NEIGHBOURHOOD PUBLIC HOUSE** means an establishment for providing alcoholic liquor for consumption on or off the premises and including the serving of hot foods, snacks, non-alcoholic beverages and for providing entertainment to customers.

**OCP** means the Official Community Plan of the Village of Nakusp, as amended.

**OFFSTREET PARKING SPACE** means a space within a building or parking area for the parking of one vehicle, excluding driveways, aisles, work areas and streets.

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

**PARCEL LINE, EXTERIOR SIDE** means a parcel line other than a rear or front parcel line that is common to the parcel and a street.

**PARCEL LINE, FRONT** means a parcel boundary contiguous to a highway other than a lane, provided that in respect of a corner parcel, the front parcel line shall be the shortest parcel boundary contiguous to a highway other than a lane.

**PARCEL LINE, INTERIOR SIDE** means a parcel line other than a rear or front parcel line common to more than one parcel or to the parcel and a lane.

**PARCEL LINE, REAR** means the boundary of a parcel which lies the most opposite to and is not connected to the front parcel line.

**PERSONAL SERVICE ESTABLISHMENT** means a business establishment providing personal services including but not limited to tailors, drycleaners, dressmakers, Laundromat, shoe repair, photographers, travel agencies, barbershops and beauty salons.

**PIER** means a municipally approved and/or built structure over the water secured by pilings and serving as a recreational feature for temporary boat landings or fishing.

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

**PUBLIC UTILITY OR USE** means land, buildings, structures or facilities provided by a government, agency of government or company regulated by the Utilities Commission Act for public parking, recreation, education, health, safety, communications or public work, and including but not limited to electrical transformer stations, telephone exchanges, sewage collection systems and treatment plants, water pumping stations and reservoirs.

**Bylaw 614-22, 2018 replaced the following definition:**

**RETAIL STORE** means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, but specifically excludes the sale or distribution of cannabis or cannabis accessories, and includes storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a retail establishment

**SECONDARY SUITE** means a self-contained accessory dwelling unit located within a single family dwelling unit. A secondary suite has its own separate cooking, sleeping and bathing facilities; and has direct access to outside, without passing through any part of the principal unit. Secondary suites are constructed to the applicable standards in the B.C. Building Code. Secondary suites do not include other forms of multiple family residential dwellings, such as duplexes, tri-plex, or apartment housing. Part 4.10(a) of the General Regulations of this Bylaw provides regulations pertaining to secondary suites.

**SETBACK** means the required minimum distance between a building, structure or use and each of the respective parcel lines.

**SCREENING** means a continuous fence, wall, evergreen hedge or combination thereof that will effectively screen the parcel it encloses or a portion of a parcel used for outdoor storage, and is broken only by access driveways, lanes and walkways.

**SIGN** means any visual representation or attention-drawing device which communicates information or advertising for any purposes, displayed out of doors or on the exterior of a building.

**STORAGE AREA** means a portion of a parcel which is used for the storage of materials either inside or outside a building.

**STOREY** means a habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. A basement which contains habitable accommodation shall be considered as a storey.

**STRUCTURE** means any construction with a vertical projection of at least 1 metre (3.2 feet) above the ground; but shall not include fences that are less than the maximum permitted height for buildings or structures.

**TEMPORARY ACCOMMODATION STORAGE AREA** means a portion of a building which is used for the storage of a temporary accommodation unit, such as a fifth wheel recreational trailer or Recreational Vehicle, while such unit is being used for on-site, non-permanent accommodations.

**Bylaw 614-19, 2017 added the following definition:**

**TEMPORARY** means a maximum of 180 days in a calendar year.

**Bylaw 614-19, 2017 added the following definition:**

**TOURIST ACCOMODATION** means facilities providing temporary accommodation for the traveling public, which may be in the form of bed and breakfasts, cabins, campgrounds, inns, or other forms of tourist accommodation

**Bylaw 614-19, 2017 replaced the following definition:**

**VEHICLE REPAIR ESTABLISHMENT** means a building or structure that offers services to the public that include general repair and can include painting, automotive towing services, body work, sales, and major repairs to automobiles and other vehicles and does not include facilities for long term storage of automobiles or outdoor bulk storage of new or used automobile parts.

**WHARF** means a structure of masonry or timber erected on the foreshore for the purposes of mooring large boats or a number of boats on a temporary basis.

**YARD** means the open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw.

**YARD, FRONT** means that portion of a parcel extending across the full width of the parcel measured at right angles from the front parcel line to the nearest projection of a building or structure.

**YARD, REAR** means that portion of a parcel extending across the full width of the parcel measured at right angles from the rear parcel line to the nearest projection of a building or structure.

**YARD, SIDE** means that portion of a parcel extending from the front yard to the rear yard measured at right angles from the side parcel line to the nearest projection of a building or structure.



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## PART 3 - ADMINISTRATION

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### Compliance

3.1 Land, air space or the surface of water shall not be used and buildings and structures shall not be constructed, altered, located or used except as specifically permitted in this Bylaw.

**Bylaw 614-1, 2008 deleted Section 3.2 Non-Conforming uses and renumbered the subsequent sections**

### Inspection

**Bylaw 614-1, 2008 amended the following section**

3.2 The Bylaw Enforcement Officer, Building Inspector, CAO, or any other officer of the Municipality who may be appointed by Council, is hereby authorized, in accordance with Section 16 of the *Community Charter*, to enter between 07:00 a.m. and 9:00 p.m., on any day on any property subject to the regulations of this Bylaw to ascertain whether the provisions of this Bylaw are being observed.

### Violation

3.3 Every person who:

- (a) causes or permits any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used or any land to be occupied or used in contravention of this Bylaw;
- (b) neglects or omits to do anything required under this Bylaw; or
- (c) prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Bylaw Enforcement Officer, Building Inspector or CAO, or any other officer of the Municipality who may be appointed by Council under Section 3.3 of this Bylaw;

shall be deemed to be guilty of an offence.

### Penalty

3.4 (a) Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.

**Bylaw 614-1, 2008 amended the following section**

- (b) Every person who commits an offence under this Bylaw is liable to a fine not exceeding \$1,000, plus the cost of prosecution.

### **Severability**

3.5 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this Bylaw.

### **Bylaw Amendment**

- 3.6 (a) Any person applying to amend this Bylaw shall apply in writing to the CAO of the Village of Nakusp.
- (b) Application for the amendment of this Bylaw shall be accompanied by:

#### **Bylaw 614-1, 2008 amended the following section**

- .1 a completed and signed application in the format set out in the Village of Nakusp Procedures Bylaw No. 355, 1988;
- .2 maps, plans or other materials as stipulated in the Village of Nakusp Procedures Bylaw No. 355, 1988;
- .3 a processing fee in the amount of five hundred dollars (\$500.00).

#### **Bylaw 614-1, 2008 deleted Section 3.8 Public Hearings and renumbered the subsequent sections**

### **Metric Units**

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

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## **PART 4 - GENERAL REGULATIONS**

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### **Application**

- 4.1 Except as otherwise specified in this Bylaw, Sections 4.2 to 4.13 inclusive apply to all zones established under this Bylaw.

### **Flood Damage Protection**

#### **Bylaw 614-1, 2008 amended the following section:**

- 4.2 Notwithstanding any other regulations of this Bylaw, the floodplain regulations are set out in Schedule "C" entitled Village of Nakusp Floodplain Management which is hereby made an integral part of this Bylaw.

### **Height of Fences**

- 4.3 No fence shall exceed 2.0 metres (7 feet) in height in a rear or side yard and 1.3 meters (4 feet) in a front yard unless otherwise permitted in this Bylaw. Fences on corner lots within a sight triangle as described in Section 4.4.1 of this Bylaw shall not exceed 0.6 metres (2 feet) in height.

### **Visibility at Intersections**

- 4.4 (a) In all zones there shall be no obstruction to the line of vision above the height of 0.6 metres (2 feet) above the established grade of streets or lanes within an area bounded by:
- (b) The centre lines of intersecting streets and a line joining each centre line at a distance of 20 metres (65 feet) from the point of intersection.

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

- 4.5 Except as otherwise provided in this Bylaw, no parcel shall be used for:
- (a) the wrecking or storage of vehicles, equipment or materials in disrepair or derelict condition;
- (b) the storage of any vehicle which has not been licensed for a period of one year or more that is not contained within a carport or accessory building.

## Signage

- 4.6 (a) All signage posted in the Village of Nakusp shall be in accordance with the regulations of the Signage Guidelines, attached to this Bylaw as Schedule 'B'.
- (b) When required by the provisions of the Signage Guidelines, a Sign Permit application must be made to the Village to construct, erect, or install any sign. The Sign Permit application shall be as per the form prescribed in the Signage Guidelines; and shall be submitted with the appropriate fees as indicated.
- (c) A Sign Permit is void if construction, erection or installation of the sign is not completed within six (6) months of the date on which the permit is issued.

### **Bylaw 614-1, 2008 amended the following section:**

- (d) Every owner shall ensure the removal of any sign constructed, erected or installed on their property when the purpose of the sign or the message thereon is no longer applicable.

### **Bylaw 614-1, 2008 amended the following section:**

- (e) Every owner shall ensure that all signs constructed, erected or installed on their property are maintained in a safe and secure manner to avoid the risk of injury to any person or damage to any property.
- (f) Neither the granting of a Sign Permit, nor the acceptance of plans and specifications, or any inspection which may be made by the Building Inspector, the Approving Officer or other municipal official, shall relieve the owner from responsibility for fully complying with the requirements of this Bylaw, the Building Bylaw, if applicable, and any conditions attached to the Sign Permit.

## Uses Permitted in All Zones

- 4.7 Subject to Section 6.8 The following uses are permitted in all zones established in this Bylaw;
- (a) public parks, playgrounds;
- (b) golf courses, with the exception of lands zoned RU-1 Agricultural or that are designated as being within the Agricultural Land Reserve.
- (c) fire hall and police station, and other emergency services.
- (d) public utility or use (excluding public works yards, public utility garages, public utility outdoor storage yards and public utility equipment repair facilities);
- (e) day care centres.

## **Principal Buildings and Siting of Buildings**

### **Bylaw 614-13, 2013 deleted 4.8(d) and renumbered the subsequent subsections**

4.8 Principal and accessory buildings shall comply with all of the following regulations:

- (a) Except as otherwise provided in this Bylaw, not more than one principal building shall be permitted per parcel;
- (b) No principal building or part thereof shall be located within any required setback area;
- (c) Except as otherwise provided in this Bylaw, no accessory building or part thereof shall be located within any required front or side setback area.

### **Bylaw 614-1, 2008 added 4.8(d) and (e)**

- (d) Location, gradient and the construction of driveways and parking areas must not direct road drainage onto a property, except where the design is approved by the Village and incorporates an approved and permanent drainage system.
- (e) Maintenance of an approved drainage system is the responsibility of the owner.
- (f) "CONTAINER BUILDINGS" **[added by Bylaw 614-6, 2009]**
  - .1 That "exposed" containers be permitted only in the industrial or agricultural zones where they are used for storage and not accommodation, and that they be subject to the regulations for buffering.
  - .2 That where containers are used for any other occupancy or zone, they must be completely covered with siding and otherwise give no outward appearance of being a metal container.
  - .3 That in all instances, ISBU's must be approved and certified by a structural engineer.
  - .4 That in all instances, where an ISBU is used within a development permit area, that the owner be required to obtain Council's approval.
  - .5 That in all instances, ISBU's must conform to the regulations in the zoning and building bylaws and the Official Community Plan with respect to setbacks, height, theme and character.

## **Setback Exceptions**

- (h) For Principle buildings, setback exceptions include soffits, gutters, cornices, sills, bay windows, chimneys, heating and ventilating equipment or other architectural features if the projections do not exceed 1m (3.2 ft) measured horizontally or 2m (6.5 ft) in the case of rear yards if the foundation supports for them do not encroach into any required front yard or side yard.

- (i) For accessory structures, setback exceptions include patios, arbours and trellises, fish ponds, ornaments, flag poles or similar features. An uncovered swimming pool, provided such pool is not constructed within any required front yard nor nearer than 3 metres (10 feet) to any property line. Pools must be located within a fenced yard with a minimum fence height of 1.8 metres (6 feet). Underground structures are exempt provided no feature extends above the average finished ground level.

### **Width to Length Ratio of Dwelling Units**

**Bylaw 614-13, 2013 deleted 4.9(a) and (b) and renumbered 4.9(c) to 4.9(a)**

- 4.9 (a) No residential building shall have a **width to length ratio** of more than 1:2.2 (Example - in the R-1 zone, the minimum building width is 24 feet

The maximum length would therefore be  $24 \times 2.2 = 52.8$  feet)

### **Home Occupations**

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

- (a) a home occupation shall be carried out entirely within the dwelling unit or permitted accessory building and shall not involve internal or external structural alterations of the dwelling unit or accessory building;
- (b) no signs or displays, other than one non illuminated name sign not exceeding .75 square metres (8 square feet) attached flat against the dwelling unit or accessory building, shall be permitted;
- (c) outdoor storage of materials and equipment shall not be permitted;
- (d) only 1 person shall be employed in a home occupation who is not a resident of the dwelling unit in which the home occupation is taking place;
- (e) no retail sales other than the sale of goods produced on the premises is permitted;
- (f) in the RU-1 zone, the floor area for a home occupation within a dwelling unit shall be limited to a 100 square metres (1,076 square feet);
- (g) home occupations that are accommodated within accessory buildings are limited to 100 square metres (1,076 square feet) for this area;
- (h) the following uses are **not** permitted as a home occupation:
  - .1 stable, kennel, animal hospital, animal breeding operation, restaurant;
  - .2 the salvage, repair, maintenance of motor vehicles, vehicle engines, heavy equipment or parts;

- .3 manufacturing, welding, sheet metal, or any other light industrial use;
- .4 uses that produce noise, vibration, smoke, dust, odour, litter, heat, fire hazard, electrical interference, or traffic congestion other than normally associated with a dwelling unit.

### **Secondary Suites**

**4.11** Secondary Suites are a permitted use in all Zones permitting single family dwellings.

- (a) A secondary suite shall be licensed by the Village of Nakusp and must be built to the standards of the BC Building Code under permit.
- (b) The owner of the building containing a secondary suite must reside in the building, in order to receive a licence to operate a secondary suite
- (c) Parking requirements shall be as per the regulations outlined in this bylaw
- (d) Not more than one secondary suite shall be permitted per single family dwelling unit.

### **Height Exceptions**

**Bylaw 614-1, 2008 amended the following section:**

**4.12** Height exceptions include:

- (a) flag pole;
- (b) water tower;
- (c) antenna or mast for the transmission of radio or television signals;
- (d) transmission tower;
- (e) observation tower;
- (f) chimney;
- (g) spire;
- (h) dome;
- (i) monument;
- (j) mechanical apparatus located on a roof top;

### **Off street Parking and Loading**

**4.13**

- (a) Space for off street parking and loading of motor vehicles in respect of a class of building or use permitted under this Bylaw shall be provided and maintained in accordance with the regulations of this section except that;

**Bylaw 614-14, 2016 replaced 4.13(b) with the following:**

- (b) In the Service Commercial, Lakeshore Development, and Institutional Zones, the owner may apply to Council for a Development Permit to locate up to 50% of the required parking spaces on an alternate parcel located within 300 meters of the principal site, provided that a covenant in favour of the Village of Nakusp connecting the parking on the alternate parcel with the principal site, is registered against the title of the alternate parcel. The number of parking spaces provided on the alternate parcel cannot interfere with the parking spaces required for the use on the alternate site.

**Bylaw 614-14, 2016 added 4.13(b.1) & 4.13 (b.2) as follows:**

- (b.1) .1 Any person who applies for a Building Permit to construct or extend a building or structure for a use on a lot within the Commercial, Lakeshore Development and Institutional Zones which requires parking to be provided may, at his option, instead of providing such required parking spaces, pay to the Village the sum of \$1,000.00 (One Thousand Dollars) for the Parking Lot Reserve Fund for each parking space required but not provided.
- .2 Any person who changes a use within the Commercial, Lakeshore Development and Institutional Zones such that this bylaw requires additional parking spaces to those already provided may, at his option, instead of said additional parking on site, pay to the Village the sum of \$1,000.00 (One Thousand Dollars) for the Parking Lot Reserve Fund for each parking space required but not provided.
- .3 Payment in lieu of parking is payable at the time when:
- .1 The Building Permit is issued for the building or structure that is being put to the use that requires the parking spaces specified in this Bylaw, or where no Building Permit is required, the use that requires the parking space specified in this Bylaw is granted a business licence.
- .2 parking spaces provided in this section are not available on a reserved or dedicated basis within a municipal parking lot.
- (b.2) If a lot within the Commercial, Lakeshore Development and Institutional Zones is permitted a single family dwelling as a secondary use, and the single family dwelling is occupied by the owner of the business that is the principal use on the lot, then the two spaces for a single family dwelling is not required in addition to the parking for the other uses.
- (c) The regulations contained in this section do not apply to buildings, structures and uses existing as of the date of adoption of this Bylaw except that:
- .1 off street parking and loading shall be provided and maintained in accordance with this section for any addition to an existing building or structure or change or addition to the existing use; and
- .2 the number of off street parking or loading spaces provided prior to the date of adoption of this Bylaw shall not be reduced below the applicable off-street parking or loading space requirements of this section.



- .3 The number of required off street parking and loading spaces shall be calculated as follows:
- .1 the number of off street parking spaces required for building or parcel is calculated according to Table 1 of this Bylaw in which Column 1 sets out the use of a building or parcel and Column II sets out the number of required off street parking spaces;
  - .2 the number of off street loading spaces for motor vehicles required for a class of building or use is calculated according to Table 2 of this Bylaw in which Column I sets out the class of building or use and Column II sets out the number of required off street loading spaces;
  - .3 where the calculation of the required off street parking spaces or loading spaces results in a fraction, one parking or loading space shall be provided in respect of that fraction;
  - .4 in the case of mixed uses, the total requirements for the off street parking or loading facility shall be the sum of the requirements for the various uses computed separately.

**TABLE 1 - Required Off Street Parking Spaces**

**Replaced by Bylaw 614-15, 2016**

Column I - Use of Building or Parcel	Column II - Required Number of Spaces
<b>RESIDENTIAL</b>	
Single and Two Family Dwelling Units	2 per dwelling unit
Multiple Family Dwelling Unit	1.5 per dwelling unit
Mobile Home Park	1.5 per mobile home
Bed and Breakfast	1 per sleeping unit in addition to the minimum parking requirements for single family units
Senior Citizen Housing	1 per 3 dwelling units
Secondary Suites	1 per secondary dwelling unit in addition to the minimum single family parking requirements
<b>COMMERCIAL</b>	
Bank, Financial Institution	1 per 20 square metres (215 square feet) of gross floor area
Bowling Alley	2 per alley or bowling lane
Building Material Supply	1 per 2 employees plus 1 per 185 square metres (2,000 square feet) covered sales and storage floor area
Campground	1 per campground space +2
Bylaw 614-22, 2018 added the following: Cannabis Retail Sales Facility	1 per 20 square metres (215 square feet) of gross retail portion of building
Retail / Convenience Store	1 per 20 square metres (215 square feet) of gross retail portion of building
Funeral Home	1 per 4 seats in chapel
Gasoline Service Station	1 per 2 employees on duty and 2 per service bay
Hostel	1 per 4 beds
Hotel, Motel	1 per unit
Laundry, Dry Cleaners	1 per employee
Laundromat	1 per 3 washing machines
Marina	1 per 2 berths and 1 per 2 employees
Medical, Dental clinic	5 per doctor or dentist
Neighbourhood Pub	1 per 8 seats
Nursery, Greenhouse	1 per 20 square metres (215 square feet) gross retail floor area
Office	1 per 30 square metres (322 square feet) gross floor area
Personal Service Establishment	1 per 30 square metres (322 square feet) gross floor area
Restaurant	1 per 8 seats
Sale, Rental and Service of Motor and Recreation Vehicles, Mobile Homes, Boats, Machinery and Farm Implements	1 per 100 square metres (1,075 square feet) gross floor area plus 1 per service bay
Shopping Centre	1 per 13.3 square metres(143 square feet) gross leasable floor area
Taxi Stand	1 per taxi plus 1 per office employee

Theatre	1 per 4 seats
Animal Hospital and Kennel	1 per employee + 3 per veterinarian
<b>INDUSTRIAL</b>	
Machine and Welding Shop, Manufacturing Fabricating and Processing Industry	1 per 100 square metres (1,075 square feet) gross floor area
Storage, Warehousing, Garage, Express Freight Facilities	1 per 200 square metres (2,150 square feet) gross floor area
<b>PUBLIC AND INSTITUTIONAL</b>	
Church	1 per 4 seats rural, 1 per 10 seats urban
Clubs, Lodge	1 per 4 seats
College	1 per employee plus 1 per 5 students
Fire hall, and other Emergency Services	1 per employee on shift
Intermediate Care Facility/Assisted Living Facility	1 per 2 employees plus 1 per 5 beds
Hospital	1 per 2 employees on 2 shifts plus 1 per 5 beds
Nursing Home, Extended Care Facility	1 per employee on shift plus 1 per 5 beds
Police Station	1 per employee on a total of 2 shifts
Recreation Facility	1 per 45 sq. m. (484 square feet) gross floor area plus 1 per 10 spectator seats
School – Elementary	1 per employee
School – Secondary	1 per employee plus 1 per 10 students

**TABLE II - Required Off street Loading Spaces**

Column I - Use of Building or Parcel

Column II - Required Number of Spaces

Retail Store, Manufacturing, Fabricating, Processing, Warehousing and Wholesale Establishment	
.1 less than 300 square metres (3,230 square feet) in floor area	0
.2 301 to 465 square metres (3,231 to 5,000 square feet) in floor area	1
.3 466 to 2,300 square metres (5,001 to 24,750 square feet) in floor area	2
.4 greater than 2,300 square metres (24,750 square feet) in floor area	3

**Location of Parking Spaces**

4.13 (d) In all zones, (except as otherwise noted) required off street parking spaces shall be located on the same parcel as the use or building they serve.

### Dimensions of Parking Spaces

- 4.13 (e) .1 Each off street parking space required by this Bylaw shall be not less than 2.6 metres wide (9 feet), 5.8 metres long (19 feet) and have a vertical clearance not less than 2.2 metres (7 feet).
- .2 Adequate provisions shall be made for individual entry or exit by vehicles to all parking spaces at all times by means of unobstructed maneuvering aisles, having widths not less than:
- 7.3 metres (24 feet) - Where parking spaces are laid out at 90 degrees to the maneuvering aisle providing access to the space;
- 5.5 metres (18 feet) - Where parking spaces are laid out at between 60 and 89 degrees inclusive to the maneuvering aisle providing access to space;
- 3.9 metres (13 feet) - Where parking spaces are laid out at between 45 and 59 degrees inclusive to the maneuvering aisle providing access to space.
- .3 **Small car parking** Of the required number of parking spaces provided on a given site, a maximum of twenty percent (20%) may be designed to accommodate small car parking. A small car parking stall shall not be less than 2.45 metres (8 feet) in width, and 4.9 metres (16.0 feet) in length.

### Disabled Parking

- 4.13 (f) Where more than 20 parking stalls are required, every off street parking lot shall provide 1 percent of the required stalls, with a minimum of 1 stall for the use of physically disabled persons. Each stall shall:
- 4.13 (g) .1 be at least 3.6 metres (12 feet) wide;
- .2 be located as close as possible to a main handicapped-accessible building entrance ;
- .3 be clearly identified as being for handicapped use only.

### Access to Highways

- 4.13 (h) Each off street parking space shall have at all times access to a manoeuvring aisle that intersects with a highway.

### Surfacing of Off street Parking Spaces

**Bylaw 614-14. 2016 replaced 4.13(1) with the following:**

- 4.13 (i) Off-street parking areas containing three or more spaces must have a permeable, dust free surface. Crushed gravel is permitted. Draining and surfacing of off-street parking areas must be approved by the Village.

## **Screening and Landscape Buffers**

- 4.14 (a) On parcels designated C-1, C-2, C-3, C-4, M-1, M-2 or LD-1 in this Bylaw, screening and landscape buffers shall be provided as follows:

### **Zone**

### **Screening and Landscape Buffer**

- |                         |   |
|-------------------------|---|
| C-1                     | Landscaping, screening or fencing of not less than 1.8 metres (6 feet) in height shall be provided along all parcel boundaries that abut a residential zone.  |
| C-2, C-3, C-4, M-1, M-2 | <p>Solid Screening or fencing of not less than 2.2 metres (8 feet) in height and a thick landscape buffer of not less than 1.8 metres (6 feet) in width shall be provided along all parcel boundaries that abut a highway or residential zone;</p> <p>For automobile and recreational vehicle sales and service establishments, automobile repair establishments and gasoline service stations, only a landscape buffer of 1.0 metre (3 feet) in width is required.</p> |
| LD-1                    | Landscape buffers of not less than 1.0 metre (3 feet) in height and 1.3 meters (5 feet) in width shall be provided along boundaries that abut a highway or the Waterfront/Lakefront Promenade.  |
- (b) Screening and landscape buffers required by this Bylaw shall be provided by the owner of the parcel prior to the completion of a development, building or structure on the parcel and shall be constructed, erected, installed or planted and inspected and approved prior to the issuance of an occupancy permit.

## **Parcel Area Exemptions**

- 4.15 (a) If a parcel has insufficient area to be subdivided in accordance with the minimum parcel area required in Part 6 of this Bylaw, the parcel may nonetheless be subdivided if the proposed subdivision is one of the following and meets local health authority requirements
- .1 a subdivision to adjust a boundary that does not create, or make it possible to create, a greater number of parcels than existed at the time of application;
  - .2 the subdivision of a parcel that is divided by a highway or Forest Service road if the boundaries of the highway or road will be the boundaries of the new parcel;
  - .3 the subdivision of a parcel on which two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to the adoption of this by-law and the purpose and effect of the subdivision is only to provide a separate parcel for each building; or
  - .4 the subdivision of a parcel divided by a zone boundary if the zone boundary will be the boundaries of the new parcels.
- (b) The minimum parcel area for a parcel created under subsection (a) shall be 0.2 hectares (.49 acres) where serviced by a community water system and 0.4 hectares (.99 acres) where not serviced by a community water system.

### **Bylaw 614-19, 2017 added the following 4.16:**

## **Tourist Accommodation**

- 4.16 Tourist Accommodation operations shall comply with the following regulations:
- (a) The proprietor resides in the principal dwelling;
  - (b) Subject to the requirements of the Interior Health Authority, tourist camping operations shall be required to provide washroom facilities and may offer full or partial hook-ups, laundry facilities and other similar facilities.

### **Bylaw 614-22, 2018 added the following 4.17:**

## **Cannabis Retail Sales Facility**

- 4.17 Cannabis Retail Sales Facility shall comply with all of the following regulations:
- (a) Only one Cannabis Retail Sales Facility, at a time, will be permitted within the limits of the Village of Nakusp.
  - (b) Must be licensed by the British Columbia Liquor Control and Licensing Branch under the provisions of *Cannabis Control and Licensing Act* and *Cannabis Distribution Act* as amended or replaced from time to time
  - (c) Is prohibited on a property located within 500 meters of a school, daycare or playground.
  - (d) Is prohibited as a home occupation.

- (e) May only be located on a property approved by Council by means of a zoning amendment to add the use to a specific property.
- (f) May only be located on a property zoned C1 – Core Commercial or C4 – Highway Commercial.

**Bylaw 614-23, 2018 added the following 4.18:**

**Undersized Lots**

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

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## PART 5 - ESTABLISHMENT OF ZONES

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### Establishment of Zones

- 5.1 The area within the boundaries of the Village of Nakusp is divided into zones with the title elaborations and zone names as set out in Table 3.

<b>TABLE 3</b>	
<b>Title Elaboration</b>	<b>Zone</b>
<b>Residential Zones:</b>	
Urban Residential (small lot) – Single Family (small lot)	<b>R-1</b>
Suburban Residential (large lot) – Single Family (large lot)	<b>R-2</b>
Suburban Residential – 96 ft rear yard (adjacent to 10 Ave)	<b>R-2 (A)</b>
Suburban Residential – Single Family/Mobile Home	<b>R2-M</b>
Multiple Family Residential – north of Core Commercial	<b>R-3</b>
Comprehensive Residential – North of the Kuskanax	<b>R-4</b>
Mobile Home Park	<b>RM-1</b>
<b>Rural Zones:</b>	
Agricultural – 10 acre minimum – single family (2) or duplex	<b>RU-1</b>
Rural Residential – (0.4 ha) 1 acre minimum – 100 ft frontage	<b>RU-2</b>
Rural Residential – (2.0 ha) 5 acre minimum – 10% frontage	<b>RU-3</b>



<b>Commercial Zones:</b>	
Core Commercial – Downtown	<b>C-1</b>
Service Commercial – Adjacent to Core Commercial	<b>C-2</b>
Tourist Commercial – Hot Springs only	<b>C-3</b>
Highway Commercial – At the entrances to town	<b>C-4</b>
Lakeshore Development	<b>LD-1</b>
<b>Industrial Zone:</b>	
Light Industrial	<b>M-1</b>
Heavy Industrial	<b>M-2</b>
<b>Public Zones:</b>	
Park	<b>P</b>
Institutional – Mixed Use	<b>I</b>
<b>Bylaw 614-20, 2018 added the following:</b>	
<b>Comprehensive Development Zones:</b>	
Comprehensive Development 1 – Youth Centre	<b>CD-1</b>

### **Location of Zones**

- 5.2 (a) The location of each zone is defined in Schedule A entitled Map 14 of the Official Community Plan Bylaw No. 612, and is Titled Land Use Designations/Zoning which is attached to, and forms an integral part of this Bylaw.
- (b) Where the zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the zoning boundary shall be determined by scaling from the Zoning Map.

### **Delineation of Zones**

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

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## PART 6 - REGULATIONS FOR ZONES

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### **R-1 URBAN RESIDENTIAL**

#### **Permitted Uses**

- 6.1 .1 The following uses and no others are permitted in the R-1 zone:
- (a) Single Family Dwelling;
  - (b) Registered Secondary Suite constructed under permit.
  - (c) Garden and Carriage House Suites **[added by Bylaw 614-5, 2009]**
  - (d) Home Occupation;
  - (e) Bed and Breakfast;
  - (f) Accessory Use.
  - (g) uses permitted in all zones (Sec. 4.7)

#### **Regulations**

- .2 A parcel located in a R-1 zone:
- (a) **Minimum Parcel Area**  
Shall have an area of not less than 464 square metres (4,995 square feet);
  - (b) **Minimum Parcel Frontage**  
Shall have a frontage of not less than 15 metres (49 feet).
- .3 **Lot Coverage**  
Buildings and structures shall not cover greater than 50 percent of the parcel area;
- .4 **Maximum Number of Buildings**  
Not more than one principal building shall be permitted;
- .5 **Maximum Height of Buildings and Structures**
- (a) no principal building or structure shall exceed 10 metres (33 feet) in height;
  - (b) no accessory building shall exceed (7.3m.) (24 feet) in height;

.6 **Minimum Building Width**

No building containing a dwelling in it shall have a width less than six metres (6 m.), of which at least Seven point Three metres (7.3 m.) or Twenty-Four feet (24 feet) or 40% of the building length (whichever is greater) is enclosed, climate controlled habitable living area; Maximum width to length ratio is 1:2.2

.7 **Minimum Setback from Parcel Lines**

No principal building shall be located within:

- (a) 6.0 metres (20 feet) of the front parcel line;
- (b) 3 metres (10 feet) of the rear parcel line;
- (c) 1.5 metres (5 feet) of an interior side parcel line;
- (d) 3 metres (10 feet) of an exterior side parcel line;

.8 **Accessory Buildings**

No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

Accessory buildings shall:

- (a) not be located within 1.5 metres (5 feet) of the rear parcel line;
- (b) not have a combined floor area exceeding 10 percent of the parcel area

.9 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided and maintained in accordance with Section 4.13 of this Bylaw.

## **R-2 SUBURBAN RESIDENTIAL**

### **Permitted Uses**

6.2 .1 The following uses and no others are permitted in the R-2 zone:

- (a) Single Family Dwelling;
- (b) Home Occupation;
- (c) Bed and Breakfast;
- (d) Accessory Use.
- (e) Registered Secondary Suite constructed under Permit;
- (d) Garden and Carriage House Suites **[added by Bylaw 614-5, 2009]**
- (f) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

.2 A parcel located in a R-2 zone:

#### **Minimum Parcel Area**

- (a) shall have an area of not less than 670 square metres (7,210 square feet)

#### **Minimum Parcel Frontage**

- (b) shall have a frontage of not less than 18 metres (59 feet).

.3 **Lot Coverage**

Buildings and structures shall not cover greater than 50 percent of the parcel area;

.4 **Maximum Number of Buildings**

Not more than one principal building shall be permitted;

.5 **Maximum Height of Buildings and Structures**

- (a) No principal building or structure shall exceed 10 metres (33 feet) in height;
- (b) No accessory building shall exceed 7.3 metres (24 feet) in height;

.6 **Minimum Building Width**

No building containing a dwelling in it shall have a width less than 7.3 metres (24 feet)

**.7 Minimum Setback from Parcel Lines**

No principal building shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 5.0 metres (16 feet) of the rear parcel line;
- (c) 1.5 metres (5 feet) of an interior side parcel line;
- (d) 3 metres (10 feet) of an exterior side parcel line;

**.8 Accessory Buildings**

No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

Accessory buildings shall:

- (a) not be sited within 1.5 metres (5 feet) of the rear parcel line;
- (b) combined area exceeding 10 percent of the parcel area;

**.9 Off street Parking and Loading**

Off street parking and loading spaces shall be provided and maintained in accordance with Section 4.13 of this Bylaw.

## **R-2(A) SUBURBAN RESIDENTIAL**

### **Permitted Uses**

6.3 .1 The following uses and no others are permitted in the R-2 (A) zone:

- (a) Single Family Dwelling;
- (b) Home Occupation;
- (c) Bed and Breakfast;
- (d) Accessory Use.
- (e) Registered Secondary Suite constructed under permit;
- (d) Garden and Carriage House Suite **[added by Bylaw 614-5, 2009]**
- (f) Uses permitted in all zones (sec. 4.7)

### **Regulations**

.2 A parcel located in the R-2(A) zone:

#### **Minimum Parcel Area**

- (a) shall have an area of not less than 670 square metres (7,210 square feet);

#### **Minimum Parcel Frontage**

- (b) shall have a frontage of not less than 18 metres (59 feet).

.3 **Lot Coverage**

Buildings and structures shall not cover greater than 50 percent of the parcel area;

.4 **Maximum Number of Buildings**

Not more than one principal building shall be permitted;

.5 **Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 10 metres (33 feet) in height;
- (b) no accessory building shall exceed 7.3 metres (24 feet) in height;

.6 **Minimum Building Width**

No principal building shall be less than 6 metres (20 feet) in width;  
Maximum width to length ratio is 1:2.2

**6.3 .7 Minimum Setback from Parcel Lines**

no principal building shall be located within:

- (a) minimum of 7.5 metres (25 feet) or maximum of 12 metres (40 feet) of the front property line;
- (b) 29.0 metres (96 feet) of the rear parcel line; (this is to protect the R/W and walkway dedication on the river side of properties along 10<sup>th</sup> Ave.)
- (c) 1.5 metres (5 feet) of an interior side parcel line;
- (d) 3 metres (10 feet) of an exterior side parcel line;

**.8 Accessory Buildings**

No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

- (a) not be sited within 25.5 metres (85 feet) of the rear parcel line;
- (b) not have a combined floor area exceeding 10 percent of the parcel area;

**.9 Off street Parking and Loading**

Off street parking and loading spaces shall be provided and maintained in accordance with Section 4.13 of this Bylaw.

## **R-2M SUBURBAN RESIDENTIAL - MOBILE HOME**

### **Permitted Uses**

- 6.4 .1 The following uses and no others are permitted in the R-2M zone:
- (a) Single Family Dwelling;
  - (b) Mobile Home;
  - (c) Home Occupation;
  - (d) Bed and Breakfast;
  - (e) Accessory Use.
  - (f) Registered Secondary Suite constructed under permit, if the suite is not within a mobile home;
  - (g) Carriage and Garden House Suites **[added by Bylaw 614-5, 2009]**
  - (h) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

.2 **Minimum Parcel Area**

- (a) shall have an area of not less than 670 square metres (7,210 square feet);

**Minimum Parcel Frontage**

- (b) shall have a frontage of not less than 18 metres (59 feet).

.3 **Lot Coverage**

Buildings and structures shall not cover greater than 50 percent of the parcel area;

.4 **Maximum Number of Buildings**

Not more than one principal building shall be permitted;

.5 **Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 10 metres (33 feet) in height;
- (b) no accessory building shall exceed (7.3 m.) (24) feet) in height;

.6 **Minimum Building Width**

There are no minimum width provisions for the R-2M zone; however, the maximum width to length ratio is 1:2.2



**6.4 .7 Minimum Setback from Parcel Lines**

No principal building shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 5.0 metres (16 feet) of the rear parcel line;
- (c) 1.5 metres (5 feet) of an interior side parcel line;
- (d) 3 metres (10 feet) of an exterior side parcel line;

**.8 Accessory Buildings**

- (a) No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]
- (b) accessory buildings shall:
  - .1 not be sited within 1.5 metres (5 feet) of the rear parcel line;
  - .2 not have a combined floor area exceeding 10 percent of the parcel area.

**.9 Off street Parking and Loading**

Off street parking and loading spaces shall be provided and maintained in accordance with Section 4.13 of this Bylaw.

## **R-3 MULTIPLE FAMILY RESIDENTIAL**

Including Lot 1, DL 398, Kootenay Lake District Plan 6120 (except part included in SRW Plan 10288) [Bylaw 614-10, 2011]

### **Permitted Uses**

**6.5** .1 The following uses and no others are permitted in the R-3 zone:

- (a) Multiple Family Residential;
- (b) Single Family Dwelling
- (c) Two Family Dwelling;
- (d) Accessory Use;
- (e) Home Occupation;
- (f) Registered Secondary Suites constructed under permit in two family dwellings only;
- (g) Carriage and Garden House Suites **[added by Bylaw 614-5, 2009]**
- (f) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

- .2 On a parcel located in an area zoned as R-3, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

#### COLUMN I

#### COLUMN II

- |  |   |
|--|---|
| (a) <b>Minimum size</b> of parcel on:              |   |
| - community water system                           | 1,115m <sup>2</sup> (12,002 ft <sup>2</sup> ) |
| - community water and sewer systems                | 669m <sup>2</sup> (7,201 ft <sup>2</sup> )    |
| (b) <b>Minimum width</b> of parcel on:             |   |
| - community water system                           | 27m (89 feet)                                 |
| - community water and sewer systems<br>(with lane) | 18m (59 feet)                                 |
| (without lane)                                     | 21.3m (70 feet)                               |
| (c) <b>Minimum depth</b> of parcel:                |   |
| - community water system                           | 36.5m (120 feet)                              |
| - community water and sewer systems<br>(with lane) | 24.5m (80 feet)                               |
| (without lane)                                     | 27.5m (90 feet)                               |
| <b>Bylaw 614-1, 2008 amended the following:</b>    |   |
| (d) <b>Maximum site coverage:</b>                  |   |
| - one storey                                       | 50%   |
| - two storey                                       | 40%   |

- (e) **Minimum setbacks** for all buildings from:
- front parcel line 6m (19.6 feet)
  - interior side parcel line 2.4m (7.8 feet)
  - exterior side parcel line 4m (13.1 feet)

**\*Set backs and side yards for Single Family Dwellings is as per the R-1 Zone.**

- (f) **Minimum setbacks** from rear parcel line for:
- principal building 6m (19.6 feet)
  - accessory structure 3m (9.8 feet)

- (g) **Maximum heights** of:
- principal building 10 metres (33 feet) or as approved by a Development Permit.
  - accessory structure 6 metres (24 feet)
  - fences (in front setback) 1.3 metres (4.2 feet)
  - (behind front setback) 1.9 metres (6.2 feet)

- (h) **Minimum width** of principal building 7.3 metres (24 feet)

**Bylaw 614-1, 2008 deleted Open Area Requirements and renumbered the subsequent sections:**

.3 **Minimum width to length ratio** 1:2.2

**Other Regulations for R-3 (Multi Family)**

**Bylaw 614-1, 2008 deleted Other Regulations for R-3 (Multi-Family) and renumbered the subsequent sections:**

**6.5 .4 Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

## **R-4 COMPREHENSIVE RESIDENTIAL**

**Note:** The Comprehensive Residential Zone is within a “Development Permit Area”. The intent of the R-4 Zone is to provide the Developer with options to densify this area of Nakusp as it is the only developable area within the Village that is not within the ALR. This zone also provides Council some latitude, through the issuance of Development Permits, regarding permitted uses. Please refer to the Official Community Plan for additional information and requirements.

### **Permitted Uses**

- 6.6** .1 The following uses and no others are permitted in the R-4 Zone
- (a) Single Family Dwellings
  - (b) Multi Family Dwellings
  - (c) Town Houses, Row Houses
  - (d) Neighbourhood Public House not fronting on a numbered Highway
  - (e) Secondary Suites;
  - (f) Carriage and Garden House Suites **[added by Bylaw 614-5, 2009]**
  - (g) Home Occupation
  - (h) Bed and Breakfast
  - (i) Accessory Use
  - (j) Very limited personal service and commercial use defined under development permit, and not fronting on a numbered Highway.
  - (k) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

- .2 On a parcel located in a R-4 Zone;
- Minimum Parcel Area, parcel frontage, lot coverage, number of buildings, maximum height, minimum building width, setback, accessory buildings and parking shall be the same as designated in the R-1 Zone for small lot – single family subdivisions, R-2 for larger lot and larger home subdivisions, R-3 for Multi Family, Town House and Row House construction, and C-3 for any permitted service commercial uses or a Neighbourhood Public House.
- .3 Where a **“mixed” use** is proposed, the regulations noted in .2 above shall be accumulated and applied as if there were separate zoning designations.
- .4 **Landscaped buffers** noted in Sec. 4.14 of this Bylaw (as described for the C-1 Commercial Zone) - shall be applied to the periphery of any Multi Family project exceeding 10 units, to Personal service establishments or to Neighbourhood Public Houses, where they abut a single family Residential Development.

**Bylaw 614-19, 2017 deleted R-5 RESORT RESIDENTIAL zone in its entirety**

## **RM-1 MOBILE HOME PARK**

### **Permitted Uses**

- 6.8 .1 The following uses and no others are permitted in the RM-1 zone:
- (a) Mobile Home;
  - (b) Caretaker Dwelling;
  - (c) Accessory Use.
  - (d) Uses permitted in all zones (Sec. 4.7) excluding Golf Course

### **Regulations**

- .2 A parcel located in a RM-1 Zone:
- (a) **Minimum Parcel Area**  
Shall have an area of not less than 1.6 hectares (4.0 acres);
  - (b) **Minimum Parcel Frontage**  
Shall have a frontage of not less than 10 percent of the total perimeter of the parcel.
  - (c) **Area of Mobile Home Space**  
Each mobile home space shall have an area of not less than:
    - .1 325 square metres (3,500 square feet) for a single-wide mobile home;
    - .2 420 square metres (4,520 square feet) for a double-wide mobile home;
  - (d) **Minimum Mobile Home Park Frontage**  
Each mobile home park space shall have a frontage of not less than:
    - .1 12 metres (39 feet) for a single-wide mobile home;
    - .2 14.5 metres (48 feet) for a double-wide mobile home;
- .3
- (a) **Lot Coverage**  
Buildings and structures shall not cover greater than 35 percent of each mobile home space;
  - (b) **Maximum Number of Buildings**  
not more than 20 mobile home dwellings per hectare are permitted (8 mobile home dwellings per acre);

6.8 .4 **Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 7.5 metres (25 feet) in height;
- (b) no accessory building shall exceed 4.8 metres (16 feet) in height

.5 **Minimum Setback from Parcel and Mobile Home Space Lines**

- (a) No principal building shall be located within:
  - .1 7.5 metres (25 feet) of any mobile home park parcel line;
  - .2 1.8 metres (6 feet) of the front mobile home space line; **[amended by Bylaw 614-12, 2013]**
  - .3 1.5 metres (5 feet) of the rear mobile home space line; **[amended by Bylaw 614-12, 2013]**
  - .4 1.5 metres (5 feet) of the side mobile home space line of any mobile home space; **[amended by Bylaw 614-12, 2013]**

.6 **Accessory Building**

- (a) Accessory buildings shall:
  - .1 not be permitted within the required front yard setback;
  - .2 be permitted within the required rear and side yard setbacks;
- (b) Any addition to a mobile home, exclusive of carport and deck shall not exceed 50 percent of the floor area of the mobile home.

.7 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

## **RU-1      AGRICULTURAL**

### **6.9    .1      Permitted Uses**

Subject to the Agricultural Land Commission Regulations where land is located within the ALR, the following uses and no others are permitted in the RU-1 zone:

- (a) Agricultural Use;
- (b) Single Family Dwelling (2);
- (c) Two Family Dwelling;
- (d) Kennel;
- (e) Bed and Breakfast;
- (f) Home Occupation;
- (g) Accessory Use;
- (h) Hostel.
- (i) Registered Secondary Suite constructed under permit;
- (j) Carriage and Garden House Suites **[added by Bylaw 614-5, 2009]**
- (k) Medical Marihuana, Commercial Production (subject to 6.9.12) **[added by Bylaw 614-15, 2015]**
- (l) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

#### **6.9    .2      Minimum Parcel Area**

Shall have an area not less than 4 hectares (10 acres);

#### **.3      Minimum Parcel Frontage**

Shall have a frontage of not less than 10 percent of the total perimeter of the parcel.

#### **.4      Lot Coverage**

Buildings and structures shall not cover greater than 10 percent of the parcel area;

#### **.5      Maximum Number of Buildings**

Not more than **two** Single Family Dwellings or **one** Two Family Dwelling shall be permitted;

#### **.6      Maximum Height of Buildings and Structures**

- (a) no principal building shall exceed 10 metres (33 feet) in height;
- (b) no accessory building, other than for an agricultural use, shall exceed 7.3 metres (24 feet) in height



6.9 .7 **Minimum Building Width**

No principal building shall be less than 6 metres (20 feet) in width at the time of constructing, or placing, the principal building on the parcel; Maximum width to length ratio is 1:2.2

.8 **Minimum Setback from Parcel Lines**

no principal building or accessory building shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 7.5 metres (25 feet) of the rear parcel line;
- (c) 4.5 metres (15 feet) of each side parcel line.

.9 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.12 of this Bylaw.

.10 **Kennels**

Kennels may require special approval by the Agricultural Land Commission;

.11 **Agricultural Land Reserve**

Notwithstanding any other provisions of this bylaw, all lands within the ALR except those exempted under Section 19 of the Agricultural Land Commission Act or a general Order of the Commission, are subject to the provisions of the Agricultural Land Commission Act, Regulations thereto, and Orders of the Commission (thereby **not permitting the subdivision of land** and the development of new non-farm uses unless approved by the Agricultural Land Commission).

**Bylaw 614-15, 2016 added 6.9.12 as follows:**

.12 **Medical Marihuana, Commercial Production**

- (a) A Medical Marihuana, Commercial Production use shall not be permitted on lands zoned RU-1 unless the lands are designated as Agricultural Land Reserve
- (b) Buildings and structures for Medical Marihuana, Commercial Production use must be authorized under Federal Legislation
- (c) Medical Marihuana, Commercial Production use shall be sited not less than:
  - (i) 60 meters from front and exterior side parcel lines;
  - (ii) 30 meters from rear and interior side parcel lines;
  - (iii) 30 meters from all wells, streams and watercourses; and
  - (iv) 30 meters from all buildings used for single family dwelling, two family dwelling, bed and breakfast, hostel, or secondary suite use.
- (d) A Medical Marihuana, Commercial Production use shall be located not less than 200 meters from an elementary or secondary school,

measured from the nearest point of the parcel line of the Medical Marihuana, Commercial Production use to the nearest point of the parcel line of the elementary or secondary school.

- (e) A Medical Marihuana, Commercial Production use shall be located not less than 1000 meters from the nearest point of any parcel on which another Medical Marihuana, Commercial Production use is occurring, or on which such uses has been authorized under Federal legislation.

## **RU-2 RURAL RESIDENTIAL (0.4 hectares) (1acre)**

### **6.10 .1 Permitted Uses**

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

- (a) Single Family Dwelling;
- (b) Agricultural Use;
- (c) Kennel;
- (d) Animal Hospital;
- (e) Bed and Breakfast;
- (f) Home Occupation;
- (g) Accessory Use;
- (h) Hostel.
- (i) Registered Secondary Suite constructed under permit;  
Carriage and Garden House Suites **[added by Bylaw 614-5, 2009]**
- (j) Uses permitted in all Zones (Sec. 4.7)

### **Regulations for parcels located in the RU-2 zone:**

#### **6.10 .2 Minimum Parcel Area**

A parcel in the RU-2 zone shall have an area not less than 0.4 hectares (1.0 acres);

#### **.3 Minimum Parcel Frontage**

Must have a frontage of not less than 30 metres (100 feet).

#### **.4 Lot Coverage**

Buildings and structures shall not cover greater than 33 percent of the parcel area;

#### **.5 Maximum Number of Buildings**

Not more than one single family dwelling shall be permitted;

#### **6.10 .6 Maximum Height of Buildings and Structures**

- (a) no principal building shall exceed 10 metres (33 feet) in height;
- (b) no accessory building, other than for an agricultural use, shall exceed 7.3 metres (24 feet) in height;

#### **.7 Minimum Building Width**

No principal building shall be less than 6 metres (20 feet) in width at the time of constructing, or placing, the dwelling unit on the parcel; The maximum **width to length** ratio is 1:2.2

.8 **Minimum Setback from Parcel Lines**

No principal building or accessory building shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 7.5 metres (25 feet) of the rear parcel line;
- (c) 4.5 metres (15 feet) of each side parcel line.

.9 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

## **RU-3 RURAL RESIDENTIAL (2.0 hectares) (5 acres)**

### **Permitted Uses**

- 6.11 .1 The following uses and no others are permitted in the RU-3 zone:
- (a) Single Family Dwelling;
  - (b) Agricultural Use;
  - (c) Kennel;
  - (d) Animal Hospital;
  - (e) Bed and Breakfast;
  - (f) Home Occupation;
  - (g) Accessory Use;
  - (h) Hostel;
  - (i) Registered Secondary Suite constructed under permit;  
Carriage and Garden House Suites **[added by Bylaw 614-5, 2009]**
  - (j) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

- .2 **Minimum Parcel Area**  
Shall have an area not less than 2.0 hectares (5 acres);
- .3 **Minimum Parcel Frontage**  
Shall have a frontage of not less than 10 percent of the total perimeter of the parcel.
- .4 **Lot Coverage**  
Buildings and structures shall not cover greater than 33 percent of the parcel area;
- .5 **Maximum Number of Buildings**  
Not more than one single family dwelling shall be permitted;
- .6 **Maximum Height of Buildings and Structures**
  - (a) No principal building shall exceed 10 metres (33 feet) in height;
  - (b) No accessory building, other than for an agricultural use, shall exceed 7.3 metres (24 feet) in height;
- .7 **Minimum Building Width**  
No principal building shall be less than 6 metres (20 feet) in width at the time of constructing, or placing, the dwelling unit on the parcel;  
Maximum **width to length** ratio is 1:2.2

**6.11 .8 Minimum Setback from Parcel Lines**

No principal building or accessory building shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 7.5 metres (25 feet) of the rear parcel line;
- (c) 4.5 metres (15 feet) of each side parcel line.

**.9 Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

## **C-1 CORE COMMERCIAL**

Please note that the Downtown Core Commercial area is within a "Development Permit Area". Section 4.5 of the Official Community Plan should be referenced for additional requirements.

### **Permitted Uses**

- 6.12 .1** The following uses and no others are permitted in the C-1 zone:
- (a) Accessory Use;
  - (b) Bakery;
  - (c) Banks;
  - (d) Building Material Establishments;
  - (e) Commercial Entertainment;
  - (f) Clubs;
  - (g) College (site specific to Lot B, Plan9379) (311-Broadway St.)
  - (h) Dental Clinic;
  - (i) Financial Institutions;
  - (j) Fire Hall and Police Station
  - (k) Funeral Home;
  - (l) Gasoline Service Station;
  - (m) Garden Supplies Establishments;
  - (n) Hostel,
  - (o) Hotel;
  - (p) Lodges & Lodging Houses;
  - (q) Medical Clinic;
  - (r) Motel;
  - (s) Neighbourhood Public House;
  - (t) Office;
  - (u) Parking Lot;
  - (v) Personal Service Establishment;
  - (w) Printer;
  - (x) Publisher;
  - (y) Restaurant;
  - (z) Retail Store;
  - (z1) Residential Dwelling(s) in conjunction with a commercial use subject to Subsection .8 below;
  - (z2) Uses permitted in all zones (Sec. 4.7)
  - (z3) Single Family Dwellings **[added by Bylaw 614-9, 2011]**
  - (z4) Cannabis Retail Sales Facility – only permitted on Parcel A (Explanatory Plan 14150I) of Lot 21 DL 397 Kootenay District Plan 494 (PID 012-210-650) **(added by Bylaw 614-22, 2018) (replaced by Bylaw 614-24, 2018)**

### **Regulations**

- .2 Minimum Parcel Area**  
Shall have an area not less than 230 square metres (2,475 square feet);

.3 **Minimum Parcel Frontage**

Shall have a frontage of not less than 7.5 metres (25 feet).

6.12 .4 **Lot Coverage**

Buildings and structures shall not cover greater than 80 percent of the parcel area;

.5 **Maximum Height of Buildings and Structures**

(a) No principal building or structure shall exceed 10 metres (33 feet) in height;

(b) No accessory building shall exceed 7.3 metres (24 feet) in height;

.6 **Minimum Setback from Parcel Lines**

No principal building or structure shall be located within:

(a) 3 metres (10 feet) of the rear parcel line;

(b) no front or side yard setback is required, provided that where the abutting parcel is zoned R-1, R-2, R-2M, R-3, R-4, R-5 or RM-1, a setback of not less than 3 metres (10 feet) from that side parcel line shall be provided. Buffers as required in Sec. 4.13.

No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

.7 **Off street Parking and Loading**

Off street parking and loading spaces are not practical because of the setback regulations for C-1. Parking and loading in the C-1 zone will be determined by a Development Permit. Refer to Sec. 4.13(b)

.8 **Residential Use in Core Commercial Zone**

A residential use (dwellings) shall be permitted in conjunction with a commercial use provided that the residential dwelling(s):

(a) is contained in the same building as the commercial use, except in the case of a motel;

(b) is located above or behind the commercial use, except in the cases of a motel;

(c) has a separate and direct access to grade;

(d) has a minimum floor area of not less than 55 square metres (592 square feet).

.9 **Outdoor Storage Areas** – are prohibited in the C-1 Zone

**Bylaw 614-22, 2018 added the following:**

.10 **Cannabis Retail Sales Facility** - are subject to Section 4.17



## **C-2 SERVICE COMMERCIAL**

Please Note that the Service Commercial Area is within a "Development Permit Area". Section 4.8 of the Official Community Plan should be referenced for further requirements.

### **Intent**

Please note that the intent of the C-2 Service Commercial Zone, as listed in the OCP, is to permit uses that compliment the Core Commercial Area without creating any "strip" development along the major highway routes.

**6.13 .1** The following uses and no others are permitted in the C-2 zone:

- (a) Banks;
- (b) Car Wash;
- (c) Dental Clinic;
- (d) Financial Institutions;
- (e) Funeral Home;
- (f) Garden Supplies Establishment;
- (g) Gasoline Service Station;
- (h) Laundromat;
- (i) Hotel;
- (j) Motel;
- (k) Convenience Retail store in conjunction with a motel and hotel;
- (l) Medical Clinic;
- (m) Office;
- (n) Parking Lot;
- (o) Personal Service Establishment;
- (p) Printer;
- (q) Publisher;
- (r) Restaurant;
- (s) Accessory Use;
- (t) Residential Dwelling(s) in conjunction with a commercial use subject to Subsection .7 below.
- (u) Uses permitted in all zones (Sec. 4.7)
- (v) Single Family Dwellings **[added by Bylaw 614-9, 2011]**

### **Regulations**

**.2 Minimum Parcel Area**

Shall have an area not less than 900 square metres (9,690 square feet)

**.3 Minimum Parcel Frontage**

Shall have a frontage of not less than 15 metres (49 feet), provided that where the parcel is used for a personal service establishment, contractor's office or printer and publisher, the minimum parcel frontage shall be 10 metres (33 feet).

**6.13 .4 Lot Coverage**

Buildings and structures shall not cover greater than 60 percent of the parcel area, except for motels and hotels which shall not cover greater than 33 percent of the parcel area;

**.5 Maximum Density of Motel and Hotel Units**

The maximum density for motel and hotel units shall be as follows:

- (a) 1 motel unit per 75 square metres (807 square feet) of parcel area (133 units per hectare, 54 units per acre);
- (b) 1 hotel unit per 55 square metres (592 square feet) of parcel area (182 units per hectare, 74 units per acre);

**.6 Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 10metres (33 feet) in height, or as may be approved by a Development Permit.
- (b) no accessory building shall exceed 7.3 metres (24 feet) in height;

**.7 Minimum Setback from Parcel Lines**

No principal building or structure shall be located within:

- (a) 7.5 metres (25 feet) from the front parcel line;
- (b) 3 metres (10 feet) of the rear parcel line;
- (c) 3 metres of each side parcel line, provided that where the abutting parcel is zoned R-1, R-2, R-3, R-4, R-5 or RM-1 a setback of not less than 6 metres (20 feet) from that side parcel line shall be provided. Buffers in accordance with Sec. 4.13.

No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

**.8 Off street Parking and Loading**

off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

**6.13 .9 Residential Use in a Service Commercial Zone**

a residential use shall be permitted in conjunction with a commercial use provided that the residential dwelling(s):

- (a) is contained in the same building as the commercial use;
- (b) is located above the commercial use on the second storey;
- (c) has a separate and direct access to grade;
- (d) has a minimum floor area of not less than 55 square metres (592 square feet).

**.10 Outdoor Storage Areas**

Outdoor storage areas are prohibited in the C-2 Zone

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

Please Note that the Tourist Commercial Area applies to the Nakusp Hot Springs Only. This zone is within a Development Permit Area. Section 4.10 of the Official Community Plan should be referenced for further information and requirements.

### **Permitted Uses**

- 6.14 .1** The following uses and no others are permitted in the C-3 zone:
- (a) Hot Springs and Swimming Pools
  - (b) Campground;
  - (c) Caretaker Dwelling and Office in conjunction with a motel, hotel or campground;
  - (d) Commercial Entertainment;
  - (e) Convenience Retail Store in conjunction with a motel or hotel;
  - (f) Hotel;
  - (g) Motel;
  - (h) Restaurant and or Lounge;
  - (i) Golf Course;
  - (j) Accessory Use;
  - (k) Health Spa Facility
  - (l) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

**.2 Minimum Parcel Frontage**

Shall have an area not less than 900 square metres (9,690 square feet), provided that where the parcel is used for a campground or marina, the minimum parcel area shall be 4000 square metres (1 acre);

**.3 Lot Coverage**

Buildings and structures shall not cover greater than 33 percent of the parcel area;

**.4 Maximum Density of Hotels, Motels and Campground Spaces**

The maximum density for motel, hotel and campground spaces shall be as follows:

- (a) 1 motel unit per 75 square metres (807 square feet) of parcel area (133 units per hectare, 54 units per acre);
- (b) 1 hotel unit per 55 square metres (592 square feet) of parcel area (182 units per hectare, 74 units per acre);
- (c) 1 campground space per 92 square metres (990 square feet) of parcel area (109 camping spaces per hectare, 44 camping spaces per acre);

6.14 .5 **Maximum Height of Buildings and Structures**

(a) no principal building or structure shall exceed 10 metres (33 feet) in height, or as may be approved by a Development Permit.

(b) no accessory building shall exceed 7 metres (24 feet) in height;

.6 **Minimum Setback from Parcel Lines**

no building or structure shall be located within 7.5 metres (25 feet) of any parcel line. Buffers as required in Sec. 4.13

.7 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

.8 **Out door Storage Areas**

Are prohibited in the C-3 zone

## **C- 4 HIGHWAY COMMERCIAL**

### **Intent:**

The intent of this zone, as stated in the OCP – is to provide limited commercial areas at the entrances to the community while eliminating any strip development along the highways. Council wishes to ensure that development in these areas is of a very high standard by controlling permitted uses, building design, parking, access, landscaping and construction material. Access from Highway 23 or the bypass will not be permitted.

Please Note that the Highway Commercial Areas are within a Development Permit Area. Please refer to Sec. 4.7 of the Official Community Plan for additional notes and requirements.

**Permitted Uses** – (do not include any major retail sales as defined in the Development Permit, or hotels or restaurants).

### **Bylaw 614-19, 2017 replaced 6.15.1 with the following**

**6.15 .1** The following uses and no others are permitted in the C-4 zone:

- (a) Vehicle Repair Establishment;
- (b) Vehicle and Equipment Sales, Repair and Service Establishments;
- (c) Car Wash;
- (d) Convenience Store;
- (e) Establishments Retailing Products Related to Agriculture;
- (f) Gasoline Service Stations and Card Locks;
- (g) Building material Establishment;
- (h) Mini-Storage Facilities;
- (i) Uses permitted in all zones;
- (j) Bottle Depot only on Lot 1 Plan 61024 (1200 Highway 23 North);
- (k) Residential Dwelling(s) in conjunction with a commercial use, subject to subsection 6.15.9;
- (l) Reconstruction of a single family dwelling on Lot 3, Plan 3086, DL 398 – 527 Highway 6;
- (m) Motels but excluding restaurants, hotels, pubs, retail outlets, resorts or other;
- (n) Single Family Dwellings;
- (o) Accessory use;
- (p) Campgrounds;
- (q) Laundromats;
- (r) Tourist Accommodations.
- (s) Cannabis Retail Sales Facility – on a site-specific basis **(added by Bylaw 614-22, 2018)**

### **Regulations**

#### **.2 Minimum Parcel Area**

shall have an area not less than 1500 square metres (16,150 square feet);

.3 **Minimum Parcel Frontage**

shall have a frontage of not less than 20 metres (66 feet).

6.15 .4 **Lot Coverage**

Buildings and structures shall not cover greater than 40% percent of the parcel area;

.5 **Maximum Height of Buildings and Structures**

(a) no principal building or structure shall exceed 10 metres (33 feet) in height;

(b) no accessory building shall exceed 7.3 metres (24 feet) in height;

.6 **Minimum Setback from Parcel Lines**

no building or structure shall be located within 5 metres (16 feet) of any parcel line. Buffers as required in Sec. 4.13.

.7 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

.8 **Out door storage Areas** - are prohibited in the C-4 zone

.9 **Residential Use in a C-4 Highway Commercial Zone**  
**[added by Bylaw 614-4]**

Shall be permitted in conjunction with a commercial use provided that the residential dwelling(s):

(a) are contained in the same building as the commercial use,

(b) are located above or behind the commercial use,

(c) have a separate and direct access to grade, and

(d) have a minimum floor area of not less than 55 square meters (592 square feet)

.10 **Campground**

**[added by Bylaw 614-19, 2017]**

A maximum of 1 campground space per 92 square metres (990 square feet) of parcel area (109 camping spaces per hectare, 44 camping spaces per acre).

.11 **Tourist Accommodation**

**[added by Bylaw 614-19, 2017]**

The maximum permitted floor area for any one (1) rental cabin or dwelling shall not exceed 100 square metres (1076 square feet).

**[added by Bylaw 614-22, 2018]**

.12 **Cannabis Retail Sales Facility** – are subject to Section 4.17

## **LD-1 LAKESHORE DEVELOPMENT**

Please Note that the Lakeshore Development zone is within a "Development Permit Area". Please refer to Sec. 4.6 of the Official Community Plan for additional information and requirements.

### **Permitted Uses**

- 6.16 .1** The following uses and no others are permitted in the LD-1 zone:
- (a) Retail Sales or mixed retail residential with retail on the ground floor and residential units (dwellings) above or behind the retail use.
  - (b) Hotel;
  - (c) Marina, Dock, Wharf,
  - (d) Multiple Family Residential;
  - (e) Neighbourhood Public House;
  - (f) Office
  - (g) Restaurant;
  - (h) Accessory Use.
  - (i) Uses permitted in all zones (Sec. 4.7)
  - (j) Single Family Dwellings **[added by Bylaw 614-11, 2011]**

### **Regulations**

- .2 Minimum Parcel Area for newly created lots**
- (a) shall have an area not less than 900 square metres (9,690 square feet)
  - (b) Where a Multi Family project is proposed, the regulations for the R-3 zone will apply.
- .3 Minimum Parcel Frontage**
- Shall have a frontage of not less than 20 metres (66 feet)
- .4 Lot Coverage (except for Multi Family projects)**
- Buildings and structures shall not cover greater than 60 percent of the parcel area;
- .5 Maximum Density**
- The maximum density of hotel units shall be as follows:
- 1 hotel unit per 55 square metres (592 square feet) of parcel area and 182 units per hectare, (74 units per acre) for Multi Family



6.16 .6 **Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 10 metres (33 feet) in height;

NOTE: Building Height may be permitted above the values given as part of the Development Permit with the approval of the Fire Chief where a building is sprinklered, has an enunciator panel, an alarm system, and firewalls are used in conformance with the BC Building Code. Consideration will be given to the intent of the DPA as described in Sec. 4.6.4 of the OCP.

- (b) no accessory building shall exceed 7 metres (24 feet) in height;

.7 **Minimum Setback from Parcel Lines**

No building or structure shall be located within:

- (a) 5 metres (16 feet) from the front parcel line;  
(b) 3 metres (10 feet) from each rear and side parcel line.

Except for Single Family Dwellings which will conform to the parcel line setbacks of R1 zone. **[added by Bylaw 614-11, 2011]**

.8 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

## **M-1 LIGHT INDUSTRIAL**

### **Permitted Uses**

**6.17 .1** The following uses and no others are permitted in the M-1 zone:

- (a) Automobile and Recreational Vehicle Sales and Service;
- (b) Automobile Body Repair Shop;
- (c) Automobile Racing Track;
- (d) Building Materials Establishment;
- (e) Garden Supplies Establishment;
- (f) Food and Beverage Processing;
- (g) Fuel Storage and Wholesale Distribution;
- (h) Gasoline Service Station;
- (i) Industrial and Agricultural Equipment Sales, Rental and Service;
- (j) Kennel;
- (k) Animal Hospital;
- (l) Light Manufacturing, Processing and Assembly;
- (m) Mobile and Prefabricated Home Manufacturing and Sales;
- (n) Public Utility or Use including Public Works Yards, Garages, Outdoor Storage Yards and Equipment Repair Facilities;
- (o) Restaurant;
- (p) Transportation Depot;
- (q) Municipal Airport and Landing Area; **[added by Bylaw 614-19, 2017]**;
- (r) Vehicle Repair Establishments;
- (s) Warehouse, Shipping and Wholesale Establishment;
- (t) Agricultural Use;
- (u) Accessory Use;
- (v) On Lot NEP61972, uses permitted in addition to those listed in 6.14.1 include: Temporary Accommodation Storage Area
- (w) Uses permitted in all zones (Sec. 4.7)

### **Regulations**

**.2 Minimum Parcel Area**

Shall have an area not less than 900 square metres (9,690 square feet);

**.3 Minimum Parcel Frontage**

Shall have a frontage of not less than 20 metres (66 feet).

**.4 Lot Coverage**

Buildings and structures shall not cover greater than 60 percent of the parcel area;

6.17 .5 **Maximum Height of Buildings and Structures**

No building or structure shall exceed 10 metres (33 feet) in height;

.6 **Minimum Setback from Parcel Lines**

No principal building or structure shall be located within:

- (a) 7.5 metres (25 feet) from the front parcel line;
- (b) 3 metres (10 feet) of the rear and each side parcel line, provided that where the abutting parcel is zoned R-1, R-2, R-2M, R-3 R-4, R- or RM-1, a setback of not less than 7.5 metres (25 feet from that side parcel line shall be provided, including a landscaped buffer as per Sec. 4.13 of this bylaw.

No **accessory building** or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

.7 **Off street Parking and Loading**

- (a) Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.
- (b) No off street parking, loading or outdoor storage areas shall be permitted within 1.5 metres (5 feet) of any parcel line, provided that where the abutting use is zoned R-1, R-2, R-3 or RM-1 all off street parking, loading or outdoor storage areas bordering the abutting parcel shall be setback not less than 3 metres (10 feet) from that parcel line.

.8 **Out door storage areas**

Must be screened by a landscaping and a solid fence. The height of stored material must not exceed the height of the fence, and cannot face directly on the access road (should be located behind the principle building)

.9 **Municipal Airports and Landing Areas**

**[added by Bylaw 614-19, 2017]**

Must meet and comply with all Federal and Provincial requirements and regulations.

## **M-2 HEAVY INDUSTRIAL**

### **Permitted Uses**

**6.18 .1** The following uses and no others are permitted in the M-2 zone:

- (a) Automobile and Recreational Vehicle Sales and Service;
- (b) Automobile Body Repair Shop;
- (c) Auto Wrecker and Junkyard;
- (d) Building Materials Establishment;
- (e) Garden Supplies Establishment;
- (f) Food and Beverage Processing;
- (g) Forest Products Manufacturing and Processing;
- (h) Fuel Storage and Wholesale Distribution;
- (i) Gasoline Service Station;
- (j) Gravel Extraction, Storage and Processing;
- (k) Industrial and Agricultural Equipment Sales, Rental and Service;
- (l) Kennel;
- (m) Animal Hospital;
- (n) Light Manufacturing, Processing and Assembly;
- (o) Mobile and Prefabricated Home Manufacturing and Sales;
- (p) Public Utility or Use including Public Works Yards, Garages, Outdoor Storage Yards and Equipment Repair Facilities;
- (q) Restaurant, under the conditions of a Development Permit;
- (r) Storage Yard;
- (s) Transportation Depot;
- (t) Airport;
- (u) Vehicle Repair Establishment;
- (v) Warehouse, Shipping and Wholesale Establishment;
- (w) Accessory Use;
- (x) Caretaker Dwelling in conjunction with an industrial use.
- (y) Single family Dwelling on lot 22, Plan 980, DL 397 only.
- (z) Uses permitted in all zones (Sec. 4.7)
- (aa) Industrial Operation **[added by Bylaw 614-19, 2017]**

### **Regulations**

#### **.2 Minimum Parcel Area**

- (a) shall have an area not less than 8,000 square metres (86,112 square feet); see note below.
- (b) The Minimum Parcel Area for the proposed Lot 4 only of Block D, DL 397, PID# 025-142-348 (1500 Hot Springs Rd) only is One Acre.

#### **.3 Minimum Parcel Frontage**

Shall have a frontage of not less than 10 percent of the total perimeter of the parcel.

**6.18 .4 Lot Coverage -**

buildings, structures, and storage areas shall not cover greater than 80 percent of the parcel area;

**.5 Maximum Height of Buildings and Structures**

no building or structure shall exceed 10 metres (33 feet) in height;

**.6 Minimum Setback from Parcel Lines**

no principal building or structure shall be located within:

- (a) 7.5 metres (25 feet) from the front parcel line;
- (b) 3 metres (10 feet) of the rear and each side parcel line, provided that where the abutting parcel is zoned R-1, R-2, R-2M, R-3 R-4, R-5 or RM-1, a setback of not less than 7.5 metres (25 feet) from that side parcel line shall be provided including a landscaped buffer in accordance with Section 4.13 of this bylaw.

No accessory building or part thereof shall be located within any required front or side setback area. [Sec. 4.8.3]

**.7 Off street Parking and Loading**

- (a) Off street parking and loading spaces shall be provided in accordance with Section 4.12 of this Bylaw.
- (b) No off street parking and loading spaces shall be permitted within the required setback areas.

**.8 Outdoor Storage Areas**

- (a) All outdoor storage areas used in conjunction with an auto wrecker or junkyard shall be enclosed by a fence which provides a complete visual screen of not less than 2.1 metres (7 feet) in height.
- (b) on a parcel used for an auto wrecker or junkyard, material not contained within a building shall not be piled higher than the height of the enclosing fence.

**.9 Caretaker Dwelling**

- (a) One caretaker dwelling per parcel is permitted in conjunction with an industrial use;
- (b) The caretaker dwelling shall have a floor area not greater than 50 square metres (538 square feet).

## **P                    PARK**

### **6.19 Permitted Uses**

- .1        The following uses and no others are permitted in the P zone:
- (a)      Public Park;
  - (b)      Playground;
  - (c)      Campground;
  - (d)      Beach Areas;
  - (e)      Public Boat Launches;
  - (f)      Public Marina;
  - (g)      Trails;
  - (h)      Fitness Circuits;
  - (i)      Picnic Areas;
  - (j)      Public Gardens;
  - (k)      Special Interest Areas including Music Festivals;
  - (l)      Arena;
  - (m)      Community Centre; Day Care Centre.
  - (n)      Public Recreation Facility;
  - (o)      Sports Fields and Facilities;
  - (p)      Seniors Centre;
  - (q)      Multi-Purpose Park Shelter;
  - (r)      Accessory Uses may include the use of a building or area for a circus, exhibition, trade fair, craft fair, commercial entertainment, show or similar use
  - (s)      Fire Hall and Police Station
  - (t)      Public Utility use including a Municipal Well and pump house

### **Regulations**

.2        **Minimum Parcel Area**

Shall have an area not less than 460 square metres (4,950 square feet) with the exception of small linear park sections which link larger park and open space areas;

.3        **Minimum Parcel Frontage**

Shall have a frontage of not less than 15 metres (49 feet).

.4        **Lot Coverage**

Buildings and structures shall not cover greater than 40 percent of the parcel area;

**6.19 .5 Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 10metres (33 feet) in height;
- (b) no accessory building shall exceed 7.3 metres (24 feet) in height;

**.6 Minimum Setback from Parcel Lines**

No building or structure shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 3 metres (10 feet) from the rear parcel line;
- (c) 3 metres (10 feet) of each side parcel line;

**.7 Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.13 of this Bylaw.

# **I INSTITUTIONAL**

## **Permitted Uses**

**6.20 .1** The following uses and no others are permitted in the I zone:

- (a) Auditorium;
- (b) Cemetery;
- (c) College;
- (d) Community Hall;
- (e) Community Service Facility;
- (f) Church;
- (g) Care Centre;
- (h) Hospital;
- (i) Assisted Living Facility;
- (j) Library;
- (k) Nursing Home;
- (l) Professional Office and Government Office Building;
- (m) Public School;
- (n) Accessory use
- (o) Dwelling units for caretakers or clergy accessory to the above uses.
- (p) Limited retail uses not exceeding 10% of the floor area (not high traffic uses or uses that would create noise or disturb or interfere with other permitted uses) (no pub or restaurant etc)
- (q) Uses permitted in all zones (Sec. 4.7)
- (r) Single Family Dwellings **[added by Bylaw 614-9, 2011]**

## **6.20 Regulations**

### **.2 Minimum Parcel Area**

shall have an area not less than 460 square metres (4,950 square feet);

### **.3 Minimum Parcel Frontage**

Shall have a frontage of not less than 15 metres (49 feet).

### **.4 Lot Coverage**

Buildings and structures shall not cover greater than 40 percent of the parcel area.

### **.5 Maximum Height of Buildings and Structures**

- (a) no principal building or structure shall exceed 10metres (33 feet) in height;
- (b) no accessory building shall exceed 7.3 metres (24 feet) in height;



6.20 .6 **Minimum Setback from Parcel Lines**

No building or structure shall be located within:

- (a) 7.5 metres (25 feet) of the front parcel line;
- (b) 3 metres (10 feet) from the rear parcel line;
- (c) 3 metres (10 feet) of each side parcel line shall.

.7 **Off street Parking and Loading**

Off street parking and loading spaces shall be provided in accordance with Section 4.12 of this Bylaw.

**Bylaw No. 614-20, 2018 added the following zone:**

**CD-1            COMPREHENSIVE DEVELOPMENT 1 – YOUTH CENTRE**

**Intent**

The intent of the CD-1 Comprehensive Development Zone is to provide a zone for the development of an indoor recreation facility, heated by a biomass boiler and augmented by a greenhouse/aquaponics commercial system on a lot located in a residential area. This zone is restricted to Lot 1 DL 397 Plan NEP7102 - 620 4<sup>th</sup> Street.

**Permitted Uses**

**6.21 .1**        The following uses and no others are permitted in the CD-1 zone:

**Principal**

- (a)    Indoor recreation facility specifically an enclosed building used for sports, active recreation and performing and cultural arts. May include swimming pool, bowling lanes and offices associated with the provision of services at the facility.

**Accessory**

- (a)    Biomass boiler for heating of indoor recreation facility
- (b)    Aquaponics facility located within a greenhouse.

**Regulations**

**.2            Parcel Area**

Parcel has an area of 1366.5 square metres (14,708.5 square feet)

**.3            Parcel Frontage**

Parcel has a frontage of 35 metres (115 feet).

**.4            Lot Coverage**

Buildings and structures, including all accessory structures, shall not cover greater than 60 percent of the parcel area. The greenhouse/aquaponics facility shall not cover greater than 20 percent of the parcel area.

**.5            Maximum Height of Buildings and Structures**

- (a)    no principal building or structure shall exceed 10 metres (33 feet) in height,
- (b)    no accessory building shall exceed 7.3 metres (24 feet) in height;

.6 **Minimum Setback from Parcel Lines**

No principal building or structure shall be located within:

- (a) 7.5 metres (25 feet) from the front parcel line;
- (b) 3 metres (10 feet) of the rear parcel line;
- (c) 3 metres of each side parcel line

No accessory building or part thereof shall be located within any required front, rear or side setback area.

.7 **Off street Parking and Loading**

1 off-street parking space per 45 sq. m (484 square feet) gross floor area. Location, dimensions, and surfacing of off-street parking and loading spaces shall be as outlined in Section 4.13.

1 loading and unloading space for the biomass boiler and aquaponics facility.

.8 **Screening and Landscape Buffer**

Solid screening or fencing of not less than 2.2 meters (8 feet) in height plus a thick landscape buffer of not less than 1.8 metres (6 feet) in width along the side parcel lines and rear parcel line.

.9 **Outdoor Storage Areas**

Outdoor storage of any kind is prohibited.

10. **Provincial and Federal Regulations**

Aquaponics facility must meet all applicable Provincial and Federal aquaculture regulations.

Swimming pool must meet all applicable Provincial, Federal and safety regulations.

Biomass boiler must meet all applicable Provincial, Federal and safety regulations.

11. **Commercial Activity**

Commercial activity on site is limited to the sale of fish and plants from the aquaponic facility.

Manufacturing of any products on site is prohibited.

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**PART 7 - REPEAL**

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The Village of Nakusp Zoning Bylaw No. 436, 1993, as amended, is hereby repealed.

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**PART 8 - TRANSITION**

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READ A FIRST TIME THIS **22 DAY OF April, 2008**

READ A SECOND TIME THIS **22 DAY OF April, 2008**

PUBLIC NOTICE WAS PROVIDED THIS **14th and 21st DAY OF May, 2008**

READ A THIRD TIME THIS **10<sup>th</sup> DAY OF JUNE, 2008**

RECONSIDERED AND ADOPTED THIS **10<sup>TH</sup> DAY OF JUNE, 2008**

\_\_\_\_\_  
Karen Hamling  
MAYOR

\_\_\_\_\_  
Bob LaFleur  
CAO

**Consolidated January 15, 2019 to include Bylaws: 614-1, 614-2, 614-4, 614-5, 614-6, 614-7, 614-9, 614-10, 614-11, 614-12, 614-13, 614-14, 614-15, 614-16, 614-17, 614-18 614-19, 614-20, 614-21, 614-22, 614-23 and 614-24**

**\_\_\_\_\_  
Laurie Taylor  
CAO**