

## **SUMMARY:**

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

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

THE CORPORATION OF THE CITY OF NELSON

ZONING BYLAW NO. 3199, 2013

Revised: September 9, 2025

**Consolidated for Convenience to Include Bylaw No.: 3279, 3287, 3295, 3312, 3319, 3303, 3344, 3368, 3392, 3397, 3398, 3406, 3409, 3411, 3418, 3427, 3451, 3463, 3479, 3473, 3488, 3489, 3496, 3510, 3512, 3521, 3531, 3563, 3567, 3583, 3593, 3599, 3535, 3626**

BEING A BYLAW TO REGULATE ZONING WITHIN THE CITY OF NELSON

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

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

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

**PART 1 – INTERPRETATION** (Amended by BL3344, BL3368, BL3389, BL3392, BL3406, BL3418, BL3451, BL3470, BL3473, BL3496, BL3512, BL3563, BL3599)

**1.1 Definitions**

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

**“Above-Garage Suite”** means a Laneway House that contains a minimum of one parking stall, in the form of a Garage or Carport, within its Building Footprint.

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

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

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

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

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

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

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

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

**“Broadcasting Studios”** means development used for the production and/or broadcasting of

audio and visual programming typically associated with radio, television, internet and motion picture studios.

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

**“Building Footprint”** means the total projected horizontal area of a building as measured from the perimeter of a building, including parking garages and carports but not including eaves, open air porches, balconies, open air decks, and exterior stairways.

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

**“Cannabis”** means cannabis as defined in the *Controlled Drugs and Substances Act* or *Cannabis Act* and includes any products containing cannabis.

**“Cannabis Micro-Processing”** means the packaging and micro processing of cannabis as licensed under the *Cannabis Act*, but excludes Cannabis Operation and Cannabis Retail Store.

**“Cannabis Operation”** means the cultivating, growing, producing, packaging, storing, distributing, dispensing, advertising, trading, consumption, or selling of cannabis or its derivatives but excludes City-approved Cannabis Retail Store.

**“Cannabis Retail Store”** means a retail establishment licensed under provincial authority for the sale of cannabis for consumption off-premises.

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

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

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

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

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

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

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

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

**“Commercial School”** means a school used for training, instruction, and or certification in a specific trade, skill, or service for the financial gain of the individual or company owning the

school. Typical uses include but are not limited to secretarial, business, hairdressing, beauty, art, dance, language, or music schools.

**“Commercial Storage”** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature. Commercial Storage use does not include unenclosed storage of goods or materials.

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

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

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

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

**“Craft Brewery/Distillery”** means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. This production must be licensed by the Liquor Control Licensing Act. The public tasting and retail sale of alcoholic product is limited to that which is produced on site. All processes, functions and mechanical equipment associated with the use must be contained indoors, and are limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. The total area for manufacturing shall be limited to a maximum of 275 square metres.

**“Custom Indoor Manufacturing”** means a use providing for small scale on-site indoor production of goods by hand, manufacturing primarily involving the use of hand tools. Typical uses include but are not limited to: toy and musical instrument manufacturing, specialty food and beverage products, blacksmiths, artist studio, pottery studios, woodworking, textiles, prototypes and product design, innovation and incubation spaces. May include accessory retail sales, educational programming, product sampling, indoor or outdoor seating, but excludes cannabis products.”

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

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

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

**“Dwelling Unit”** means one or more habitable rooms when such a room or rooms together are

used or intended to be used as a residence, and does not include tourist accommodation.

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

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

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

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

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

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

**“Fire Chief”** means the person appointed from time to time by the City Manager as the Fire Chief for the City and any Officer appointed or designated by the Fire Chief to act on his or her behalf.

**“Frontage”** (see Lot Width)

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

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

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

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

**“Guest Home”** means a Single-Detached Residential dwelling unit, a dwelling unit in a Duplex Residential dwelling or a dwelling unit in a Multi-Unit Residential dwelling where such dwelling unit is used in its entirety as one dwelling for Short-Term Rental.

**“Guest Room”** means a habitable room used for Short-Term Rental including, but not limited to, a bedroom, living room, or dining room advertised for the exclusive use by the Short-Term Rental guests, and that does not contain cooking facilities.

**“Guest Suite”** means a Secondary Suite or Laneway House used for Short-Term Rental.

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

**“Height”** means the vertical distance from the average finished ground level, measured from

the outermost corners of a building or structure to the highest point of a structure. If a localized depression such as a building entrance is located at an outermost corner, the level of finished surface of the ground at that location may be ignored in the calculation of the average finished surface elevation. The height of a Rowhouse shall be measured from the highest point of each unit to the average finished ground level of each unit.

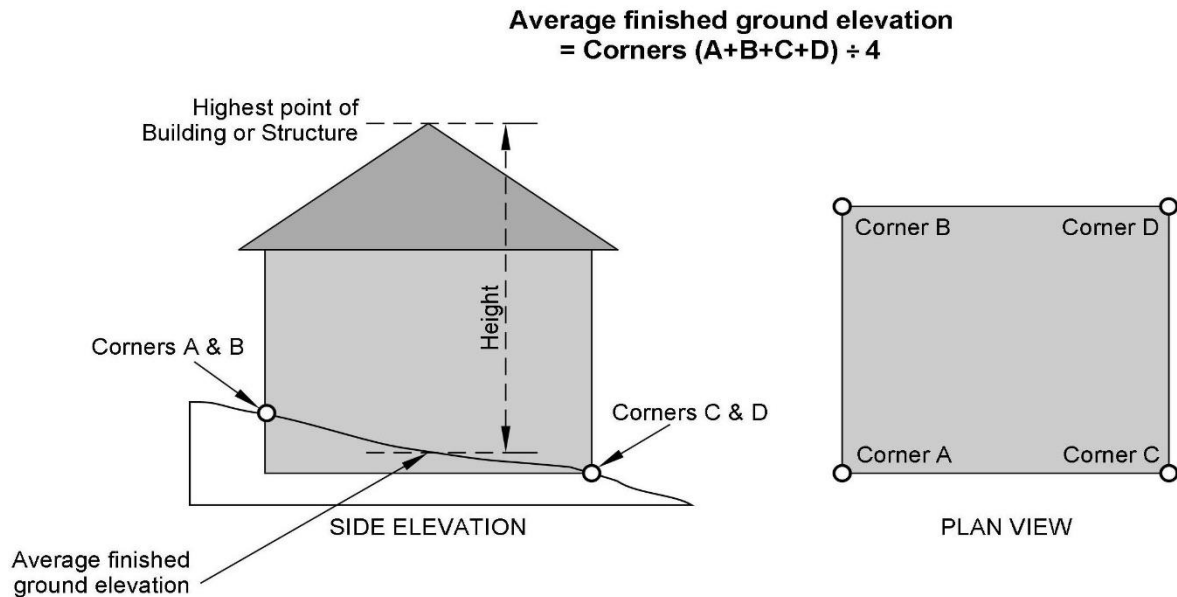


Diagram: Height

**“Home Occupation”** means a commercial use that is not a Tourist Accommodation or Short-Term Rental, carried out by an occupant of a dwelling unit for remuneration which is accessory to the residential use of the dwelling and subject to section 1.1.6 of Schedule “A”.

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

**“Household”** means:

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

**“Indoor Urban Agriculture”** means the indoor production of plants and fungi for wholesale or

retail sale including but not limited to, mushrooms, sprouts, vegetables and herbs but excludes the cultivation of cannabis and activities that emit hazards or light pollution.

**“Industrial-Scale Computing”** means the use of premises for the purpose of housing computer systems that collect, maintain, store, and/or process data for profit, exceeding an electricity consumption of 9 megawatt-hours per month. Typical uses include but are not limited to blockchain/cryptocurrency mining and data centres.

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

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

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

**“Laneway House”** means a detached accessory building used as a Dwelling Unit and subject to section 1.1.9 in Schedule “A”.

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

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

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

**“Lot Coverage”** means the sum total horizontal area as measured from the outermost perimeter of all buildings, structures over 0.6 metres above finished grade (including stairs, porches, balconies, decks, breezeways, covered exterior open space) or part thereof on the lot expressed as a percentage of the total lot area.

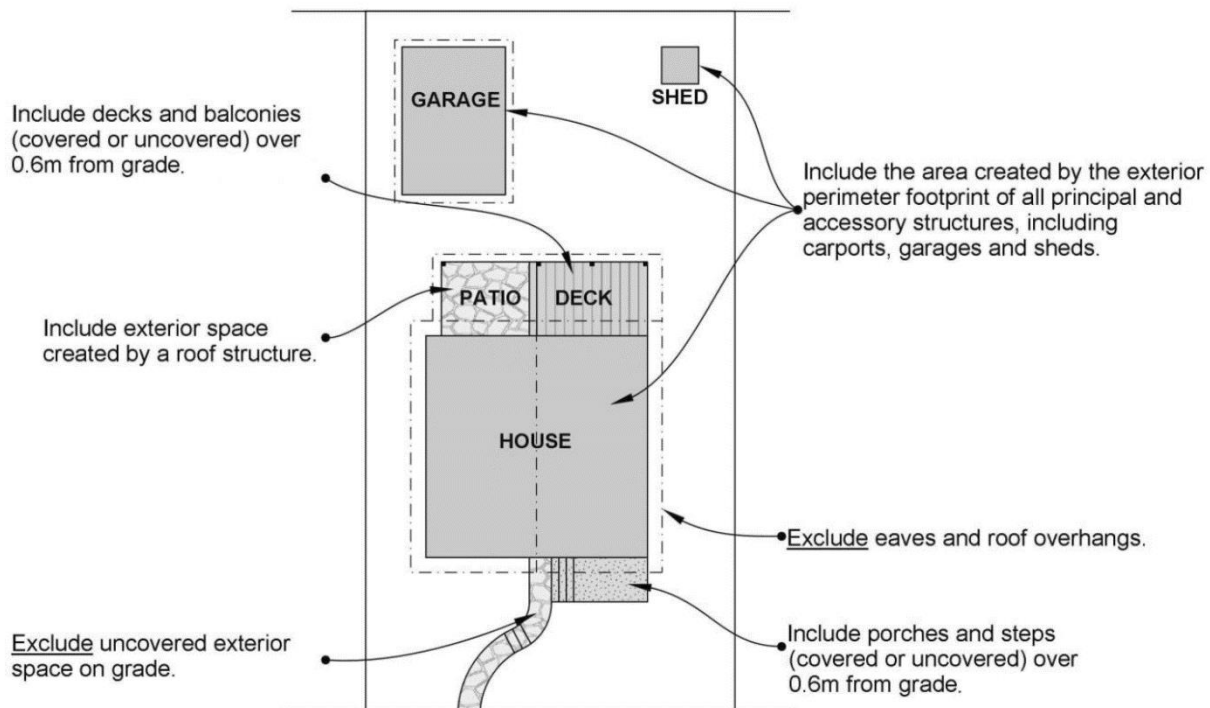


Diagram: Lot Coverage

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

**“Lot Line, Front”** means:

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

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

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

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

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

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

supports, connection of utilities and some incidental assembly.

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

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

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

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

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

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

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

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

**“Municipality”** means the City of Nelson.

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

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

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

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

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

**“Participant Recreation Services, Indoor”** means facilities within an enclosed building for sports, active recreation and performing and cultural arts where patrons are predominantly

participants. Use can include accessory uses such as concessions and equipment rental or sale. Typical uses include but are not limited to athletic clubs, health and fitness clubs (including pilates, yoga, etc.), dance studios, swimming pools, arenas, sports fields, bowling alleys, and racquet clubs.

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

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

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

**“Portable Vehicle Shelter”** means a pre-manufactured or custom-built structure consisting of wood, tubular metal or tubular plastic frame covered with fabric, reinforced plastic, canvas, vinyl or similar material, designed to be easily assembled and dismantled or removed and intended for temporary storage purposes or vehicle storage.

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

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

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

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

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

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

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

**“Public Assembly”** means a non-commercial building and non-residential use, with no ongoing overnight accommodation use, where persons gather periodically for public, cultural,

religious, philanthropic or entertainment purposes, such as meeting halls, churches, chapels, theatres, synagogues, and fraternal lodges.

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

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

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

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

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

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

## **Residential**

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

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

**“Pocket Neighbourhood”** means the construction of more than one detached or duplex residential dwelling on a lot whereby the dwellings are concentrated to provide a shared open space;

**“Rowhouse”** means any Multi-Unit Residential building consisting of three or more attached side-by-side dwelling units configured in a row, connected by common sidewalls, each which is occupied or intended to be occupied as the home or residence of one (1) household, has a separate ground-oriented entrance, and where each dwelling unit may or may not be upon its own lot, with none of those dwellings being placed over another in whole or in part.

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

**“Secondary Suite”** means a dwelling unit provided within and accessory to a single-detached, duplex, or laneway house dwelling unit, subject to section 1.1.8 of Schedule “A”;

**“Secondary Suite Ready”** means a residential use that is designed and constructed to accommodate conversion of a space to a secondary suite, but is not a secondary suite, by satisfying all City bylaws and regulations applicable to secondary suites and the requirements of a “suite” or a “secondary suite” under the British Columbia Building Code. A rough-in three-piece bathroom and rough-in kitchen wiring and ventilation must be provided in the space designed to accommodate conversion to a secondary suite.

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

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

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

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

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

**“Shipping Container”** means a container designed for storing and transporting cargo via rail or truck, whether or not it is actually being used for such a purpose, whether in its original form or modified to include doors, windows, vents or any other structural modifications. A Shipping Container is a Building.

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

**“Short-Term Rental”** means a Guest Home, Guest Suite, Guest Rooms, or part thereof in a residential zone wherein accommodation is offered for rent, or rented, to the travelling public on a temporary basis (31 days or less), and is subject to section 1.1.10 of Schedule “A”.

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

**“Storefront”** means the facade and entryway of a retail store and may include one or more display windows.

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

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

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

**“Temporary Building”** means a building or structure placed on a lot for a limited period of time, at the end of such time the building is removed from the lot, but does not include a Portable Vehicle Shelter, or a mobile home which is located in a mobile home park or a recreational vehicle.

**“Tourist Accommodation”** means a building, buildings, guest rooms, or part thereof wherein accommodation is provided for the travelling public on a temporary basis (31 days or less) and may include the accessory uses such as: restaurants, licensed beverage rooms, banquet halls, accessory boutique retail, spa and hair salon services, ballrooms and meeting rooms.

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

**“Use” or “Uses”** see “Occupancy”.

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

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

**“Watercourse”** means any natural or man-made depression with well-defined banks and a bed

of 0.6 m. or more below the surrounding land serving to give direction to or containing a current of water at least six (6) months of the year and includes any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply, whether enclosed or in a conduit.

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

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

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

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

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

## **1.2 Interpretation**

Any reference in this bylaw to an appendix, schedule, statute, regulation, bylaw or other legislative instrument shall be deemed to mean a reference to that appendix schedule, statute, regulation, bylaw or legislative instrument in force at the effective date of this bylaw, and as amended, superseded or replaced from time to time thereafter.

## **PART 2 – PURPOSE**

The principal purpose of this Bylaw is to regulate development in the municipality for the benefit of the community as a whole and to reflect the community’s vision and goals as outlined in the *Official Community Plan*.

## **PART 3 – APPLICATION**

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

## **PART 4 – ACCESS**

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

## **PART 5 – EXCLUSIONS**

This Bylaw does not apply to the following Developments:

- 5.1. The use of non-residential Zones for activities such as amusement carnivals and music festivals for less than 7 days in any six-month period provided a valid approval have

been issued under the Business License and any associated permit requirements, and no permanent structures are required.

- 5.2. A building or structure for a residential sales centre for the sale of dwelling units of a building under construction or lots in a subdivision that is located either on the lot of construction or on a lot within the subdivision. Such uses shall be permitted in all zones for as long as it is necessary for the construction and sales in progress to be completed, but only while a valid Building Permit for such construction remains in force.

## **PART 6 – METRIC MEASUREMENTS**

All measurements in this Bylaw are expressed in metric units.

## **PART 7 – DENSITY CALCULATIONS**

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

## **PART 8 – APPLICATIONS IN PROCESS**

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

## **PART 9 – PENALTIES AND ENFORCEMENT**

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

**PART 10 – SEVERABILITY**

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

**PART 11 – GENERAL PROVISIONS**

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

Illustrations and diagrams have been included within this Bylaw to help communicate the various regulations. In the event of conflicts between the illustrations and the Bylaw text, the Bylaw text shall prevail.

**PART 12 – REPEAL**

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

**PART 13 – CITATION**

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

READ A FIRST TIME the 16<sup>th</sup> day of December, 2013  
READ A SECOND TIME the 16<sup>th</sup> day of December, 2013

WHEREAS A PUBLIC HEARING was held on the 23<sup>rd</sup> day of January, 2014

APPROVED PURSUANT TO THE TRANSPORTATION ACT this 27<sup>th</sup> day of January, 2014.

Original signed \_\_\_\_\_  
Ministry of Transportation and Infrastructure

READ A THIRD TIME the 3<sup>rd</sup> day of February, 2014

FINALLY PASSED AND ADOPTED the 3<sup>rd</sup> day of February, 2014

John Dooley \_\_\_\_\_  
Mayor

Frances Long \_\_\_\_\_  
Corporate Officer

CERTIFIED A TRUE AND CORRECT COPY OF  
THE “**Corporation of the City of Nelson Zoning Bylaw No. 3199, 2013**”  
Frances Long \_\_\_\_\_  
Manager of Legislative and Administrative Services

## 1.0 GENERAL REGULATIONS

### 1.1 Use of Land, Building and Structures

#### 1. General Operative Clauses

- a. No land, building or structure in any zone shall be used for any purpose other than that specified for the zone in which it is located in accordance with Schedule "B" - Zoning Map.
- b. Where the use of land, buildings or structures or portions thereof does not conform with this Bylaw and was lawfully used prior to the enactment of the prohibition in this Bylaw, the use of the land, building or structure or portion thereof may be continued as a non-conforming use subject to section 911 of the *Local Government Act*.
- c. Any lot which is shown on a plan duly filed in the Land Title Office, which has less than the minimum lot area or frontage required, may be developed for any of the uses permitted, provided that all other requirements applicable within the zone can be met.

#### 2. Uses Permitted in All Zones

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

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

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

(c. added by BL 3496; amended by BL 3510; d and e added by BL 3512)

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

- a. A tent or recreation vehicle used for habitation.
- b. Cannabis operation.
- c. Portable Vehicle Shelter (as of August 17, 2020).
- d. Drive-Thru Restaurant.
- e. Industrial-Scale Computing.

#### 4. Temporary Buildings (amended by BL 3496)

- a. Temporary Buildings used for construction-related purposes connected to an active Building Permit may be placed in all Zones, provided that:
  - i. the Temporary Building meets the requirements of the *British Columbia*

*Building Code, the British Columbia Fire Code, and the Fire Regulation and Protection Bylaw No. 3241;*

- ii. The Temporary Building is located on the lot for which the Building Permit is issued;
  - iii. The Temporary Building is removed within 30 days of completion of the permanent facility or 12 months after the Temporary Building is erected or installed, whichever is the lesser period.
- b. Temporary Buildings may be placed in any Mixed-Use, Commercial, Industrial, Public and Institutional, and Comprehensive Development Zones provided that:
- i. The use is permitted in the Zone;
  - ii. The Temporary Building meets the requirements of the *British Columbia Building Code, the British Columbia Fire Code and the Fire Regulation and Protection Bylaw No. 3241*.
  - iii. The Temporary Building meets the requirements of the zone;
  - iv. The use meets the parking requirements of the *Off-Street Parking and Landscape Bylaw No. 3274*;
  - v. The Temporary Building is removed within 30 days of completion of the permanent facility or 12 months after the Temporary Building is erected or installed, whichever is the lesser period; and
  - vi. The Temporary Building complies with Development Permit requirements, if applicable.
- c. Temporary Buildings shall not create or contribute to any public nuisance or public hazard, or affect or obstruct any street or lane.
5. Storage ([amended by BL 3496](#))
- a. Except for those zones that specifically permit a wrecking and salvage yard, no lot shall be used for the outdoor storage of a derelict vehicle.
  - b. Except in commercial, mixed-use, industrial, public, and institutional zones, no lot shall be used for the storage, parking, or repair of vehicles in excess of 4,000 kilograms gross vehicle weight, except for a recreational vehicle where permitted by this bylaw.
  - c. Except as otherwise permitted, no lot shall be used for the storage, parking, or repair of recreational vehicles.
  - d. One recreational vehicle shall be permitted to be stored per lot, unless otherwise permitted by the zone.
6. Home Occupation Use ([amended by BL 3443](#))
- A Home Occupation Use shall be permitted in association with any Residential Use, unless otherwise stated, subject to the following conditions:
- a. The activities shall be conducted entirely within the principal building or accessory building except where such activity involves horticultural practices.
  - b. The commercial use shall not involve the exterior storage of any materials used directly or indirectly in the processing or resulting from the processing or any product of such craft or occupation.

- c. The commercial use shall not involve the sale of any commodity or good not produced on the premises, except that telephone, electronic or mail order sales of goods shall be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.
- d. The commercial use within the principal dwelling unit shall occupy no more than 25% of the gross floor area of the principal building, and in no case shall a home occupation use exceed 50 sq. m. gross floor area. Gross floor area does not apply to unenclosed horticultural practices.
- e. The commercial use or occupation shall be solely operated by residents in the Dwelling Unit and shall not involve the employment of more than 1 full-time equivalent or 2 part-time equivalent non-resident employees at the site of the principal Dwelling Unit.

7. Accessory Buildings and Structures [\(amended by BL 3451\)](#)

- a. Buildings and structures containing an accessory use are permitted in each zone, unless otherwise specified in that zone, provided that:
  - i. the principal use is being carried out on the parcel, or
  - ii. a building for the purpose of the principal use has been constructed on the parcel, or
  - iii. a building for the purpose of the principal use is in the process of being constructed on the parcel with an active Building Permit.
- b. An accessory building or structure shall not contain a Dwelling Unit, except as provided for in this Bylaw.
- c. An accessory building or structure must be completely detached from the principal building or structure, with a distance of at least 1m from the principal building or structure.
- d. Despite section 1.1.7.c. of Schedule "A", a maximum of one side of an open carport shall be permitted to be attached to the principal building or structure provided that:
- e. The open carport meets all other requirements for the zone.
- f. An accessory building or structure must not exceed the lot coverage of the principal building.
- g. Buildings and structures accessory to the uses permitted shall be permitted in each zone subject to all applicable requirements of that zone, such as setbacks, height, and lot coverage.

8. Secondary Suite [\(Amended by BL3418\)](#)

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

- a. Compliance with the requirements of the *British Columbia Building Code* for either a Secondary Suite or a Suite, as required by the *Code*.

9. Laneway House [\(Amended by BL 3512, 2021\)](#)

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

- a. Subject to the maximum density on a lot prescribed by this bylaw, a Laneway

House may include a Secondary Suite.

- b. The Building Footprint of a Laneway House shall not exceed the greater of:
  - i. 65 sq. m. in the case of a Laneway House exceeding 4.5m in height;
  - ii. 89 sq. m. in the case of a Laneway House of a height of no more than 4.5m;
  - iii. Eight (8) percent of the lot;
- c. A Laneway House shall satisfy all the requirements of the Building Bylaw 3202, 2011 and other associated bylaws and regulations;
- d. A Laneway House shall be sited on a permanent foundation;
- e. A Laneway House shall not be permitted to be strata titled.

#### 10. Short-Term Rental [\(Amended by BL3418, 3599\)](#)

In any zone in which a Short-Term Rental is permitted, the following conditions shall be satisfied:

- a. Compliance with the licensing requirements of the Business Licence Bylaw No. 3328, 2016.
- b. Compliance with the parking requirements of the Off-Street Parking and Landscape Bylaw No. 3274.
- c. The principal use of the property containing or comprising the Short-Term Rental shall remain a residential use. The property must be the operator's principal residence and they alone shall be engaged in the management of the Short-Term Rental, notwithstanding that the operator may hire one employee to work on the premises.
- d. Not more than two (2) adult guests shall be accommodated per Guest Room, not more than four (4) adult guests shall be accommodated per Guest Suite, and not more than six (6) adult guests shall be accommodated per Guest Home.
- e. In the case of Guest Rooms for rent, not more than 2 guest rooms in the licensed Dwelling Unit shall be bedrooms used for overnight guest accommodation, except as provided for in the R6, Guest Room and Suite Zone.
- f. Only one annual Short Term Rental is permitted per lot, notwithstanding that a second Short Term Rental is permitted provided that it is for a period of less than six (6) months.
- g. A Laneway House built since the adoption of Bylaw 3400, 2018 shall not be used as a Short-Term Rental.

#### 11. Live/Work Units

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

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

#### 12. Cannabis Retail Store - Conditions of use in the MU2, MU3, MU4, MU7, C1, C4, CD1

zones (amended by BL 3521):

- a. A maximum of five (5) Cannabis Retail Stores are permitted by area as per Schedule "C":
  - I. Downtown maximum of three (3) Cannabis Retail Stores;
  - II. Railtown maximum of one (1) Cannabis Retail Store;
  - III. Industrial/Lakeside maximum of one (1) Cannabis Retail Store.
- b. A Cannabis Retail Store shall have a maximum gross floor area of 500 m<sup>2</sup>.
- c. Full walls must physically separate the premises from any other business.
- d. The length of an exterior storefront containing an individual Cannabis Retail Store on the floor closest to grade shall be a maximum of 12.0 m.

13. No property shall discharge or emit the following across lot lines:

- i. odorous, toxic or noxious matter or vapours;
- ii. heat, glare, electrical interference or radiation;
- iii. recurring ground vibration;
- iv. noise levels exceeding 65 decibels measured over a one (1) hour period.

14. Shipping Containers (added by BL 3496, 2020)

- a) Shipping Containers shall meet the requirements of the *British Columbia Building Code, Building Bylaw No. 3456*, the *British Columbia Fire Code*, and the *Fire Regulation and Protection Bylaw No. 3241*.
- b) A Shipping Container shall not be placed on a lot without authorization in writing by the Fire Chief.
- c) A Shipping Container shall not be permitted in a Residential zone, except that:
  - i. One (1) Shipping Container shall be temporarily permitted on a lot for the purpose of loading and unloading household items during the process of moving. Temporary means located on the lot for a period of time not exceeding twenty one (21) consecutive days and not more than twice per calendar year.
  - ii. A Shipping Container may be used as a Temporary Building for construction-related purposes connected to an active Building Permit, subject to the requirements of section 1.1.4(b) of Schedule "A".
- d) A Shipping Container may be placed in any Mixed-Use, Commercial, Industrial, Public, Institutional, and Comprehensive Development zone provided that:
  - a. The Shipping Container complies with Development Permit requirements, if required, and the requirements of the zone for a Building;
  - b. It be a minimum of 30 metres from a Residential zone, except when used as a Temporary Building;
  - c. It not be located in a required parking area;
  - d. It be clad in a building material and colour that is consistent with the character of the principal building on the lot, except when used as a Temporary Building;
  - e. It not be sited in the front yard, except when used as a Temporary Building; and
  - f. No more than one (1) Shipping Container shall be permitted per lot.

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

1. Size, Shape and Siting of Buildings & Structures [\(Amended by BL3563\)](#)
  - a. The interior lot line setbacks of this Bylaw shall not apply to building Strata Lots under a registered plan pursuant to the *Strata Property Act* where there is a common wall shared by 2 or more Dwelling Units within a building.
  - b. Where the use and density of a building or structure conform to this Bylaw but the size, shape or dimensions, or siting of a building or structure or portions thereof does not conform with this Bylaw, and was lawfully constructed prior to the enactment of the prohibition in this Bylaw, the building or structure or portions thereof may be repaired, extended or altered subject to section 911 of the *Local Government Act* and the *British Columbia Building Code*, as amended from time to time provided that:
    - i. The building or structure does not encroach on public property or public right of way;
    - ii. The repair, extension or alteration would when completed involve no further contravention of the Bylaw than that existing at the time the repair, extension or alteration was started except where the repair, extension or alteration is permitted or authorized through a variance.
2. Height Requirements [\(Amended by BL 3626, 2025\)](#)
  - a. A chimney, flagpole, receiving antenna, church spires, belfries, elevator shafts and stair lofts, rooftop mechanical equipment or similar object not used for human occupancy is not subject to the height limitations of this bylaw, provided that such structures do not occupy more than 10% of the roof area of a building unless specifically stated within the applicable zone. These exceptions do not apply in instances where the heights interfere with Transport Canada approach slopes in the vicinity of an airport.
  - b. Rooftop mechanical equipment including elevator shafts and stair lofts more than 2.0m above the roofline shall be screened from view of neighbouring properties.
  - c. The maximum permitted coverage by mechanical equipment is 30% of the roof top area for all buildings. Wherever possible, roof mechanical exhaust vent and equipment projections should be clustered and set back from the edge of buildings that are visible from the street or points above.
  - d. In no case, shall the height of a building or structure exceed the Ministry of Transportation flight path regulations.
3. Exceptions to Siting Requirements [\(Amended by BL3418, BL3451, 3563\)](#)
  - a. Where chimneys, chimney chases, cornices, headers, gutters, pilasters, sills, eaves, steps, projecting roofline, or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this Bylaw may be reduced by not more than 0.6 m. providing such reduction shall only apply to the projecting feature, and in no case shall any part of a structure or building be sited closer than 0.9 m. from the property line.
  - b. Despite subsection 1.2.3.(a) of Schedule "A" where uncovered steps are less than 0.6 m. above finished grade, they shall not be subject to the siting requirements of this Bylaw.

- c. An underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend 0.6 metres above the average finished ground elevation.
- d. Retaining walls exceeding 1.2 metres in height may be permitted within the setback areas at the discretion of the Director of Development Services if a written report has been submitted to the City by a professional engineer experienced in soil retention, stating that there is no possibility of locating the subject retaining wall in compliance with the siting requirements without compromising adjacent parcels or posing a life safety risk.
- e. Fire escapes for emergency exiting, only when required by the *British Columbia Building Code* or *British Columbia Fire Code*, may be sited on any portion of a lot.
- f. In the case of a Laneway House proposed to be contained within an existing building constructed prior to the adoption of Bylaw 3199, 2013, the Director of Development Services may exempt the Laneway House from the minimum lot line setbacks prescribed in this Bylaw, provided that the height, siting, and building footprint of the said structure are not increased.
- g. (g) Where an existing building or structure is sited over one or more property lines, the Director of Development Services may waive the setback requirements for a repair, extension, construction or alteration if:
  - i. the properties are under the same ownership;
  - ii. the minimum setbacks from neighbouring properties are not impacted; and
  - iii. in the opinion of the Director of Development Services, the proposal does not negatively impact the future development of the lands.

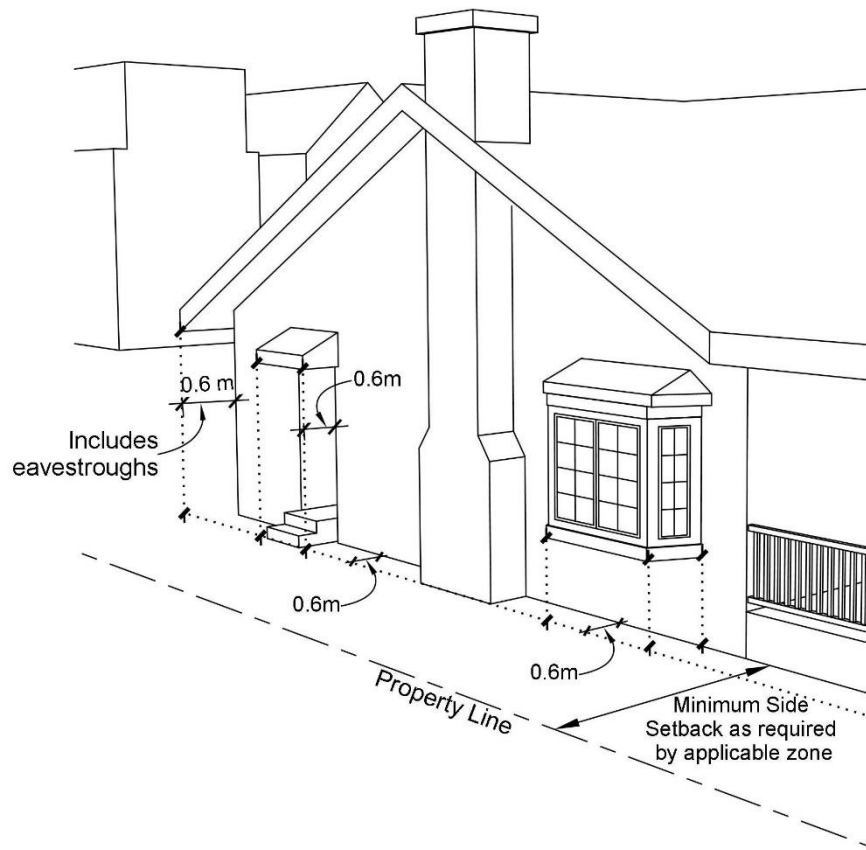


Diagram: Exceptions to Siting Requirements

4. Amenity Areas (amended by BL3415)

The minimum amenity areas for multi-unit residential developments and mixed use development consisting of five or more dwelling units in one building shall be provided as follows per dwelling unit:

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

5. Setbacks from Watercourses (amended by BL 3626, 2025)

The City of Nelson Official Community Plan (OCP) Bylaw No. 3629, 2025 establishes Development Permit Areas and Development Permit guidelines in which best management requirements are provided for the site design, construction and post-construction of Buildings and Structures in relation to all riparian areas, streams, ravines and other ecologically sensitive areas. Such requirements will take precedence over any Setback or other requirements contained in this Bylaw for Principal and Accessory Buildings and Structures.

6. Obstruction of Vision

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

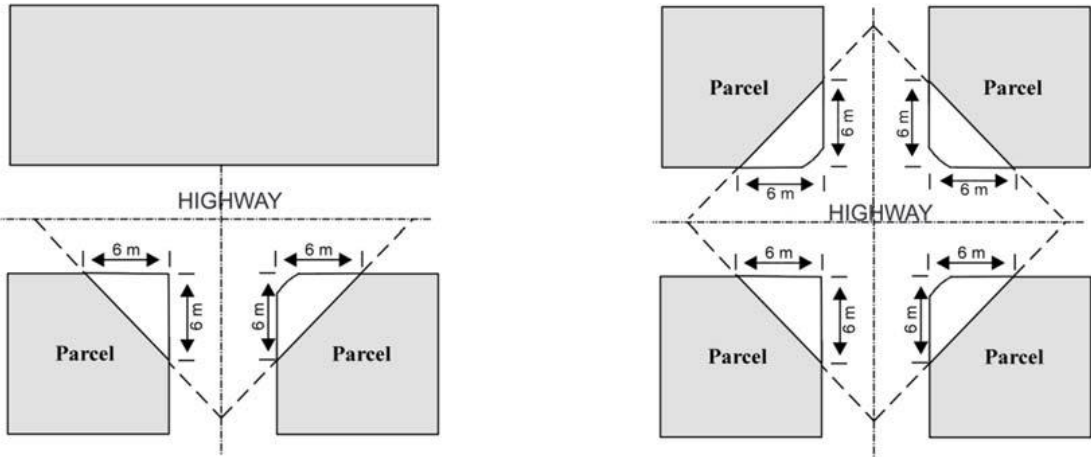


Diagram: Obstruction of Vision

7. Lighting (amended by BL3415, BL3496)

- a. Any lighting for a multi-unit residential, commercial, mixed-use, institutional or industrial use on a lot shall be located, arranged and shielded so that no direct rays of light are oriented upwards, shine beyond the boundaries of the lot or interfere with the effectiveness of any traffic control device. In a commercial or mixed-use zone, LED lighting designed to illuminate architectural features of the façade may be permitted by the Director of Development Services to be directed upwards onto the façade, where the proposed lighting is limited to the intended purpose of highlighting architectural features, is automatically shut off during daylight hours, and has a colour temperature rating of 3000k or less on the Kelvin scale.
- b. Areas with public access shall be lit in keeping with the principles of crime prevention through environmental design (CPTED) and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings, streets, parking areas and walkways.
- c. Lighting regulations do not apply to decorative lights used on a seasonal basis.
- d. A dwelling unit shall have an exterior light at every entrance.
- e. Exterior lighting shall illuminate the pathway from the street frontage to the entrance of each dwelling unit in order to limit the probability of delays or ineffectiveness in emergency response operations.

8. Fences

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

## ABC Street

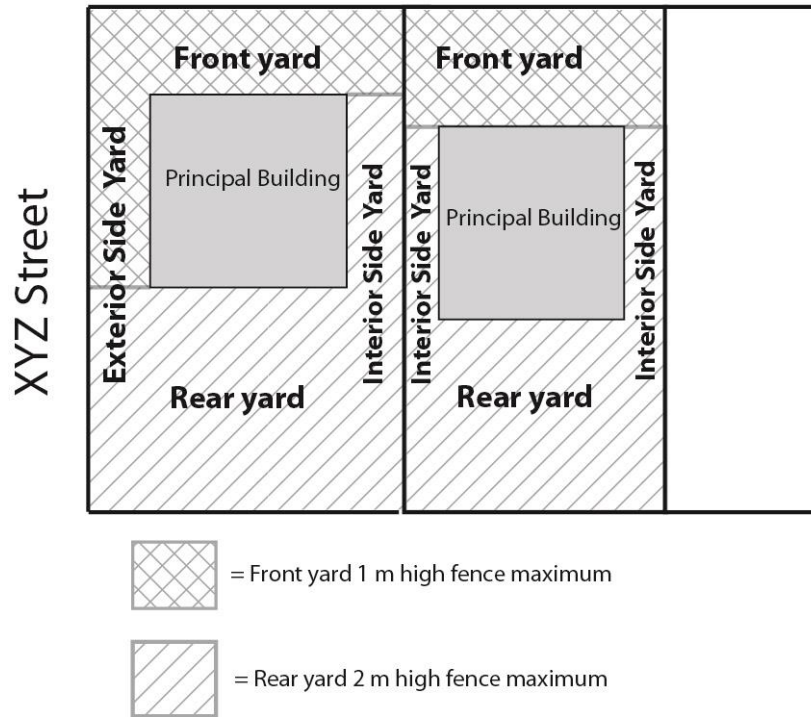


Diagram: Section 1.2.8.a  
Fence Height

- b. In any Commercial zone (except C1 Zone), Mixed Use, Industrial Zone, no fence or projecting retaining wall shall exceed 3 m. in height.

### 9. Waste and Recycling Facilities (Amended by BL 3319, 3463)

- a. On any lot with commercial, public and institutional, industrial, or multi-unit residential uses, or a combination thereof:
- i. A minimum of one common area for the collection of recycled materials and waste shall be provided and maintained for the use of the occupants;
  - ii. Waste, recycling, and compost facilities shall comply with the *City of Nelson Waste Management and Wildlife Attractant Bylaw* as amended from time to time; and
  - iii. Waste and recycling facilities, including dumpsters and recycling and refuse containers shall not be located within the front yard. The front yard extends from side lot line to side lot line and is the space between the front lot line and the foundation wall of the principle building.
  - iv. Waste and recycling facilities, including dumpsters and recycling and refuse containers shall be located a minimum of 3m from any side lot line adjoining a lot zoned for residential use. In the R3 – Downtown Residential Zone and MU6 – Downtown Mixed Use Zone, facilities shall be located a minimum of 1.0m from any side lot line adjoining a lot zoned for residential use.
  - v. For multi-unit residential developments, waste and recycling facilities

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

#### 10. Dwelling Unit Size

- a. The minimum width or depth of a dwelling unit shall be not less than 4.5 m.
- b. The minimum gross floor area of a dwelling unit shall be 26 sq.m.

#### 11. Off-Street Parking, Loading, and Landscaping

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

#### 12. Emergency Access (amended by BL 3512, 2021)

- a. The distance required to walk from the front street curb to the primary entrance of a Dwelling Unit shall not exceed 45 metres.
- b. A clear and unobstructed path of a minimum width of 1.0 metre shall be available and accessible from the street to the entrance of a Dwelling Unit. The path shall consist of a hard surface to not delay access by emergency responders and:
  - i. No sudden drop-offs or hedges shall obstruct this path;
  - ii. If a fence will block the path, there shall be a gate that can be unlatched from the direction of travel from the street and not have any locks or require any special knowledge to operate; and
  - iii. The path shall be maintained and kept clear of snow and debris throughout all seasons.
- c. The civic address assigned by the City to a Dwelling Unit must be legible and displayed in such a position as to be plainly visible from the street to which the civic address is assigned and at the primary entry to the Dwelling Unit.
- d. In addition to the requirements of section 1.2.12(c); a Laneway House or a Secondary Suite must post a second civic address sign located near the path leading from the street to the Laneway House or Secondary Suite.
- e. The Fire Chief may approve a relaxation of sections 1.2.12(a) and/or 1.2.12(b) if the Dwelling Unit is fitted with a residential sprinkler system or if an alternative

solution is present, to the satisfaction of the Fire Chief.

13. Maximum Building Length and Building Footprint [\(added by BL 3626, 2025\)](#)

- a. The maximum length of any building facade fronting a Street or Public Park is limited as follows:

<b>At-Grade Use</b>	<b>Maximum Length</b>
Residential	75 m
Commercial	180 m
Light-Industrial	180 m

- b. Building facades that turn greater than 30 degrees are considered, for the purposes of subsection 1.2.13(a), as a different building face.
- c. The maximum Building Footprint of any building is determined as follows, based on the primary at-grade use:s

<b>Primary At-Grade Use</b>	<b>Maximum Building Footprint</b>
Residential	1,850 m <sup>2</sup>
Regional Commercial	18,500 m <sup>2</sup>
All other Commercial	7,500 m <sup>2</sup>
Light-Industrial	18,500 m <sup>2</sup>

## 2.0 SUBDIVISION OF LAND

### 2.1. Regulation of Subdivision

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

### 2.2. Minimum Lot Size and Shape (Amended by BL3563)

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

### 2.3. Lots exempt from Minimum Lot Dimension Requirements

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

### 2.4. Bare Land Strata Subdivision

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

## 3.0 ESTABLISHMENT OF ZONES

### 3.1. Establishment of Zones

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

**Table 3.1 – Zone Description** (Amended by [BL3344](#), [BL3470](#), [BL3531](#))

Zone Name	Short Term Abbreviation
-----------	-------------------------

<b>Residential</b>	
R1, Low Density Residential Zone	R1
R2, Medium Density Residential Zone	R2
R2A, Granite Pointe Residential Zone	R2A
R3, Downtown Residential Zone	R3
R4, High Density Residential Zone	R4
R5, Manufactured Home Park Zone	R5
R6, Guest Room and Suite Zone	R6
<b>Mixed-Use</b>	
MU1, Waterfront Tourist Commercial Zone	MU1
MU2, Waterfront Mixed-Use – Residential and Commercial Zone	MU2
MU3, Railtown Mixed-Use - Residential and Commercial Zone	MU3
MU4, Waterfront Mixed-Use – Industrial and Commercial Zone	MU4
MU5, Mixed Commercial and Residential Zone	MU5
MU8, Neighbourhood Mixed-Use	MU8
<b>Commercial</b>	
C1, Core Commercial Zone	C1
C2, Service Commercial Zone	C2
<b>Industrial</b>	
M1, Industrial Zone	M1
M2, Transportation Industrial Zone	M2
<b>Public &amp; Institutional</b>	
I1, Institutional Zone	I1
P1, Park, Open and Recreational Space Zone	P1
P2, Water Use Zone	P2
RZ1, Reserve Zone	RZ1
<b>CD Zones</b>	
CD 1 - Kutenai Landing Zone	CD1
CD 2	CD2
CD 3	CD3
CD 4	CD4
CD 5	CD5
CD 6	CD6
CD 7	CD7
CD 8	CD8
CD 9	CD9

### 3.2. Zone Boundaries

1. The extent of each zone is shown on Schedule “B” – Zoning Map, which is attached to and forms part of this Bylaw and which bears the words, "Schedule “B” – Zoning Map”, to the *City of Nelson Zoning Bylaw No. 3199, 2013*.
2. Where a zone boundary is designated as following a street, the centre line of the street, shall be the zone boundary.

3. Where a zone boundary is shown as approximately following the edge, shoreline, or high water mark of a river, lake, or other water body, it follows the natural boundary. In the event of change, it moves with the natural boundary.
4. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule "B" – Zoning Map, to the *City of Nelson Zoning Bylaw No. 3199, 2013*.

## 4.0 RESIDENTIAL ZONE REGULATIONS

### 4.1 R1, LOW DENSITY RESIDENTIAL ZONE (amended by BL 3344,3451,3593)

#### 1. Purpose

The purpose is to provide a zone for single-detached dwellings, duplexes, secondary suites, laneway houses, and small-scale multi-unit residential.

#### 2. Permitted Uses

The following uses of land, buildings, and structures, or a combination thereof, and no others shall be permitted:

- a. Single-Detached Residential, with or without:
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”) and/or
  - ii. Laneway House (subject to section 1.1.9 of Schedule “A”)
- b. Duplex Residential, with or without:
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”) and/or
  - ii. Laneway House (subject to section 1.1.9 of Schedule “A”)
- c. Multi-Unit Residential, with or without:
  - i. Laneway House (subject to section 1.1.9 of Schedule “A”)
- d. Care Services (for no more than 8 persons)
- e. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- f. Transition House

#### 3. Density

- a. The maximum density on lots less than or equal to 280 sq. m. is three dwelling units.
- b. The maximum density on lots greater than 280 sq. m. is four dwelling units.

#### 4. Minimum Lot Area & Minimum Lot Width

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

#### 5. Substandard Lot Areas

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

#### 6. Lot Coverage

- a. Buildings and structures on lots with a lot area **equal to or greater** than 370 sq. m. shall not cover more than 35 percent of the lot.
- b. Buildings and structures on lots with a lot area **less** than 370 sq. m. shall not cover more than 40 percent of the lot.
- c. Despite section 4.1.6.a. buildings and structures on lots between 370 sq. m. and 422 sq. m. in area shall be permitted a maximum of 148 sq. m. in lot coverage.
- d. Despite section 4.1.6.a and 4.1.6.b, Care Services shall not cover more than 45

% of the lot area.

- e. Notwithstanding sections 4.1.6.a and 4.1.6.b, an additional 5 percent lot coverage shall be permitted for the purpose of constructing a Laneway House, provided that the said Laneway House does not exceed 4.5m in height.

## 7. Minimum Setback and Height

<b>Minimum Setback</b>	<b>Distance for lots with a front lot line greater than 9.2 m.</b>	<b>Distance for lots with a front lot line less than 9.2 m.</b>
Front lot line	4.5 m	4.5 m
Open carport	1.5 m	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m	1.5 m
Rear lot line	4.5 m	4.5 m
Accessory Building and Laneway House	1.5 m	1.5 m
Exterior side lot line	1.5 m	1 m
Interior side lot line	1.5 m	1 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0.0 m	0.0 m
<b>Maximum Height</b>		
Principal Building	10 m	10 m
Accessory Building	4.5 m	4.5 m
Laneway House	5.8 m	5.8 m
Above-Garage Suite	6.1m	6.1m

## 8. Height Envelope

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

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

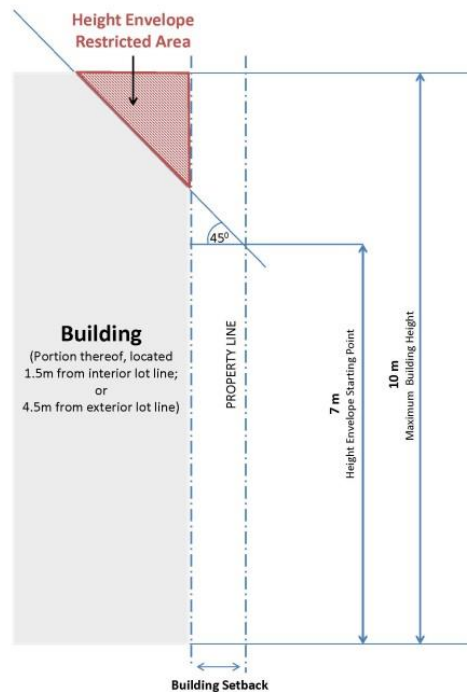


Diagram: Height Envelope

## 4.2 R2, MEDIUM DENSITY RESIDENTIAL ZONE

### 1. Purpose

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

### 2. Permitted Uses [\(amended by BL 3344, 3496\)](#)

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

- a. Care Services
- b. Multi-Unit Residential
- c. Single-Detached Residential, subject to section 4.2.5.a.
  - i. And/or Laneway House (subject to Section 1.1.9 of Schedule “A”).
  - ii. And/or Secondary Suite (subject to Section 1.1.8 of Schedule “A”).
- d. Duplex Residential, subject to section 4.2.5.a.
  - i. And/or Laneway House (subject to Section 1.1.9 of Schedule “A”).
  - ii. And/or Secondary Suite (subject to Section 1.1.8 of Schedule “A”).
- e. Single-Detached, Residential and Duplex dwelling units that exist prior to the adoption of Bylaw 3199, 2013 shall be permitted to be extended, altered and maintained so that it remains a single-detached residential or duplex residential building in accordance with the requirements of the zone, the *Local Government Act*, and the *British Columbia Building Code*. This permission includes the ability to add a secondary suite and/or a laneway house, subject to sections 1.1.8 and 1.1.9 of Schedule “A”.
- f. Short-Term Rental (subject to section 1.1.10 of Schedule ‘A’).

### 3. Permitted Uses – Site Specific

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

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

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

**5. Density**

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

**6. Lot Coverage**

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

**7. Minimum Setback & Maximum Height (Amended by BL 3563)**

<b>Minimum Setback</b>	<b>Distance</b>
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building	1.5 m
Exterior side lot line	4.5 m
Accessory Building	1.5 m
Interior side lot line	3.0 m
Accessory Building	1.5 m
Lots 1-8, District Lot 304, Kootenay District Plan 8181	0 m.
Lot 1 – 10, District Lot 304, Kootenay District Plan 8185	0 m.
<b>Maximum Height</b>	
Principal Building	12 m
Accessory Building	4.5 m
Laneway House	5.8m
Above-Garage Suite	6.1m

**8.** Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9 of Schedule “A”.

**9.** Amenity Areas shall comply with applicable requirements of section 1.2.4. of Schedule “A”.

## **4.2. A R2-A, GRANITE POINTE RESIDENTIAL ZONE** (amended by BL 3470)

### **1. Purpose**

The purpose is to provide a zone for a mix of residential developments within the Granite Pointe Redevelopment Designation of the Official Community Plan. Further to the zoning requirements, all developments shall be subject to the specific Rosemont neighbourhood plan policy number 5 contained in the Official Community Plan.

### **2. Permitted Uses**

The following uses of land, buildings and structures and no others shall be permitted in the R2-A, Granite Pointe Residential Zone:

- a) Care Services
- b) Duplex Residential
- c) Duplex Residential and
  - i. Laneway House (subject to Section 1.1.9 of Schedule “A”); and/or
  - ii. Secondary Suite (subject to Section 1.1.8 of Schedule “A”)
- d) Multi-Unit Residential
- e) Pocket Neighbourhood, Residential
  - i. Single-detached, Residential
  - ii. Duplex, Residential
- f) Short-Term Rental (subject to section 1.1.10 of Schedule “A”)

### **3. Conditions of Use**

- a) Multi-unit buildings on a lot abutting an R1 zoned property shall not have balconies on a 3<sup>rd</sup> floor facing the rear lot line.
- b) Except for a rowhouse, the maximum length of a Multi-Unit residential building along a street shall be 20m.
- c) A rowhouse dwelling shall not have more than 6 side-by-side dwelling units configured in a row.

### **4. Minimum Lot Area & Minimum Lot Width**

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

### **5. Lot Coverage**

- a) Buildings and structures permitted in this zone shall not cover more than 45 percent of the lot area;
- b) Maximum gross floor area per dwelling unit in a Pocket Neighbourhood is 150 sq. m.

### **6. Siting**

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

### **7. Minimum Setback & Maximum Height**

Minimum Setback	Distance
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building and Laneway House	1.5 m
Exterior side lot line	4.5 m
Accessory Building	1.5 m
Interior side lot line	1.5 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0 m
Accessory Building	1.0 m
<b>Maximum Height</b>	
Principal Building	12 m
Principal Building abutting an R1 zoned property	12 m but not more than 3 storeys
Pocket Neighborhood principal dwelling	The lesser of 9 m or 2 storeys
Accessory Building	4.5 m
Laneway House	5.8 m
Above-Garage Suite	6.1 m

## 8. Amenity Areas

For Pocket Neighbourhood, a minimum fifteen (15%) of the lot shall be retained as outdoor amenity space.

### 4.3 R3, DOWNTOWN RESIDENTIAL ZONE (amended by BL3344, BL3451, 3512, 3593)

#### 1. Purpose

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

#### 2. Permitted Uses

The following uses of land, buildings, and structures, or a combination thereof, and no others shall be permitted:

- a. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- b. Care Services
- c. Duplex, Residential
- d. Duplex, Residential and
  - i. Laneway House (subject to section 1.1.9 of Schedule “A”) and/or
  - ii. Secondary Suite (subject to section 1.1.8 of Schedule “A”)
 Multi-Unit, Residential
- e. Multi-Unit, Residential and

- i. Laneway House (subject to section 1.1.9 of Schedule “A”)
- f. Single-Detached, Residential and
  - i. Secondary Suite Ready (subject to section 1.1.8 of Schedule “A”)
- g. Single-Detached, Residential and
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”)
- h. Single-Detached, Residential and
  - i. Laneway House (subject to section 1.1.9 of Schedule “A”)
- i. Single-Detached, Residential and
  - i. Laneway House (subject to section 1.1.9 of Schedule “A”) and
  - ii. Secondary Suite
- j. Early Childhood Development Centre permitted at Parcel A (See XJ20563) Block 31, District Lot 95, Kootenay District Plan 9500 (804 Stanley Street) and Parcel A (See 111671) Lot 22, Lot 23, Lot 24, Block 30, District Lot 95, Kootenay District Plan 9500 (312 Silica Street)
- k. Single-Detached, Residential dwelling units that exist prior to the adoption of Bylaw 3199, 2013 shall be permitted to be extended, altered and maintained in accordance with the requirements of the zone, the *Local Government Act* and the *British Columbia Building Code*.

**3. Minimum Lot Area & Minimum Lot Width**

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

**4. Density**

- a. The maximum permitted density on lots less than or equal to 278 sq. m. is three dwelling units.

**5. Width of Building**

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

**6. Lot Coverage**

- a. Buildings and structures on lots with a lot area **greater than or equal to** 278 sq. m. shall not cover more than 40 percent of the lot area.
- b. Buildings and structures on lots with a lot area **less than** 278 sq. m. shall not cover more than 45 percent of the lot area.
- c. Despite section 4.3.6.a. buildings and structures on lots between 278 sq. m. and 312 sq. m. in lot area shall be permitted a maximum of 125 sq. m. in lot coverage.
- d. Notwithstanding sections 4.3.6.a and 4.3.6c, an additional 5 percent lot coverage shall be permitted for the purpose of constructing a Laneway House, provided that the said Laneway House does not exceed 4.5m in height.

**7. Minimum Setback & Maximum Height**

Minimum Setback	Distance
Front lot line	3.0 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m

Rear lot line	3.0 m
Accessory Building and Laneway House	1.0 m
Exterior side lot line	1.0 m
Interior side lot line	1.0 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0.0 m
<b>Maximum Height</b>	
Principal Building	10 m
Accessory Building	4.5 m
Laneway House	5.8 m
Above-Garage Suite	6.1m

## 8. Height Envelope

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

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

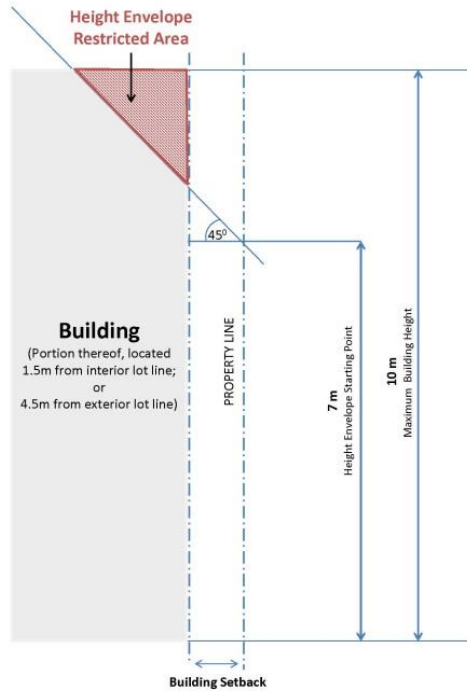


Diagram: Height Envelope

9. Lots containing three (3) dwelling units or more shall comply with the applicable Waste and Recycling requirements in section 1.2.9 of Schedule “A”.

#### 4.4 R4, HIGH DENSITY RESIDENTIAL ZONE

##### 1. Purpose

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

##### 2. Permitted Uses (Amended by BL3344, BL3496, BL3512)

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

- a. Care Services
- b. Duplex Residential, subject to section 4.4.6.a
- c. Multi-Unit Residential
- d. Single-Detached Residential, subject to section 4.4.6.a.
- e. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- f. Single-Detached, Residential, subject to section 4.4.6.a, and
  - i. Secondary Suite and/or Laneway House (subject to sections 1.1.8 and 1.1.9 of Schedule “A”)
- g. Duplex, Residential, subject to section 4.4.6.a, and
  - i. Secondary Suite and/or Laneway House (subject to sections 1.1.8 and 1.1.9 of Schedule “A”)

##### 3. Permitted Uses – Site Specific

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

**4. Minimum Lot Area & Lot Width**

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

**5. Siting**

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

**6. Density**

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

**7. Lot Coverage**

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

**8. Minimum Setbacks and Maximum Height**

Minimum Setback	Distance
Front lot line	4.5 m
Open carport	1.5 m

Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building	1.5 m
Exterior side lot line	4.5 m
Accessory Building	1.5 m
Interior side lot line	4.5 m
Accessory Building	1.5 m
<b>Maximum Height</b>	
Principal Building	13 m
Accessory Building	4.5 m

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

**4.5 R4A, MEDIUM-HIGH DENSITY RESIDENTIAL ZONE** [\(Amended by Bylaw 3303, 2015\)](#)

**1. Purpose**

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

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

**2. Density**

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

**3. Minimum Setbacks and Maximum Height**

Minimum Setback	Distance
Exterior side lot line	4.28 m
<b>Maximum Height</b>	
Principal Building	13.6 m

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

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

**6. Condition of Use**

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

## 4.6 R5, MANUFACTURED HOME PARK RESIDENTIAL ZONE

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

## 4.7 R6, GUEST ROOM AND SUITE ZONE [\(Amended by Bylaw 3344, 3593\)](#)

### 1. Purpose

The purpose is to provide a zone to accommodate residential uses as well as Short-Term Rentals with up to 6 guest rooms.

### 2. Permitted Uses

The following uses of land, buildings, and structures, or a combination thereof, and no others shall be permitted:

- a. Single-Detached Residential, with or without:
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”) and/or
  - ii. Laneway House (subject to section 1.1.9 of Schedule “A”)
- b. Duplex Residential, with or without:
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”) and/or
  - ii. Laneway House (subject to section 1.1.9 of Schedule “A”)
- c. Multi-Unit Residential, with or without:
  - i. Laneway House (subject to section 1.1.9 of Schedule “A”)
- d. Care Services (for no more than 8 persons)
- e. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- f. Transition House

### 3. Density and Guest Accommodation

- a. The maximum density on lots less than or equal to 280 sq. m. is three dwelling units.
- b. The maximum density on lots greater than 280 sq. m. is four dwelling units.
- c. A maximum of 6 Guest Rooms are permitted on a lot.
- d. If there is a Guest Suite on the lot, a maximum of 5 Guest Rooms shall be permitted.

### 4. Minimum Lot Area & Lot Width

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

### 5. Lot Coverage

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

- a. Notwithstanding section 4.7.5, an additional 5 percent lot coverage shall be permitted for the purpose of constructing a Laneway House, provided that the said Laneway House does not exceed 4.5m in height.

## 6. Minimum Setbacks and Maximum Height

<b>Minimum Setback</b>	
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building and Laneway House	1.5 m
Exterior side lot line	1.5 m
Interior side lot line	1.5 m
<b>Maximum Height</b>	
Principal Building	10 m
Accessory Building	4.5 m
Laneway House	5.8 m
Above-Garage Suite	6.1m

## 7. Height Envelope

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

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

- c. A plane parallel to and 10 metres above average finished ground level.

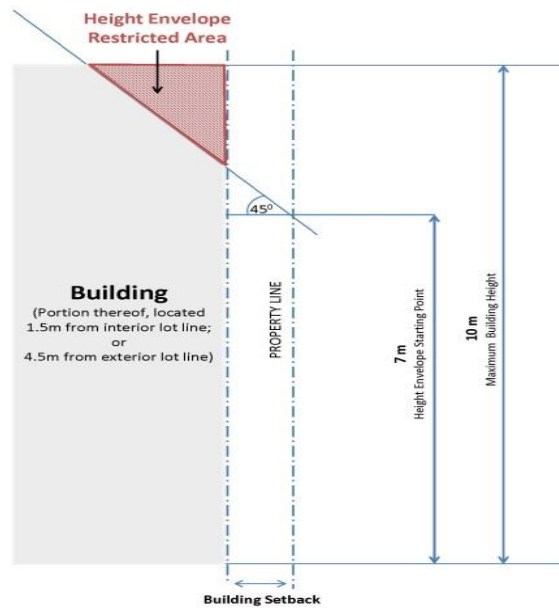


Diagram: Height Envelope

## 5.0 MIXED USE ZONE REGULATIONS

### 5.1 MU1, WATERFRONT TOURIST COMMERCIAL ZONE

#### 1. Purpose

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

#### 2. Permitted Uses

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

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

#### 3. Conditions of Use

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

#### 4. Minimum Lot Area and Lot Width

- a. The minimum lot area shall be not less than 1,000 sq. m.
- b. The minimum lot width shall be not less than 30 m.
- c. In the case of a lot which may be further subdivided, buildings and structures shall

be sited so as to facilitate the future subdivision of the lot or adjacent parcels of land.

d.

**5. Lot Coverage**

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

**6. Setbacks and Height**

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

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

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

**1. Purpose**

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

**2. Permitted Uses** (Amended by Bylaw 3344, 3406)

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

- a. Cannabis Retail Store (subject to section 1.1.12 of Schedule “A”)
- b. Care Services
- c. Live/Work
- d. Health Services permitted adjacent to Hall Street only when located above retail.
- e. Multi-Unit Residential
- f. Neighbourhood Pub
- g. Professional and business office use permitted adjacent to Hall Street only when located above retail.
- h. Restaurants
- i. Shopping Centre permitted on Lot 1, District Lots 95, 3868 and 6004, Kootenay District Plan 12215, except parts included in Plan 16451 (PID:012-571-075)

- j. Shopping Centre permitted when located with a Multi-Unit Residential use on Lot 1, District Lots 95, 3868 and 6004, Kootenay District Plan 12215, except parts included in Plan 16451 (PID:012-571-075)
- k. Retail Store uses permitted adjacent to Hall Street, when located at-grade and limited in size to a maximum retail floor area of 400 sq. m. per business
- l. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)

**3. Additional Permitted Uses – Site Specific** (added by bylaw 3479)

Permitted Use	Address	Legal Description
Commercial School Health Services Participant Recreation Services, Indoor Personal Service Establishments Professional and Business Offices Retail Store, when located at-grade and limited in size to a maximum retail floor area of 400 sq. m. per business	900 Lakeside Drive	Lot 1, District Lots 4085, 4236, 4645 and 6004, Kootenay District Plan NEP 68183 (PID 024- 924-652)

**4. Conditions of Use**

- a. No commercial uses shall involve the exterior, unenclosed storage of goods.
- b. The work portion of Live/Work shall be any of the non-residential uses permitted in this zone, as well as the following uses:
  - i. Custom Indoor Manufacturing
  - ii. Professional and business office use
- c. Uses identified in 5.2.3 are permitted only when combined with a residential use.
- d. For uses identified in section 5.2.3, the length of an exterior storefront containing an individual business on the floor closest to grade shall be a maximum of 15.0 m.

**5. Minimum Lot Area and Lot Width**

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

**6. Lot Coverage**

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

than 50 percent of the lot.

## 7. Setbacks and Height

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

## 8. Combination of Uses

1. Except as otherwise required in this zone, where a lot is used for a combination of uses that includes residential, the non-residential use commercial use shall:
    - a. be located with direct access to the street.
  2. Where a lot is used for a combination of uses that includes residential, the residential use shall:
    - a. be contained in the same building as the other use(s); and
    - b. be located over or behind the other non-residential use.
9. Waste and recycling requirements shall comply with applicable requirements of section 1.2.9 of Schedule "A".
10. Amenity Areas shall comply with applicable requirements of section 1.2.4 of Schedule "A".

### 5.3.A MU3-A, RAILTOWN MIXED-USE – INDUSTRIAL & COMMERCIAL ZONE (Added by BL 3626, 2025)

#### 1. Purpose

The purpose is to provide a zone to accommodate industrial, commercial and limited accessory residential development in the Railtown neighbourhood.

#### 2. Permitted Uses

1. The following uses of land, buildings and structures and no others shall be permitted:
  - a. Animal Daycare

- b. Broadcasting Studios
- c. Building Supply
- d. Cannabis Retail Store (subject to section 1.1.12 of Schedule “A”)
- e. Car Wash
- f. Commercial School
- g. Commercial Storage
- h. Retail Warehouse
- i. Contractor Services General
- j. Contractor Services, Limited
- k. Custom Indoor Manufacturing
- l. Industry, light
- m. Live/Work (subject to section 1.1.11 of Schedule “A”)
- n. Mechanical Repair, Service and Sales
- o. Mobile Food Vendor
- p. Mobile Retail Vendor
- q. Neighbourhood Pub
- r. Off-Street Parking and Structures
- s. Participant Recreation Services, Indoor
- t. Printing and Publishing Establishment
- u. Regional Commercial
- v. Veterinary Clinic
- w. Warehouse
- x. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- y. Cannabis Micro-Processing
- z. Fire Hall
- aa. Indoor Urban Agriculture

2. One dwelling unit in conjunction with each permitted use in section 5.3.A.2.1 of Schedule “A” shall be permitted.

**3. Conditions of Use**

- a) The work portion of Live/Work shall be any of the non-residential uses permitted.
- b) Cannabis Micro-Processing shall be located in an enclosed building with odour controls so that any odour emissions cannot be detected beyond the parcel line of the parcel on which the facility is located.
- c) Cannabis Micro-Processing must be conducted by means of non-volatile solvent extraction (butane, propane and hexane are prohibited).

**4. Minimum Lot Area**

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

**5. Lot Coverage**

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

**6. Minimum Setbacks and Maximum Height**

Minimum Setback	
Front lot line	0 m

Rear lot line	0 m
Exterior side lot line	0 m
Interior side lot line	0 m
<b>Maximum Height</b>	
Principal Building	20 m
Accessory Building	4.5 m

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

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

#### 1. Purpose

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

#### 2. Permitted Uses *(Amended by Bylaw 3344, 3392, 3406, 3473)*

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

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

- a. Building Supply
- b. Cannabis Retail Store (subject to section 1.1.12 of Schedule “A”)
- c. Contractor Services, Limited
- d. Craft Brewery/Distillery
- e. Custom Indoor Manufacturing at grade and limited in size to a maximum gross floor area of 500 sq. m. per business.
- f. Live/Work (subject to section 1.1.11 of Schedule “A”)
- g. Market
- h. Mechanical Repair and Service
- i. Neighbourhood Pub
- j. Participant Recreation Services, Indoor
- k. Personal Service Establishment
- l. Residential uses permitted when combined with a non-residential use.
- m. Retail Store
- n. Restaurants
- o. Veterinary Clinic
- p. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- q. Art Gallery and Museum
- r. Care Services
- s. Cannabis Micro-Processing
- t. Early Childhood Development Centre
- u. Entertainment Facility
- v. Fire Hall
- w. Health Services
- x. Indoor Urban Agriculture

- y. Multi-Unit Residential
- z. Mobile Food Vendor
- aa. Mobile Retail Vendor
- bb. Off-Street Parking (subject Section 5.3.3 below)
- cc. Printing and Publishing Establishment
- dd. Professional and Business Offices
- ee. Public Administration
- ff. Social Services

**3. Additional Permitted Use – Site Specific** (added by BL 3567, 2023)

Permitted Use	Address	Legal Description
Tourist Accommodation	45 Government Road	LOT A, PLAN EPP102571, DISTRICT LOT 95 2627, KOOTENAY LAND DISTRICT (PID 031-128-483)

**4. Conditions of Use**

1. The non-residential use shall be located with direct access to the street.
2. Where a lot is used for a combination of uses that includes residential, the residential use shall:
  - a. be contained in the same building as the other use(s); and
  - b. be located over or behind the other non-residential use.
3. Commercial storage permitted when accessory to a permitted use. Accessory commercial storage use cannot occupy more than 50% of the gross floor area of the building, and shall not be located to have direct street frontage.
4. A maximum of 50% of the gross floor area of a building at street level may be used for off-street parking and shall be located to the rear of the structure.
5. Off-Street Parking accessory to the principle use shall be located to the rear of the principle structure.
6. Off-Street Parking as a principal use shall be subject to a development permit and include extensive landscaping and drainage facilities to minimize runoff.
7. Cannabis Micro-Processing shall be located in an enclosed building with odour controls so that any odour emissions cannot be detected beyond the parcel line of the parcel on which the facility is located.
8. Cannabis Micro-Processing must be conducted by means of non-volatile solvent extraction (butane, propane and hexane are prohibited).

**5. Minimum Lot Area and Lot Width**

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

**6. Lot Coverage**

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

**7. Setbacks and Height**

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

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

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

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

**1. Purpose**

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

**2. Permitted Uses** (Amended by Bylaw 3344, 3368, 3406, 3473)

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

- 1.
  - a. Animal Daycare
  - b. Broadcasting Studios
  - c. Building Supply
  - d. Cannabis Retail Store (subject to section 1.1.12 of Schedule “A”)
  - e. Car Wash
  - f. Commercial School
  - g. Commercial Storage
  - h. Retail Warehouse
  - i. Contractor Services General

- j. Contractor Services, Limited
- k. Custom Indoor Manufacturing
- l. Industry, light
- m. Live/Work (subject to section 1.1.11 of Schedule “A”)
- n. Mechanical Repair, Service and Sales
- o. Mobile Food Vendor
- p. Mobile Retail Vendor
- q. Neighbourhood Pub
- r. Off-Street Parking and Structures
- s. Participant Recreation Services, Indoor
- t. Printing and Publishing Establishment
- u. Regional Commercial
- v. Veterinary Clinic
- w. Warehouse
- x. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- y. Cannabis Micro-Processing
- z. Fire Hall
- aa. Indoor Urban Agriculture

2. One dwelling unit in conjunction with each permitted use in section 5.4.2.1 of Schedule “A” shall be permitted.

**3. Conditions of Use**

- a) The work portion of Live/Work shall be any of the non-residential uses permitted.
- b) Cannabis Micro-Processing shall be located in an enclosed building with odour controls so that any odour emissions cannot be detected beyond the parcel line of the parcel on which the facility is located.
- c) Cannabis Micro-Processing must be conducted by means of non-volatile solvent extraction (butane, propane and hexane are prohibited).

**4. Minimum Lot Area**

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

**5. Lot Coverage**

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

**6. Minimum Setbacks and Maximum Height**

<b>Minimum Setback</b>	
Front lot line	0 m
Rear lot line	0 m
Exterior side lot line	0 m
Interior side lot line	0 m
<b>Maximum Height</b>	
Principal Building	14 m

Principal Building within 30 m of the high-water mark of Kootenay Lake	10.5 m
Accessory Building	4.5 m

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

## 5.5 MU5, MIXED COMMERCIAL & RESIDENTIAL ZONE

### 1. Purpose

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

### 2. Permitted Uses

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

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

### 3. Conditions of Use [\(amended by BL 3443\)](#)

- a. Commercial uses shall front the street.
- b. Residential dwelling unit(s) combined with a use permitted in subsection 5.5.2.1. of Schedule “A” shall:
  - i. be contained in the same building, and
  - ii. have a separate entrance from the outside.
- c. All non-residential uses shall be limited in size to a gross floor area of 150 sq.m. per business, with the exception that 2 businesses per lot shall be permitted to be a maximum of 250 sq.m. gross floor area.
- d. Professional and Business Office and Health Services uses are limited to a maximum of 20% of the gross floor area of any building(s).
- e. No commercial uses shall involve the exterior, unenclosed storage of goods.
- f. The work portion of Live/Work shall be any of the non-residential uses permitted in this zone.

**4. Minimum Lot Area & Lot Width**

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

**5. Lot Coverage**

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

**6. Minimum Setback and Maximum Height**

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

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

8. Amenity Areas shall comply with applicable requirements of section 1.2.4. of Schedule “A”.

**5.6 MU5 – MEDICAL** [\(Amended by Bylaw No. 3295, 2015\)](#)

**1. Purpose**

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

**2. Permitted Uses**

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

- a. Health Services
- b. Restaurant

**3. Conditions of Use**

- a. Commercial uses shall front the street.
- b. No commercial uses shall involve the exterior, unenclosed storage of goods.
- c. The restaurant use is restricted to a maximum gross floor area of 50 sq. metres.
- d. The “Health Services” accessory use is limited to dispensing and accessory retail

- sales of prescriptions and medications, and other types of health services goods and equipment and is restricted to a maximum gross floor area of 75 sq. metres.
- e. Landscaping shall comply with the *Off-Street Parking and Landscape Bylaw* and the Development Permit requirements in the *Official Community Plan*.
  - f. The building and landscape design shall minimize the visual impact of the building and site within the surrounding residential context.
  - g. The landscape design shall ensure that the site contributes positively to the use, enjoyment, safety, and aesthetics of neighbouring properties by addressing issues related to privacy, noise abatement, and visual impact.
  - h. A landscape plan, prepared by a registered Landscape Architect, or a professional certified in landscape design shall consider the following:
    - i. Landscaping shall be incorporated into the following areas: along all property boundaries and to the edge of roadways; between buildings and parking areas; along on-site access roads; along the sides of buildings; around loading areas, as well as mechanical equipment and garbage/recycling areas; and in all open spaces not required for parking roads or walkways.
    - ii. Vegetative screening is required on all sides of the property where there is an adjacent residential zone. Screening shall be:
      - i. A minimum of 1.5 m on the east interior lot line for the first 20 m;
      - ii. A minimum of 3.0 m on the remainder of the east interior lot line and along the entire length of the west interior lot line; and
      - iii. Continuous along the affected property boundaries, interrupted only by walkways and driveways providing access to the property.
    - i. An opaque fence (not chain-link) may be installed on the east and west interior property lines to protect the privacy, use and enjoyment of adjoining residences. The final height and design of the fence shall be determined by the Director of Development Services.
    - j. Heating, ventilation, and air conditioning (HVAC) systems shall be contained largely within the building.
    - k. The building design, including all mechanical systems will be designed to minimize the following:
      - i. Odorous, toxic, or noxious matter or vapours;
      - ii. Heat, glare, electrical interference, or radiation;
      - iii. Recurring ground vibration;
      - iv. Noise levels exceeding 45 decibels

**4. Minimum Lot Area**

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

**5. Lot Coverage**

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

**6. Minimum Setback and Maximum Height**

Minimum Setback	
Front lot line	0 m

Rear lot line	4.5 m
Interior side lot line (the interior side yard shall be used for landscaping only)	3.0 m
<b>Maximum Height</b>	
Principal Building	10 m

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

## 5.7 MU6, DOWNTOWN MIXED-USE – RESIDENTIAL & COMMERCIAL ZONE [\(added by Bylaw 3463\)](#)

### 1. Purpose

The purpose is to designate and preserve land for the development of residential and commercial uses adjacent to Herridge Lane or the lane between Victoria and Silica Streets.

### 2. Permitted Uses

The following uses of land, buildings and structures, or a combination thereof, and no others shall be permitted in the MU6 Downtown Mixed-Use Zone:

- a. Art Gallery and Museum
- b. Animal Daycare
- c. Care Services
- d. Commercial School
- e. Custom Indoor Manufacturing
- f. Early Childhood Development Centre
- g. Entertainment Facility
- h. Health Services
- i. Live/Work
- j. Mechanical Repair and Service
- k. Mobile Food Vendor
- l. Mobile Retail Vendor
- m. Multi-Unit Residential
- n. Multi-Unit Residential and
  1. Laneway House (subject to section 1.1.9 of Schedule “A”)
- o. Off-Street Parking
- p. Participant Recreation Services, indoor
- q. Personal Service Establishment
- r. Printing and Publishing Establishment
- s. Professional and Business Offices
- t. Public Administration
- u. Market
- v. Restaurant
- w. Retail Store
- x. Social Services Centre
- aa. Veterinary Clinic

### 3. Conditions of Use

- a. A lot must contain at least one residential dwelling unit.
- b. Commercial storage permitted when accessory to a permitted use. Accessory

commercial storage use cannot occupy more than 50% of the gross floor area of the building, and shall not be located to have direct street frontage.

- c. Exterior, unenclosed storage of goods or materials is not permitted.
- d. Non-residential uses must front the rear lane and may not front the street.
- e. Residential uses must compose the entirety of building facades facing Victoria and Silica Streets.
- f. A maximum of 50% of the building footprint shall be used for non-residential uses.
- g. Animal Daycare use must be within an enclosed building.

#### 4. Single-Family Residential

Any lot that has been developed as a single-detached or duplex residential dwelling prior to the adoption of Bylaw 3199, 2013 is permitted to be repaired, extended or altered so that it remains a residential building. This permission includes the ability to add a secondary suite or a laneway house.

#### 5. Minimum Lot Area and Minimum Lot Width

- a. The minimum lot area shall be not less than 270 sq. m.
- b. The minimum lot width shall be 7.6 m.
- c. The maximum length of a building along a street shall be 15.0 m.

#### 6. Lot Coverage

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

#### 7. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line	3m
Accessory Building	1m
Rear lot line	0m
Accessory Building	1m
Exterior side lot line	0m
Accessory Building	1m
Interior side lot line	0m
If lot is not served by a constructed rear lane	1m
Accessory Building	1m
Maximum Height	
Principal Building	10 m
Accessory Building	4.5 m
Laneway House	5.8m
Above-Garage Suite	6.1m

8. Site-Specific

#### Regulations

Bylaw Requirement	Address	Legal Description(s)
Minimum dwelling unit size: 19 sq. m.	706 Herridge Lane	Lot 20 Block 7 District Lot 95 Kootenay District Plan 9500

## **5.8 MU7, CITY HALL MIXED-USE ZONE** (added by BL 3489)

### **1. Purpose**

The purpose is to provide a multi-use zone for institutional, commercial, and residential uses.

### **2. Permitted Uses**

1. The following uses of land, buildings and structures, or a combination thereof, and no others shall be permitted in the MU7 City Hall Mixed-Use Zone:
  - a. Art Gallery and Museum
  - b. Animal Daycare
  - c. Broadcasting Studios
  - d. Cannabis Retail Store
  - e. Care Services
  - f. Commercial School
  - g. Commercial Storage
  - h. Contractor Services, General
  - i. Contractor Services, Limited
  - j. Craft Brewery/Distillery
  - k. Custom Indoor Manufacturing
  - l. Early Childhood Development Centre
  - m. Entertainment Facility
  - n. Extended Medical Treatment Services
  - o. Fire Hall
  - p. Health Services
  - q. Indoor Urban Agriculture
  - r. Live/Work
  - s. Mobile Food Vendor
  - t. Mobile Retail Vendor
  - u. Neighbourhood Pub
  - v. Nursery
  - w. Off-Street Parking
  - x. Participant Recreation Services, Indoor
  - y. Participant Recreation Services, Outdoor
  - z. Personal Service Establishment
  - aa. Printing and Publishing Establishment
  - bb. Private Education Services
  - cc. Professional and Business Offices
  - dd. Public Administration
  - ee. Public Assembly
  - ff. Public Education Services
  - gg. Market
  - hh. Restaurant
  - ii. Retail Store
  - jj. Retail, Warehouse
  - kk. Social Services Centre
  - ll. Tourist Accommodation
  - mm. Veterinary Clinic
  - nn. Warehouse

2. Residential dwelling units shall only be permitted when combined with one or more of the uses in section 5.8.2.1. of Schedule “A”.

### 3. Conditions of Use

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

### 4. Minimum Lot Area and Minimum Lot Width

- a. The minimum lot area shall be not less than 463 sq. m.
- b. The minimum lot width shall be 10 m.

### 4. Lot Coverage

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

### 6. Minimum Setback and Maximum Height

<b>Minimum Setback</b>	
Front lot line	0m
Rear lot line	0m
Exterior side lot line	0m
Interior side lot line	0m
<b>Maximum Height</b>	
Principal Building	26m
Accessory Building	10m

### 7. Off-Street Parking

Despite the requirements of *Off-Street Parking and Landscape Bylaw No. 3274, 2013*, no more than one off-street parking space per 170 square-metres of Gross Floor Area shall be required for Public Administration or Art Gallery and Museum uses.

## 5.9 MU8, NEIGHBOURHOOD MIXED-USE ZONE [\(added by BL 3531, 2021\)](#)

### 1. Purpose

The purpose is to provide a zone for up to 3 residential units and small-scale commercial uses that are meant to primarily serve the day-to-day needs of the neighbourhood.

### 2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted in the MU8, Neighbourhood Mixed-Use Zone:

1. The following commercial uses:
  - a. Custom Indoor Manufacturing
  - b. Personal Service Establishment
  - c. Restaurant
  - d. Retail Store
  
2. The following residential uses when combined with a commercial use:
  - e. Duplex Residential
  - f. Duplex Residential and
    - i. Laneway House (subject to Section 1.1.9 of Schedule “A”)
 OR
    - ii. Secondary Suite (subject to Section 1.1.8 of Schedule “A”)
  - g. Live/Work unit
  - h. Multi-Unit Residential containing a maximum of 3 dwelling units
  - i. Single-Detached

**3. Conditions of Use**

- a. Commercial use is limited to 93 sq. m.
- b. Commercial use must be located at grade and front at least one street
- c. Except for a laneway house, a residential use shall be in the same building as the commercial use.

**4. Minimum Lot Area & Minimum Lot Width**

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

**5. Lot Coverage**

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

**6. Minimum Setback & Maximum Height**

Minimum Setback	Distance
Front lot line	3.0 m
Front lot line for property at 1224 Stanley Street	0.0 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m
Rear lot line	4.5 m
Accessory Building and Laneway House	1.5 m
Exterior side lot line	3.0 m
Property at 1224 Stanley Street	0.0 m
Accessory Building	1.5 m
Interior side lot line	1.5 m
Accessory Building	1.5 m

<b>Maximum Height</b>	
Principal Building	10 m
Accessory Building	4.5 m
Laneway House	5.8 m
Above-Garage Suite	6.1 m

## **6.0 COMMERCIAL ZONE REGULATIONS**

### **6.1 C1, CORE COMMERCIAL ZONE**

#### **1. Purpose**

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

#### **2. Permitted Uses** ([Amended by Bylaw 3368, 3392, 3406](#))

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

1.
  - a. Art Gallery and Museum
  - b. Animal Daycare
  - c. Broadcasting Studios
  - d. Cannabis Retail Store (subject to section 1.1.12 of Schedule "A")
  - e. Car Wash
  - f. Care Services
  - g. Commercial School
  - h. Craft Brewery/Distillery
  - i. Custom Indoor Manufacturing
  - j. Early Childhood Development Centre
  - k. Entertainment Facility
  - l. Funeral Home
  - m. Health Services

- n. Liquor Primary Establishment
- o. Mechanical Repair and Service
- p. Mobile Food Vendor
- q. Mobile Retail Vendor
- r. Neighbourhood Pub
- s. Off-Street Parking
- t. Participant Recreation Services, indoor
- u. Personal Service Establishment
- v. Printing and Publishing Establishment
- w. Professional and Business Offices
- x. Public Administration
- y. Public Assembly
- z. Market
- aa. Restaurant
- bb. Retail Store
- cc. Social Services Centre
- dd. Tourist Accommodation
- ee. Veterinary Clinic

2. Residential dwelling units shall only be permitted when combined with one or more of the uses in section 6.1.2.1. of Schedule “A”.

**3. Conditions of Use**

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

**4. Combination of Uses that Includes a Residential use (amended by BL3451)**

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

**5. Residential Dwelling Units (amended by BL 3599, 2024)**

- a. Any lot that has been developed as a single-detached residential dwelling prior to August 1987 is permitted to be repaired, extended or altered so that it remains a residential building. This permission includes the ability to add a secondary suite.
- b. Any building developed as a single-detached residential dwelling prior to August 1987 that has been converted to a commercial use may revert to an entirely residential use, despite sections 6.1.2.2 and 6.1.4 of Schedule “A”.

**6. Minimum Lot Area and Minimum Lot Width**

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

## 7. Minimum Setback and Maximum Height

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

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

## 6.2 C1A, CORE COMMERCIAL ZONE

### 1. Purpose

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

### 2. Permitted Uses [\(amended by BL3451\)](#)

The following uses of land, buildings and structures and no others shall be permitted to the C1A, Core Commercial Zone:

1.
  - a. Art Gallery and Museum
  - b. Animal Daycare
  - c. Broadcasting Studios
  - d. Car Wash
  - e. Care Services
  - f. Commercial School
  - g. Craft Brewery/Distillery
  - h. Custom Indoor Manufacturing
  - i. Early Childhood Development Centre
  - j. Entertainment Facility
  - k. Funeral Home
  - l. Health Services
  - m. Liquor Primary Establishment
  - n. Mechanical Repair and Service
  - o. Mobile Food Vendor
  - p. Mobile Retail Vendor

- q. Neighbourhood Pub
- r. Off-Street Parking
- s. Participant Recreation Services, indoor
- t. Personal Service Establishment
- u. Printing and Publishing Establishment
- v. Professional and Business Offices
- w. Public Administration
- x. Public Assembly
- y. Market
- z. Restaurant
- aa. Retail Store
- bb. Social Services Centre
- cc. Tourist Accommodation
- dd. Veterinary Clinic

2. Residential dwelling units shall only be permitted when combined with one or more of the uses in section 6.1.2.1. of Schedule "A".

### 3. **Conditions of Use**

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

### 4. **Combination of Uses that Includes a Residential use**

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

### 5. **Residential Dwelling Units**

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

### 6. **Minimum Lot Area and Minimum Lot Width**

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

### 7. **Lot Coverage**

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

### 8. **Minimum Setback and Maximum Height**

<b>Minimum Setback</b>	
Front lot line	0 m
Rear lot line	0 m
Exterior side lot line	0 m
Interior side lot line	0 m
If lot is not served by a constructed rear lane	1.8 m
<b>Maximum Height</b>	
Principal Building	16 m
Accessory Building	4.5 m

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

### **6.3 C2, SERVICE COMMERCIAL ZONE**

#### **1. Purpose**

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

#### **2. Permitted Uses** (Amended by Bylaw 3406, 3488, 3563)

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

1.
  - a. Animal Daycare
  - b. Care Services
  - c. Car Wash
  - d. Contractor Services, Limited
  - e. Funeral Home
  - f. Tourist Accommodation
  - g. Mechanical Repair, Service and Sales
  - h. Mobile Food Vendor
  - i. Mobile Retail Vendor
  - j. Neighbourhood pub
  - k. Participant Recreation Services, Indoor
  - l. Personal Service Establishment
  - m. Restaurant
  - n. Retail Store
  - o. Service Station
  - p. Veterinary Clinic
  
2. Residential dwelling units shall be permitted when combined with a non-residential use.

**3. Combination of Uses that Includes a Residential use**

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

**4. Minimum Lot Area & Minimum Lot Width**

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

**5. Lot Coverage**

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

**6. Minimum Setback and Maximum Height**

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

- a. Despite any other provisions, Gasoline service station pumps or pump islands shall be located and sited in accordance with the *Fire Services Act and BC Fire Code*.

**7. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule “A”.**

6.4 (this section deleted according to BL3531, 2021)

**6.5 C4, RAILTOWN CORE COMMERCIAL ZONE (Amended by Bylaw 3392, 3406)**

**1. Purpose**

The purpose is to designate and preserve land for the orderly development of the Railtown core area of the Downtown.

**2. Permitted Uses**

The following uses of land, buildings and structures and no others shall be permitted in the C4, Railtown Core Commercial Zone:

- a. Art Gallery and Museum
- b. Animal Daycare
- c. Broadcasting Studios
- d. Cannabis Retail Store (subject to section 1.1.12 of Schedule “A”)
- e. Car Wash
- f. Care Services
- g. Commercial School
- h. Craft Brewery/Distillery
- i. Custom Indoor Manufacturing
- j. Early Childhood Development Centre
- k. Entertainment Facility
- l. Funeral Home
- m. Health Services
- n. Liquor Primary Establishment
- o. Live/Work
- p. Mechanical Repair Service and Sales
- q. Mobile Food Vendor
- r. Mobile Retail Vendor
- s. Multi-Unit Residential
- t. Neighbourhood Pub
- u. Off-Street Parking (subject to subsection 3h. below)
- v. Participant Recreation Services, indoor
- w. Personal Service Establishment
- x. Printing and Publishing Establishment
- y. Professional and Business Offices
- z. Public Administration
- aa. Public Assembly
- bb. Market
- cc. Restaurant
- dd. Retail Store
- ee. Social Services Centre
- ff. Tourist Accommodation
- gg. Veterinary Clinic

**3. Additional Permitted Use – Site Specific**

Permitted Use	Address	Legal Description(s)
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Warehousing	<ul style="list-style-type: none"> <li>▪ 79 Government Road (10 Lots)</li> </ul>	<p>PARCEL B (SEE 22210I) OF LOT 12 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 904;  PARCEL B (SEE 22210I) OF LOT 13 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 904;  PARCEL B (SEE 22210I) OF LOT 14 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 904;  PARCEL B (SEE 22210I) OF LOT 15 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 904;  PARCEL B (SEE 22210I) OF LOT 16 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 904;  LOT 7 DISTRICT LOT 2627 KOOTENAY DISTRICT PLAN 904;  LOT 8 DISTRICT LOT 2627 KOOTENAY DISTRICT PLAN 904;  LOT 9 DISTRICT LOT 2627 KOOTENAY DISTRICT PLAN 904;  LOT 10 DISTRICT LOT 2627 KOOTENAY DISTRICT PLAN 904;  LOT 11 DISTRICT LOT 2627 KOOTENAY DISTRICT PLAN 904;</p>
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**4. Conditions of Use**

- a. Animal Daycare use must be within an enclosed building.
- b. Commercial storage is permitted when accessory to a permitted use.
- c. Accessory commercial storage use cannot occupy more than 50% of the gross floor area of the building, and shall not be located to have direct street frontage.
- d. Exterior, unenclosed storage or goods or materials is not permitted.
- e. Car Wash use must be completely enclosed within a building.
- f. Mechanical Repair Service and Sales must be conducted indoors. Storage of vehicles for sale shall be located indoors.
- g. Off street parking accessory to the principle use shall not be located in the front of the principle structure located on a site.
- h. A maximum of 50% of the gross floor area of a building at street level may be used for off-street parking. Such parking in any building and on any lot fronting Baker Street shall be located to the rear of the structure. All parking visible from Baker Street shall be suitably landscaped or otherwise screened from view as approved in the Development Permitting Process.
- i. Off-street Parking as a principle use shall be subject to a development permit and include extensive landscaping and drainage facilities to minimize runoff.

**5. Minimum Lot Area and Minimum Lot Width**

- a. The minimum lot area shall be not less than 278 m<sup>2</sup>.
- b. The minimum lot width shall not be less than 7.6 m.

**6. Lot Coverage**

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

**7. Minimum Setback and Maximum Height**

<b>Minimum Setback</b>	
Front lot line	0 m
- If lot is not served by a constructed rear lane or road	1.5 m
Exterior side lot line	0 m
Interior side lot line	0 m
- If lot is not served by a constructed rear lane or road	3.0 m
- If lot is adjacent to a lot with Residential zoning	3.0 m
<b>Maximum Height</b>	20 m

8. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule “A”.
9. Amenity Areas for Multi-Unit Residential dwellings shall comply with applicable requirements of section 1.2.4. of Schedule “A”.
10. That Section 6.1.3 of Schedule “A” of the said bylaw be amended by adding the following subsections:
  - a. Mechanical Repair Service and Sales must be conducted indoors. Storage of vehicles for sale shall be located indoors.
  - b. Off street parking accessory to the principle use shall not be located in the front of the principle structure located on a site.
  - c. A maximum of 50% of the gross floor area of a building at street level may be used for off-street parking. Such parking shall not be located on the frontage or exterior side of a site and/or building.

## **7.0 INDUSTRIAL ZONE REGULATIONS**

### **7.1 M1, INDUSTRIAL ZONE**

#### **1. Purpose**

The purpose is to provide for general light industrial uses.

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

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

1.
  - a. Animal Daycare
  - b. Car Wash

- c. Commercial School
- d. Contractor Services, General
- e. Contractor Services, Limited
- f. Funeral Home
- g. Mechanical Repair, Service and Sales
- h. Industry, light
- i. Off-Street Parking Lots and Structures
- j. Printing and Publishing Establishment
- k. Commercial Storage
- l. Restaurant
- m. Veterinary Clinic
- n. Warehouse

2. One (1) dwelling unit shall be permitted in the same building as a non-residential use.

**3. Minimum Lot Area**

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

**4. Lot Coverage**

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

**5. Minimum Setbacks and Maximum Height**

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

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

## 7.2 M2, TRANSPORTATION INDUSTRIAL ZONE

### 1. Purpose

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

### 2. Permitted Uses

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

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

### 3. Minimum Lot Area & Lot Width

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

### 4. Lot Coverage

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

### 5. Minimum Setback and Maximum Height

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

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

## 8.0 PUBLIC AND INSTITUTIONAL ZONE REGULATIONS

### 8.1 I1, INSTITUTIONAL ZONE

#### 1. Purpose

The purpose is to provide a zone for institutional uses.

#### 2. Permitted Uses

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

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

#### 4. Minimum Setback and Maximum Height

Minimum Setback	
Front lot line	4.5 m
Front yard shall only be used for landscaping or parking	
Rear lot line	4.5 m
If lot is adjacent to a residential zone. The	15 m

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

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

## 8.2 P1, PARK, OPEN, AND RECREATIONAL SPACE ZONE

### 1. Purpose

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

### 2. Permitted Uses

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

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

### 3. Minimum Setbacks and Maximum Height

<b>Minimum Setback</b>	
Front lot line Front yard shall only be used for landscaping or parking	4.5 m
Rear lot line	4.5 m
If lot is adjacent to a residential	15 m

8.3

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

**P2, WATER USE ZONE** (amended by bylaw 3479)

**1. Purpose**

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

**2. Permitted Uses**

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

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

**3. Additional Permitted Uses – Site Specific**

Permitted Use	Address	Legal Description
Restaurant	P2 zone adjacent to 900 Lakeside Drive	District Lot 4255 Kootenay District together with unsurveyed Crown foreshore, being part of the bed of Kootenay Lake, fronting Lakeside Drive (Plan 13535) Kootenay District, as shown on Attachment A.

**4. Conditions of Use** (amended by BL 3626, 2025)

- a. The City of Nelson Official Community Plan (OCP) Bylaw No. 3629, 2025 establishes Development Permit Areas and Development Permit guidelines in which best management requirements are provided for the site design, construction and post-construction of Buildings and Structures, including docks or marinas, in relation to riparian areas and other ecologically sensitive areas. Such requirements will take precedence over any Setback or other requirements contained in this Bylaw.
- b. At 900 Lakeside Drive only, the Marina use is limited to sixty boat slips of which a maximum of 30 slips are for motorized vessels (primary).

- c. All commercial uses (i.e. restaurant and marina uses) are subject to a maximum commercial floor area of 650 sq. m., and a maximum height not to exceed a geodetic height of 545.2 m.

## 8.4 RZ1, RESERVE ZONE

### 1. Purpose

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

### 2. Permitted Uses

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

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

### 3. Minimum Lot Area

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

### 4. Minimum Setbacks and Maximum Height

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

## 9.0 COMPREHENSIVE DEVELOPMENT ZONE REGULATIONS

### 1. Purpose

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

### 2. Permitted Uses

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

## 9.1 CD 2

### 1. Purpose

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

### 2. Permitted Uses

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

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

### 3. Conditions of Use

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

**4. Setbacks and Lot Coverage**

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

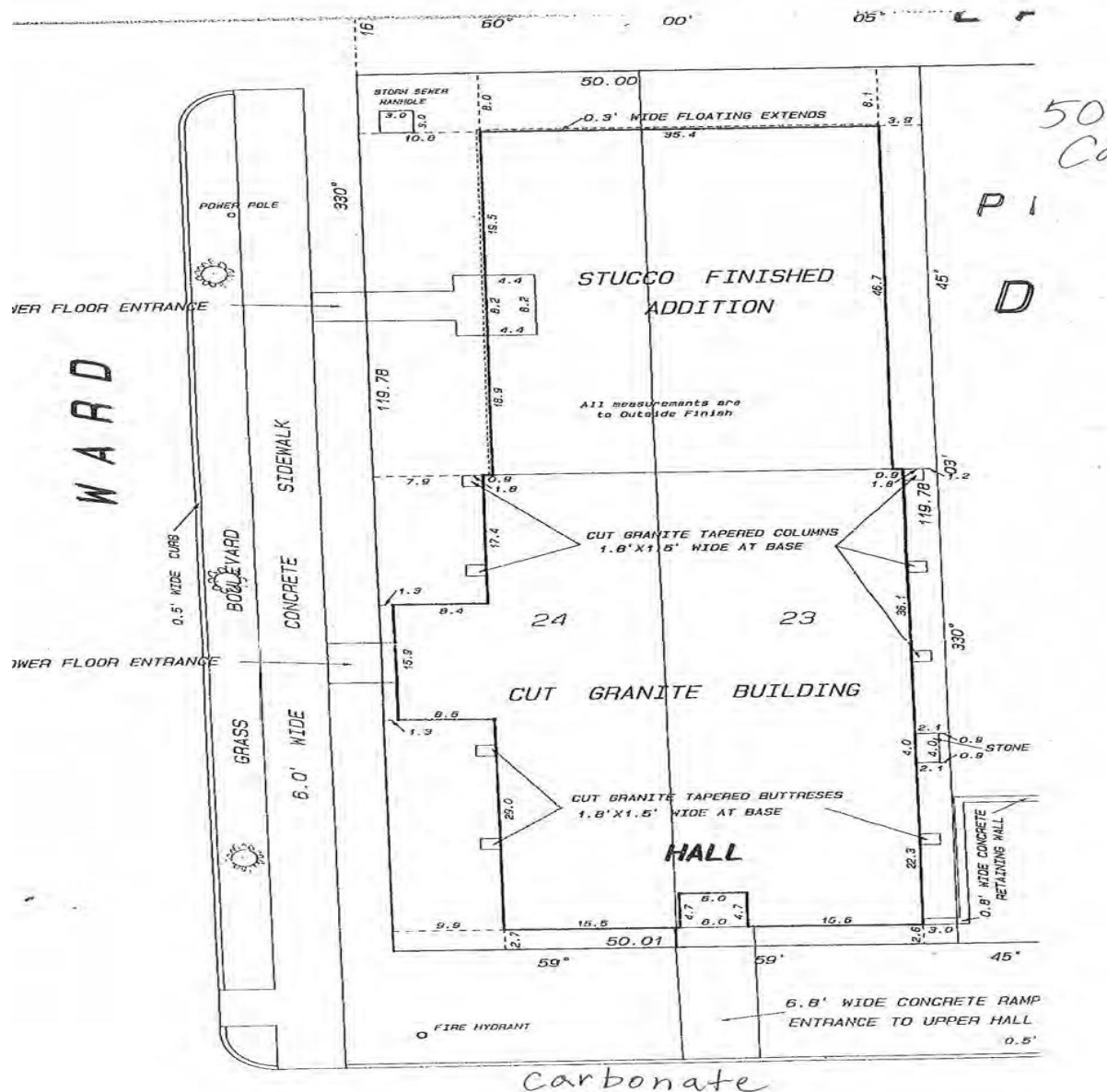
**5. Off-Street Parking**

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

**6. New Construction**

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

**7. Plans**



## 9.3 CD 3

### 1. Purpose

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

### 2. Permitted Uses (amended by BL3451)

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

- a. Contractor services, limited
- b. Commercial Storage
- c. Custom Indoor Manufacturing
- d. Participant Recreation Services, Indoor
- e. Live/Work
- f. Residential dwelling units subject to the conditions in this zone
- g. Short-Term Rental (subject to section 1.1.10 of Schedule "A")

### 3. Conditions of Use

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

### 4. Minimum Lot Area and Minimum Frontage

- a. The minimum lot area shall not be less than 900 sq.m.
- b. The minimum frontage on a street shall not be less than 15 m or one tenth of the perimeter of the lot, whichever is the greater.
- c. The minimum lot area and frontage requirements do not apply where the land used solely for parks, playgrounds, public recreation or public utility uses.

### 5. Density and Residential Dwelling

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

## **6. Lot Coverage**

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

## **7. Maximum Commercial Floor Area of Neighbourhood Commercial Component**

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

## **8. Setbacks and Heights**

### **a. Setbacks**

- i. Setbacks of 4.5 metres in from any lot line shall be required to separate residential from commercial, industrial or institutional uses.
- ii. Front - none required
- iii. Rear - none required
- iv. Side - none required

### **b. Height**

- i. No principal building shall exceed 13 m in height.
- ii. No accessory buildings or structures shall exceed 4.5 m in height, except in the case of towers, retaining walls, monuments, chimneys, flag poles, stadium bleachers, lighting poles, elevator shafts, stair towers, scenery lofts and radio and television antennas.
- iii. Landscape screens or fences not exceeding a height of 1.2 m may be sited on any portion of a lot.
- iv. Landscape screens or fences not exceeding a height of 2 m may only be sited to the rear of the face of the principal building that abuts a front lot line and to the rear of the face of the principal building that abuts an exterior side lot line.

9. Waste & Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule "A".

## **9.4 CD 4**

### **1. Purpose**

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

### **2. Permitted Uses**

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

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

### **3. Minimum Lot Area and Minimum Frontage**

- a. The minimum lot area shall not be less than 463 m<sup>2</sup>.
- b. The minimum frontage on a street shall not be less than 15 m.
- c. The minimum lot area and frontage requirements do not apply where the land used solely for parks, playgrounds, public recreation or public utility uses.

### **4. Density**

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

### **5. Width of Buildings**

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

### **6. Lot Coverage**

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

### **7. Amenity Areas**

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

- |                       |                   |
|-----------------------|-------------------|
| a. bachelor unit      | 10 m <sup>2</sup> |
| b. one bedroom unit   | 15 m <sup>2</sup> |
| c. two bedroom unit   | 20 m <sup>2</sup> |
| d. three bedroom unit | 30 m <sup>2</sup> |
| e. four bedroom unit  | 40 m <sup>2</sup> |

### **8. Setbacks and Heights**

#### **1. Setbacks**

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

#### **2. Height**

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

### **9. Waste and Recycling Facility**

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

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

### 1. Purpose

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

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

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

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

### 2. Permitted Uses

#### 2.1 Area V

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

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

#### Local Serving Commercial

- a. Animal Daycare;
- b. Garage (parking);
- c. Health Services;
- d. Marina (includes accessory storage, service, repair, sales, social, educational and other water recreation related uses);
- e. Market;
- f. Micro Brewery;
- g. Mobile Food Vendor;
- h. Neighbourhood Pub;
- i. Participant Recreation Services, Indoor;
- j. Participant Recreation Services, Outdoor;
- k. Personal Service Establishments;
- l. Restaurant;
- m. Retail Store;
- n. Professional and Business Offices (subject to section 5d);

- o. Tourist Accommodation;
- p. Veterinary Clinic;

## 2.2 Area W (including Sub-Area W1)

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

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

## Definitions

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

## 3. Minimum Lot Area and Minimum Frontage

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

## 4. Lot Coverage

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

## 5. Density

The maximum density permitted shall be:

- a. 265 residential units (includes Care Services and Tourist Accommodation units);
- b. Maximum residential density shall be restricted to 130 residential or care service units in Area 'V' and 175 residential or care service units in area 'W' (including area 'W1'). The total number of residential units shall not exceed 265 in accordance with Section 5 (a);
- c. 78 permanent moorage berths in Area 'V'. Public boat access to day-use dock facilities is not included in the moorage density;
- i. 2,500 sq. m. gross floor area of local serving commercial use, of which Professional and Business Office use shall be permitted a gross floor area up to a maximum of 500 sq. m;
- d. Maximum gross floor area of local serving commercial use for any one individual establishment is 465 square metres, except for Garage (parking), Marina and Tourist Accommodation;
- e. Maximum number of units allowed for Tourist Accommodation use is 40 units;

- f. Maximum gross floor area per individual dwelling unit in a Pocket Neighbourhood, Residential is 150 sq. m.
- g. Maximum number of dwelling units in the CD 5 zone developed as Pocket Neighbourhood, Residential is 22.

## 6. Amenity Space

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

## 7. Setbacks (see Attachment C)

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

- (a) Building projections (including building elements such as roof overhangs, unenclosed decks or balconies) are permitted in setbacks as noted below:
  - a. In setbacks adjacent to municipal roads, building projections may be sited no closer than 1.0 m for principle buildings to the property line. Accessory use (garage) projections can be sited no closer to the property line than 0.1 m.
  - b. In setbacks adjacent to strata roads, building projections may be sited no closer than 0.1 m to the strata road line for all building types.

- c. In setbacks adjacent to the Foreshore Path, the principle building and building projections can encroach into the rear setback area up to 12% of the 4.5 m rear setback area (calculated as the total area of both deck cover plus principle building cover intruding into the setback divided by the total area of the 4.5 m rear setback), but no portion of the principle building or deck can be sited closer than 1.0 metre to the Foreshore Path.

## 8. Heights

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

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

## 9. Works and Services

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

**Table 1 – Road Classification and Cross-Section Details**

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

- b. Path standards and locations are identified in Attachments D and E.

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

<b>Design Traffic (EASL)</b>
2.8 x 10 <sup>4</sup>

<b>Sub-base</b>	<b>Base</b>	<b>Hot Mix Asphalt</b>
300 mm	100 mm	75 mm

**10. Servicing ROW requirements**

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

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

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

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

**Table 2 – Off-Street Vehicle Parking Requirements**

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

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

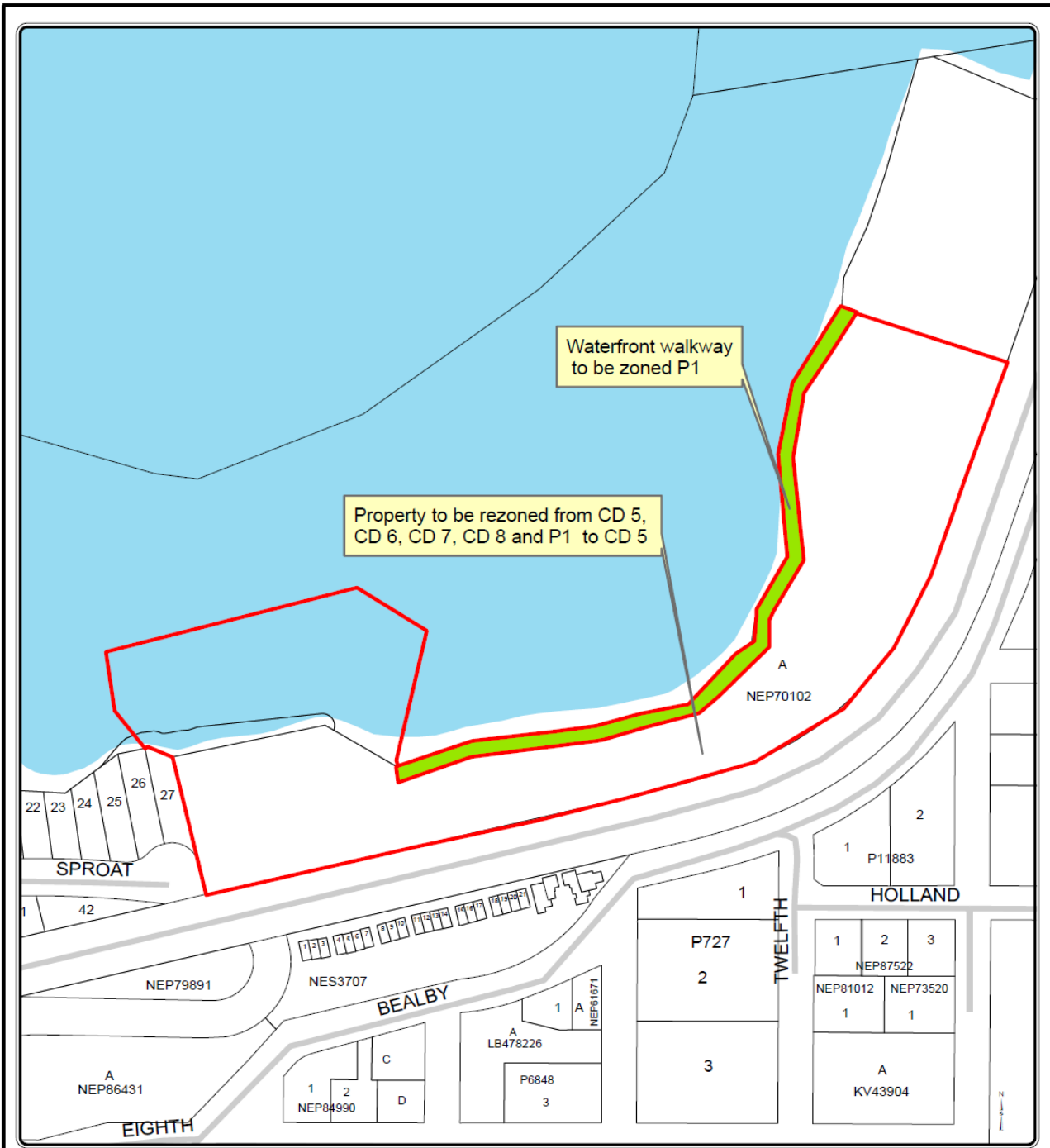
**14. Lighting** shall comply with applicable requirements of Section 1.2.7 of Bylaw 3199 (2013). In addition, street and path lighting shall adhere to the principles of dark sky lighting.

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

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

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



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

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

**Nelson Landing Zoning**

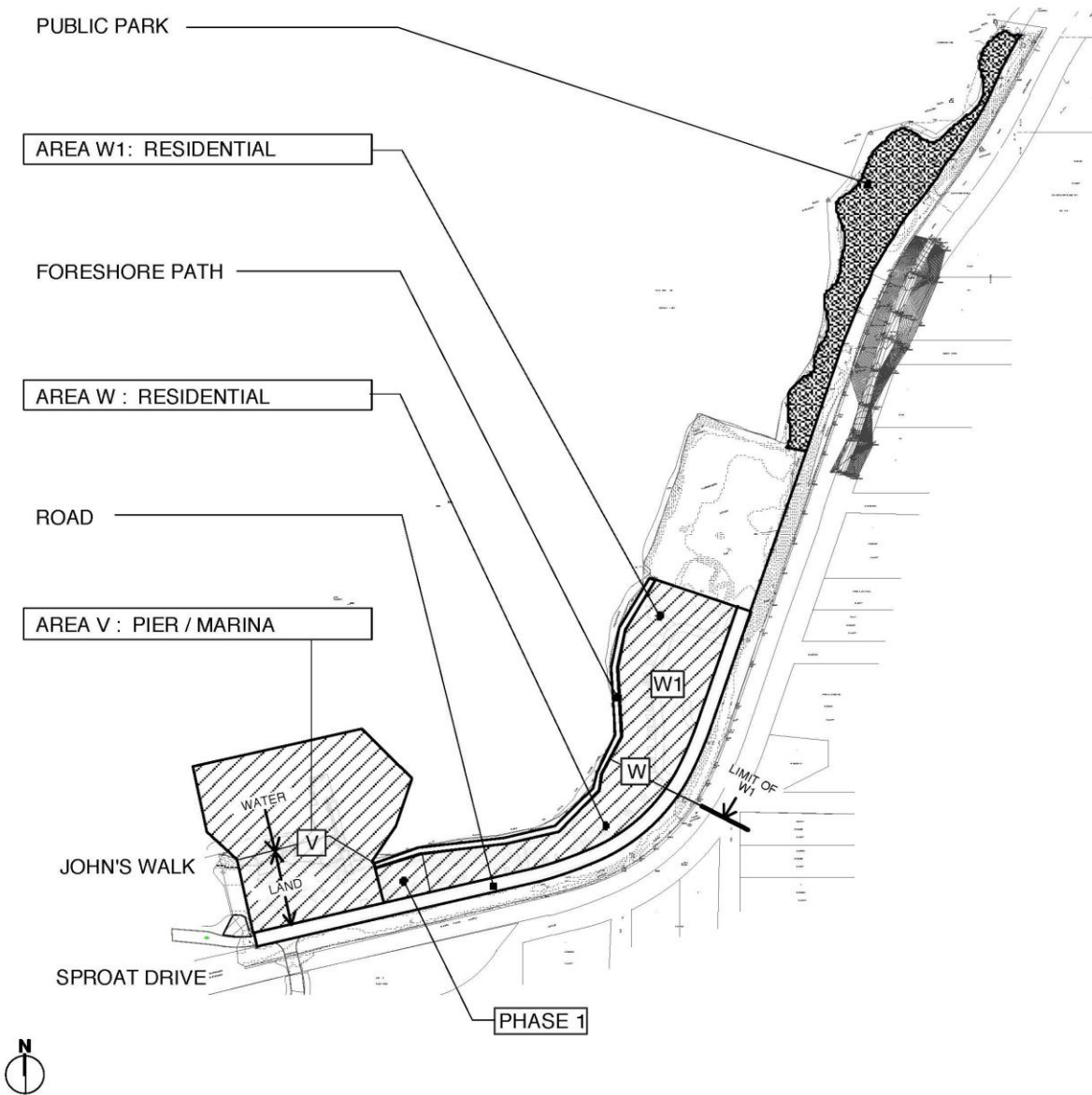
\*This is a graphic presentation.  
 Final placement to be determined upon final survey of walkway

**Map Scale:**

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

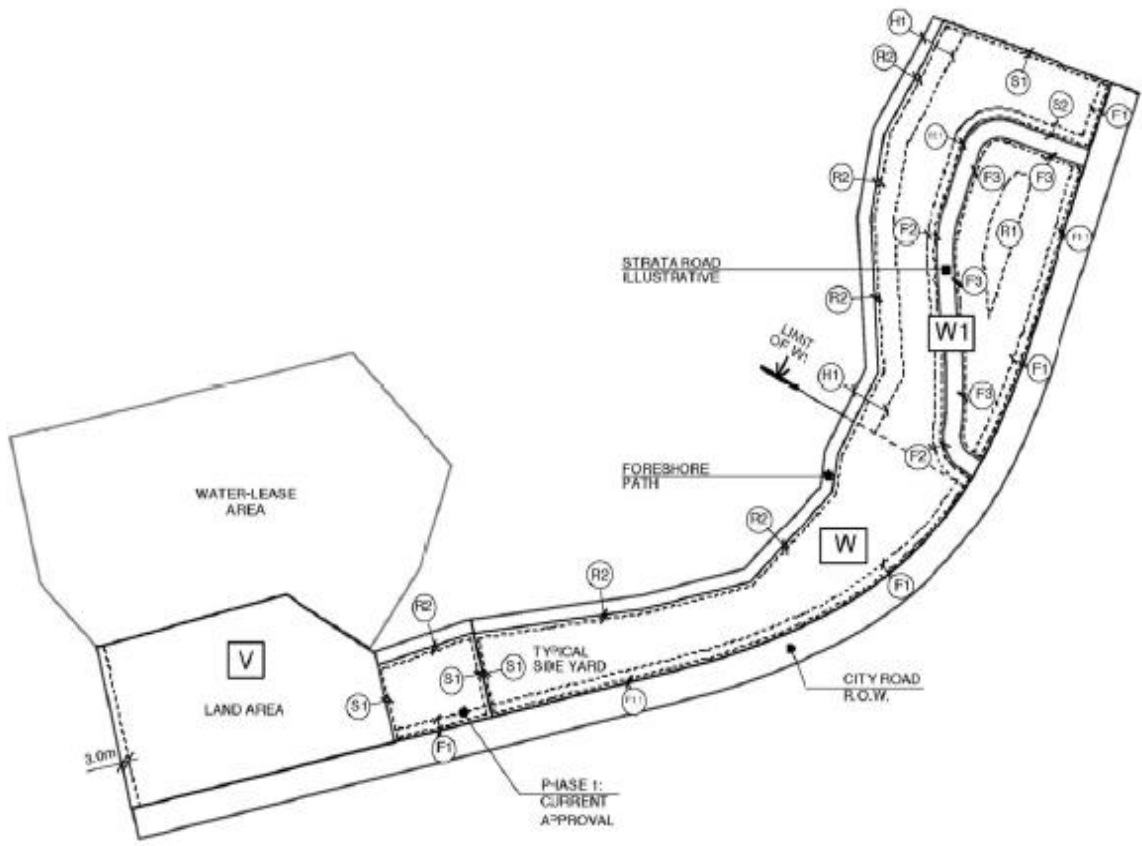
Attachment A to Section 9.5  
 of Zoning Bylaw 3199

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



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

# ATTACHMENT C



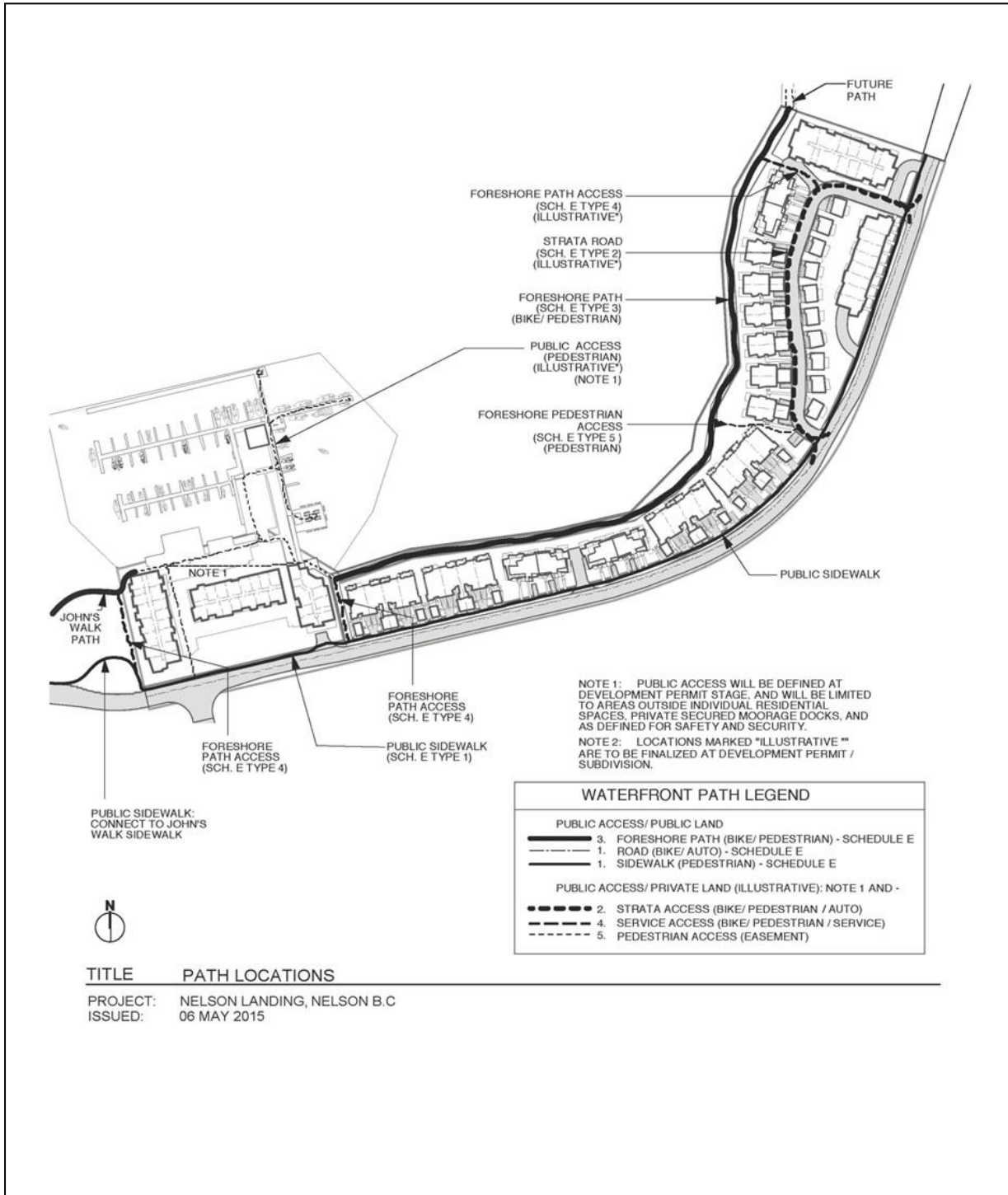
SETBACK NOTES
1. INTERIOR SIDE YARDS TO BE APPLIED AT SUBDIVISION OF INDIVIDUAL LOTS
2. LOCATION OF STRATA ROAD IS ILLUSTRATIVE ONLY.
3. SEE BYLAW TEXT FOR DETAILED SETBACK INFORMATION.

SETBACK LEGEND
(F1) FRONT SETBACK (CITY ROAD)
(F11) FRONT SETBACK (ACCESSORY USE / STRUCTURE)
(F2) FRONT SETBACK (STRATA ROAD / WATERFRONT SIDE)
(F21) FRONT SETBACK (ACCESSORY BUILDING)
(F3) FRONT SETBACK (STRATA ROAD / INLAND SIDE)
(R1) REAR SETBACK (EXCEPT ADJOINING FORESHORE PATH)
(R2) REAR SETBACK (PRINCIPLE BUILDING ADJOINING FORESHORE PATH)
(S1) SIDE SETBACK (INTERIOR LOT LINE)
(S2) SIDE SETBACK (EXTERIOR SIDE LOT LINE)
(H1) HEIGHT SETBACK (FORESHORE. SEE BYLAW CDS 8(8))



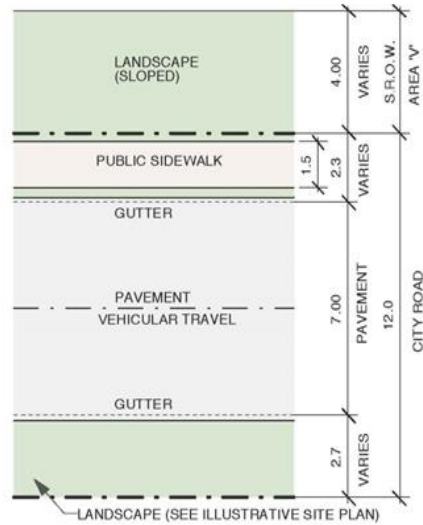
**TITLE**      **SETBACKS**  
**PROJECT:**    NELSON LANDING, NELSON B.C.  
**ISSUED:**     18 MARCH 2015

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

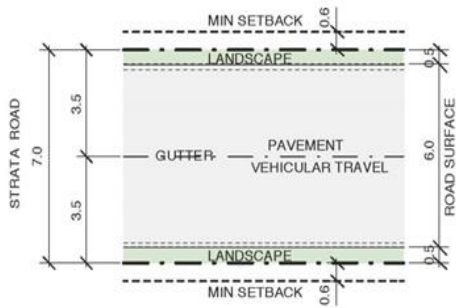


**ATTACHMENT E** (Amended by Bylaw No. 3312, 2015)  
**CD 5 Road/Path Standards**

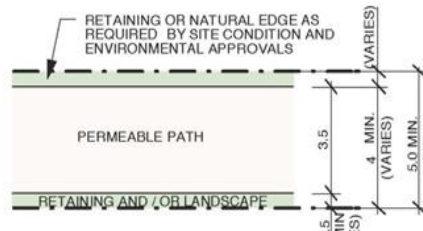
CD 5 ROAD / PATH STANDARDS



**1 ROAD (CITY)**  
 (CONNECTS TO JOHN'S WALK SIDEWALK AND CONTINUES THROUGHOUT LENGTH OF SITE)



**2 STRATA ROAD**  
 STRATA LANE ROAD WITH EMERGENCY ACCESS



**3 FORESHORE PATH (CITY)**  
 MULTIPURPOSE (BIKE, PEDESTRIAN)  
 (1 LOCATION - ALONG WATERFRONT)



**4 FORESHORE PATH ACCESS**  
 MULTIPURPOSE (BIKE, PEDESTRIAN), AND CITY SERVICE ACCESS  
 (3 LOCATIONS - EAST AND WEST)

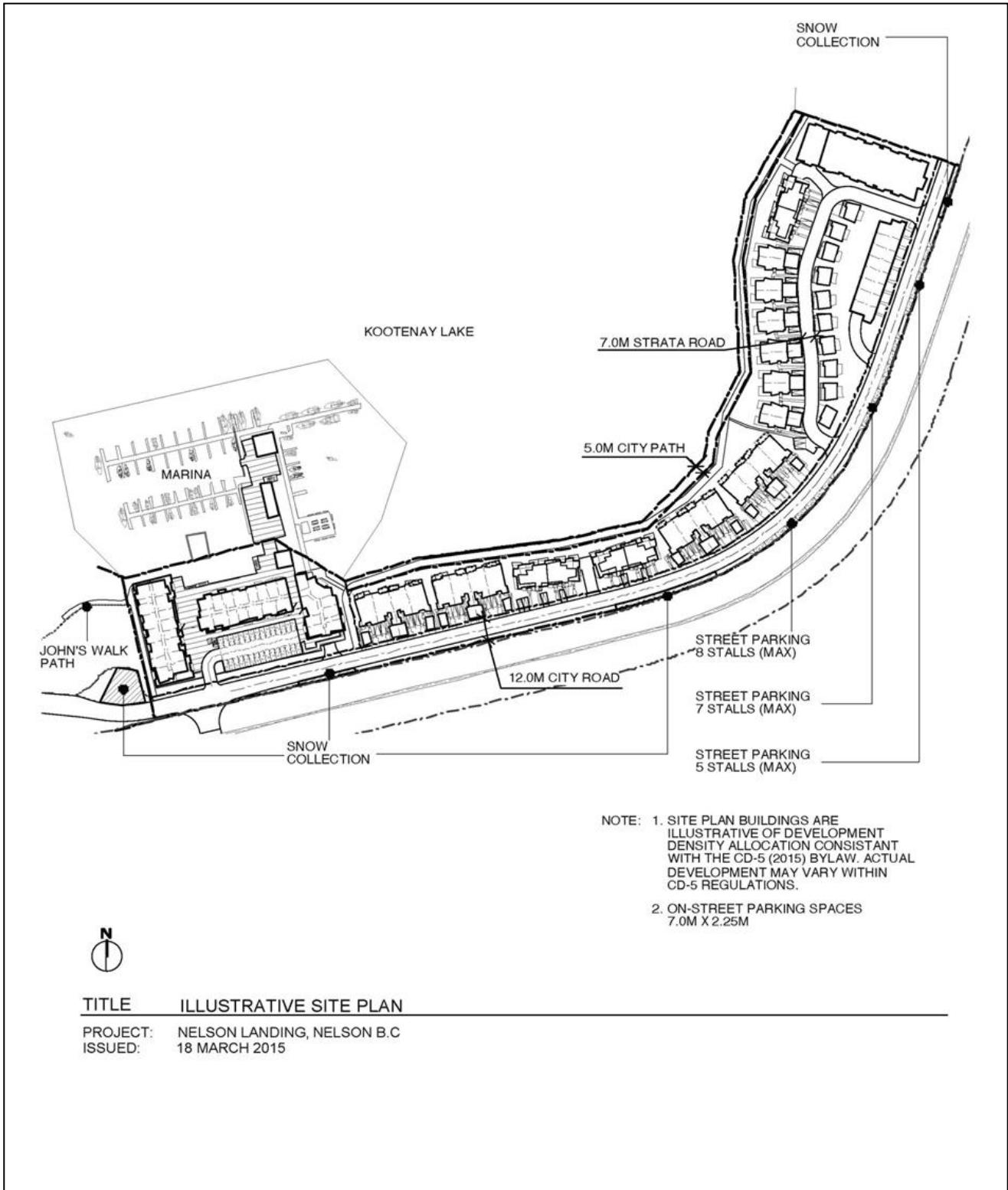


**5 FORESHORE PEDESTRIAN ACCESS**  
 PEDESTRIAN CONNECTOR BETWEEN ROAD AND FORESHORE PATH  
 (1 LOCATION - CENTRAL TO AREA 'W' / 'W1')

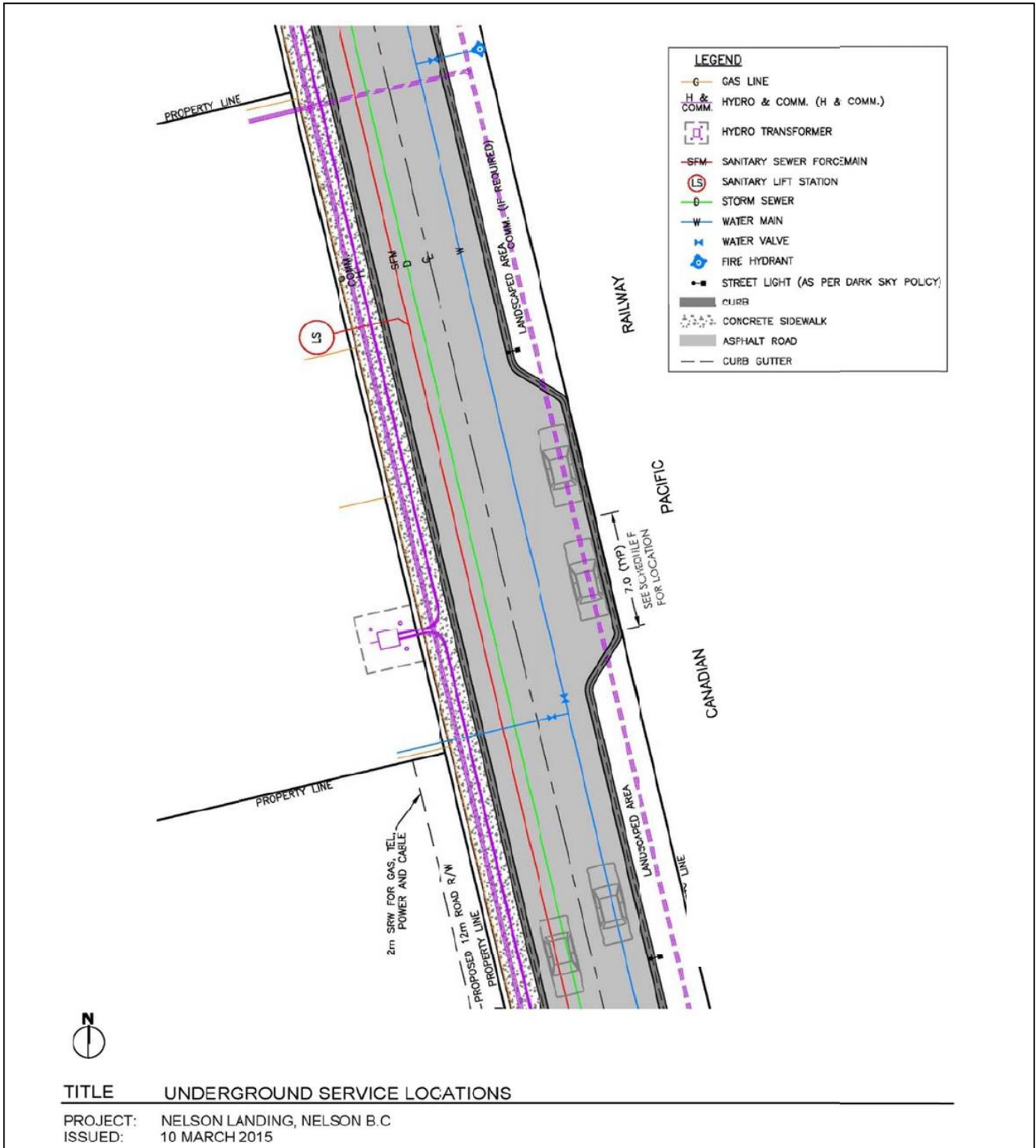
**TITLE** ROAD / PATH STANDARDS

**PROJECT:** NELSON LANDING, NELSON B.C.  
**ISSUED:** 06 MAY 2015

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



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



## 9.6 CD 6 (Amended by Bylaw No. 3312, 334, 3593)

### 1. Purpose

The purpose is to provide a zone for single-detached dwellings, duplexes, secondary suites, laneway houses, and small-scale multi-unit residential along West Richards Street.

### 2. Permitted Uses

The following uses of land, buildings, and structures, or a combination thereof, and no others shall be permitted:

- a. Single-Detached Residential, with or without:
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”) and/or
  - ii. Laneway House (subject to section 1.1.9 of Schedule “A”)
- b. Duplex Residential, with or without:
  - i. Secondary Suite (subject to section 1.1.8 of Schedule “A”) and/or
  - ii. Laneway House (subject to section 1.1.9 of Schedule “A”)
- c. Multi-Unit Residential, with or without:
  - i. Laneway House (subject to section 1.1.9 of Schedule “A”)
- d. Care Services (for no more than 8 persons)
- e. Short-Term Rental (subject to section 1.1.10 of Schedule “A”)
- f. Transition House

### 3. Density

- a. The maximum density on lots less than or equal to 280 sq. m. is three dwelling units.
- b. The maximum density on lots greater than 280 sq. m. is four dwelling units.

### 4. Minimum Lot Area & Minimum Lot Width

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

### 5. Lot Coverage

- a. Buildings and structures on lots with a lot area **equal to or greater** than 370 sq. m. shall not cover more than 35 percent of the lot.
- b. Buildings and structures on lots with a lot area **less** than 370 sq. m. shall not cover more than 40 percent of the lot.
- c. Despite section 9.9.6.a. buildings and structures on lots between 370 sq. m. and 422 sq. m. in area shall be permitted a maximum of 148 sq. m. in lot coverage.
- d. Despite section 4.1.7.a and 4.1.7.b, Care Services shall not cover more than 45 % of the lot area.
- e. Notwithstanding sections 9.6.6.a and 9.6.6.b, an additional 5 percent lot coverage shall be permitted for the purpose of constructing a Laneway House, provided that the said Laneway House does not exceed 4.5m in height.

## 6. Minimum Setback and Height

Minimum Setback	Distance for lots with a front lot line greater than 9.2 m.	Distance for lots with a front lot line less than 9.2 m.
Front lot line	4.5 m	4.5 m
Open carport	1.5 m	1.5 m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5 m	1.5 m
Rear lot line	4.5 m	4.5 m
Accessory Building and Laneway House	1.5 m	1.5 m
Exterior side lot line	1.5 m	1 m
Interior side lot line	1.5 m	1 m
The minimum permitted setback from one interior side lot line only shall be	1.5 m	0.76 m
Where one common party wall exists, the setback from one interior side lot line shall be as defined here. One required setback from an interior side lot shall be maintained per lot.	0.0 m	0.0 m
<b>Maximum Height</b>		
Principal Building	10 m	10 m
Accessory Building	4.5 m	4.5 m
Laneway House	5.8 m	5.8 m
Above-Garage Suite	6.1m	6.1m

## 7. Siting Exceptions (Amended by BL3563)

### a. Interior Side Lot Line

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

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

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

## 8. Off-Street Parking

Despite the requirements of *Off-Street Parking and Landscape Bylaw No. 3274, 2013*, a

maximum of 1 parking stall shall be required per dwelling unit.

**9.7 CD 7** (Amended by BL3397)

**1. Purpose**

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

**2. Permitted Uses**

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

1.

- a. Animal Daycare
- b. Care Services
- c. Custom Indoor Manufacturing
- d. Health Services
- e. Live/Work
- f. Recreation Services, Indoor
- g. Service Establishment and Business Offices
- h. Restaurant
- i. Store
- j. Veterinary Clinic

2. Residential dwelling units shall be permitted when combined with any of the uses permitted in section 5.5.2.1. of Schedule "A".

**3. Conditions of Use** (amended by BL 3443)

- a. Commercial uses shall front the street.
- b. Residential dwelling unit(s) combined with a use permitted in subsection of Schedule "A" shall:
  - i. be contained in the same building, and
  - ii. have a separate entrance from the outside.
- c. All non-residential uses shall be limited in size to a gross floor area of 150 sq.m. per business, with the exception that 2 businesses per lot shall be permitted to be a maximum of 250 sq.m. gross floor area.
- d. Professional and Business Office and Health Services uses are limited to a maximum of 20% of the gross floor area of any building(s).
- e. No commercial uses shall involve the exterior, unenclosed storage of goods.
- f. The work portion of Live/Work shall be any of the non-residential uses permitted in this zone.

**4. Minimum Lot Area & Lot Width**

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

- b. The minimum lot width is 30 m.

## 5. Lot Coverage

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

## 6. Minimum Lot Area & Lot Width

<b>Minimum Setback</b>	
Front lot line	0 m
Rear lot line	3 m
Accessory Buildings	1.5 m
Exterior side lot line	2.5 m
Interior side lot line	0 m
If lot is adjacent to a lot with Residential zoning, the interior lot line adjacent to the lot with residential zoning	1.5 m
If lot is not served by a constructed rear lane, one interior side setback shall be:	3.0 m
<b>Maximum Height</b>	
Principal Building	13.5 m
Accessory Building	4.5 m

- 7. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule “A”.
- 8. Amenity Areas shall comply with applicable requirements of section 1.2.4. of Schedule “A”.
- 9. Parking Requirements:

All parking shall comply with the requirements of the Off-Street Parking and Landscaping Bylaw 3274, 2013. CD 7 site specific parking requirements are summarized below:

Multi-Unit Residential (studio, one-0.40 stalls per unit bedroom, two-bedroom)

## 9.8 CD 8 (Amended by BL3398)

### 1. Purpose

The purpose is to accommodate multi-unit residential development in close proximity to the Tenth Street Campus.

### 2. Permitted Uses

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

- a. Care Services

- b. Multi-Unit residential
- c. Duplex, Residential, subject to section 9.7.6 and
  - i. Laneway house (subject to section 1.1.9 of Schedule “A”
- d. Single-Detached Residential, subject to section 9.7.6 and
  - i. Laneway house (subject to section 1.1.9 of Schedule “A” and
  - ii. Secondary Suite

**3. Minimum Lot Area**

- a. The minimum lot area shall be not less than 740 sq. m.
- b. The minimum lot width shall be not less than 22 m.

**4. Lot Coverage**

- a. Buildings and structures shall not cover more than 45 percent of the lot area.

**5. Density**

- a. The minimum permitted density for residential uses shall be three (3) dwellings per lot.
- b. The maximum permitted density for residential uses shall be (5) dwelling units per lot.

**6. Minimum Setbacks and Maximum Height**

<b>Minimum Setback</b>	
Front lot line	4.5 m
Open carport	1.5 m
Closed-in carport, provided that ½ of the carport height is below street level	1.5 m
Rear lot line	4.5 m
Accessory Building	1.5 m
Exterior side lot line	4.5 m
Accessory Building	1.5 m
Interior (north) side lot line	1.4 m
Interior (south) side lot line	2.5 m
<b>Maximum Height</b>	
Principal Building	10 m
Accessory Building	4.5 m

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

**9.9 CD 9** (Amended by BL3411, BL3496)

**1. Purpose**

The purpose is to provide a zone for both single family and multi-family infill residential development.

**2. Permitted Uses**

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

- a. Care Services
- b. Multi-Unit Residential
- c. Single- Detached Residential
- d. Single-Detached Residential and
  - i. Secondary Suite or Secondary Suite Ready (subject to section 1.1.8 of Schedule "A")
- e. Single-Detached Residential and
  - i. Laneway House (subject to section 1.1.9 of Schedule "A")
- f. Single-Detached Residential and
  - i. Secondary Suite (subject to section 1.1.8 of Schedule "A") and
  - ii. Laneway House (subject to section 1.1.9 of Schedule "A")
- g. Duplex Residential
- h. Duplex Residential and
  - i. Laneway House (subject to Section 1.1.9 of Schedule "A") and/or
  - ii. Secondary Suite (subject to section 1.1.8 of Schedule "A")
- i. Short-Term Rental (subject to section 1.1.10 of Schedule "A")

### 3. Lot Coverage

	<b>Medium Density (3 or more units)</b>	<b>Low Density (1-2 units)</b>
<b>Lot Coverage</b>	Not more than 45%	Not more than 35%

### 4. Minimum Lot Area & Minimum Lot Width

	<b>Medium Density (3 or more units)</b>	<b>Low Density (1-2 units)</b>
<b>Minimum Lot Area &amp; Minimum Lot Width</b>		
Minimum lot area	Not less than 1000m <sup>2</sup>	Not less than 495m <sup>2</sup>
Minimum lot width	30m	15m

### 5. Density

	<b>Medium Density (3 or more units)</b>	<b>Low Density (1-2 units)</b>
<b>Density</b>		
Minimum permitted density for residential uses	Three dwelling units	One dwelling unit
Maximum permitted density for residential uses	The greater of: four dwelling units, or 60 dwelling units per gross hectare	

## 6. Minimum Setback & Maximum Height

	Medium Density (3 or more units)	Low Density (1-2 units)
<b>Minimum Setback</b>		
Front lot line	4.5m	4.5m
Open carport	1.5m	1.5m
Closed-in carport, provided that ½ of the carport height is below street grade	1.5m	1.5m
Rear lot line	4.5m	4.5m
Accessory Building or Laneway House	1.5m	1.5m
Exterior side lot line	4.5m	1.5m
Accessory Building	4.5m	1.5m
Interior side lot line	3.0m	1.5m
Accessory Building	1.5m	1.5m
<b>Maximum Height</b>		
Principal Building	12m	10m
Accessory Building	4.5m	4.5m
Laneway House	5.8m	5.8m
Above-Garage Suite	6.1m	6.1m

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

## 9.10 CD10 Residential and Recreation Use Zone [\(added by BL 3535, 2025\)](#)

### 1. Purpose

The purpose is to designate and preserve land for the orderly development of a building that includes a mix of residential and recreational uses.

### 2. Permitted Uses

The following uses of land, buildings and structures and no others shall be permitted to the CD10 Residential and Recreation Use Zone:

- a) Multi-Unit Residential
- b) Off-Street Parking
- c) Participant Recreation Services, Indoor
- d) Professional and Business Offices
- e) Public Administration
- f) Public Assembly

### 3. Conditions of Use

- a. Exterior, unenclosed storage of goods or materials is not permitted.

**4. Minimum Lot Area and Minimum Lot Width**

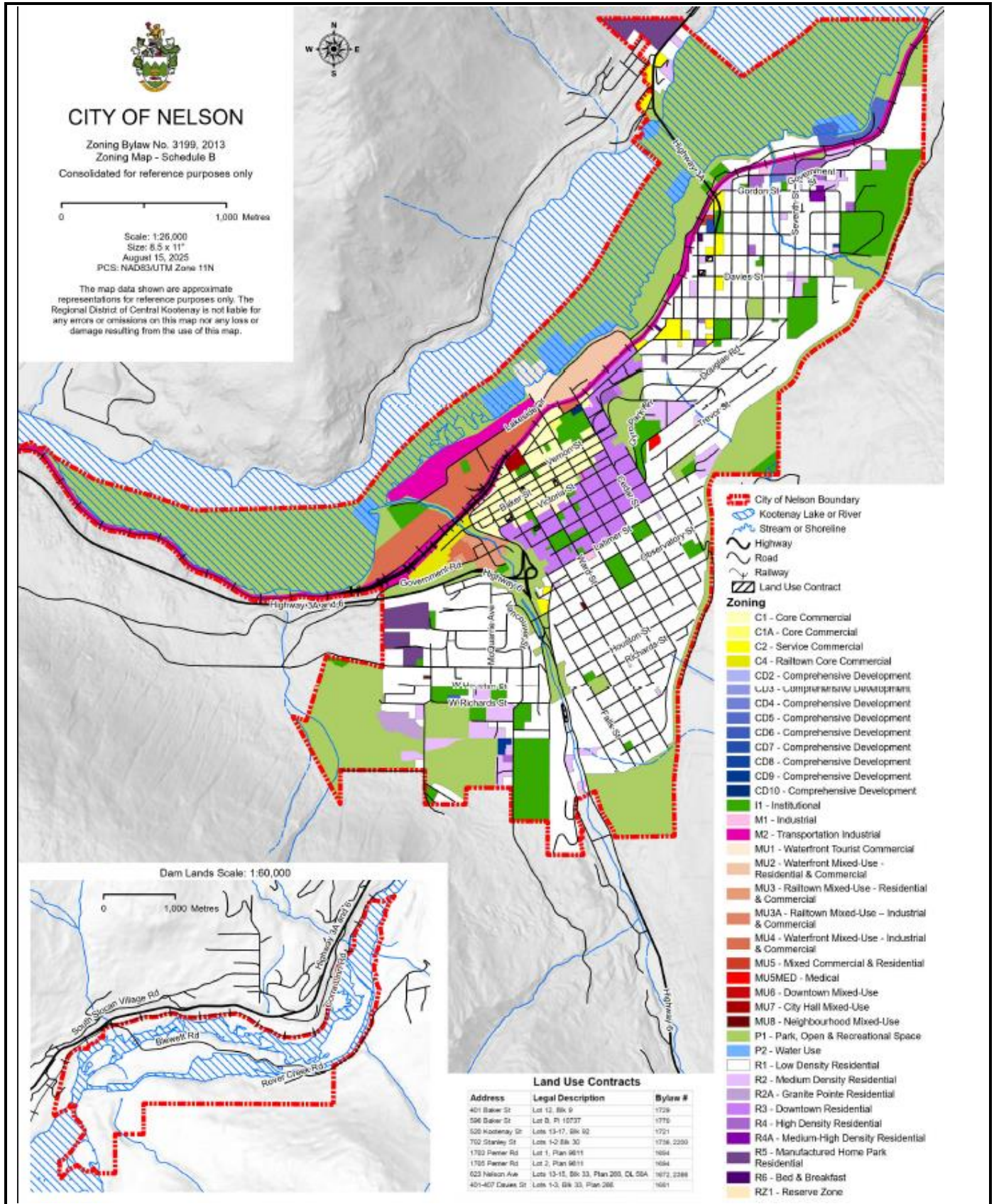
- a. The minimum lot area shall be not less than 278 sq. m.
- b. The minimum lot width shall not be less than 7.6 m.

**5. Minimum Setback and Maximum Height**

<b>Minimum Setback</b>	
Front lot line	0 m
Rear lot line	0 m
If lot is not served by a constructed rear lane	1.5 m
Exterior side lot line	0 m
Interior side lot line	0 m
<b>Maximum Height</b>	
Principal Building	18 m
Accessory Building	4.5 m

- 6. Waste and Recycling requirements shall comply with applicable requirements of section 1.2.9. of Schedule “A”.
- 7. Amenity Areas for Multi-Unit Residential dwelling units shall comply with applicable requirements of section 1.2.4. of Schedule “A”.
- 8. Parking and loading shall comply with the requirements of Off-Street Parking and Landscape Bylaw 3274, 2013, with the exception of Part 8 – Loading Spaces.
- 9. Landscaping shall comply with applicable requirements of Off-Street Parking and Landscape Bylaw 3274, 2013.

**SCHEDULE "B" – ZONING MAP** (Amended by Bylaw 3409, 3411, 3463, 3479, 3489, 3531, 3567, 3583, 3626)



**SCHEDULE "C" – CANNABIS ZONING MAP (Amended by Bylaw 3406, 2018; BL 3568, 2023)**

