

**THE CORPORATION OF THE CITY OF NELSON**

**BYLAW NO. 3652, 2026**

**BEING A BYLAW TO REGULATE ZONING WITHIN THE CITY OF NELSON**

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DRAFT - FOR DISCUSSION PURPOSES

WHEREAS Council wishes to exercise its authority under the *Local Government Act* and the *Community Charter* to enact bylaws respecting land use and related development matters;

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

## PART 1 – INTERPRETATION

### Application

1. This bylaw is applicable to all land, surface of water, and any **building** or other **structure** within the boundaries of the **City** of Nelson.
2. The schedules attached to this bylaw form part of this bylaw.
3. No land, **building**, **structure** or surface of water shall be used or occupied, and no **building** or **structure** or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with this bylaw.
  - a. Despite section 3, this bylaw does not apply to **temporary buildings** or temporary **structures** which are incidental to the erection, maintenance, alteration, or sales of a **building** or **structure** for which a building or development permit has been issued, provided that they are removed within 30 days of project completion or one year following the issuance of a building permit, whichever is earliest.
4. Except for legal non-conforming **uses** or developments approved by a development variance permit, a Board of Variance order, a temporary use permit or another agreement or permit as authorized by the *Community Charter* or the *Local Government Act*, all **uses**, **buildings**, and **structures** in each zone shall be in accordance with the **uses** listed in the zone and all applicable regulations and requirements of this bylaw.
5. A **use** of land, a **building** or a **structure** shall not be changed except when the new **use** is permissible within the zone where such **lot**, **building** or **structure** is located.
6. An **accessory use** is only permitted on a **lot** if a **permitted use** is lawfully established and ongoing in accordance with the general regulations applicable to the **use**, as identified in this bylaw.
7. Any **lot** which is shown on a plan duly filed in the Land Title Office that has less than the minimum **lot** area or **lot width** required by this bylaw may be developed for any of the **permitted uses** of that zone, provided that all other requirements of this bylaw can be met.

## Rezoning Applications

8. Any person applying to have any provision of this bylaw amended shall apply in writing by submitting an application in the form and manner prescribed in *Development Applications Procedures Bylaw No. 3526, 2022*.

## Compliance with Other Legislation

9. Nothing contained in this bylaw will relieve any person from the responsibility to seek and comply with all other municipal bylaws and provincial and federal legislation applicable to that **use, structure**, activity or other matter regulated under this bylaw.

## Severability

10. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder.

## Repeal

11. The following bylaws are hereby repealed and any reference to them in any bylaw or policy of the **City** of Nelson shall be deemed to now make reference to this bylaw:
  - a. *Corporation of the City of Nelson Zoning Bylaw No. 3199, 2013*, including all amendments thereto;
  - b. *Corporation of the City of Nelson Off-Street Parking and Landscape Bylaw No. 3274, 2013*, including all amendments thereto; and
  - c. *Corporation of the City of Nelson Mobile Home Parks Bylaw No. 1751, 1977*, including all amendments thereto.

## Rules of Interpretation

12. All measurements in this bylaw are expressed in metric units.
13. When the calculation of **dwelling units** for residential **density** results in a fractional figure, the figure shall be rounded down and the whole number shall be used.
14. Any enactments referred to in this bylaw are a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw referred to in this bylaw is a reference to an enactment of the **Council** of the **City** of Nelson, as amended, revised, consolidated, or replaced from time to time.
15. A reference to the abbreviated name of a zone shall be equivalent to the zone's full name.
16. Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word 'person' includes a corporation, firm, partnership, trust, and other similar entities as well as an individual.
17. Words have the same meaning whether they are capitalized or not.

18. The phrase "used for" includes the following meanings: "arranged for", "designed for", "maintained for", and "occupied for".
19. In the case of any conflict between the text of this bylaw and any maps, photos, diagrams, or drawings used to illustrate any aspect of this bylaw, the text takes precedence.
20. Headings for each section of this bylaw are intended to organize the content and are to be used for reference purposes only.
21. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals takes precedence.
22. Typical **uses** listed as examples in the definitions of this bylaw are not intended to be exclusive or restrictive.
23. Where a specific **use** generally conforms to the wording of two or more definitions, the **use** shall be deemed to conform to and included in that **use** which is most comparable in character, purpose, and intensity.

## Definitions

24. Terms not defined in this bylaw but used or defined in other bylaws of the **City** or in applicable statutes shall have the same meaning as defined therein.
25. Words, phrases, and terms neither defined in this bylaw nor in the *Local Government Act*, *Community Charter* or the *Interpretation Act* shall be given their usual and customary meaning for the purpose of interpreting this bylaw.
26. The following words, terms, and phrases, wherever they occur in this bylaw, shall have the meaning assigned to them as follows:

**“Above-Garage Suite”** means a **laneway house** that contains a minimum of one **off-street parking space**, in the form of a **garage** or **carport**, within its **building footprint**.

*Land use type: residential use*

**“Accessible Vehicle Parking”** means an **off-street parking space** reserved for the exclusive use of persons with a valid disability parking permit.

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

**“Accessory Building”** means a **building** or **structure** which is accessory, incidental, subordinate to, and located on the same **lot** or site as a **permitted use**. Typical **uses** include **garage**, **carport**, and greenhouses, but not a **laneway house** unless it is a **permitted use** in the zone.

**“Accessory Use”** means a **use** which is accessory, incidental, subordinate to, and located on the same **lot** or site as a **permitted use**. Parking may be an accessory use when it serves the **permitted use** and does not serve **uses** on other sites. **Uses** that are always accessory include

“**Home Occupation**” and “**Short-Term Rental**”, as well as **amenity areas** in residential developments that are devoted to the exclusive use of residents living on the same site.

“**Alternative Fuel Infrastructure**” means any one of the following: (a) one or more Level-3 (DC fast charger) electric vehicle charging stations; and/or (b) one or more hydrogen vehicle refueling stations.

“**Amenity Areas**” means the 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 grooming as an **accessory use**.

*Land use type: commercial use*

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

“**Architect**” means a person registered as such by the Architectural Institute of British Columbia.

“**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.

*Land use type: institutional use*

“**Average Finished Grade**” means the average of the final ground surface after development. When calculating the **average finished grade**, a berm, retaining wall, window well, steps, or other artificial feature attached to the building and intended to raise the grade can be excluded from the calculation.

“**Bicycle Parking,**

**Long-Term**” means a secure, weather-protected bicycle parking room used to accommodate long-term bicycle parking or storage indoors for many hours or days at a time, such as for residents or employees.

**Short-Term**” means a short-term visitor bicycle parking facility, such as a **bicycle rack**, that offers basic security and may be partially protected from the weather.

“**Bicycle Rack**” means a unit with one or more bicycle-supporting elements joined on a common base or arranged in a regular array and fastened to a common mounting surface designed to have bicycles of various types and sizes locked to them.

**“Broadcasting Studios”** means a **use** consisting of the production and/or broadcasting of audio and visual programming typically associated with radio, television, internet, podcasting, and motion picture studios.

*Land use type: commercial use*

**“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 **garages** and **carports** but not including **eaves**, open air porches, balconies, open air decks, or exterior stairways.

**“Building Official”** means the person designated or appointed to that position by the **City**, and includes a building inspector, plan checker, plumbing inspector designated or appointed by the **City**.

**“Building Supply”** means a **use** in which building, 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**.

*Land use type: commercial use*

**“Bylaw Enforcement Officer”** means any person designated in or appointed to that position by the **City** under *Bylaw Notice Enforcement Bylaw No. 3195, 2011*.

**“Campground”** means the temporary accommodation (maximum six months) of travellers using tents, travel trailers, tent trailers or recreational vehicles and specifically excludes **manufactured home parks** and **tourist accommodation**, and may include a campground office, **retail (minor)**, and laundry and amenity areas.

*Land use type: institutional use*

**“Cannabis”** is as defined in the *Cannabis Act* and includes any product 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**.

*Land use type: industrial use*

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

*Land use type: industrial use*

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

*Land use type: commercial use*

“**Carport**” means a roofed **structure**, whether freestanding or attached to a **principal building**, which is not enclosed on the front and at least one side, used by the building occupants to shelter parked vehicles.

“**Carshare**” means a system of sharing vehicles that allows for a membership-based service available to all qualified drivers. A carshare operation enables member access to a dispersed network of shared vehicles 24-hours, 7-days-a-week at unattended self-service locations. No separate written agreement is required each time a member reserves and uses a vehicle.

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

*Land use type: commercial use*

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

*Land use type: institutional use*

“**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.

*Land use type: institutional use*

“**Cheque Cashing and Payday Loan Store**” means the **use** of a premises for the business of cashing cheques or negotiable instruments for a fee charged or chargeable to the payee of the cheque or the payee’s agent and/or where payday loans are advertised, negotiated or dispensed, regardless of whether the provisions of the *Business Practices and Consumer Protection (Payday Loans) Amendment Act* apply to the business.

*Land use type: commercial use*

“**Child Care Facility**” means a facility providing group child care, family child care, childminding, 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 which may be enacted in substitution therefor.

*Land use type: institutional use, except it shall be considered as a residential use in any R-series zone*

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

“**City Engineer**” means the person appointed as such by the **City** and any person appointed or designated by them to act on their behalf.

**“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 secretarial, business, hairdressing, beauty, art, dance, language, and music schools.

*Land use type: commercial use*

**“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. The **use** does not include unenclosed storage of goods or materials.

*Land use type: commercial use*

**“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 use and not-for-profit organization consumption.

*Land use type: institutional use*

**“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**.

*Land use type: commercial use*

**“Contractor Services, Limited”** means a **use** providing for electrical, plumbing, heating, painting, glass, surveying, engineering, or 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.

*Land use type: commercial use*

**“Cooking Facilities”** means a room or area containing at a minimum a sink, fridge, and stove.

**“Council”** means the Council 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.

*Land use type: commercial use*

**“Custom Indoor Manufacturing”** means a **use** providing for small-scale on-site indoor production of goods by hand and manufacturing primarily involving the use of hand tools. Typical **uses** include 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** and alcohol.

*Land use type: commercial use*

**“Density”** means a measure of the intensity of development on a **lot**, such as the minimum or maximum number of **dwelling units**.

**“Dental Services”** means a **use** where one or more dental practitioners provides services, notably for the diagnosis, treatment, and prevention of human dental disease or injury.

**“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. This definition 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.

**“Director”** means **Director of Development Services**.

**“Director of Development Services”** means the person appointed as such by the **City** and any person appointed or designated by the **Director** to act on their behalf.

**“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**. This **use** also includes boat launches available for use by the general public.

*Land use type: institutional use*

**“Drive-Thru Business”** means a **building** providing for any business where an individual purposes any product or service through a drive-thru window.

*Land use type: commercial use, industrial use, institutional use,*

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

*Land use type: commercial use*

**“Dwelling Unit”** means one or more rooms used for the residential accommodation of one or more persons as an independent and separate residence containing **cooking facilities**, living, sleeping, sanitary facilities, and a separate entrance to the outside or through common-property,

such as a **Multi-Unit Residential** hallway, but specifically excludes a **recreational vehicle** and **tourist accommodation**.

*Land use type: residential use*

**“Early Childhood Development Centre”** means a **use** providing 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.

*Land use type: institutional use*

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

**“Electric Vehicle Energy Management System”** means a system used to control **electric vehicle supply equipment** electrical loads through the process of connecting, disconnecting, increasing, or reducing electric power to the loads and consisting of one or more of any of the following: monitor, communications equipment, controller, timer, and other applicable device.

**“Electric Vehicle Supply Equipment”** means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.

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

*Land use type: commercial use*

**“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 nursing homes with health care for dependent residents and hospices.

*Land use type: institutional use*

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

**“Financial Services”** means the provision of financial and investment services by a bank, trust company, investment dealer, credit union, mortgage broker, insurance company or related business, but excludes **Cheque Cashing and Payday Loan Store**.

*Land use type: commercial use*

**“Fire Chief”** means the person appointed as such by the **City** and any person appointed or designated by the Fire Chief to act on their behalf.

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

*Land use type: commercial use*

**“Garage”** means any totally enclosed and roofed **building**, or part thereof, designed for the parking or storage of one or more vehicles.

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

**“Green Roof”** means a planted area on a **building's** roof, featuring live vegetation throughout the regular growing season across the entire surface of the green roof and a growing medium over a waterproof membrane, designed to manage stormwater and mitigate the heat island effect. Planters, container gardens, and similar are not considered to constitute a green roof.

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

**“Guest Home”** means a **dwelling unit** used in its entirety for **Short-Term Rental**.

*Land use type: residential use*

**“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** nor stove-like hot plates.

*Land use type: residential use*

**“Guest Suite”** means a secondary suite or **laneway house** used for **Short-Term Rental**.

*Land use type: residential use*

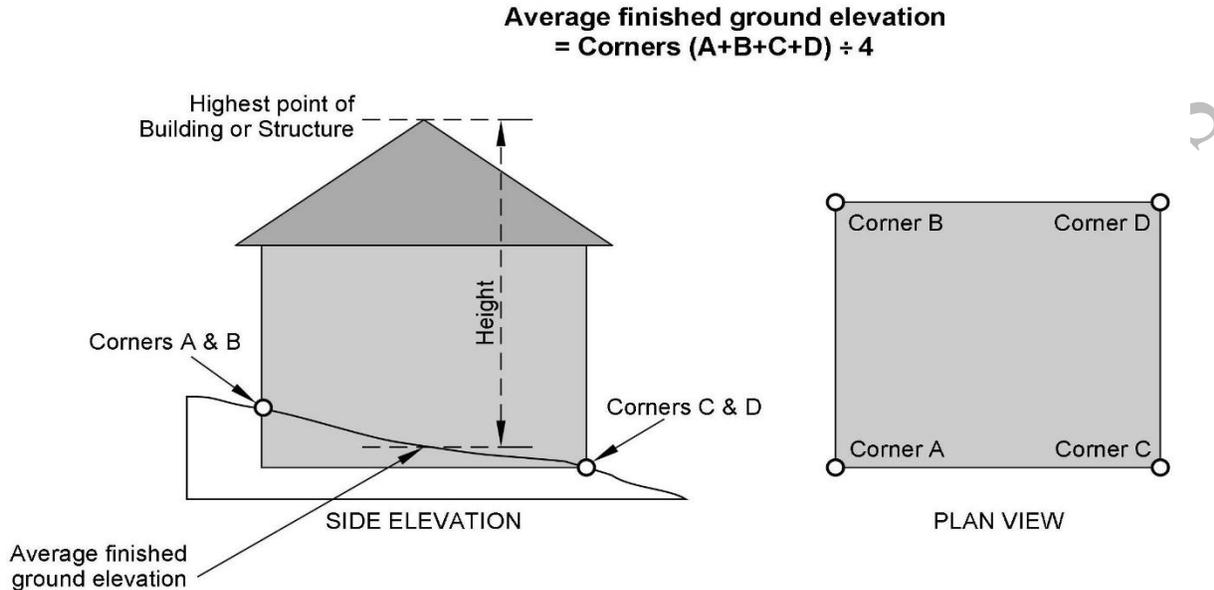
**“Health Services”** means **uses** providing for physical and mental health services on an out-patient basis. It includes medical clinics and offices, health clinics and counselling services, and may include dispensing and **accessory** retail sales or prescriptions and medications, and other types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

*Land use type: institutional use*

**“Height”**, in relation to **buildings** and **structures** other than **fences** and retaining walls, means the maximum vertical distance between:

- the highest point of a **building** with a non-sloping roof, or the **mid-point of a sloping roof**; and
- the **average finished grade** level at the base of the outside walls around the **building** (excluding window wells and access stairwells).

When ground-oriented residential development is configured so that primary **dwelling units** are side-by-side, such as townhouses or a front-back duplex (but excluding apartment buildings), **height** is measured per **dwelling unit**.



“**Home Occupation**” means a commercial **use** carried out in a **dwelling unit** by its occupant(s) and which is **accessory to** the residential **use**. Home Occupation excludes **Short-Term Rental; Tourist Accommodation**; any commercial **use** involving vehicles including but not limited to **Mechanical Repair, Sales, and Service and Car Wash**; and any industrial **use**.

*Land use type: residential use*

“**Hospital**” means a facility authorized under the *Hospital Act* for the reception and treatment of persons suffering from physical or mental illness or disability. The operation of private medical practices is permitted as an **accessory use**.

*Land use type: institutional use*

“**Indoor Urban Agriculture**” means the indoor production of plants or fungi for wholesale or retail sale including, but not limited to, mushrooms, sprouts, vegetables, and herbs, but excludes the cultivation of **cannabis** and any activity that emits hazards or light pollution.

*Land use type: commercial use*

“**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 blockchain/cryptocurrency mining and data centres.

*Land use type: industrial use*

**“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.

*Land use type: industrial use*

**“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 brewery uses.

*Land use type: industrial use*

**“Landscape Architect”** means a person registered as such by the British Columbia Society of Landscape Architects.

**“Landscape Area”** means a portion of a **lot** which contains **landscaping**.

**“Landscape Plan”** means a plan for **landscaping** submitted at the time of development permit or building permit application, whichever comes first.

**“Landscaping”** means modification and enhancement of a **lot** through the use of any of the following elements:

- soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, but excluding monolithic concrete and asphalt in the form of walkways, paths and parking lots.

**“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 m but less than 10 m in width.

**“Laneway House”** means a detached **accessory building** used as a **dwelling unit**.

*Land use type: residential use*

**“Level 2 Charging”** means an energized outlet installed adjacent to an **off-street parking space** for the purpose of charging electric vehicles and is capable of supporting Level 2 charging as defined by SAE International’s J1772 standard and includes variable rate charging that is controlled by an **electric vehicle energy management system**.

**“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.

*Land use type: commercial use*

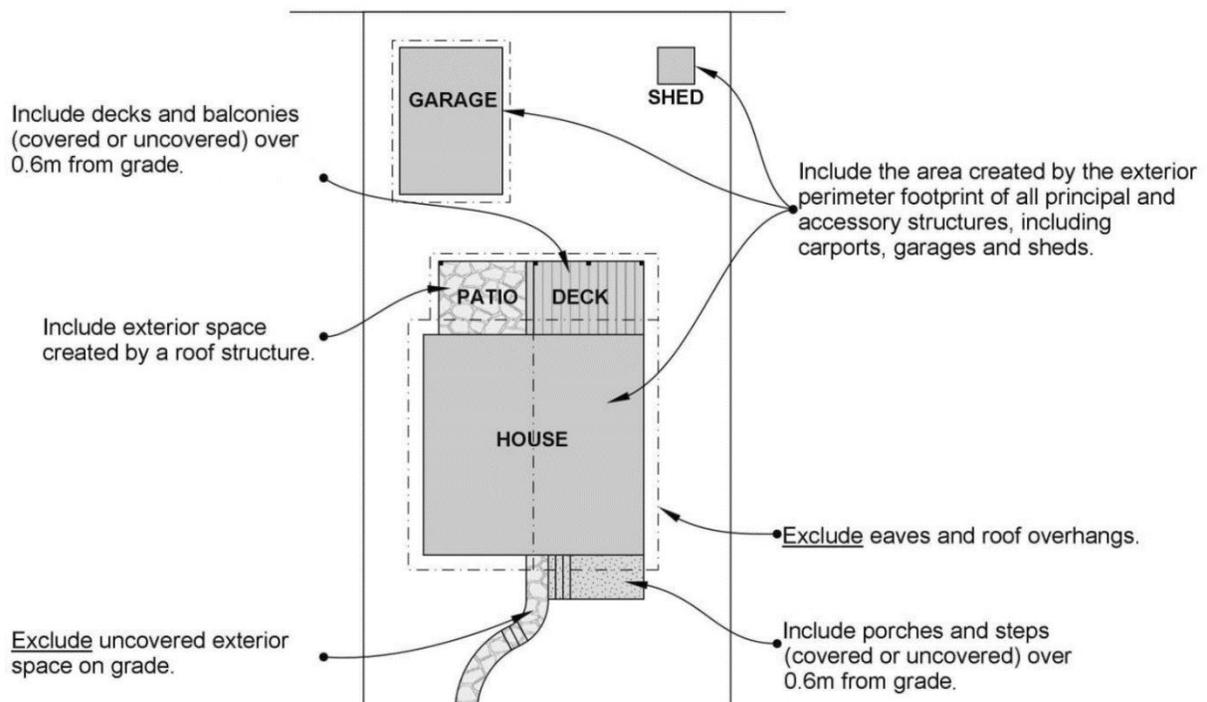
**“Live/Work”** means a **dwelling unit**, part of which may be used as a business establishment and another part of which constitutes the principal residence of the business operator. Examples of business establishments in Live/Work units typically include artist studios, high-tech businesses, offices,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

*Land use type: residential use*

**“Loading Space”** means an off-street, open area used to provide access for vehicles to a loading door, platform or bay for the purpose of loading and unloading.

**“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 of the total horizontal area as measured from the outermost perimeter of all **buildings** and **structures** over 0.6 m above **average finished grade** (including stairs, porches, balconies, decks, breezeways, and any covered exterior open space) or part thereof on the **lot**, expressed as a percentage of the total **lot** area. Explanatory diagram:



“**Lot Lines**” refers to any of types of lot lines defined in this bylaw: **front lot line, rear lot line, exterior side lot line, and interior side lot line.**

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

“**Lot Line, Front**” or “**Front Lot Line**” means:

- i. the lot line common to the **lot** and an abutting **street**, or
- ii. where there is more than one 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 parallel or approximately parallel **streets**, the lot lines abutting these two **streets** shall be considered as front lot lines.

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

“**Lot Line, Rear**” or “**Rear Lot Line**” 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 (meaning the **interior side lot lines** and/or the **exterior side lot lines**), as measured at the front building **setback** line.

“**Manufactured Home**” means a **dwelling unit** that is manufactured and assembled in a factory to Canadian Standards Association Z-240 MH Standard and which is, upon its arrival at the **lot** where it is to be located, ready for occupancy except for incidental building operations such as placement on a foundation and connection to utilities.

“**Manufactured Home Park**” means a **lot** on which two or more **manufactured homes** are or are intended to be situated.

*Land use type: residential use*

“**Manufactured Home Space**” means an area set aside and designated within a **manufactured home park** for the installation and placement of one **manufactured home**, including access to an internal road and space for the exclusive use by the owner or occupant of that **manufactured home**.

“**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.

*Land use type: institutional use*

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

*Land use type: commercial use*

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

*Land use type: commercial 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, boats or other mechanical equipment, or open space provided for the sale of motor vehicles or boats.

*Land use type: commercial use*

**“Mid-Point of a Sloping Roof”** means the halfway point of a roof that falls between the top of the highest peak and the top of its supporting wall.

**“Mobile Vendor”** means a vehicle, trailer or mobile vending apparatus that does not require a building permit and that is used for the purpose of retailing goods or prepared food and beverages in an outdoor setting to passers-by.

*Land use type: commercial use*

**“Multi-Unit Residential”** means a **use** consisting of five or more **dwelling units** on a **lot**, which may have shared or separate entrances and may include **accessory** amenities and non-commercial services for the residents of the **lot**.

*Land use type: residential use*

**“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. This also includes aircraft and airport-related manufacturing and services.

*Land use type: institutional use*

**“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**.

*Land use type: industrial use*

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

*Land use type: commercial use*

**“Non-Market Affordable Housing”** means a **small-scale residential** or **multi-unit residential use** that meets both of the following criteria:

- Receives a majority of its capital funding or financing from a government housing organization, including BC Housing, Canada Mortgage and Housing Corporation (CMHC), Columbia Basin Trust and/or an Indigenous Governing Body; and
- When resident households’ expenses for rent, lease, or mortgage are capped, typically, at 30% or less of their pre-tax income or some other metric that sets rents at below market-rate rents.

*Land use type: residential use*

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

*Land use type: commercial use*

**“Official Community Plan”** refers to *Official Community Plan Bylaw No. 3625, 2025*, as amended, revised, consolidated, or replaced from time to time.

**“Off-Street Parking Space”** means a space reserved for the parking of one motor vehicle but does not include aisle space for access and manoeuvring of motor vehicles.

**“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”).

**“Parking Lot”** means a **lot** where the principal **use** is to provide **off-street parking spaces**. The **use** may include **structures** such as a multi-level parkade.

*Land use type: commercial use*

**“Participant Recreation Services, Indoor”** means facilities within an enclosed **building** for sports, active recreation, and performing and cultural arts where patrons are predominantly participants. It can include **accessory uses** such as concessions and equipment rental or sale. Typical **uses** include athletic clubs, health and fitness clubs (including pilates, yoga, etc.), dance studios, swimming pools, arenas, sports fields, bowling alleys, and racquet clubs.

*Land use type: commercial use*

**“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 golf courses, ball fields, pools, skate parks, bike parks, soccer fields, public parks and open space, beaches, and picnic areas.

*Land use type: institutional use*

**“Permeable Surface”** means any surface that allows precipitation or surface water to penetrate directly into the underlying soil and may include one or a combination of the following:

- a) live plant material;
- b) lawn (grass); or
- c) decorative hard surfacing with permeable elements, such as gravel, river rock less than 5 cm in size, wood chips, bark mulch with no associated layer of impermeable material (such as plastic sheeting) that would impede the movement of water directly into the soil below.

**Green roofs** shall also be considered as a permeable surface for the purposes of this bylaw. Only the surface containing a growing medium and live vegetation shall be counted towards the calculation of a **lot’s** permeable surface.

**“Permitted Use”** means a **use** of a **lot** that is expressly permitted by this bylaw for the zone in which the **lot** is located, and is not an **accessory use**.

**“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 hair salons, barbershops, aestheticians, spas, shoe repair shops, watch repair shops, tailors, dressmakers, dry cleaners, and laundries.

*Land use type: commercial use*

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

*Land use type: residential use*

**“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 for one or more **permitted uses**.

**“Printing and Publishing Establishment”** means a facility that publishes and prints newspapers, magazines, periodicals, books, almanacs, maps, guidelines, pamphlets, flyers or similar matter. The **use** includes book binding and associated binding operations as allied to the printing or publishing industries.

*Land use type: commercial use*

**“Professional and Business Offices”** means a **building** or part thereof, primarily used for the practice of a profession, the carrying on of a business in an office setting, or where not conducted on the site thereof, the administration of an industry, but shall not include any industrial **use**, **public assembly** or any **use** involving the handling of goods.

*Land use type: commercial use*

**“Professional Engineer”** means a person registered under the *Engineers and Geoscientists Act*.

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

*Land use type: institutional use*

**“Public Assembly”** means the **use** of a **building**, with no ongoing overnight accommodation use, where persons gather periodically for public, cultural, religious, philanthropic or entertainment purposes, such as meeting halls or other community gathering sites, theatres, churches or other religious gathering sites, and fraternal lodges.

*Land use type: institutional use*

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

*Land use type: institutional use*

**“Public Utility”** means privately- or publicly-owned infrastructure, including **buildings**, **structures**, 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.

*Land use type: institutional use*

**“Purpose-Built Rental Housing”** means a **multi-unit residential building**, or portion thereof, where **dwelling units** are held in common ownership and are provided primarily as long-term rental housing. Purpose-Built Rental Housing does not include: (a) strata units or other forms of individual unit ownership; (b) **dwelling units** legally restricted to short-term or temporary accommodation; or (c) **small-scale residential**.

*Land use type: residential use*

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

*Land use type: industrial use*

**“Recorded”** means that the City possesses documentation on-file in its archives.

**“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 travellers.

**“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 coffee shops and take-out establishments, but excludes **Drive-Thru Restaurant**.

*Land use type: commercial use*

**“Retail (Major)”** means the same use as **Retail (Minor)**, except that the **gross floor area** is equal to or greater than 3,500 sq. m.

*Land use type: commercial use*

**“Retail (Minor)”** means premises, whose **gross floor area** does not exceed 3,500 sq. m., 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 **accessory** 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 grocery stores, food and beverage service, jewellery, hardware, pharmaceutical, retail liquor sales, clothing, home furnishing, bakeries, meat markets, fish markets, sporting goods stores, and **accessory** automated teller machines (ATMs). It excludes warehouse sales and the sale of gasoline or other fossil fuels for motor vehicles, **cannabis**, heavy agricultural and industrial equipment, large-scale manufacturing, and large-scale on-site processing, and retail stores requiring outdoor storage.

*Land use type: commercial use*

**“School”** means a facility authorized under the *School Act*, the *College and Institute Act*, the *University Act* or the *Independent School Act* for the teaching of people, including at primary, elementary, secondary, college, and university facilities. A school use may include dormitories.

*Land use type: institutional use*

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

**“Shared Parking Space”** means an **off-street parking space** that serves multiple users and destinations.

**“Service Station”** means any **building** or land used for 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. Overtime, as **Service Stations** redevelop, they shall also include **Alternative Fuel Infrastructure**, as per the Electric Vehicle Infrastructure requirements in Part 7 of this bylaw.

*Land use type: commercial use*

**“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 shall be considered to be a **building**.

**“Shopping Centre (Major)”** means one or more **buildings** containing retail stores, or a mix of retail stores and other commercial uses permitted in the zone, that are planned, constructed, and managed as a total entity. Shopping Centres generally, but do not necessarily, consist of several retail stores that share common services, parking, and other facilities. Bus terminals are permitted.

*Land use type: commercial use*

**“Shopping Centre (Minor)”** means a **building** not exceeding a **gross floor area** of 3,000 sq. m. containing retail stores, or a mix of retail stores and other commercial uses permitted in the zone, that are planned, constructed, and managed as a total entity. Shopping Centres generally, but do not necessarily, consist of several retail stores that share common services, parking, and other facilities.

*Land use type: commercial use*

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

*Land use type: residential use*

**“Small-Scale Residential”** means a use consisting of a maximum of four **dwelling units** on a lot, each of which is ground-oriented with an individual exterior entrance at-grade (except that a secondary suite may have a shared or interior entrance).

*Land use type: residential use*

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

*Land use type: institutional use*

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

“**Storey**” that portion of a **building** which is situated between a floor and the top of the floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. Any portion of a **building** having its ceiling level one metre or less above **average finished grade** will not be counted as storey. Mezzanines do not count as a storey.

“**Street**” means any highway, road, boulevard, square or other improved thoroughfare 10 m 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, and excludes concrete and asphalt paving or similar surfacing of a **lot**.

“**Tandem Parking**” means two or more **off-street parking spaces**, one behind the other, with a common or shared point of access to a maneuvering aisle, **lane**, or **street**.

“**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**, a **recreational vehicle**, nor a **manufactured home**.

“**Tobacco Shop**” means the sale of tobacco, tobacco products, and vapour products including e-cigarettes (a device used to simulate the experience of smoking).

*Land use type: commercial use*

“**Tourist Accommodation**” means a **use** in a non-residential zone where one or more **buildings**, sleeping accommodations, or part thereof, are used for the accommodation of 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.

*Land use type: commercial use*

“**Transition House**” means a residential **building** housing not more than eight persons that is used to provide temporary accommodation, care, supervision, guidance, or counselling for victims of family violence.

*Land use type: residential use*

“**Use**” means the purposes for which land or a **building** is arranged or intended, or for which either land, a **building**, or a **structure** is, or may be, occupied, and maintained.

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

*Land use type: commercial use*

**“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. The **use** includes sales at wholesale and limited **accessory** office space.

*Land use type: industrial use*

**“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 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.

*Land use type: industrial use*

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

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

DRAFT - FOR DISCUSSION PURPOSES

## PART 2 – ENFORCEMENT

### Authorizations and Right of Entry

1. The **Director of Development Services, Building Officials, and Bylaw Enforcement Officers** are designated as administrators of this bylaw and are authorized to enforce the provisions of this bylaw.
2. Any administrator of this bylaw 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**.
3. Any administrator of this bylaw, is at all reasonable times and on any day, authorized to enter onto any **lot, building**, property or premises that is subject to regulation under this bylaw to ascertain whether the regulations under this bylaw are being observed.

### Prohibitions

4. Every person who does, or directs another person to do, any of the following commits an offence under this bylaw:
  - a. Violate any provision of this bylaw;
  - b. Cause, allow or permit any act or thing to be done in contravention or violation of any provision of this bylaw;
  - c. Neglect or omit to do anything required under this bylaw;
  - d. Carry out, cause or permit to be carried out a use or a development in a manner prohibited by or contrary to any provision of this bylaw;
  - e. Fail to comply with an order, direction or notice given under this bylaw;
  - f. Obstruct, hinder, delay or knowingly make false statements to or mislead, either in writing or orally, an administrator of this bylaw; or
  - g. Prevent or obstruct, or attempt to prevent or obstruct, the authorized entry of an administrator of this bylaw onto a **lot**.

### Penalties

5. Every person who violates a provision of this bylaw or fails to comply with any order or notice issued by an administrator of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$50,000.00 and not less than \$3,000.00 for each offence, the costs of prosecution, and/or imprisonment for no more than six months, in accordance with the *Offence Act* and the *Community Charter*.
6. Each day a violation of the provisions of this bylaw exists or is permitted to exist will constitute a separate offence.
7. An administrator of this bylaw may enforce the provisions of this bylaw by issuing a fine in accordance with the *Bylaw Notice Enforcement Bylaw No. 3195, 2011*.
8. In addition to taking action before a court having jurisdiction, **Council** may, in accordance with the *Local Government Act*, file a notice on title or authorize the demolition, removal, or bringing up to standard of any **building** or **structure**, in whole or in part, that is in contravention of this bylaw.

## PART 3 – GENERAL REGULATIONS

### Uses Permitted in All Zones

1. The following are **permitted uses** in all zones:
  - a. **Accessory Building;**
  - b. **Accessory Use;**
  - c. **Child Care Facility;**
  - d. **Community Gardens;**
  - e. **Public Parks**, with or without playgrounds;
  - f. Public trails;
  - g. Electric **Railway;**
  - h. **Public Utility;**
  - i. Fire Hall;
  - j. The use of a **building**, or part thereof, as a temporary polling station, election official's headquarters, candidate's campaign office, and any other temporary **use** in connection with a federal, provincial, or municipal election, referendum, or census; and
  - k. Temporary events less than 7 days for which a **City** special event permit has been issued.
2. **Home Occupation** is permitted in all zones as an **accessory use** in association with any residential use and subject to the use-specific conditions contained in Part 4 "Conditional Uses" of this bylaw.
3. Electric vehicle chargers and **off-street vehicle parking** are permitted in all zones as **accessory uses**.

### Prohibited Uses

4. Any **use** not expressly permitted in a zone is prohibited in that zone. This includes, but is not limited to, the following **uses** that are prohibited in all zones:
  - a. A tent or **recreational vehicle** used for habitation;
  - b. **Cannabis Operation;**
  - c. **Cheque Cashing and Payday Loan Store;**
  - d. **Drive-Thru Business;**
  - e. **Drive-Thru Restaurant;**
  - f. **Industry (Heavy);**
  - g. **Industrial-Scale Computing;**
  - h. **Portable Vehicle Shelter;**
  - i. **Tobacco Shop;**
  - j. **Wrecking or Salvage Yard.**

### Minimum Dwelling Unit Size

5. The minimum **gross floor area** of a **dwelling unit** shall be 26 sq. m.

## Maximum Building Length & Footprint

6. The maximum length of any **building** façade fronting a **street** or **public park** is limited as follows:

At-Grade Use	Maximum Length
Residential	75 m
Commercial	180 m
Industrial	180 m

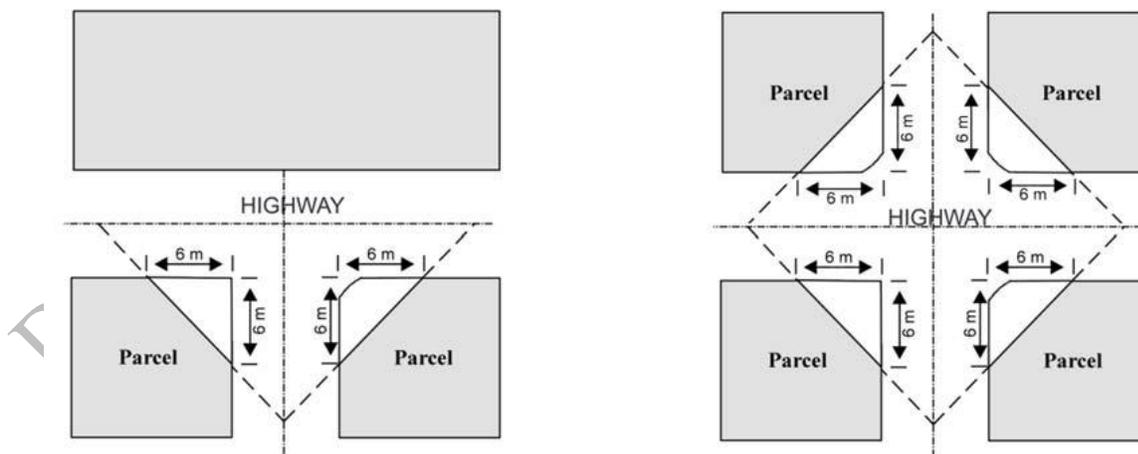
7. **Building** façades that turn greater than 30 degrees are considered, for the purposes of section 6, to be a different **building** façade.
8. The maximum **building footprint** of any **building** is determined as follows, based on the **permitted use** at-grade on the **front lot line**:

Primary At-Grade Use	Maximum Building Footprint
Residential	1,850 sq. m.
<b>Shopping Centre (Major)</b>	18,500 sq. m.
All other commercial or mixed-use	7,500 sq. m.
Industrial	18,500 sq. m.

## Obstruction of Vision

9. No **building** or **landscaping**, other than a **principal building**, shall be erected to a **height** greater than 1 m within 6 m of the corner of the intersection of two **streets**.

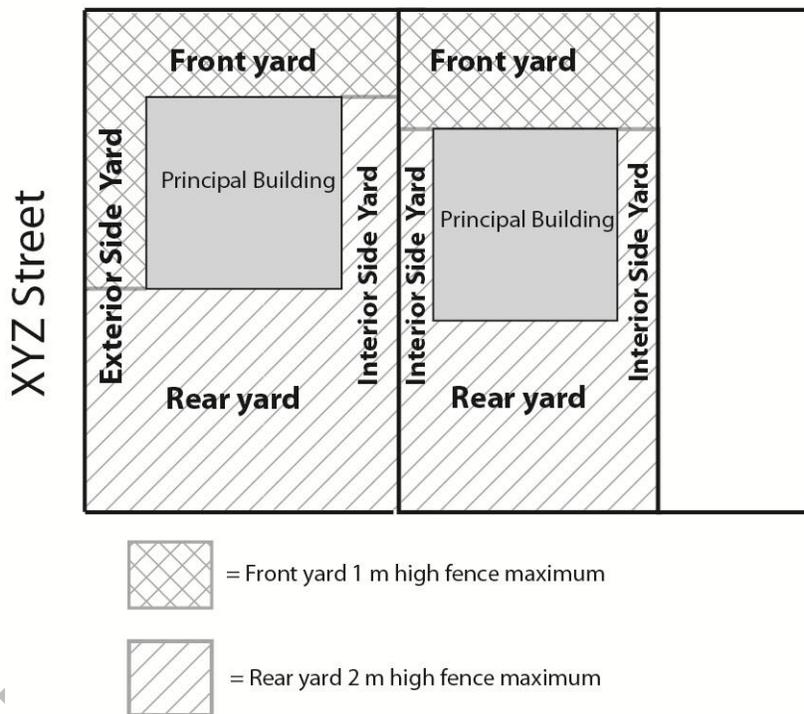
Diagram: Obstruction of Vision



## Fences

10. In any residential or comprehensive development zone, and in the C1 zone, the maximum permitted height of any **fence** located within a required **setback** area shall be:
  - a. 1 m between the **front lot line** and the **principal building** façade;
  - b. 2 m between the **rear lot line** and the **principal building** façade when adjacent to an **interior side lot line**; and
  - c. 1 m between the **front lot line** and the back of **principal building** when adjacent to an **exterior side lot line**.
11. In any mixed-use, industrial, institutional or commercial zone (except the C1 zone), no **fence** or projecting retaining wall shall exceed 3 m in height.

Diagram: Fence Height  
ABC Street



## Accessory Buildings

12. **Buildings** containing an **accessory use** are permitted in each zone, unless otherwise specified in that zone, provided that:
  - a. a **permitted use** is being carried out on the **lot**, or
  - b. a **building** for the purpose of a **permitted use** has been constructed on the **lot**, or
  - c. a **building** for the purpose of a **permitted use** is in the process of being constructed on the **lot** with an active building permit.
13. An **accessory building** shall not contain a **dwelling unit**, except when a **laneway house** is permitted by this bylaw.
14. An **accessory building** must be completely detached from the **principal building**, with a distance of at least 1 m from the **principal building**.

- a. Despite section 14, a maximum of one side of a **carport** shall be permitted to be attached to the **principal building** or **structure** provided that the **carport** meets all other requirements of the zone.

## Shipping Containers

15. A **shipping container** shall not be placed on a **lot** without written authorization by the **Fire Chief** confirming that all applicable fire safety regulations have been satisfied.
16. No more than one **shipping container** shall be permitted per **lot**.
17. **Shipping containers** shall meet the requirements of the *British Columbia Building Code*, the *British Columbia Fire Code*, *Building Bylaw No. 3456, 2019*, *Fire Regulation and Protection Bylaw No. 3268, 2014*, and all other applicable regulations.
18. A **shipping container** shall not be permitted in a residential zone, except that:
  - a. One **shipping container** may 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 21 consecutive days and not more than twice per calendar year.
  - b. A **shipping container** may be used as a **temporary building** for construction-related purposes connected to an active building permit.
19. A **shipping container** may be placed in any Mixed-Use, Commercial, Industrial, Institutional or Comprehensive Development zone provided that:
  - a. It complies with development permit requirements, if applicable, and the requirements of the zone for a **building**;
  - b. It is a minimum of 30 m from a residential zone, except when used as a **temporary building**;
  - c. It is not located in or impede the use of an **off-street parking space** required by this bylaw;
  - d. It is 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**; and
  - e. It is not sited in the **yard, front**, except when used as a **temporary building**.

## Storage

20. No **lot** shall be used for the outdoor storage of a **derelict vehicle**.
21. No **lot** in a residential zone shall be used for the storage, parking, or repair of a vehicle in excess of 4,000 kilograms gross vehicle weight.
  - a. Despite section 21, one **recreational vehicle** may be stored or parked per **lot** in a residential zone.
22. No more than one boat may be stored or parked on a **lot** in a residential zone.

## Waste & Recycling Facilities

23. The minimum surface area for waste, recycling, and compost facilities per **lot** shall be calculated per **use** as follows:
  - a. Residential with fewer than 20 **dwelling units** on a **lot**: minimum of 9 sq. m.

- b. Residential with 20 **dwelling units** or more on a **lot**: the space allocation determined through this formula: 8 sq. m. + (0.31 sq. m. multiplied by the number of **dwelling units**)
  - c. **Restaurant**: minimum of 9 sq. m.
  - d. **Mobile Vendor, Live/Work, Car Wash, Parking Lot, Short-Term Rental, Home Occupation** or any **use** permitted in all zones by Part 3, section 1 of this bylaw: no required surface area
  - e. All other **uses**: minimum of 5 sq. m.
24. Waste, recycling, and compost facilities shall comply with the *Waste Management and Wildlife Attractant Bylaw No. 3198, 2011* and be safely stored so as to not be accessible by wildlife.
25. On any **lot** with commercial, institutional or industrial **uses**, or with five or more **dwelling units**, or a combination thereof, waste and recycling facilities shall:
- a. not be located within the **yard, front**;
  - b. be located a minimum of 1 m from any **interior side lot line** adjoining a **lot** zoned for residential **use**;
  - c. be screened from view from any **street**, and from adjacent **lots** in a residential zone by **fences**, berms, landscape materials or a combination of these to the satisfaction of the **Director of Development Services**; and
  - d. have screening equivalent in height to the waste, recycling, or compost container.

## Emergency Access

26. The distance required to walk from the front **street** curb to the primary entrance of each **dwelling unit** of a **small-scale residential use** shall not exceed 45 m.
27. A clear and unobstructed path a minimum of 1 m in width shall be available and accessible from the **street** to the entrance of each **dwelling unit** of a **small-scale residential use**. The path shall consist of a hard surface to not delay access by emergency responders and:
- a. No sudden drop-offs, hedges or other obstacles shall obstruct this path;
  - b. 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;
  - c. The path shall be lit; and
  - d. The path shall be maintained and kept clear of snow and debris throughout all seasons.
28. The **Fire Chief** may waive the requirements of sections 26 and 27 for a **lot** if each **dwelling unit** is fitted with a residential sprinkler system, to the satisfaction of the **Fire Chief**.
29. 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 entrance to the **dwelling unit**.
30. In addition to the requirements of section 29, a second civic address sign must be posted near the path leading from the **street** to a **laneway house** or a secondary suite.
31. A **dwelling unit** shall have an exterior light at every exterior entrance.

32. Exterior lighting shall illuminate the pathway from the **street frontage** to the exterior entrance of each **dwelling unit**.

## Nuisances & Lighting

33. No person on a **lot** shall allow the discharge or emitting of the following across **lot lines**:
- odorous, toxic or noxious matter or vapours;
  - heat, glare, electrical interference or radiation;
  - recurring ground vibration; or
  - noise levels exceeding 65 decibels measured over a one-hour period.
34. All direct and ambient lighting in zones that allow residential **uses** shall be shielded so as to not shine directly beyond **lot lines**.
35. 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 **lot lines** or interfere with the effectiveness of any traffic control device.
36. In commercial and mixed-use zones, LED lighting designed to illuminate architectural features of the façade is permitted to be directed upwards onto the façade if 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.

## Amenity Areas

37. Where five or more **dwelling units** are contained on a **lot**, a minimum of 15 sq. m. of **amenity areas** shall be provided per **dwelling unit**.
38. Where ten or more **dwelling units** are contained on a **lot**, a minimum of 20 sq. m. of shared outdoor cultivable green space usable as a food garden shall be provided in addition to the area mentioned in section 37.

## Temporary Use Permits

39. **Council** may, by resolution, on application of an owner of land, issue a temporary use permit which may:
- permit temporary commercial, residential, industrial or institutional **uses** in any zone;
  - specify conditions under which the temporary **use** may be carried out; and
  - require the holder of the permit, as a condition of the permit, to give an undertaking to demolish or remove any **building** or **structure** which was established to accommodate the temporary **use**, and to restore the land to a “found” condition, within thirty days of the expiry date of the temporary use permit. If the owner fails to comply with the requirement to restore the land to its “found” condition, the **City** will enter onto the land and carry out the demolition, removal or restoration, at the expense of the owner.

40. **Council** may, as a condition of issuing a temporary use permit, require that the applicant provide to the **City** security in the form of an irrevocable letter of credit or cash to guarantee the performance of the terms of the permit.
41. A person to whom a temporary use permit has been issued may apply to have the permit renewed; however, the permit may be renewed only once. At the end of the renewal, a person may apply to have a completely new permit issued, conditional on **Council** approval, and will be required to follow the same process as the original application.

## Laneway Houses

42. In any zone in which a **laneway house** is permitted, the following conditions shall be satisfied:
  - a. 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 4.5 m in **height**;
    - ii. 89 sq. m. in the case of a **laneway house** of a **height** of no more than 4.5 m; or
    - iii. 8% of the **lot**.
  - b. A **laneway house** shall be sited on a permanent foundation.
  - c. A **laneway house** shall not be permitted to be strata titled.

## Home Occupation

43. In any zone in which a **home occupation** is permitted, the following conditions shall be satisfied:
  - a. The activities shall be conducted entirely within the **principal building** or an **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 **lot**, except that telephone, electronic or mail order sales of goods shall be permitted provided that customers do not enter the **lot** 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**. The maximum **gross floor area** does not apply to unenclosed horticultural practices.
  - e. The **home occupation** shall be solely operated by residents of the **dwelling unit** and not more than three non-resident employees who work on the **lot** on a regular basis.

## Live/Work Units

44. In any zone in which **Live/Work** is permitted, the following conditions shall be satisfied per **Live/Work** unit:
  - a. The work portion of any **Live/Work** unit shall consist of one or more of the non-residential **permitted uses** of the applicable zone;

- b. No more than 50% of the **gross floor area** of the unit shall be used for the residential **dwelling unit**; and
- c. There shall be an independent entrance to the residential component and to the commercial component.

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## PART 4 – CONDITIONAL USES

### Short-Term Rentals

1. In any zone in which a **Short-Term Rental** is permitted, the following conditions shall be satisfied:
  - a. Compliance with the licencing requirements of *Business Licence Bylaw No. 3328, 2016*.
  - b. The principal **use** of the **dwelling unit** containing or comprising the **Short-Term Rental** shall remain a residential **use**. The **lot** 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.
  - c. Not more than two adult guests shall be accommodated per **guest room**, not more than four adult guests shall be accommodated per **guest suite**, and not more than six adult guests shall be accommodated per **guest home**.
  - d. In the case of **guest rooms**, not more than two **guest rooms** in the licenced **dwelling unit** shall be bedrooms used for overnight guest accommodation.
  - e. Only one annual licence for a **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 months.
  - f. A **Laneway House** for which the building permit application was received by the **City** on or after June 12, 2018 shall not be used as a **Short-Term Rental**.

### Cannabis Retail Stores

2. No more than five **Cannabis Retail Stores** shall be permitted citywide, as per the area-specific caps established in Schedule 'B' of this bylaw.
3. In any zone in which **Cannabis Retail Store** is permitted, the following conditions shall be satisfied:
  - a. A **Cannabis Retail Store** shall have a maximum **gross floor area** of 500 sq. m.
  - b. Full walls must physically separate the premises from any other business.
  - c. The length of an exterior **storefront** containing an individual **Cannabis Retail Store** on the floor closest to grade shall be a maximum of 12 m.

## PART 5 – EXCEPTIONS

### Height Exceptions

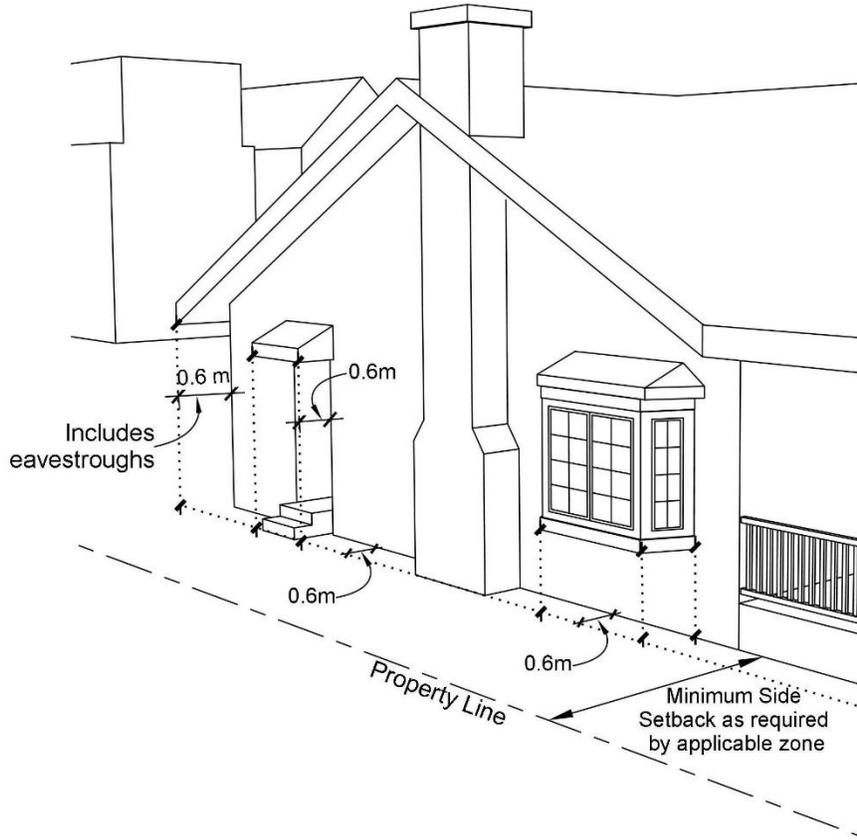
1. A chimney, flagpole, receiving antenna, church spires, belfries, elevator shafts and stair lofts, rooftop mechanical equipment or similar object not used for human occupancy is not subject to the **height** limitations of this bylaw, provided that such **structures** do not occupy more than 10% of 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.
2. Rooftop mechanical equipment including elevator shafts and stair lofts more than 2 m above the roofline shall be screened from view of neighbouring **lots**.
3. The maximum permitted coverage by mechanical equipment is 30% of the roof top area for all **buildings**.
4. Despite anything to the contrary in this bylaw (including regulations establishing a minimum or maximum **height**), in no case shall the **height** of a **building** or **structure** exceed the Transport Canada flight path regulations.

### Siting Exceptions

5. 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 required **setback** from an abutting **lot line** may be reduced by not more than 0.6 m providing such reduction shall only apply to the projecting feature, but in no case shall any part of a **structure** or **building** be sited closer than 0.9 m from a **lot line**.
6. Despite section 5, where uncovered steps are less than 0.6 m above **average finished grade**, they shall not be subject to the **setback** requirements of this bylaw.
7. In the case of a new principal **building** in a residential zone approved after the adoption of this bylaw, no heat pump or air conditioning unit may be sited closer than 0.6 m from a **lot line**.
8. An underground structure may be sited in any portion of a **lot**.
9. Retaining walls up to and including 1.2 m in height are permitted within **setback** areas
10. Retaining walls exceeding 1.2 m in height are permitted within **setback** areas if a report submitted by a **professional engineer** experienced in geotechnical studies demonstrates, to the satisfaction of the **Director of Development Services**, that a retaining wall is necessary in that location. The report must assess whether alternative placements are feasible and demonstrate that the proposed location will not result in adverse geotechnical impacts or transfer of risk to adjacent **lots**.
11. 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**.
12. In the case of a **dwelling unit** proposed to be contained within an existing **building** for which the building permit was issued prior to February 3, 2014, the change of **use** shall be permitted despite any existing nonconformity of the **building**, provided that the **height** and **building footprint** of the subject **building** are not increased.
13. Where an existing **building** or **structure** is sited over one or more **lot lines**, the **setback** requirements for a repair, extension, construction or alteration shall be waived if:
  - a. the **lots** are under the same ownership;

- b. the minimum **setbacks** from adjacent **lots** are not impacted; and
- c. in the opinion of the **Director of Development Services**, the proposal does not negatively impact the future development potential of the lands.

Diagram: Exceptions to Siting Requirements



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USES

## PART 6 – SUBDIVISION OF LAND

### Minimum Lot Area and Width

1. Except as otherwise permitted, any **lot** created by subdivision shall not be less than the minimum **lot** area and **lot width** specified in the applicable zone.
2. Any **lot** created by subdivision shall have, in the opinion of the Approving Officer, a sufficient buildable area, taking into account all bylaws and land use planning regulations applicable to the **lot** as well site access, topography, and other site constraints.
3. Unless the pattern of existing subdivision surrounding the **lot** precludes it, and unless it is impracticable, **interior** and **exterior side lot lines** shall be perpendicular or radial to the adjoining **street**.
4. No **lot** shall be created that is bisected by a **street**.
5. **Lots** shown on a plan duly filed in the Land Title Office which are below the zone's minimum **lot** area 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.

### Panhandle Lots

6. The access strip of a **panhandle lot** shall not be considered part of a **lot** for the purpose of calculating **lot** area.
7. No **panhandle lot** shall be created where the access strip is:
  - a. narrower than 18 m if further subdivision of the **lot** is possible under the provisions of this bylaw, as determined by the Approving Officer; or
  - b. narrower than 6 m.

### Lot Area & Width Exemptions

8. Despite the provisions of this bylaw, the Approving Officer may approve:
  - a. A subdivision of **lots** in the R1 zone with a **lot** area reduced to 80% of the **lot** area otherwise required, provided that the number of **lots** created is not greater than the number of **lots** that could have been created in compliance with the zone's minimum **lot** area and **lot width**.
  - b. A subdivision of **lots** in the R1 zone with a **lot width** reduced to 80% of the **lot width** otherwise required, provided that the number of **lots** created is not greater than the number of **lots** that could have been created in compliance with the zone's minimum **lot** area and **lot width**.
  - c. A bare land subdivision of **lots** with a **lot** area smaller than required provided that the number of **lots** created is not greater than the number of **lots** that could have been created in compliance with the zone's minimum **lot** area and **lot width**.
  - d. A reduction of the minimum **lot** area for a subdivision where it is not possible to create a **lot** that has the minimum **lot** area required for the zone and where the proposed subdivision involves any of the following:
    - i. subdivision that does not create, or make it possible to create, more **lots** than the number of **lots** that existed at the time of application;

- ii. a **lot** that is divided by a **street** and where the boundaries of the **street** will be the boundaries of the proposed **lots**;
- iii. a **lot** on which two or more **small-scale residential buildings** existed prior to February 3, 2014; or
- iv. a **lot** divided by a zone boundary,

provided that all requirements of Provincial legislation and *Subdivision and Development Servicing Bylaw No. 3170, 2011* are met.

9. There shall be no minimum **lot** area or **lot width** for **lots** dedicated for trails, **public parks**, playgrounds, **community gardens**, and unattended **public utility buildings** or **structures**.

### Lot Line Adjustments and Consolidation

10. The adjustment of **lot lines** between two or more **lots** may be permitted at the discretion of the Approving Officer even if the resulting **lot(s)** do not meet the minimum **lot** area required by zoning, so long as no **lot** created is smaller than any of the previously existing **lots**. In such cases, any existing **building(s)** shall meet the **setback** requirements to all newly created **lot lines**.

### Bare Land Strata Subdivision

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

## PART 7 – OFF-STREET PARKING REQUIREMENTS

1. **Off-street parking spaces, loading spaces, and bicycle parking** in respect of a **use** permitted under this bylaw shall be provided and maintained in accordance with the regulations of this bylaw.

### Calculation of Required Spaces

2. When the calculation of aggregate **off-street parking spaces, loading spaces or bicycle parking** requirements results in a fractional figure, it shall be rounded to the nearest whole number.
3. If more than one **use** is located on a **lot**, the total number of **off-street parking spaces, loading spaces, and bicycle parking** spaces shall be the sum of the requirements for each **use**, unless the **lot** is eligible for **shared parking space** reductions permitted by this bylaw.
4. A **loading space** or a **bicycle parking** space shall not be considered as an **off-street parking space** for the purpose of calculating the **off-street parking spaces** provided.
5. An **off-street parking space** or a **bicycle parking** space shall not be considered as a **loading space** for the purpose of calculating the **loading spaces** provided.
6. The regulations of Part 7 of this bylaw do not apply to **buildings, structures or uses** existing on the effective date of this bylaw, except that:
  - a. **off-street parking spaces and loading spaces** required in accordance with the land use regulation bylaw in effect at the time of construction of the subject **use** shall be provided and maintained, except that if the number of spaces required by this bylaw is lower, the requirements of this bylaw shall apply; and
  - b. **off-street parking spaces, loading spaces, and bicycle parking** shall be provided and maintained in accordance with this bylaw for the new **gross floor area** created by any addition to such existing **building or structure**.
7. Despite any provisions of this bylaw to the contrary, a change of **use** to an existing **building**, when located in a commercial, industrial, institutional, or mixed-use zone, that does not result in new **gross floor area** will not be required to provide additional **off-street parking spaces, cash in-lieu, loading spaces or bicycle parking**, provided that the existing **building** is at least five years old.
8. In the case of a **dwelling unit** that existed prior to February 3, 2014, and that has no **recorded, actual or feasible off-street parking space**, and where a secondary suite or **laneway house** is proposed, **off-street vehicle parking** requirements will only apply to the new secondary suite or the **laneway house**.

### Minimum Off-Street Parking Requirements

9. The following minimum number of **off-street parking spaces** shall be provided per **use** and per **lot**, on the same **lot** as the **use** they serve:

RESIDENTIAL	
Multi-Unit Residential	1 space per <b>dwelling unit</b> , plus 0.1 visitor spaces per <b>dwelling unit</b>

<b>Non-Market Affordable Housing Purpose-Built Rental Housing</b>	0.5 spaces per <b>dwelling unit</b> , plus 0.1 visitor spaces per <b>dwelling unit</b>
<b>Small-Scale Residential</b>	1 space per <b>dwelling unit</b>
Any other <b>Dwelling Unit</b>	1 space per <b>dwelling unit</b>
<b>Manufactured Home</b>	1 space per <b>manufactured home</b>
<b>Short-Term Rental</b>	1 space per <b>dwelling unit</b>
<b>Live/Work</b>	1 space per unit
<b>Senior Citizens Home</b>	0.4 spaces per unit
<b>Care Services</b>	1 space per 4 living units
<b>Transition House</b>	3 spaces
<b>COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL</b>	
<b>Tourist Accommodation</b>	1 space per guest room
<b>Marina</b>	1 space per 3 boat spaces
<b>Art Gallery and Museum</b> <b>Entertainment Facility</b> <b>Funeral Home</b> <b>Participant Recreation Services, Indoor</b> <b>Public Assembly</b>	1 space per 10 sq. m. of <b>gross floor area</b> used for public assembly purposes
<b>Participant Recreation Services, Outdoor</b>	a) greater than 2 hectares in area: minimum 18 spaces b) less than or equal to 2 hectares in area: minimum 6 spaces, but on-street parking spaces abutting the park count towards the required number of spaces
<b>Commercial Storage</b> ( <i>when storage facilities are fully enclosed in a building with no external access to the individual unit</i> ) <b>Warehouse</b>	1 space per 200 sq. m. of <b>gross floor area</b>
<b>Commercial Storage</b> ( <i>when individual storage units are fully accessible by vehicle to the exterior</i> )	1 space per <b>building</b>
<b>School</b>	1 space per classroom
All <b>uses</b> listed in Part 3 of this bylaw as being permitted in all zones, as well as the following: <b>Campground</b> <b>Cemetery</b> <b>Dock, Public</b> <b>Market</b> <b>Mobile Vendor</b> <b>Municipal Airport</b> <b>Natural Resource Development</b> <b>Parking Lot</b> <b>Railways and Rail Yard</b>	No parking required
All other commercial, industrial, and institutional <b>uses</b>	1 space per 50 sq. m. of <b>gross floor area</b>

## Exemptions, Reductions & Cash In-Lieu

10. In lieu of providing required **off-street parking spaces** for new **buildings, structures** or **uses**, a financial contribution of \$3,000 per **off-street parking space** may be made to the **City's** Active Transportation Reserve Fund.
11. When commercial or institutional **uses** are located in the Downtown Parking Area (as depicted in Schedule 'C' of this bylaw) and are contained in a mixed-use **building** that also contains **multi-unit residential**, the total number of required **off-street parking spaces** for all **uses** on the **lot** shall be reduced as follows:
  - a. the parking requirement may be reduced to 50% of the total number that would otherwise be calculated; and/or
  - b. where **off-street parking spaces** dedicated exclusively for **carshare** vehicles are provided, the total parking requirement may be reduced by four spaces for every **carshare** space provided subject to the proponent submitting a long-term license agreement with a locally established **carshare** operator. Such reduction shall not be greater than five **carshare** spaces per **lot**.
12. In addition to section 11, where a new subdivision establishes a new public **street**, the number of required **off-street parking spaces** shall be reduced by the total number of on-street parking spaces (which meet the minimum parking space dimensions established in this Part) established on the newly created **street** right-of-way. Such reduction shall be at the discretion of the Approving Officer based on the need for street furniture, fixtures, sidewalks, bump-outs, and transit stops. Parking reduction allocation will be assigned to each **lot** proportionally, based on the size of the **lot** in relation to the total size of all newly created **lots**.
13. Where **off-street parking spaces** for **carshare** vehicles are provided, the total parking requirement for **lots** containing four or more **dwelling units** may be reduced by four spaces for every **carshare** space provided, subject to the proponent submitting a long-term licence agreement with a locally established **carshare** operator. Such reduction shall not be greater than five **carshare** spaces per **lot**.
14. The **off-street parking space** required for a **laneway house** or secondary suite may be waived by the **Director of Development Services** in either of the following cases:
  - a. Where all legal street parking within 100 m of the **lot** is time-restricted, permit-only, or metered parking, and a covenant in favour of the **City** is registered against the title of the **lot** that voids the right of any present or future occupant of the **dwelling unit** to be issued a residential parking permit; or
  - b. Where at least two **off-street parking spaces** are provided on the **lot**; and legal, useable street parking for at least two vehicles, for a total of 12 m in length, abuts the **lot**; and legal, useable street parking is available on both sides of at least one of the **streets** immediately adjacent to the **lot**.

## Shared Parking

15. Despite the minimum **off-street parking spaces** required by this bylaw, where the peak use of **off-street parking spaces** for two or more **uses** on the same **lot** or adjacent **lots**

occurs at different periods of time, the **Director of Development Services** may reduce the total required number of **off-street parking spaces** for such **uses** by no more than 25%, provided that the following requirements are met:

- a. a written report has been submitted to the **City** by a **professional engineer** experienced in parking matters, recommending such reduction for **shared parking spaces** based on supporting evidence; and
- b. a covenant in favour of the **City** is registered against the title of the **lot(s)** concerned, limiting the **use** of the **lot(s)** to the **uses** that have been determined to justify the reduced parking requirement, including any relevant restrictions on the hours of operation of these uses; and
- c. aside from such reduction, all other requirements of this bylaw are met.

## Accessible Vehicle Parking

16. Despite anything to the contrary in this bylaw, **accessible vehicle parking** shall:
  - a. be at least 3.7 m wide and 5.5 m long, and have a vertical clearance of at least 2.3 m;
  - b. have a clear pedestrian access aisle of 1.5 m wide that extends the full length of the space, is clearly indicated by high colour-contrast diagonal pavement markings, and connects with an adjacent accessible path of travel. Where two **accessible parking spaces** are adjacent, the pedestrian aisle may be shared;
  - c. be located on a level, firm, and slip-resistant surface;
  - d. be located within 30 m of an accessible entrance and as close to the principal entrance of the **building** as practical; and
  - e. be clearly identified as being solely for the use of persons with disabilities.
17. **Accessible vehicle parking** spaces shall be included in the calculation of the applicable minimum parking requirement on a 1:1 ratio, except that:
  - a. When more than 5 **off-street parking spaces** are required, each **accessible vehicle parking** space provided to satisfy the minimum required number of such spaces will count as two spaces for the purpose of satisfying the minimum required number of **off-street parking spaces**.
18. The minimum number of designated **accessible vehicle parking** spaces for a **Senior Citizens Home, Hospital, Care Services, or Extended Medical Treatment Services** use is set out in Category 2 of the following table; and for all other **uses**, is set out in Category 1 of the following table:

<i>Number of Required Accessible Parking Spaces</i>	<b>Total Number of Required Off-Street Parking Spaces for the Lot</b>	
	Category 1	Category 2
0	1-9	1
1	10-39	2-4
2	40-74	5-29
3	75-89	30-44
4	90-120	45-59

One additional accessible parking space:	for any portion of each additional 50 parking spaces	for any portion of each additional 15 parking spaces
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## Electric Vehicle Charging Requirements

19. The minimum number of required electric vehicle parking spaces is set as follows:
  - a. For new **buildings** that contain one or more **dwelling units**, at least one **off-street parking space** per **dwelling unit** shall have **Level 2 Charging**.
  - b. No electric vehicle parking space requirements apply when a new **dwelling unit** is created within an existing **building** that was built prior to the adoption of this bylaw.
  - c. For the first 10 required **off-street parking spaces**, or a part thereof, for a commercial, industrial, or institutional **use**, a minimum of two **off-street parking spaces** shall have **Level 2 Charging** or higher, plus two more spaces with Level 2 Charging or higher for any portion of each additional 10 parking spaces.
  - d. A **Service Station** shall have **Alternative Fuel Infrastructure** available for public use.
20. Where one or more **accessible vehicle parking** spaces are required by this bylaw, at least 50% of said spaces shall have **Level 2 Charging** or higher.
21. Where a **carshare** space is provided under sections 11 or 13, it shall have **Level 2 Charging** or higher.
22. Where an **electric vehicle energy management system** is implemented, the minimum performance standard shall be a charging rate of 12 kWh per parking space over an 8-hour overnight period.
23. Energized outlets for electric vehicle charging shall be clearly labelled for their intended use as electric vehicle charging.

## Location

24. In all residential zones, **off-street parking spaces** shall be provided and maintained on the same **lot** as the **use, building or structure** they serve, except:
  - a. If sufficient **off-street parking spaces** for a **Short-Term Rental** cannot be provided on the same **lot** as the **Short-Term Rental**, no more than one required space may be located on another **lot** adjacent to or across the lane, or within 100 m from the subject **lot**, upon approval of the **Director of Development Services**, provided that:
    - i. such off-site parking shall be secured by an agreement, satisfactory to the **Director**, providing the off-site parking for the benefit of the **lot** with the **Short-Term Rental**;
    - ii. the agreement must include a plan showing the location and area of the parking space to be provided by the agreement;
    - iii. the agreement shall be valid for the duration of the Business Licence. A new agreement shall be provided at the time of each Licence renewal;

- iv. the **City** shall be a named party in the agreement for the sole purpose of ensuring that the agreement is not amended or discharged from title without the approval of the **City**;
  - v. if the agreement is invalidated before its expiration date, the property owner must immediately cease operation of the **Short-Term Rental** until its off-street parking requirements are fulfilled to the **City's** satisfaction;
  - vi. the off-site parking space must meet the minimum dimensions as specified in this bylaw. The space provided for the off-site **Short-Term Rental** shall be in addition to the minimum parking required by this bylaw for the on-site **uses**; and
  - vii. a property owner providing off-site parking shall not enter into more than one agreement to provide not more than one parking space for an off-site **Short-Term Rental**.
- b. All or part of the **off-street parking spaces** required to serve a **use** on a **lot** may be located on an adjacent **lot** provided that a covenant in favour of the **City** is registered against both the **lot** on which the **use** is located and the **lot** on which the parking is located.
25. In zones other than residential zones, all or part of the **off-street parking spaces** required to serve a **use** on a **lot** may be located on a different **lot** than the **lot** on which the **use** is located, provided that:
- a. the site on which the **off-street parking** is provided is not more than 150 m from the **lot** on which the **use** is located; and
  - b. a covenant in favour of the **City** is registered against both the **lot** on which the **use** is located and the **lot** on which the parking is located.

## Parking Space Dimensions

26. Except where the **use** of a **lot** is a **parking lot**, the maximum site coverage for all portions of the **lot** used as parking shall be 30%.
27. Each **off-street parking space**, **parking lot**, and access aisle layout shall conform to the following minimum dimensions:

<b>Parking Angle</b> <i>(in relation to the access aisle, street or lane)</i>	<b>Width of Access Aisle</b> <i>(if applicable) &amp; Permitted Direction of Travel</i>	<b>Length of Parking Space</b>	<b>Width of Parking Space</b>	<b>Height Clearance</b>
<b>90 degrees</b>	6.4 m (two-way aisle)	6 m	2.5 m	2 m
<b>60 degrees</b>	5.5 m (one-way aisle)	6 m	2.5 m	
<b>45 degrees</b>	3.5 m (one-way aisle)	6 m	2.5 m	
<b>30 degrees</b>	3.5 m (one-way aisle)	6 m	2.5 m	
<b>0 degrees</b> <i>(parallel parking)</i>	6.4 m (two-way aisle)	7 m	2.6 m	
	3.5 m (one-way aisle)	7 m	2.6 m	

- a. Where more than three **off-street parking spaces** are required on a **lot**, a maximum of 50% of such spaces may be reduced to 4.8 m in length, provided that each reduced parking space is clearly marked with the words "Small Car Only" on the pavement or facing wall.

- b. Despite the minimum dimensions of this section, where four **off-street parking spaces** or fewer are required on a **lot** in a residential zone, **off-street parking spaces** shall have a minimum area of 16.5 sq. m.
- c. Despite the minimum dimensions of this section, alternate designs for **off-street parking spaces** and aisles may be approved by the **Director of Development Services** when a written report has been submitted to the **City** by a **professional engineer** experienced in parking matters, recommending changes based on supporting evidence.

## Parking Lot Design

28. On **lots** in a commercial or mixed-use zone where more than two **off-street parking spaces** are required, or where more than five **off-street parking spaces** are required on a **lot** in all other zones, all off-street vehicle parking areas shall:
- a. be surfaced with asphalt, concrete, porous pavement, permeable pavers or similar surface that is durable and dust-free for the purpose intended;
  - b. have fences, **landscaping** or curbs to prevent the crossing of sidewalks and boulevards except at authorized exits and entrances;
  - c. have the individual parking spaces, maneuvering aisles, entrances and exits clearly marked by curbs, fences or lines and signs;
  - d. have a maximum gradient and cross slope of 6%, unless a report submitted by a **professional engineer** demonstrates, to the satisfaction of the **Director of Development Services**, that a greater slope is feasible and safe for the use intended;
  - e. have surface water drainage managed on site, with connection to the **City** storm system where connection is required or available;
  - f. have drainage directed to prevent damage or inconvenience to abutting **lots** and **streets**. In no case shall drainage be permitted to flow across sidewalks;
  - g. have the lighting of the parking lot, if lighted, placed in such a manner so as to prevent light falling on abutting **lots**; and
  - h. have all spaces required for visitor parking located close to building entrances and clearly and permanently marked for visitor use only.

## Driveway Accesses

29. Approval by the **Director of Development Services** is required for a new driveway access off a **street**. The **Director** may deny such a request if it does not comply with the regulations of this bylaw, *Subdivision and Development Bylaw No. 3170, 2011*, and *Traffic Bylaw No. 3156, 2010*, or if the proposed access would obstruct or interfere with on-street parking spaces.
30. No **lot** shall have more than one driveway access. Where a **lot** abuts a **lane** or two **streets** of different classifications (as identified on Schedule 'C' of the **Official Community Plan**), the driveway access shall be located to access the **lane** or the **street** of lower classification.
31. A driveway access off a **street** shall have a minimum width of 3 m and a maximum width of 6 m, whichever is greater, as measured at the point where the driveway intersects with

the **street**. A driveway access for a **lot** with **uses** other than **small-scale residential** may have a width of up to 9 m.

32. Unless a driveway access measures no more than 3.5 m in width, the driveway access must enable access to at least two **off-street parking spaces**.
33. A residential driveway access onto an arterial road (as identified on Schedule ‘C’ of the **Official Community Plan**) is not permitted unless alternate access is impractical.
34. A driveway access shall be located a minimum of 1 m from hydrants, poles, street lights, and street signs.
35. A driveway access to a corner **lot** with residential **uses** only shall be located a minimum of 7 m from the **lot** corner nearest the intersection.
36. A driveway access to a corner **lot** with commercial or industrial **uses** shall be located a minimum of 15 m from the **lot** corner nearest the intersection. In the case of a **lot** whose street frontage is less than 15 m, the driveway access shall be as far as feasible from the nearest intersection.

## Tandem Parking

37. **Off-street parking spaces** required for **dwelling units** may be configured as **tandem parking** provided that each **dwelling unit** shall have at least one **off-street parking space** that is directly accessible from a **street** or **lane** at all times. **Tandem parking** is not permitted for visitor parking.

## Voluntary Establishment of Off-Street Parking

38. Where more **off-street parking spaces** are provided than required by this bylaw, the location, design, and operation of the excess parking shall comply with the requirements of this bylaw.

## Loading Spaces

39. **Loading spaces** shall be provided on any **lot** containing a commercial, industrial or institutional **use** in accordance with the following table:

<b>Total Gross Floor Area of all Commercial, Industrial, and Institutional Uses on the Lot</b>	<b>Number of Required Loading Spaces</b>
Less than 500 sq. m	0
500 sq. m. to 2,800 sq. m.	1
Each additional 2,800 sq. m., or fraction thereof, in excess of 2,800 sq. m.	1 additional

40. **Loading spaces** shall:
  - a. not be located within a **yard, front**;
  - b. not be located within a **yard, side** if there is a rear **lane**;
  - c. be constructed so as to permit unobstructed access to and egress from each **loading space** at all times and not obstruct access or egress to any required **off-street parking space**;

- d. be surfaced with asphalt, concrete, porous pavement, permeable pavers or similar surface so as to provide a surface that is durable and dust-free for the purpose intended;
  - e. have surface water drainage managed on-site, with connection to the **City** storm system where connection is required or available; and
  - f. be clearly and permanently marked for loading use only.
41. Each **loading space** shall have a minimum of 12 m in length, 3.5 m in width, a vertical clearance of 4 m, and a 6 m-wide maneuvering aisle.

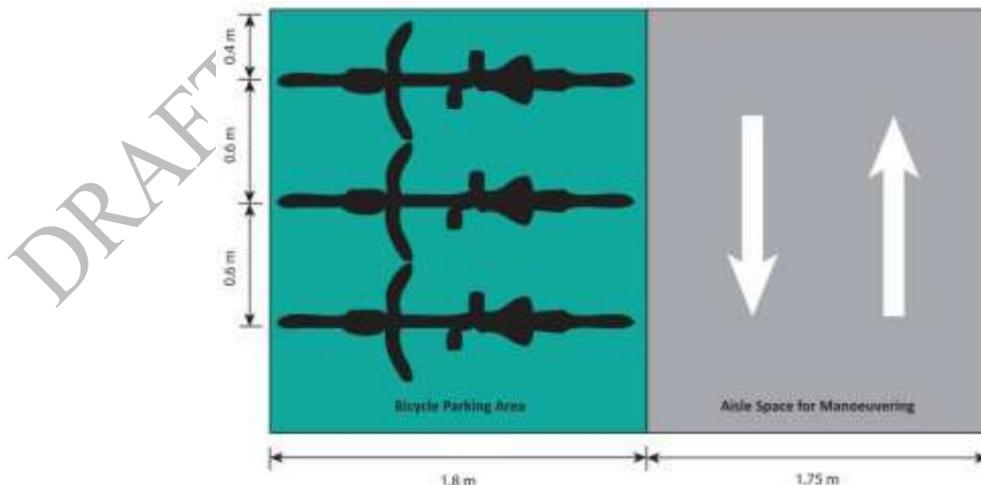
### Minimum Bicycle Parking Requirements

42. The following minimum number of **bicycle parking spaces** shall be provided per **use** and per **lot**, on the same **lot** as the **use** they serve:

Use	Minimum Bicycle Parking Requirements
Residential	<b>Long-Term Bicycle Parking:</b> 1 space per <b>dwelling unit</b> <b>Short-Term Bicycle Parking:</b> 6 spaces for any <b>lot</b> with 10 or more <b>dwelling units</b> , plus 6 additional spaces for each additional 10 <b>dwelling units</b>
All other <b>uses</b>	<b>Long-Term Bicycle Parking</b> 1 space per 500 sq. m. of <b>gross floor area</b> <b>Short-Term Bicycle Parking:</b> 6 spaces if the <b>lot's</b> non-residential uses have a total <b>gross floor area</b> greater than or equal to 1,000 sq. m., plus 6 additional spaces for each additional 1,000 sq. m.

43. In lieu of providing **short-term bicycle parking spaces** required by section 42 for new **buildings, structures** or **uses**, a financial contribution of \$500 per **off-street parking space** may be made to the **City's** Active Transportation Reserve Fund.

### Bicycle Parking Dimensions and Design



44. Spaces for **long-term** and **short-term bicycle parking** shall:

- a. be a minimum of 0.6 m in width,
  - b. be a minimum of 1.8 m in length,
  - c. have a vertical clearance of at least 2 m, and
  - d. be situated on a hard surface.
45. **Bicycle racks** used for **long-term** and **short-term bicycle parking** shall:
- a. support the bicycle in at least two places, to prevent it from falling over;
  - b. allow locking of the frame and one or both wheels with a U-style lock;
  - c. be securely and permanently anchored to the ground, floor, or **building**;
  - d. be resistant to cutting, rusting, bending, and deformation; and
  - e. provide easily accessible bicycle parking spaces that do not require moving another bicycle for access or maneuvering.
46. Where more than one **bicycle rack** is used, the aisles between the **bicycle racks** shall be a minimum of 1.75 m in width.
47. **Long-term bicycle parking** shall:
- a. be in the form of bicycle lockers, compounds or rooms specifically provided and equipped for bicycle storage, a **garage** (for **dwelling units** that have their own **garage** or, in the case of a shared **garage**, access to a portion thereof that is private and lockable), or in the case of **small-scale residential** uses only, a **carport**;
  - b. in the case of **multi-unit residential**, have lockable doors; and
  - c. allow for step-free access from a **street** or **lane**.
48. **Short-term bicycle parking** shall be:
- a. located in a convenient, well-lit, and highly-visible location that is accessible by visitors as near to the principal entrance of the **building** as feasible;
  - b. separated from vehicle parking by a physical barrier or sufficient space; and
  - c. located so as not to interfere with pedestrians.

# PART 8 – LANDSCAPING REQUIREMENTS

## General Landscaping Requirements

1. The following **landscaping** regulations shall apply to all **lots**:
  - a. No new or additional coniferous evergreen trees or plants, such as junipers and cedars, may be planted within 1.5 m of a **building** or other **structures** such as decks;
  - b. **Landscaping** material shall include, but not be limited to, trees, shrubs, and other plantings, or a combination thereof;
  - c. Simulated or artificial plant materials are prohibited;
  - d. New trees and shrubs shall be set back a minimum of 3 m from all underground utilities;
  - e. All plantings shall consist of species known to be indigenous to the West Kootenay region or non-invasive species identified by FireSmart BC as being fire-resistant and that do not have high irrigation requirements; and
  - f. It is prohibited for any person to plant a species listed in Schedule ‘D’ of this bylaw.
2. Erosion and sediment control measures shall be used during construction to prevent the pollution, degradation or siltation of natural areas, watercourses, and adjacent lands and **streets**.

## Landscape Plans

3. Except as otherwise provided for in this bylaw, a **landscape plan** and landscape security deposit shall be required:
  - a. for the construction of a new **principal building** containing multi-unit residential, commercial, industrial or institutional **uses**; or
  - b. whenever 500 sq. m. or more of **gross floor area** is created through the construction of, addition to or extension of a **building** containing multi-unit residential, commercial, industrial or institutional **uses**.
4. Any **landscape plan** shall be prepared by a **landscape architect**, except that an **architect** may prepare a **landscape plan** if the **lot** contains no more than nine **dwelling units** and contains no commercial, industrial or institutional **use**.
5. Where a **landscape plan** is required, it shall contain the following information:
  - a. property address and legal description, north arrow, drawing scale, name of property owner/developer and name of designer, where applicable;
  - b. **lot lines**, easements, rights-of-way, dimensions of the **lot**, total area of the **lot**, and total **landscape area**;
  - c. approximate location and type of adjacent land **uses**;
  - d. location of existing and proposed overhead and underground utilities, lighting, irrigation systems, and corner sight triangles where applicable;
  - e. location of all existing and proposed physical features including turf areas, trees, shrubs, planting beds, walls, fences, signage, site furnishings, and hardscapes;
  - f. description of how all applicable **landscaping** requirements of this bylaw will be met;
  - g. details or descriptions for walls, fencing, signage and hardscaping;

- h. description of how existing trees and vegetation and other site features will be protected during construction;
  - i. existing and final grading including direction of site surface drainage;
  - j. planting plan with species list indicating the quantity, size, common and botanical names of the plant material;
  - k. a list of the type and quantity of site furnishings (benches, bicycle racks, etc.) to be used;
  - l. the location and manner in which waste, recycling and compost containers, fuel tanks, postal kiosks, utility structures, exterior storage, and parking areas will be screened, including the height and materials to be used for fencing, screens and walls;
  - m. description of means of maintaining new **landscaping** during the establishment period (i.e. maintenance program); and
  - n. a means by which the **landscaping** can be appropriately watered, other than by rainfall.
6. All **landscape plans** and installations shall be in accordance with the most recent *British Columbia Landscape Standard*.
  7. Where there is a surface parking lot, there shall be a landscape screen with a minimum height of 1.5 m in the area adjacent to a **street** or any **lot** with residential zoning.
  8. Where there is a surface parking lot with more than 20 **off-street parking spaces**, there shall be a pathway from the primary entrance of the **principal building** to the adjacent municipal sidewalk, or in the case where there is no municipal sidewalk, to the property line. In either case, the pathway shall follow a reasonably direct route and have:
    - a. a minimum uninterrupted width of 3 m; and
    - b. wheel stops in areas adjacent to parking spaces.

## Minimum Landscape Area and Tree Requirements

9. Where a **landscape plan** is required:
  - a. The **landscape area** shall be equal to or greater than the amount of required **permeable surface** for the zone.
  - b. Within the **landscape area**, there shall be at least one tree and one shrub for each 15 sq. m. of **landscape area**, and each tree shall be provided with a minimum of 2 sq. m. of space.
  - c. Required trees and shrubs shall comply with the following:
    - i. Tree species at maturity shall have an average spread of crown greater than 5 m. Trees having a lesser average mature crown of 5 m may be grouped so as to create the equivalent of 5 m or greater crown at maturity;
    - ii. Deciduous trees shall have a caliper of least 60 mm caliper;
    - iii. Deciduous shrubs shall have a minimum height of 450 mm;
    - iv. Coniferous trees shall have a minimum height of 2.5 m; and
    - v. Coniferous shrubs shall have a minimum spread of 450 mm.
  - d. When existing trees are retained on a **lot** and:
    - i. are at least 15 cm in caliper, they may count double towards meeting the tree requirements of subsection 'b'; or

- ii. are at least 25 cm in caliper, they may count triple towards meeting the tree requirements of this subsection 'b'.
- e. Existing **landscaping** or natural vegetation that is to be retained must be protected to the furthest extent of the drip line. The **average finished grade** of the site shall not alter the existing grade within the root zone by more than 20 cm.
- f. All landscaping materials and installation shall meet or exceed the *British Columbia Nursery Trades Association Standards*.
- g. All landscaping materials and installation shall be regularly maintained.

## Landscape Security

10. When a **landscape plan** is required, a landscape security shall be required as a condition of Development Permit approval, prior to Building Permit issuance, and shall consist of an irrevocable, automatically renewing Letter of Credit in the form satisfactory to the **Director of Development Services**, or cash (without interest payable), having a value equal to 125% of landscape materials, labour, and installation costs.
  - a. Any Letter of Credit shall allow for partial draws by the **City**.
  - b. The estimated cost to implement the **landscape plan** shall be included in the required landscape security. If, in the opinion of the **Director of Development Services**, these projected costs are inadequate, the **Director** may establish an appropriate landscaping cost figure for the purpose of determining the value of the landscaping security.
  - c. Where a **lot** is to be developed in phases, **landscape plans** and landscaping security need only be provided on that portion of the **lot** to be approved in each phase. **Landscaping** and landscaping security shall be required in subsequent phases on the remainder of the **lot** at the time these are approved and developed.
11. Upon receipt of a written request from the property owner, or the issuer of the Letter of Credit, an inspection of the finished **landscaping** shall be completed by the **Director of Development Services**. Inspections shall be made during the normal growing season, between May 15 and October 31.
12. Inspections by the **Director of Development Services** shall, at a minimum, consist of an inspection following installation and a final inspection at the end of the warranty period. These inspections serve to determine:
  - a. whether the condition of plant materials and other landscape features and requirements correspond to those shown on the approved **landscape plan**;
  - b. whether adequate means of watering plant material exists and whether there is evidence that this has been done consistently; and
  - c. whether the correct conditions for plant establishment and continued health are maintained for the maintenance period.
13. The **Director of Development Services** may release 90% of the landscape security once they have determined that the **landscaping** works have been completed in accordance with the approved **landscape plan**. The remaining landscape security will be released to the person who provided it to the City, within a reasonable time after the **Director** has ascertained, during the growing season mentioned in section 11, that the **landscaping** is

in healthy condition a minimum of one year from the date of completion of the landscape work, referred to as the “maintenance period”.

14. Landscape securities shall only be released to the person who provided the landscape security to the **City**.
15. If the **landscaping** is not completed in accordance with the approved **landscape plan** within one growing season after completion of the development or if the **landscaping** is not sufficiently maintained and in a healthy condition, in the **Director’s** opinion, during or at the end of the maintenance period, the **City** may draw on the landscape security and the amount thereof shall be paid to the **City** for its use absolutely.
16. All expenses incurred by the **City** to renew or draw upon a letter of credit shall be reimbursed by the property owner to the **City** by payment of invoice or from the proceeds of the letter of credit.
17. In the event the property owner does not complete the required **landscaping**, or if the owner fails to maintain the **landscaping** in a healthy condition to the satisfaction of the **Director** for the specified periods of time and the cash or the proceeds from the letter of credit are insufficient for the **City** to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the **City** immediately upon being invoiced. The **City** shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied.
18. Failure to maintain an existing tree when a credit for the retention of an existing tree has been provided under section 9(d) will result in the forfeit of the entire landscape security.

DRAFT - FOR DISCUSSION PURPOSES

## PART 9 – ESTABLISHMENT OF ZONES

1. The City is hereby divided into the land use zones described throughout this bylaw.
2. The following chart establishes which zones are permitted within each **Official Community Plan** land use designation for the purpose of rezoning:

<b>Zone Name</b>	<b>Abbreviation</b>
The following zones shall be permitted within the Small-Scale Residential land use designation:	
R1 Small-Scale Residential Zone	R1
R5 Small-Scale and Multi-Unit Residential Zone	R5
The following zones shall be permitted within the Granite Pointe Redevelopment land use designation:	
GP1 Granite Pointe Redevelopment Zone	GP1
The following zones shall be permitted within the Multi-Unit Residential land use designation:	
R2 Multi-Unit Residential Zone	R2
R3 Multi-Unit Residential (Lower Uphill) Zone	R3
R4 Multi-Unit Residential Zone	R4
R5 Small-Scale and Multi-Unit Residential Zone	R5
The following zones shall be permitted within the Neighbourhood Mixed-Use land use designation:	
N1 Neighbourhood Mixed-Use Zone	N1
The following zones shall be permitted within the Mixed-Use Core land use designation:	
C1 Mixed-Use Core Zone	C1
C2 Mixed-Use Core (Downtown Interface) Zone	C2
C3 Mixed-Use Core (City Hall) Zone	C3
C4 Mixed-Use Core (Railtown) Zone	C4
The following zones shall be permitted within the Mixed-Use Residential land use designation:	
MU1 Mixed-Use Residential Zone	MU1
MU2 Mixed-Use Residential (Waterfront Tourist Commercial) Zone	MU2
MU3 Mixed-Use Residential (Waterfront) Zone	MU3
MU4 Mixed-Use Residential (Railtown) Zone	MU4
The following zones shall be permitted within the Highway Commercial land use designation:	
HC1 Highway Commercial Zone	HC1
The following zones shall be permitted within the Mixed-Use Commercial/Industrial land use designation:	
M1 Mixed-Use Commercial-Industrial Zone	M1
M2 Mixed-Use Commercial-Industrial (Railtown) Zone	M2
M3 Mixed-Use Commercial-Industrial (Waterfront) Zone	M3
The following zones shall be permitted within the Transportation land use designation:	
T1 Transportation Zone	T1

The following zones shall be permitted within the Tenth Street Campus land use designation:

I1 Institutional Zone	I1
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The following zones shall be permitted within the Institutional land use designation:

I1 Institutional Zone	I1
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I2 Institutional (Neighbourhood) Zone	I2
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I3 Institutional (Medical) Zone	I3
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The following zones shall be permitted within the Park and Green Space land use designation:

P1 Water and Green Space Zone	P1
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The following zones shall be permitted within the Water Uses land use designation:

P2 Water Use Zone	P2
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The following zones shall be permitted within the Public Utility Lands land use designation:

P3 Public Utility Lands Zone	P3
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The following zones shall be permitted only on the **lots** to which they currently apply:

CD1 Mixed-Use Core Zone	CD1
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CD2 Mixed-Use Residential Zone	CD2
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CD3 Mixed-Use Residential Zone	CD3
--------------------------------	-----

CD4 Mixed-Use Residential Zone	CD4
--------------------------------	-----

CD5 Small-Scale Residential Zone	CD5
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CD6 Mixed-Use Residential Zone	CD6
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CD7 Multi-Unit Residential Zone	CD7
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CD8 Mixed-Use Core Zone	CD8
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## Zone Boundaries

3. The extent of each zone is shown on Schedule 'A' of this bylaw.
4. Where a zone boundary is designated as following a right-of-way, the centre line of that right-of-way shall be the zone boundary.
5. Where a zone boundary is shown as approximately following the edge, shoreline, or high-water mark of a river, lake, or other **watercourse**, it shall be considered to follow the natural boundary of said **watercourse**. In this case, the zone boundary shall automatically move with the natural boundary.
6. Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule 'A' of this bylaw.
7. Where a **lot** contains more than one zone, each zoned area shall be treated as a separate **lot** for the purpose of determining **density**, **setback**, and **lot coverage** requirements.
8. Where a **lot** contains more than one zone, all **uses**, parking areas, **buildings**, or **structures** that are **accessory** to a **permitted use**, **building**, or **structure** shall be provided only within the area zoned for the **permitted use**, **building**, or **structure**.

# PART 10 – RESIDENTIAL ZONES

## 1. R1 Small-Scale Residential Zone

### Purpose

1. The purpose of this zone is to allow for **small-scale residential** development ranging from 1 to 4 **dwelling units** in a variety of configurations up to 3 **storeys**. This zone is intended to support the creation of “Missing Middle Housing” compatible with existing neighbourhoods. This zone is compatible with land designated by the **Official Community Plan** as “small-scale residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the R1 zone:
  - a. **Care Services** (for no more than 8 persons)
  - b. **Small-Scale Residential**
  - c. **Transition House**

### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Density

5. The maximum **density on lots** less than or equal to 280 sq. m. is three **dwelling units**.
6. The maximum **density on lots** greater than 280 sq. m. is four **dwelling units**.

### Subdivision

7. The minimum **lot width** shall be 12 m.
8. The minimum **lot area** shall be 370 sq. m.

### Lot Coverage

9. The maximum permitted **lot coverage** and minimum required **permeable surfaces** on a **lot** shall be determined according to **density** as follows:

	1 dwelling unit	2 or 3 dwelling units	4 dwelling units, Care Services, or Transition House
Maximum permitted <b>lot coverage</b>	35%	40%	45%
Minimum coverage of <b>permeable surfaces</b>	30%		

10. On **lots** less than 370 sq. m. in area, the maximum permitted **lot coverage** determined in section 9 shall be increased by 5%.

**Building Height**

11. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	10 m and no more than 3 storeys
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m
<b>Above-Garage Suite</b>	6.1 m

**Setbacks**

12. The minimum **setback** from **lot lines** shall be as follows:

	<b>Principal Building</b>	<b>Carport</b>	<b>Any other accessory building</b>
<b>Front lot line</b>	3 m	1.5 m	3 m
<b>Rear lot line</b>	3 m		1.5 m
<b>Exterior and interior side lot line for lots with a front lot line greater than 9.2 m</b>		1.2 m	
<b>Exterior and interior side lot line for lots with a front lot line less than 9.2 m</b>		1 m	

13. Despite section 12, where a common party wall exists, the minimum required **setback** from one **interior side lot line** shall be reduced to 0 m, provided that one **setback** from an **interior side lot line** required under section 12 is maintained per **lot**.

## 2. R2 Multi-Unit Residential Zone

### Purpose

1. The purpose of this zone is to allow for **multi-unit residential** developments in all residential neighbourhoods. This zone is compatible with land designated by the **Official Community Plan** as “multi-unit residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the R2 zone:
  - a. **Care Services**
  - b. **Multi-Unit Residential**
  - c. **Small-Scale Residential**

### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Density

5. The minimum required **density** is three **dwelling units per lot**.
  - a. Despite section 5, **lots** with existing residential **buildings** that do not meet the minimum **density** shall be permitted to extend, alter, and maintain those **buildings**, and shall be permitted to add additional **dwelling units** without meeting the zone’s minimum required **density**.
  - b. Despite section 5, there shall be no minimum **density** on the following **lots**:

Address	Legal Description
1702 – 1720 Silver King Road	Lots 1 – 10, District Lot 304, Kootenay District Plan 8185
302, 304, 306, 308, 310, 312, 314, 316 Tower Road	Lots 1-8, District Lot 304, Kootenay District Plan 8181

### Subdivision

6. The minimum **lot width** shall be 30 m.
7. The minimum **lot area** shall be 1,000 sq. m.

### Lot Coverage

8. The maximum permitted **lot coverage** on a **lot** is 45%.
9. The minimum coverage of **permeable surfaces** on a **lot** is 30%.

### Building Height

10. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	12 m and no more than 3 storeys
<b>Principal Building</b> on the following lots: Lots A, B, C, D, Plan NEP2865 District Lot 97 Kootenay Lake District	13.6 m
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m
<b>Above-Garage Suite</b>	6.1 m

11. The **principal building** on any **lot** shall have a minimum of two **storeys**.

### Setbacks

12. The minimum **setback** from **lot lines** shall be as follows:

	<b>Principal Building</b>	<b>Carport</b>	<b>Any other accessory building</b>
<b>Front lot line</b>	4.5 m	1.5 m	4.5 m
<b>Rear lot line</b>	4.5 m		1.5 m
<b>Exterior side lot line</b>	4.5 m		1.5 m
<b>Exterior side lot line</b> on the following lots: Lots A, B, C, D, Plan NEP2865 District Lot 97 Kootenay Lake District	4.28 m		1.5 m
<b>Interior side lot line</b>	3 m		1.5 m
<b>Interior side lot line</b> on the following lots: Lots 1-8, District Lot 304, Kootenay District Plan 8181 Lot 1 – 10, District Lot 304, Kootenay District Plan 8185		0 m	

### 3. R3 Multi-Unit Residential (Lower Uphill) Zone

#### Purpose

1. The purpose of this zone is to allow for **multi-unit residential** infill development near the city centre, in the Lower Uphill neighbourhood. This zone is compatible with land designated by the **Official Community Plan** as “multi-unit residential”.

#### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

#### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the R3 zone:
  - a. **Care Services**
  - b. **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
  - c. **Multi-Unit Residential**
  - d. **Small-Scale Residential**

#### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

#### Density

5. The minimum required **density** on lots greater than 278 sq. m. is two **dwelling units** per lot.
6. The maximum permitted **density** on lots less than or equal to 278 sq. m. is three **dwelling units** per lot.

#### Subdivision

7. The minimum **lot width** shall be 7.6 m.
8. The minimum **lot area** shall be 278 sq. m.

#### Lot Coverage

9. The maximum permitted **lot coverage** on a lot is 45%.
10. The minimum coverage of **permeable surfaces** on a lot shall be 30%.

#### Building Height

11. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	11 m and no more than 3 <b>storeys</b>
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m

Above-Garage Suite	6.1 m
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**Setbacks**

12. The minimum setback from lot lines shall be as follows:

	Principal Building	Carport	Any other accessory building
Front lot line	3 m	1.5 m	3 m
Rear lot line	3 m	1 m	
Exterior and interior side lot line	1 m		

13. Despite section 12, where a common party wall exists, the minimum required setback from one interior side lot line shall be reduced to 0 m, provided that one setback from an interior side lot line required under section 12 is maintained per lot.

**Building Width**

14. The maximum length along a street of a building containing multi-unit residential shall be 30 m.

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## 4. R4 Multi-Unit Residential Zone

### Purpose

1. The purpose of this zone is to allow for **multi-unit residential** development in proximity to the downtown core, the waterfront, and institutional uses such as campuses or **hospitals**. This zone is compatible with land designated by the **Official Community Plan** as “multi-unit residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the R4 zone:
  - a. **Care Services**
  - b. **Multi-Unit Residential**
  - c. **Small-Scale Residential**

### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Density

5. The minimum required **density** is three **dwelling units** per **lot**.

### Subdivision

6. The minimum **lot width** shall be 30 m.
7. The minimum **lot area** shall be 1,000 sq. m.

### Lot Coverage

8. The maximum permitted **lot coverage** on a **lot** is 55%.
9. The minimum coverage of **permeable surfaces** on a **lot** is 30%.

### Building Height

10. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	13 m and no more than 4 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

11. The **principal building** on any **lot** shall have a minimum of two **storeys**.

### Setbacks

12. The minimum **setback** from **lot lines** shall be as follows:

	<b>Principal Building</b>	<b>Carport</b>	<b>Any other accessory building</b>

<b>Front lot line</b>	4.5 m	1.5 m	4.5 m
<b>Rear lot line</b>	4.5 m		1.5 m
<b>Interior and exterior side lot line</b>	4.5 m		1.5 m

13. **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 **lots**.

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## 5. R5 Small-Scale and Multi-Unit Residential (Manufactured Home Parks) Zone

### Purpose

1. The purpose of this zone is to allow for **manufactured home parks**. This zone is compatible with land designated by the **Official Community Plan** as “small-scale residential” or “multi-unit residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the R5 zone:
  - a. **Care Services**
  - b. **Manufactured Home Park**

### Accessory Uses

4. The following **uses** are permitted in the zone as **accessory uses**:
  - a. One office per **manufactured home park** for its management and operation;
  - b. Recreational and **amenity spaces** for residents of the **manufactured home park**; and
  - c. Common parking, including visitor parking, and storage facilities for the residents of the **manufactured home park**.

### Density

5. The minimum required **density** is 10 **manufactured homes per lot**.
6. The maximum permitted **density** is 20 **manufactured homes per gross hectare** and a maximum of 1 **manufactured home per manufactured home space**.
7. The minimum area of a **manufactured home space** is 325 sq. m.

### Subdivision

8. The minimum **lot width** shall be 20 m.
9. The minimum **lot area** shall be 20,000 sq. m.

### Lot Coverage

10. The maximum permitted **lot coverage** on a **lot** is 55%.
11. The minimum coverage of **permeable surfaces** on a **lot** shall be 30%.

### Building Height

12. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	6 m and no more than 1 storey
<b>Accessory Building</b>	4.5 m

**Setbacks**

13. No **manufactured home** shall be located closer than 2 m to the curb of an internal roadway or common parking area or 1.5 m of any other edge of the **manufactured home space**.

14. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	4.5 m
<b>Rear lot line</b>	4.5 m
<b>Interior and exterior side lot line</b>	1.5 m

**Amenity Areas**

15. There shall be a minimum of 8 sq. m. of **amenity areas** per **manufactured home**.

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## 6. GP1 Granite Pointe Redevelopment Zone

### Purpose

1. The purpose of this zone is to allow for a mix of residential developments at Granite Pointe. Further to the zoning requirements, all developments shall be subject to the specific neighbourhood plan policies contained in the **Official Community Plan**. This zone is compatible with land designated by the Official Community Plan as “Granite Pointe Redevelopment”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the GP1 zone:
  - a. **Care Services**
  - b. **Multi-Unit Residential**
  - c. **Pocket Neighbourhood**
  - d. **Small-Scale Residential**, except no single-detached **dwelling units** shall be permitted (unless as part of a **Pocket Neighbourhood**)

### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Conditions of Use

5. **Buildings** on a **lot** abutting an R1-zoned **lot** shall not have balconies on the third **storey** facing the **rear lot line**.
6. Except for a townhouse, the maximum length of a residential **building** along a **street** shall be 20 m.

### Subdivision

7. The minimum **lot width** shall be 12 m.
8. The minimum **lot area** shall be 370 sq. m.
9. The minimum **lot area** for **Pocket Neighbourhood** shall be 1,300 sq. m.

### Lot Coverage

10. The maximum permitted **lot coverage** on a **lot** is 45%.
11. The minimum coverage of **permeable surfaces** on a **lot** shall be 30%.
12. The maximum **gross floor area** per **dwelling unit** in a **Pocket Neighbourhood** is 150 sq. m.

### Building Height

13. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
--	--------------------------------

<b>Principal Building</b>	12 m
<b>Principal Building on lots abutting the R1 zone</b>	12 m and no more than 3 storeys
<b>Pocket Neighbourhood, principal dwelling unit</b>	The lesser of 9 m or 2 storeys
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m
<b>Above-Garage Suite</b>	6.1 m

### Setbacks

14. The minimum **setback** from **lot lines** shall be as follows:

	<b>Principal Building</b>	<b>Carport</b>	<b>Any other accessory building</b>
<b>Front lot line</b>	4.5 m	1.5 m	4.5 m
<b>Rear lot line</b>	4.5 m		1.5 m
<b>Exterior side lot line</b>	4.5 m		1.5 m
<b>Interior side lot line</b>	1.5 m		1 m

15. Despite section 14, where a common party wall exists, the minimum required **setback** from one **interior side lot line** shall be reduced to 0 m, provided that one **setback** from an **interior side lot line** required under section 14 is maintained per **lot**.

16. **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 **lots**.

### Amenity Areas

17. For **Pocket Neighbourhood**, a minimum 15% of the **lot** shall be retained as outdoor **amenity area**.

# PART 11 – MIXED-USE ZONES

## 1. N1 Neighbourhood Mixed-Use Zone

### Purpose

1. The purpose of this zone is to allow for limited residential and small-scale commercial **uses** that are meant to primarily serve the day-to-day needs of the neighbourhood. This zone is compatible with land designated by the **Official Community Plan** as “neighbourhood mixed-use”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the N1 zone:
  - a. **Custom Indoor Manufacturing**
  - b. **Health Services**
  - c. **Mobile Vendor**
  - d. **Participant Recreation Services, Indoor**
  - e. **Personal Service Establishment**
  - f. **Restaurant**
  - g. **Retail (Minor)**

### Conditional Uses

4. **Small-Scale Residential** and **Live/Work** are permitted when combined with one or more of the **uses** listed in section 3, provided that they:
  - a. are contained in the same **building**, except in the case of a **laneway house**; and
  - b. have a separate exterior entrance.

### Conditions of Use

5. Commercial **uses** must be located at-grade and front at least one **street**.
6. Total commercial use of a **lot** is limited to 150 sq. m. of **gross floor area**.
7. No commercial **uses** shall involve the exterior, unenclosed storage of goods.

### Subdivision

8. The minimum **lot width** shall be 15 m.
9. The minimum **lot area** shall be 463 sq. m.

### Lot Coverage

10. The maximum permitted **lot coverage** on a **lot** is 45%.
11. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

### Building Height

12. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>

<b>Principal Building</b>	13.5 m and no more than 4 storeys
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m
<b>Above-Garage Suite</b>	6.1 m

13. The **principal building** on any **lot** shall have a minimum of two **storeys**.

**Setbacks**

14. The minimum **setback** from **lot lines** shall be as follows:

	<b>Principal Building</b>	<b>Accessory Building</b>
<b>Front lot line</b>	0 m	
<b>Rear lot line</b>	4.5 m	1.5 m
<b>Exterior side lot line</b>	0 m	
<b>Interior side lot line</b>	1.5 m	

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## 2. MU1 Mixed-Use Residential Zone

### Purpose

1. The purpose of this zone is to allow for a mix of commercial and residential **uses** in areas of the city outside of the downtown core. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the MU1 zone:
  - a. **Animal Daycare**
  - b. **Care Services**
  - c. **Custom Indoor Manufacturing**
  - d. **Dental Services**
  - e. **Financial Services**
  - f. **Health Services**
  - g. **Live/Work**
  - h. **Participant Recreation Services, Indoor**
  - i. **Personal Service Establishment**
  - j. **Professional and Business Offices**
  - k. **Restaurant**
  - l. **Retail (Minor)**
  - m. **Veterinary Clinic**

### Conditional Uses

4. **Dwelling units** are permitted when combined with one or more of the **uses** listed in section 3, provided that they:
  - a. are contained in the same **building**; and
  - b. have a separate exterior entrance.
5. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Conditions of Use

6. Commercial **uses** shall front a **street**.
7. All non-residential uses shall be limited in size to a **gross floor area** of 150 sq. m. each, with the exception that 2 businesses per **lot** shall be permitted a maximum of 250 sq. m. **gross floor area**.
8. **Professional and Business Offices, Health Services, and Dental Services** are limited to a maximum of 20% of the **gross floor area** of any **building**.
9. No commercial uses shall involve the exterior, unenclosed storage of goods.

### Subdivision

- 10. The minimum **lot width** shall be 30 m.
- 11. The minimum **lot area** shall be 1,000 sq. m.

**Lot Coverage**

- 12. The maximum permitted **lot coverage** on a **lot** is 60%.
- 13. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

- 14. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	11 m and no more than 3 storeys
<b>Accessory Building</b>	4.5 m

- 15. The **principal building** on any **lot** shall have a minimum of two **storeys**.

**Setbacks**

- 16. The minimum **setback** from **lot lines** shall be as follows:

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

- 17. **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 **lots**.

### 3. MU2 Mixed-Use Residential (Waterfront Tourist Commercial) Zone

#### Purpose

1. The purpose of this zone is to allow for tourist and commercial **uses** on the waterfront. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

#### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

#### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the MU2 zone:
  - a. **Tourist Accommodation**
  - b. **Marina**
  - c. **Market**
  - d. **Mobile Vendor**
  - e. **Multi-Unit Residential**

#### Conditional Uses

4. **Retail (Minor)** is permitted as an **accessory use** if combined with **Tourist Accommodation**, subject to this **accessory use** having a maximum **gross floor area** of 70 sq. m.

#### Conditions of Use

5. No commercial **uses** shall involve the exterior, unenclosed storage of goods.

#### Subdivision

6. The minimum **lot width** shall be 30 m.
7. The minimum **lot area** shall be 1,000 sq. m.

#### Lot Coverage

8. The maximum permitted **lot coverage** on a **lot** is 80%.
9. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

#### Building Height

10. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b> if within 30 m of the highwater mark of Kootenay Lake	10.5 m
<b>Principal Building</b> in all other cases	14 m and no more than 4 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

11. The **principal building** on any **lot** shall have a minimum of two **storeys**.

**Setbacks**

12. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	1.5 m
<b>Rear lot line</b>	1.5 m
<b>Exterior side lot line</b>	1.5 m
<b>Interior side lot line</b>	0 m

13. Awnings, canopies, and lighting may project from the **building** face to a **setback** of 0 m.

14. **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 **lots**.

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## 4. MU3 Mixed-Use Residential (Waterfront) Zone

### Purpose

1. The purpose of this zone is to allow for residential development and commercial **uses** on the waterfront. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the MU3 zone:
  - a. **Care Services**
  - b. **Dental Services**, permitted only adjacent to Hall Street and only when located above **Retail (Minor)**
  - c. **Financial Services**
  - d. **Health Services**, permitted only adjacent to Hall Street and only when located above **Retail (Minor)**
  - e. **Live/Work**
  - f. **Multi-Unit Residential**
  - g. **Neighbourhood Pub**
  - h. **Professional and Business Offices**, permitted only adjacent to Hall Street and only when located above **Retail (Minor)**
  - i. **Restaurant**
  - j. **Retail (Minor)**, permitted only adjacent to Hall Street when located at-grade and limited to a maximum retail floor area of 400 sq. m. per business

### Site-Specific Uses

4. The following **uses** are permitted only on the following **lots** and only when combined with **Multi-Unit Residential**:

Permitted Uses	Address	Legal Description
Provided that the length of an exterior <b>storefront</b> on the floor closest to grade shall be a maximum of 15 m per individual business: <ul style="list-style-type: none"> <li>• <b>Commercial School</b></li> <li>• <b>Dental Services</b></li> <li>• <b>Health Services</b></li> <li>• <b>Participant Recreation Services, Indoor</b></li> <li>• <b>Personal Service Establishment</b></li> </ul>	910-920 Lakeside Drive	LOT A, PLAN EPP128577, KOOTENAY LAND DISTRICT, EXCEPT PLAN EPS10310 PH 1, DL 4085, 4236, 4645 & 6004 (PID: 032-039-476)  LOT B, PLAN EPP128577, KOOTENAY LAND DISTRICT, DL

<ul style="list-style-type: none"> <li>• <b>Professional and Business Offices</b></li> <li>• <b>Retail Store</b>, when located at-grade and limited in size to a maximum retail floor area of 400 sq. m. per business</li> </ul>		4085, 4236, 4645 & 6004 (PID: 032-039-484)
<b>Shopping Centre (Major)</b>	1200 Lakeside Drive	LOT 1, PLAN NEP12215, DISTRICT LOT 95, KOOTENAY LAND DISTRICT, EXCEPT PLAN 16451, & DL 3868, 6004, CHAHKO MIKA MALL (PID: 012-571-075)

**Conditional Uses**

5. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**
  - b. **Short-Term Rental**

**Conditions of Use**

6. No commercial **uses** shall involve the exterior, unenclosed storage of goods.
7. The work portion of **Live/Work** shall be any of the non-residential **permitted uses** of this zone or one of the following **uses**:
  - a. **Custom Indoor Manufacturing**
  - b. **Professional and Business Offices**
8. Except as otherwise required in this zone, where a **lot** is used for a combination of **uses** that includes residential, the non-residential **use** shall be located with direct access to the **street**.
9. Where a **lot** is used for a combination of **uses** that includes residential, the residential **use** shall be:
  - a. contained in the same **building** as the other **use(s)**; and
  - b. located above or behind the other non-residential **use**.

**Subdivision**

10. The minimum **lot** area shall be 1,000 sq. m.

**Lot Coverage**

11. The maximum permitted **lot coverage** on a **lot** is 80%.
12. **Buildings** used exclusively for **multi-unit residential** shall not cover more than 50% of a **lot**.
13. The minimum coverage of **permeable surfaces** on a **lot** is 10%.

### Building Height

14. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b> if within 30 m of the highwater mark of Kootenay Lake	10.5 m
<b>Principal Building</b> in all other cases	14 m and no more than 4 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

15. The **principal building** on any **lot** shall have a minimum of two **storeys**.

### Setbacks

16. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	1.5 m
<b>Rear lot line</b>	1.5 m
<b>Exterior side lot line</b>	1.5 m
<b>Interior side lot line</b>	0 m

17. Awnings, canopies, and lighting may project from the **building** face to a **setback** of 0 m.

18. **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 **lots**.

## 5. MU4 Mixed-Use Residential (Railtown) Zone

### Purpose

1. The purpose of this zone is to allow for residential development with commercial **uses** in the Railtown neighbourhood. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. Commercial **uses** shall only be permitted in combination with **dwelling units**.
4. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the MU4 zone:
  - a. **Art Gallery & Museum**
  - b. **Building Supply**
  - c. **Cannabis Micro-Processing**
  - d. **Care Services**
  - e. **Contractor Services, Limited**
  - f. **Craft Brewery/Distillery**
  - g. **Custom Indoor Manufacturing**, only if at-grade and limited in size to a maximum **gross floor area** of 500 sq. m. per business
  - h. **Dental Services**
  - i. **Early Childhood Development Centre**
  - j. **Entertainment Facility**
  - k. **Financial Services**
  - l. **Health Services**
  - m. **Indoor Urban Agriculture**
  - n. **Live/Work**
  - o. **Market**
  - p. **Mechanical Repair and Service**
  - q. **Mobile Vendor**
  - r. **Multi-Unit Residential** (when combined with a non-residential use)
  - s. **Neighbourhood Pub**
  - t. **Parking Lot**
  - u. **Participant Recreation Services, Indoor**
  - v. **Personal Service Establishment**
  - w. **Printing and Publishing Establishment**
  - x. **Professional and Business Offices**
  - y. **Public Administration**
  - z. **Restaurant**
  - aa. **Retail (Minor)**
  - bb. **Social Services**
  - cc. **Veterinary Clinic**

### Conditional Uses

5. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**
  - b. **Short-Term Rental**

**Site-Specific Uses**

6. The following **uses** are permitted only on the following **lots**, only when combined with **Multi-Unit Residential**:

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

**Conditions of Use**

7. A maximum of 50% of the **gross floor area** of a **building** at **street** level may be used for off-street parking.
8. Any **off-street parking spaces** that are **accessory to** other **uses** shall be located to the rear of the **principal building**.
9. Any **Parking Lot** shall be subject to a development permit and include extensive landscaping and drainage facilities to minimize runoff.
10. Where a **lot** is used for a combination of uses that includes residential, the residential **use** shall be:
  - a. contained in the same **building** as the other use(s); and
  - b. located above or behind the other non-residential **use**.
11. Commercial storage is permitted when **accessory to a permitted use**. **Accessory** commercial storage use shall not occupy more than 50% of the **gross floor area** of the **building**, and shall not be located to have direct **street** frontage.
12. **Cannabis Micro-Processing** shall be located in an enclosed **building** with odour controls so that any odour emissions cannot be detected beyond any **lot line**.
13. **Cannabis Micro-Processing** must be conducted by means of non-volatile solvent extraction (butane, propane, and hexane are prohibited).

**Subdivision**

14. The minimum **lot width** shall be 30 m.
15. The minimum **lot area** shall be 1,000 sq. m.

**Lot Coverage**

16. The maximum permitted **lot coverage** on a **lot** is 80%.
17. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

18. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	20 m and no more than 6 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

19. The **principal building** on any **lot** shall have a minimum of two **storeys** and a minimum **height** of 8 m.

**Setbacks**

20. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	1.5 m
<b>Rear lot line</b>	1.5 m
<b>Exterior side lot line</b>	1.5 m
<b>Interior side lot line</b>	0 m

21. Awnings, canopies, and lighting may project from the **building** face to a **setback** of 0 m.

22. **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 **lots**.

DRAFT - FOR DISCUSSION PURPOSES

# PART 12 – COMMERCIAL ZONES

## 1. C1 Mixed-Use Core Zone

### Purpose

1. The purpose of this zone is to allow for the development of the city’s downtown. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use core”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the C1 zone:
  - a. **Animal Daycare**
  - b. **Art Gallery or Museum**
  - c. **Broadcasting Studios**
  - d. **Care Services**
  - e. **Car Wash**
  - f. **Commercial School**
  - g. **Craft Brewery/Distillery**
  - h. **Custom Indoor Manufacturing**
  - i. **Dental Services**
  - j. **Early Childhood Development Centre**
  - k. **Entertainment Facility**
  - l. **Financial Services**
  - m. **Funeral Home**
  - n. **Health Services**
  - o. **Liquor Primary Establishment**
  - p. **Market**
  - q. **Mechanical Repair and Service**
  - r. **Mobile Vendor**
  - s. **Neighbourhood Pub**
  - t. **Parking Lot**
  - u. **Participant Recreation Services, Indoor**
  - v. **Personal Service Establishment**
  - w. **Printing and Publishing Establishment**
  - x. **Professional and Business Offices**
  - y. **Public Administration**
  - z. **Public Assembly**
  - aa. **Restaurant**
  - bb. **Retail (Minor)**
  - cc. **Shopping Centre (Minor)**
  - dd. **Social Services Centre**
  - ee. **Tourist Accommodation**

**ff. Veterinary Clinic**

**Conditional Uses**

- 4. **Dwelling units** are permitted in either of the following cases:
  - a. When combined with a non-residential **permitted use**, provided that the following conditions are met:
    - i. any **dwelling unit** is contained in the same **building** and 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
    - ii. a minimum of 50% of the **gross floor area** at **street** level is used for non-residential **uses**.
  - b. When used exclusively for **non-market affordable housing**, provided that the **building** does not front onto Baker Street, Hall Street, Vernon Street, or Victoria Street.
- 5. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**
- 6. Any standalone residential **building** that existed prior to August 1<sup>st</sup>, 1987 is permitted to be extended or altered so that it remains a residential **building**. This permission includes the ability to add additional **dwelling units** to the **lot**.
- 7. Any **building** developed as single-detached residential prior to August 1<sup>st</sup>, 1987 that has since been converted to a commercial **use** may revert to an entirely residential **use**.

**Conditions of Use**

- 8. Commercial storage is permitted when **accessory** to a **permitted use**. **Accessory** commercial storage use shall not occupy more than 50% of the **gross floor area** of the **building**, and shall not be located to have direct **street** frontage.
- 9. Exterior, unenclosed storage of goods or materials is not permitted.
- 10. An **animal daycare** must be completely enclosed within a **building**.
- 11. A **car wash** must be completely enclosed within a **building**.

**Subdivision**

- 12. The minimum **lot width** shall be 7.6 m.
- 13. The minimum **lot** area shall be 278 sq. m.

**Building Height**

- 14. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	17 m and no more than 5 storeys
<b>Accessory Building</b>	4.5 m

- 15. The **principal building** on any **lot** shall have a minimum of two **storeys**.

**Setbacks**

- 16. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	0 m
<b>Rear lot line</b>	0 m, but 1 m if the <b>lot</b> is not served by a constructed rear <b>lane</b>
<b>Exterior side lot line</b>	0 m
<b>Interior side lot line</b>	0 m
If <b>lot</b> is not served by a constructed rear <b>lane</b> , one <b>interior side setback</b> shall be:	3 m
<b>Interior side lot line</b> along lot line adjacent to a <b>lot</b> with residential zoning	3 m

DRAFT - FOR DISCUSSION PURPOSES

## 2. C2 Mixed-Use Core (Downtown Interface) Zone

### Purpose

1. The purpose of this zone is to allow for the development of residential and commercial **uses** adjacent to Herridge Lane or the lane that runs between and parallel to Victoria and Silica Streets. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use core”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the C2 zone:
  - a. **Art Gallery or Museum**
  - b. **Animal Daycare**
  - c. **Care Services**
  - d. **Commercial School**
  - e. **Custom Indoor Manufacturing**
  - f. **Dental Services**
  - g. **Early Childhood Development Centre**
  - h. **Entertainment Facility**
  - i. **Financial Services**
  - j. **Health Services**
  - k. **Live/Work**
  - l. **Market**
  - m. **Mechanical Repair and Service**
  - n. **Mobile Vendor**
  - o. **Multi-Unit Residential**
  - p. **Parking Lot**
  - q. **Participant Recreation Services, Indoor**
  - r. **Personal Service Establishment**
  - s. **Printing and Publishing Establishment**
  - t. **Professional and Business Offices**
  - u. **Public Administration**
  - v. **Restaurant**
  - w. **Retail (Minor)**
  - x. **Small-Scale Residential**
  - y. **Social Services Centre**
  - z. **Veterinary Clinic**

### Site-Specific Relaxations

4. The minimum **gross floor area** required for **dwelling units** located on the following **lot** shall be reduced to 19 sq. m.:

<b>Address</b>	<b>Legal Description</b>
706 Herridge Lane	Lot 20 Block 7 District Lot 95 Kootenay District Plan 9500

### Conditions of Use

5. A **lot** must contain at least one **dwelling unit**.
6. Commercial storage is permitted when **accessory** to a **permitted use**. **Accessory** commercial storage use shall not occupy more than 50% of the **gross floor area** of the **building**, and shall not be located to have direct **street** frontage.
7. Exterior, unenclosed storage of goods or materials is not permitted.
8. Non-residential **uses** must front the rear **lane** and may not front the **street**.
9. Residential **uses** must compose the entirety of **building** facades facing Victoria and Silica Streets.
10. A maximum of 50% of the **building footprint** shall be used for non-residential **uses**.
11. An **animal daycare** must be completely enclosed within a **building**.

### Subdivision

12. The minimum **lot width** shall be 7.6 m.
13. The minimum **lot area** shall be 270 sq. m.

### Lot Coverage

14. The maximum permitted **lot coverage** on a **lot** is 70%.
15. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.
16. The maximum length of a **building** along a **street** shall be 15 m.

### Building Height

17. The maximum permitted **height** of a **building** shall be as follows:

	Maximum Building Height
<b>Principal Building</b>	11 m and no more than 3 storeys
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m
<b>Above-Garage Suite</b>	6.1 m

18. The **principal building** on any **lot** shall have a minimum of two **storeys**.

### Setbacks

19. The minimum **setback** from **lot lines** shall be as follows:

	Principal Building	Accessory Building
<b>Front lot line</b>	3 m	1 m
<b>Rear lot line</b>	0 m	1 m
<b>Interior or exterior side lot line</b>	0 m	1 m
If <b>lot</b> is not served by a constructed rear <b>lane</b> , one side <b>setback</b> shall be:	1 m	

### 3. C3 Mixed-Use Core (City Hall) Zone

#### Purpose

1. The purpose of this zone is to allow for institutional, commercial, and residential **uses** at City Hall. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use core”.

#### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

#### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the C3 zone:
  - a. **Art Gallery or Museum**
  - b. **Animal Daycare**
  - c. **Broadcasting Studios**
  - d. **Care Services**
  - e. **Commercial School**
  - f. **Commercial Storage**
  - g. **Contractor Services, General**
  - h. **Contractor Services, Limited**
  - i. **Craft Brewery/Distillery**
  - j. **Custom Indoor Manufacturing**
  - k. **Dental Services**
  - l. **Early Childhood Development Centre**
  - m. **Entertainment Facility**
  - n. **Extended Medical Treatment Services**
  - o. **Financial Services**
  - p. **Health Services**
  - q. **Indoor Urban Agriculture**
  - r. **Live/Work**
  - s. **Market**
  - t. **Mobile Vendor**
  - u. **Neighbourhood Pub**
  - v. **Nursery**
  - w. **Parking Lot**
  - x. **Participant Recreation Services, Indoor**
  - y. **Participant Recreation Services, Outdoor**
  - z. **Personal Service Establishment**
  - aa. **Printing and Publishing Establishment**
  - bb. **Professional and Business Offices**
  - cc. **Public Administration**
  - dd. **Public Assembly**
  - ee. **Restaurant**
  - ff. **Retail (Minor)**
  - gg. **School**

- hh. Social Services Centre
- ii. Tourist Accommodation
- jj. Veterinary Clinic
- kk. Warehouse

**Conditional Uses**

- 4. **Multi-Unit Residential** is permitted when combined with a **permitted use**.
- 5. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**

**Site-Specific Relaxations**

- 6. The minimum requirements for **off-street parking spaces** contained in this bylaw shall be relaxed to no more than one **off-street parking space** required per 170 sq. m. of **gross floor area** for the following **uses: Public Administration and Art Gallery and Museum.**

**Conditions of Use**

- 7. A minimum of 50% of the **gross floor area** at **street level** shall be used for non-residential **uses**.
- 8. Commercial storage is permitted when **accessory** to a **permitted use**. **Accessory** commercial storage use shall not occupy more than 50% of the **gross floor area** of the **building**, and shall not be located to have direct street frontage.
- 9. Exterior, unenclosed storage of goods or materials is not permitted.
- 10. An **animal daycare** must be completely enclosed within a **building**.

**Subdivision**

- 11. The minimum **lot width** shall be 10 m.
- 12. The minimum **lot area** shall be 463 sq. m.

**Lot Coverage**

- 13. The maximum permitted **lot coverage** on a **lot** is 90%.
- 14. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

- 15. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	20 m and no more than 6 storeys
<b>Accessory Building</b>	10 m

- 16. The **principal building** on any **lot** shall have a minimum of two **storeys**.

## 4. C4 Mixed-Use Core (Railtown) Zone

### Purpose

1. The purpose of this zone is to allow for the development of the Railtown core area. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use core”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the C4 zone:
  - a. **Art Gallery and Museum**
  - b. **Animal Daycare**
  - c. **Broadcasting Studios**
  - d. **Care Services**
  - e. **Car Wash**
  - f. **Commercial School**
  - g. **Craft Brewery/Distillery**
  - h. **Custom Indoor Manufacturing**
  - i. **Dental Services**
  - j. **Early Childhood Development Centre**
  - k. **Entertainment Facility**
  - l. **Financial Services**
  - m. **Funeral Home**
  - n. **Health Services**
  - o. **Liquor Primary Establishment**
  - p. **Live/Work**
  - q. **Market**
  - r. **Mechanical Repair, Service and Sales**
  - s. **Mobile Vendor**
  - t. **Multi-Unit Residential**
  - u. **Neighbourhood Pub**
  - v. **Parking Lot**
  - w. **Participant Recreation Services, Indoor**
  - x. **Personal Service Establishment**
  - y. **Printing and Publishing Establishment**
  - z. **Professional and Business Offices**
  - aa. **Public Administration**
  - bb. **Public Assembly**
  - cc. **Restaurant**
  - dd. **Retail (Minor)**
  - ee. **Social Services Centre**
  - ff. **Tourist Accommodation**
  - gg. **Veterinary Clinic**

### Conditional Uses

4. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**

### Site-Specific Uses

5. The following **uses** are permitted only on the following **lots**:

Permitted Uses	Address	Legal Description
Warehouse	79 Government Road	PARCEL B (SEE 22210I) OF LOTS 12 TO 16 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 904; LOTS 7 TO 11 DISTRICT LOT 2627 KOOTENAY DISTRICT PLAN 904.

### Conditions of Use

6. Commercial storage is permitted when **accessory** to a **permitted use**. **Accessory** commercial storage use shall not occupy more than 50% of the **gross floor area** of the **building**, and shall not be located to have direct street frontage.
7. Exterior, unenclosed storage of goods or materials is not permitted.
8. **Mechanical Repair, Service, and Sales** must be conducted indoors. Storage of vehicles for sale shall be located indoors.
9. An **animal daycare** must be completely enclosed within a **building**.
10. A **car wash** must be completely enclosed within a **building**.
11. 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** or 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 Permit process.
12. Any **off-street parking spaces** that are **accessory** to other **uses** shall be located to the rear of the **principal building**.
13. Any **Parking Lot** shall be subject to a development permit and include extensive **landscaping** and drainage facilities to minimize runoff.

### Subdivision

14. The minimum **lot width** shall be not less than 7.6 m.
15. The minimum **lot area** shall be 278 sq. m.

### Lot Coverage

16. The maximum permitted **lot coverage** on a **lot** is 90%.
  - a. If **lot coverage** is below 80%, the minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

### Building Height

17. The maximum permitted **height** of a **building** shall 20 m and no more than 6 **storeys**.
18. The **principal building** on any **lot** shall have a minimum of two **storeys**.

### Setbacks

19. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	0 m, but 1.5 m if the <b>lot</b> is not served by a constructed rear <b>lane</b>
<b>Exterior side lot line</b>	0 m
<b>Interior side lot line</b>	0 m
If <b>lot</b> is not served by a constructed rear <b>lane</b> , one <b>interior side setback</b> shall be:	3 m
<b>Interior side lot line</b> adjacent to a <b>lot</b> with residential zoning	3 m

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## 5. HC1 Highway Commercial Zone

### Purpose

1. The purpose of this zone is to allow for commercial **uses** along the provincial highway corridor which cater to the day-to-day needs of commuters and residents of adjacent neighbourhoods. This zone is compatible with land designated by the **Official Community Plan** as “highway commercial”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the HC1 zone:
  - a. **Animal Daycare**
  - b. **Care Services**
  - c. **Car Wash**
  - d. **Contractor Services, Limited**
  - e. **Custom Indoor Manufacturing**
  - f. **Financial Services**
  - g. **Funeral Home**
  - h. **Health Services**
  - i. **Mechanical Repair, Service and Sales**
  - j. **Mobile Vendor**
  - k. **Neighbourhood Pub**
  - l. **Participant Recreation Services, Indoor**
  - m. **Personal Service Establishment**
  - n. **Restaurant**
  - o. **Retail (Minor)**
  - p. **Service Station**
  - q. **Tourist Accommodation**
  - r. **Veterinary Clinic**

### Conditional Uses

4. **Dwelling units** are permitted in either of the following cases:
  - a. When used exclusively for **non-market affordable housing**, or
  - b. When combined with a non-residential **permitted use**, provided that the following conditions are met:
    - i. any **dwelling unit** is contained in the same **building** and 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
    - ii. a minimum of 50% of the **gross floor area** at **street** level is used for non-residential **uses**.

### Conditions of Use

5. Commercial storage is permitted when **accessory** to a **permitted use**. **Accessory** commercial storage use shall not occupy more than 50% of the **gross floor area** of the **building**, and shall not be located to have direct street frontage.
6. Exterior, unenclosed storage of goods or materials is not permitted.
7. An **animal daycare** must be completely enclosed within a **building**.
8. A **car wash** must be completely enclosed within a **building**.

**Subdivision**

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

**Lot Coverage**

11. The maximum permitted **lot coverage** on a **lot** is 60%.
12. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

13. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b> if located in Lower Uphill, as identified in the <i>Official Community Plan</i>	11 m and no more than 3 storeys
<b>Principal Building</b> in all other cases	14 m and no more than 4 storeys
<b>Accessory Building</b>	4.5 m

**Setbacks**

14. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	1.5 m
<b>Rear lot line</b>	0 m, but 1.5 m if the <b>lot</b> is not served by a constructed rear <b>lane</b>
<b>Exterior side lot line</b>	4.5 m
<b>Interior side lot line</b>	0 m
If <b>lot</b> is not served by a constructed rear <b>lane</b> , one <b>interior side setback</b> shall be:	1.5 m
<b>Interior side lot line</b> adjacent to a <b>lot</b> with residential zoning, and the <b>building</b> is one <b>storey in height</b>	3 m
<b>Interior side lot line</b> adjacent to a <b>lot</b> with residential zoning, and the <b>building</b> is two or more <b>storeys in height</b>	4.5 m

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

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# PART 13 – INDUSTRIAL ZONES

## 1. M1 Mixed-Use Commercial-Industrial Zone

### Purpose

1. The purpose of this zone is to allow for general light-industrial **uses** in multiple areas of the city. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use commercial/industrial”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the M1 zone:
  - a. **Animal Daycare**
  - b. **Car Wash**
  - c. **Commercial School**
  - d. **Commercial Storage**
  - e. **Contractor Services, General**
  - f. **Contractor Services, Limited**
  - g. **Craft Brewery/Distillery**
  - h. **Custom Indoor Manufacturing**
  - i. **Funeral Home**
  - j. **Industry, Light**
  - k. **Mechanical Repair, Service and Sales**
  - l. **Neighbourhood Pub**
  - m. **Parking Lot**
  - n. **Participant Recreation Services, Indoor**
  - o. **Personal Service Establishment**
  - p. **Printing and Publishing Establishment**
  - q. **Restaurant**
  - r. **Veterinary Clinic**
  - s. **Warehouse**

### Conditional Uses

4. One **dwelling unit** is permitted per **lot** when located in the same **building** as a **permitted use**.

### Subdivision

5. The minimum **lot width** shall be not less than one-tenth of the perimeter of the **lot**.
6. The minimum **lot area** shall be 900 sq. m.

### Lot Coverage

7. The maximum permitted **lot coverage** on a **lot** is 70%.
8. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

9. A minimum of 60% of the **yard, front** shall be landscaped or surfaced with **permeable surfaces**.

**Building Height**

10. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	14 m and no more than 3 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

11. The **principal building** on any **lot** shall have a minimum of two **storeys**.

**Setbacks**

12. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	7.5 m
<b>Rear lot line</b>	4.5 m
<b>Rear lot line</b> adjacent to a <b>lot</b> with residential zoning	7.5 m
<b>Exterior side lot line</b>	7.5 m
<b>Interior side lot line</b>	4.5 m
<b>Interior side lot line</b> adjacent to a <b>lot</b> with residential zoning	7.5 m

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## 2. M2 Mixed-Use Commercial-Industrial (Railtown) Zone

### Purpose

1. The purpose of this zone is to allow for industrial, commercial, and limited **accessory** residential development in the Railtown neighbourhood. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use commercial/industrial”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the M2 zone:
  - a. **Animal Daycare**
  - b. **Broadcasting Studios**
  - c. **Building Supply**
  - d. **Cannabis Micro-Processing**
  - e. **Car Wash**
  - f. **Commercial School**
  - g. **Commercial Storage**
  - h. **Contractor Services, General**
  - i. **Contractor Services, Limited**
  - j. **Custom Indoor Manufacturing**
  - k. **Indoor Urban Agriculture**
  - l. **Industry, Light**
  - m. **Live/Work**
  - n. **Mechanical Repair, Service and Sales**
  - o. **Mobile Vendor**
  - p. **Neighbourhood Pub**
  - q. **Non-Market Affordable Housing**
  - r. **Parking Lot**
  - s. **Participant Recreation Services, Indoor**
  - t. **Printing and Publishing Establishment**
  - u. **Retail (Minor)**
  - v. **Veterinary Clinic**
  - w. **Warehouse**

### Conditional Uses

4. One **dwelling unit** shall be permitted in conjunction with each non-residential **permitted use**.
5. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**
  - b. **Short-Term Rental**

### Conditions of Use

6. **Cannabis Micro-Processing** shall be located in an enclosed **building** with odour controls so that any odour emissions cannot be detected beyond any **lot line**.
7. **Cannabis Micro-Processing** must be conducted by means of non-volatile solvent extraction (butane, propane, and hexane are prohibited).
8. No commercial **uses** shall involve the exterior, unenclosed storage of goods.

**Subdivision**

9. The minimum **lot width** shall be 30 m.
10. The minimum **lot area** shall be 1,000 sq. m.

**Lot Coverage**

11. The maximum permitted **lot coverage** on a **lot** is 80%.
12. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

13. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	20 m and no more than 6 storeys
<b>Accessory Building</b>	4.5 m

14. The **principal building** on any **lot** shall have a minimum of two **storeys**.

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### 3. M3 Mixed-Use Commercial-Industrial (Waterfront) Zone

#### Purpose

1. The purpose of this zone is to allow for industrial, commercial, and limited **accessory** residential development within a portion of lands adjacent to the waterfront. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use commercial/industrial”.

#### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

#### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the M3 zone:
  - a. **Animal Daycare**
  - b. **Broadcasting Studios**
  - c. **Building Supply**
  - d. **Cannabis Micro-Processing**
  - e. **Car Wash**
  - f. **Commercial School**
  - g. **Commercial Storage**
  - h. **Contractor Services, General**
  - i. **Contractor Services, Limited**
  - j. **Custom Indoor Manufacturing**
  - k. **Indoor Urban Agriculture**
  - l. **Industry, Light**
  - m. **Live/Work**
  - n. **Mechanical Repair, Service and Sales**
  - o. **Mobile Vendor**
  - p. **Neighbourhood Pub**
  - q. **Parking Lot**
  - r. **Participant Recreation Services, Indoor**
  - s. **Printing and Publishing Establishment**
  - t. **Retail (Minor)**
  - u. **Veterinary Clinic**
  - v. **Warehouse**

#### Conditional Uses

4. One **dwelling unit** shall be permitted in conjunction with each **permitted use**.
5. The following **uses** are permitted in the zone, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Cannabis Retail Store**
  - b. **Short-Term Rental**

#### Conditions of Use

6. **Cannabis Micro-Processing** shall be located in an enclosed **building** with odour controls so that any odour emissions cannot be detected beyond any **lot line**.
7. **Cannabis Micro-Processing** must be conducted by means of non-volatile solvent extraction (butane, propane, and hexane are prohibited).
8. No commercial **uses** shall involve the exterior, unenclosed storage of goods.

**Subdivision**

9. The minimum **lot width** shall be 30 m.
10. The minimum **lot area** shall be 1,000 sq. m.

**Lot Coverage**

11. The maximum permitted **lot coverage** on a **lot** is 80%.
12. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

13. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b> if within 30 m of the highwater mark of Kootenay Lake	10.5 m
<b>Principal Building</b> in all other cases	14 m and no more than 4 storeys
<b>Accessory Building</b>	4.5 m

14. The **principal building** on any **lot** shall have a minimum of two **storeys**.

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## 4. T1 Transportation Zone

### Purpose

1. The purpose of this zone is to allow for **railways and rail yards** and the **municipal airport**. This zone is compatible with land designated by the **Official Community Plan** as “transportation”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the T1 zone:
  - a. **Municipal Airport**
  - b. **Parking Lot**
  - c. **Railways and Rail Yard**

### Subdivision

4. The minimum **lot width** shall be not less than one-tenth of the perimeter of the **lot**.
5. The minimum **lot area** shall be 2 hectares.

### Lot Coverage

6. The maximum permitted **lot coverage** on a **lot** is 20%.
7. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

### Building Height

8. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	12 m and no more than 3 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

### Setbacks

9. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	7.5 m
<b>Rear lot line</b>	4.5 m
<b>Rear lot line</b> adjacent to a <b>lot</b> with residential zoning	15 m
<b>Exterior side lot line</b>	7.5 m
<b>Interior side lot line</b>	4.5 m
<b>Interior side lot line</b> adjacent to a <b>lot</b> with residential zoning	15 m

# PART 14 – INSTITUTIONAL ZONES

## 1. I1 Institutional Zone

### Purpose

1. The purpose of this zone is to allow for institutional **uses** and mixed-use development. This zone is compatible with land designated by the **Official Community Plan** as “institutional” and “Tenth Street Campus”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the I1 zone:
  - a. **Art Gallery and Museum**
  - b. **Care Services**
  - c. **Early Childhood Development Centre**
  - d. **Extended Medical Treatment Services**
  - e. **Hospital**
  - f. **Market**
  - g. **Mobile Vendor**
  - h. **Parking Lot**
  - i. **Participant Recreation Services, Indoor**
  - j. **Participant Recreation Services, Outdoor**
  - k. **Public Administration**
  - l. **Public Assembly**
  - m. **School**
  - n. **Social Services Centre**

### Accessory Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to one or more **permitted uses** established in section 3 of this zone being present on the **lot**:
  - a. **Multi-Unit Residential**
5. For the purposes of section 4 of this zone, the following **uses** shall not be considered as **permitted uses** justifying **multi-unit residential** as an **accessory use**: electric **railway**, a **community garden** or **public park** less than 1,000 sq. m. in area, **market**, **mobile vendor**, **parking lot**, public trail, and **public utility**.

### Subdivision

6. The minimum **lot width** shall be not less than one-tenth of the perimeter of the **lot**.
7. The minimum **lot area** shall be 463 sq. m.

### Building Height

8. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
--	--------------------------------

<b>Principal Building</b> if located in Lower Uphill, as identified in the <b>Official Community Plan</b>	11 m and no more than 3 <b>storeys</b>
<b>Principal Building</b> in all other cases	16 m and no more than 5 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

**Setbacks**

9. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	4.5 m
<b>Rear lot line</b>	4.5 m
<b>Rear lot line adjacent to a lot with residential zoning</b>	6 m
<b>Exterior side lot line</b>	4.5 m
<b>Interior side lot line</b>	4.5 m
<b>Interior side lot line adjacent to a lot with residential zoning</b>	6 m

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## 2. I2 Institutional (Neighbourhood) Zone

### Purpose

1. The purpose of this zone is to allow for institutional and mixed-use development while limiting building **height** to ensure compatibility with nearby residential uses. This zone is compatible with land designated by the **Official Community Plan** as “institutional”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the I2 zone:
  - a. **Art Gallery and Museum**
  - b. **Care Services**
  - c. **Early Childhood Development Centre**
  - d. **Extended Medical Treatment Services**
  - e. **Hospital**
  - f. **Market**
  - g. **Mobile Vendor**
  - h. **Participant Recreation Services, Indoor**
  - i. **Participant Recreation Services, Outdoor**
  - j. **Public Administration**
  - k. **Public Assembly**
  - l. **School**
  - m. **Social Services Centre**

### Accessory Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to one or more **permitted uses** established in section 3 of this zone being present on the **lot**:
  - b. **Multi-Unit Residential**
5. For the purposes of section 4 of this zone, the following **uses** shall not be considered as **permitted uses** justifying **multi-unit residential** as an **accessory use**: electric **railway**, a **community garden** or **public park** less than 1,000 sq. m. in area, **market**, **mobile vendor**, public trail, and **public utility**.

### Subdivision

6. The minimum **lot width** shall be not less than one-tenth of the perimeter of the **lot**.
7. The minimum **lot area** shall be 276 sq. m.

### Lot Coverage

8. The maximum permitted **lot coverage** on a **lot** is 90%.
  - a. If **lot coverage** is below 80%, the minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

### Building Height

9. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b> if located in Lower Uphill, as identified in the <b>Official Community Plan</b>	11 m and no more than 3 <b>storeys</b>
<b>Principal Building</b> in all other cases	13.5 m and no more than 4 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

**Setbacks**

10. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	3 m
<b>Rear lot line</b>	3 m
<b>Exterior side lot line</b>	3 m
<b>Interior side lot line</b>	3 m

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### 3. I3 Institutional (Medical) Zone

#### Purpose

1. The purpose of this zone is to allow for health care and commercial **uses** on lands on View Street across from the Kootenay Lake Hospital. This zone is compatible with land designated by the **Official Community Plan** as “institutional”.

#### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

#### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the I3 zone:
  - a. **Health Services**
  - b. **Restaurant**

#### Conditions of Use

4. Commercial **uses** shall front the **street**.
5. No commercial **uses** shall involve the exterior, unenclosed storage of goods.
6. The **restaurant** use is restricted to a maximum **gross floor area** of 50 sq. m.
7. **Health Services** may have an **accessory use** limited to dispensing and retail sales of prescriptions and medications, and other types of health services goods and equipment, and shall be restricted to a maximum **gross floor area** of 75 sq. m.
8. The building and landscape design shall minimize the visual impact of the **building** and site within the surrounding residential context.
9. A **landscape plan**, prepared by a registered **Landscape Architect** or an **architect**, is required for any development on the **lot** and shall consider the following:
  - a. **Landscaping** 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.
  - b. **Landscaping** shall be incorporated into the following areas: along all **lot lines** and to the edge of **streets**; between **buildings** and parking areas; along on-site access roads; along the sides of **buildings**; around **loading spaces**, as well as mechanical equipment and garbage/recycling areas; and in all open spaces not required for parking, roads or walkways;
  - c. Vegetative screening is required on all sides of the **lot** 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 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 **lot lines**, interrupted only by walkways and driveways providing access to the **lot**.
10. An opaque **fence** (not chain-link) may be installed on the east and west **interior lot lines** to protect the privacy, use, and enjoyment of adjoining residences.

#### Subdivision

- 11. The minimum **lot** area shall be 3,659 sq. m.
- 12. The maximum **lot** area shall be 3,659 sq. m.

**Lot Coverage**

- 13. The maximum permitted **lot coverage** on a **lot** is 40%.
- 14. The minimum coverage of **permeable surfaces** on a **lot** shall be 10%.

**Building Height**

- 15. The maximum permitted **height** of a **building** is 10 m.

**Setbacks**

- 16. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	0 m
<b>Rear lot line</b>	4.5 m
<b>Interior side lot line</b> <i>(the yard, side shall be used for landscaping only)</i>	3 m

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## 4. P1 Park and Green Space Zone

### Purpose

1. The purpose of this zone is to allow for the preservation and enhancement of open space, public outdoor recreational opportunities, and limited public facilities. This zone is compatible with land designated by the **Official Community Plan** as “park and green space” and “public utility lands”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the P1 zone:
  - a. **Campground**
  - b. **Cemetery**
  - c. **Dock, Public**
  - d. **Market**
  - e. **Mobile Vendor**
  - f. **Parking Lot**
  - g. **Participant Recreation Services, Outdoor**
  - h. One **Restaurant** use permitted in Rotary Lakeside Park

### Building Height

4. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	12 m and no more than 3 storeys
<b>Accessory Building</b>	4.5 m

### Setbacks

5. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	4.5 m
<b>Rear lot line</b>	4.5 m
<b>Rear lot line</b> adjacent to a <b>lot</b> with residential zoning	15 m
<b>Exterior side lot line</b>	4.5 m
<b>Interior side lot line</b>	4.5 m
<b>Interior side lot line</b> adjacent to a <b>lot</b> with residential zoning	15 m

## 5. P2 Water Use Zone

### Purpose

1. The purpose of this zone is to allow for water **uses** on the west arm of Kootenay Lake. This zone is compatible with land designated by the **Official Community Plan** as “water uses”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the P2 zone:
  - a. **Dock, Public**
  - b. **Marina**

### Site-Specific Uses

4. The following **uses** are permitted only on the following **lots**:

Permitted Use	Address	Legal Description
Restaurant	P2 zone adjacent to 910-920 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 Schedule ‘A’

### Conditions of Use, Height, and Size

5. At 910-920 Lakeside Drive, the **marina** use is limited to sixty boat slips of which a maximum of 30 slips may be used for vessels whose primary propulsion system is motorized.
6. All commercial **uses** (including **restaurant** and **marina**) are subject to a maximum **gross floor area** of 650 sq. m. and a maximum **geodetic height** of 545.2 m.
7. The maximum permitted **height** of a **structure** is one **storey**.

## 6. P3 Public Utility Lands Zone

### Purpose

1. The purpose of this zone is to allow for **public utility** and outdoor recreation **uses** that do not prejudice the future use of the lands for development. This zone is compatible with land designated by the **Official Community Plan** as “public utility lands”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the P3 zone:
  - a. **Campground**
  - b. **Dock, Public**
  - c. **Natural Resource Development**
  - d. **Nursery**
  - e. **Parking Lot**
  - f. **Participant Recreation Services, Outdoor**

### Subdivision

4. The minimum **lot** size is two hectares.

### Height

5. The maximum permitted **height** of a **structure** is 12 m and three **storeys**.

### Setbacks

6. The minimum **setback** from any **lot line** shall be 4.5 m.

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# PART 15 – COMPREHENSIVE DEVELOPMENT (CD) ZONES

## 1. Establishment of CD Zones

1. The purpose of this section is to provide regulations related to the creation of Comprehensive Development (CD) zones to ensure that proposed CD zones and development are considered appropriate for the **lot**, having regard for the policies and objectives of the **Official Community Plan** and any other applicable **City plan, bylaw or policy**.
2. A person applying for the creation of a comprehensive development zone shall include in the application written justification for all of the following criteria:
  - a. the circumstances are such that no other existing zone would be appropriate or adequate, having regard for existing or future surrounding development and to the public interest;
  - b. why the use of any other zone to accommodate the proposed development would result in potential conflicts with the scale and character of existing or future surrounding development, should the full development potential of such zone be utilized;
  - c. why the proposed development is of a scale, character or complexity requiring comprehensive planning and implementation, and is of a unique form or nature not contemplated or reasonably regulated by another zone; and
  - d. how the proposed development advances the goals and objectives of the **Official Community Plan**.
3. A comprehensive development zone cannot exclude, vary or reduce **landscaping**, vehicle or bicycle parking requirements or any other general regulations of the Zoning Bylaw, unless it can be demonstrated that it furthers the goals and objectives of the **Official Community Plan**.

## 2. CD1 Mixed-Use Core Zone

### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for an existing **building** located at 501 Carbonate Street. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use core”.

### General

2. Except as otherwise provided for in this zone, Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

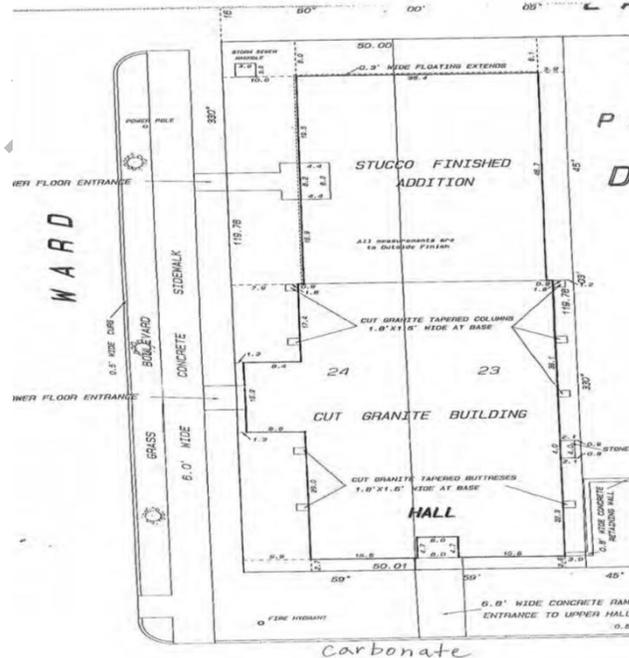
3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD1 zone:
  - a. **Multi-Unit Residential**
  - b. **Professional and Business Offices**
  - c. **Public Assembly**
  - d. **Small-Scale Residential**
  - e. **Veterinary Clinic**

### Conditions of Use

4. **Professional and Business Offices** and **Veterinary Clinic** are only permitted on the ground floor.

### Existing Building: Setbacks, Lot Coverage, Height, and Parking

5. For the purposes of this zone, “existing building” refers to the **building** that existed at 501 Carbonate Street at the time of adoption of this bylaw.
6. The existing building’s siting shall reflect the following site plan:



7. The existing building's height shall not exceed 11 m.
8. The minimum number of **off-street parking spaces** required for any **use** in the existing building shall be zero.

**New Construction**

9. In the event that the existing building is damaged or destroyed to the extent of 75% or more of its value above its foundations, any reconstruction shall follow all provisions of the R3 zone, except **permitted uses**, and all parking requirements contained in Part 7, except that the **permitted uses** of the "CD1 Mixed-Use Core Zone" shall continue to apply.

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### 3. CD2 Mixed-Use Residential Zone

#### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for mixed-use development for 1014 and 1016 Seventh Street. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

#### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

#### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD2 zone:
  - a. **Commercial Storage**
  - b. **Contractor Services, Limited**
  - c. **Custom Indoor Manufacturing**
  - d. **Live/Work**
  - e. **Multi-Unit Residential**
  - f. **Participant Recreation Services, Indoor**
  - g. **Public Administration**
  - h. **Public Assembly**
  - i. **School**
  - j. **Social Services Centre**

#### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

#### Conditions of Use

5. The maximum **gross 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.
6. A maximum **gross floor area** of 670 sq. m. for **Commercial Storage** shall be permitted, with a maximum **gross floor area** of 335 sq. m. for **Commercial Storage** permitted per **building**.
7. No commercial **uses** shall involve the exterior, unenclosed storage of goods.
8. No commercial **uses** shall involve the exterior storage, parking, or repair of vehicles or equipment in excess of 4,000 kilograms of gross weight.

#### Subdivision

9. The minimum **lot width** shall be not less than 15 m or one-tenth of the perimeter of the **lot**, whichever is greater.
10. The minimum **lot** area shall be 900 sq. m.
11. No minimum **lot** area or **lot width** requirements apply where a **lot** is used solely for **parks**, playgrounds, public recreation or **public utility**.

### Density

12. The maximum permitted **density** for **multi-unit residential** shall be one **dwelling unit** per 114 sq. m. of **lot** area.

### Lot Coverage

13. The maximum permitted **lot coverage** on a **lot** is 45%.
14. The minimum coverage of **permeable surfaces** on a **lot** shall be 20%.

### Height

15. A **principal building** shall not exceed 13.5 m in **height** and shall not contain more than 4 **storeys**.
16. The **principal building** on any **lot** shall have a minimum of two **storeys**.
17. 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.
18. Landscape screens or **fences** not exceeding a height of 1.2 m may be sited on any portion of a **lot**.
19. 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**.

### Setbacks

20. A setback of 4.5 m from any **lot line** shall be required if necessary to separate residential **uses** from commercial, industrial or institutional **uses**.

## 4. CD3 Mixed-Use Residential Zone

### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for multi-unit residential at 808 Radio Avenue. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD3 zone:
  - a. **Care Services**
  - b. **Multi-Unit Residential**

### Conditions of Use

4. On any **lot** with 4 or more **dwelling units**, one common area for the collection of recyclable materials shall be provided for the use of the residents.

### Subdivision

5. The minimum **lot width** shall be not less than 15 m.
6. The minimum **lot** area shall be 463 sq. m.
7. No minimum **lot** area or width requirements apply where a **lot** is used solely for **parks**, playgrounds, public recreation or **public utility**.

### Density

8. The maximum **density** per **lot** shall be 136 **dwelling units** per gross hectare.

### Amenity Areas

9. Amenity **areas** for each **dwelling unit** shall be provided in accordance with the following table:

Size of Dwelling Unit	Min. Required Gross Floor Area for Amenity Areas
Bachelor unit	10 sq. m.
One-bedroom unit	15 sq. m.
Two-bedroom unit	20 sq. m.
Three-bedroom unit	30 sq. m.
Four-bedroom unit	40 sq. m.

### Lot Coverage

10. The maximum permitted **lot coverage** on a **lot** is 45%.
11. The minimum coverage of **permeable surfaces** on a **lot** shall be 20%.

### Height

12. A **principal building** shall not exceed 13.5 m in **height** and shall not contain more than 4 **storeys**.
13. The **principal building** on any **lot** shall have a minimum of two **storeys**.
14. No **accessory buildings** or **structures** shall exceed 4.5 m in **height**.

**Setbacks**

15. A setback of 4.5 m from any **lot line** shall be required to separate residential **uses** from commercial, industrial or institutional **uses**.

DRAFT - FOR DISCUSSION PURPOSES

## 5. CD4 Mixed-Use Residential Zone

### Purpose

1. The purpose of this comprehensive development zone is to accommodate a variety of commercial and residential **uses**, as well as recreational opportunities for residents, at Nelson Landing (Sprout Drive). This zone is compatible with land designated by the Official Community Plan as “mixed-use residential”.

The zone is comprised of three sub-areas, which are identified in Attachment B to this zone, and summarized as follows:

**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.

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

### General

2. Part 3 “General Regulations” and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone, except that:
  - a. Waste and recycling requirements shall consist of four 11 sq. m. 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.
  - b. Except for the site-specific parking requirements as follows, all sections of Part 7 “Off-Street Parking Regulations” apply in addition to the requirements of this zone:

Use	Number of Off-Street Parking Spaces
<b>Care Services – Assisted Living units &amp; Nursing Home units</b>	0.25 spaces per <b>Dwelling Unit</b> for 1-bedroom units 1.25 spaces per <b>Dwelling Unit</b> for 2+ bedroom units
<b>Marina (residential)</b>	5 spaces <sup>1</sup>
<b>Nelson Landing Commercial (excluding Tourist Accommodation)<sup>2</sup></b>	1 space per 40 sq. m of <b>gross floor area</b>

<sup>1</sup> 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.

<sup>2</sup> Parking requirements for **Tourist Accommodation** shall comply with the requirements of Part 7 of this bylaw.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, and no others are permitted in Area V of the CD4 zone:
  - a. **Care Services** (assisted-living units)
  - b. **Multi-Unit Residential**

### Local-Serving Commercial

- c. **Animal Daycare**
  - d. **Craft Brewery/Distillery**
  - e. **Financial Services**
  - f. **Health Services**
  - g. **Marina** (includes **accessory** storage, service, repair, sales, social, educational and other water recreation-related **uses**)
  - h. **Market**
  - i. **Mobile Vendor**
  - j. **Neighbourhood Pub**
  - k. **Parking Lot**
  - l. **Participant Recreation Services, Indoor**
  - m. **Participant Recreation Services, Outdoor**
  - n. **Personal Service Establishment**
  - o. **Professional and Business Offices**
  - p. **Restaurant**
  - q. **Retail (Minor)**
  - r. **Tourist Accommodation**
  - s. **Veterinary Clinic**
4. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, and no others are permitted in Area W (including subarea W1) of the CD4 zone:
    - a. **Care Services** (assisted-living units)
    - b. **Multi-Unit Residential**
    - c. **Pocket Neighbourhood**

### Subdivision

5. The minimum **lot width** shall be not less than 12 m.
6. The minimum **lot area** shall be 370 sq. m.
7. The minimum **lot area** for **Pocket Neighbourhood** shall be 1,300 sq. m.

### Density

8. The maximum **density** permitted shall be:
  - a. 265 residential **dwelling 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 **dwelling units** shall not exceed 265;
  - c. 78 permanent moorage berths in Area 'V'. Public boat access to day-use dock facilities is not included in the moorage density;

- d. 2,500 sq. m. **gross floor area** of local-serving commercial **uses**, of which **Professional and Business Office** shall be permitted a **gross floor area** up to a maximum of 500 sq. m.;
- e. Maximum **gross floor area** of local-serving commercial **uses** for any one individual establishment is 465 sq. m., except for **Parking Lot, Marina, and Tourist Accommodation**;
- f. Maximum number of units allowed for **Tourist Accommodation** is 40 units;
- g. Maximum **gross floor area** per individual **dwelling unit** in a **Pocket Neighbourhood** is 150 sq. m.; and
- h. Maximum number of **dwelling units** developed as **Pocket Neighbourhood** is 22.

**Amenity Areas**

- 9. The total **amenity area** required for all multi-unit and mixed-use developments in the 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.
- 10. For **Pocket Neighbourhood**, a minimum of 15% of the **lot** shall be retained as outdoor **amenity space**.

**Lot Coverage**

- 11. The maximum permitted **lot coverage** on a **lot** is 55%.
  - a. In Area V, **lot coverage** calculation shall only be applied to the land portion. Area ‘V’ (Water) shall not be regulated by lot coverage. On the land portion, **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.
- 12. The minimum coverage of **permeable surfaces** on a **lot** shall be 20%.

**Height**

- 13. The maximum permitted **height** of a **building** shall be as follows:

Area V	Maximum Height
Principal Building	16 m
Accessory Building	4.5 m
Area W (including sub-area W1)	
Principal Building	11 m
Principal Building (in sub-area W1)	16 m
Accessory Building	4.5 m
Sub-Area W1 – Pocket Neighbourhood	
Principal Building	The lesser of 9 m or 2 <b>storeys</b> 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 m 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 m in **height** shall be located closer than 15 m 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**.

**Setbacks**

14. The minimum **setback** from **lot lines** shall be as follows and as per Attachment C to this zone:

Area V	Minimum Setback
<b>Front lot line</b>	0 m
<b>Rear lot line</b>	0 m
<b>Exterior side lot line</b>	0 m
<b>Interior side lot line</b>	0 m
A lot adjacent to a lot with R1 zoning	3 m
Area W (including sub-area W1)	
<b>Front lot line</b>	
<b>a. Municipal street</b>	
- <b>Principal building</b> (not including <b>garage</b> )	4.5 m
- <b>Accessory building</b> (detached or attached <b>garage</b> )	0.6 m
<b>b. Bare Land Strata road</b>	
- <b>Principal or accessory building</b>	4.5 m
<b>Rear lot line</b>	4.5 m
Adjacent to Foreshore Path	4.5 m
<b>Interior side lot line</b>	1.5 m
<b>Exterior side lot line</b>	4.5 m
Sub-Area W1 – Pocket Neighbourhood	
Setback line (fronting municipal road)	4.5 m
<b>Exterior side lot line</b>	3 m
<b>Interior side lot line</b>	1.5 m

15. **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 m for **principal buildings** to the **lot 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 **principal 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 **principal building** cover intruding into the setback divided by the total area of the 4.5 m rear **setback**), but no portion of the **principal building** or deck may be sited closer than 1 m to the Foreshore Path.

## Works and Services

16. The road classification, layout and cross section details for this zone as shown on Attachments D, E, F, and G are summarized in the following table:

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

17. Path standards and locations are identified in Attachments D and E.
18. Additional cross-section details related to aspects of the site servicing not referenced here can be found in the *Subdivision and Development Servicing Bylaw*.
19. All one- and two-unit residential driveway accesses shall have a minimum width of 3 m and a maximum width of 6 m.
20. Multi-use pathways shall be constructed using crushed limestone or alternate material as approved by the **City Engineer** as a permeable surface material.
21. Pavement structure to be provided as follows:

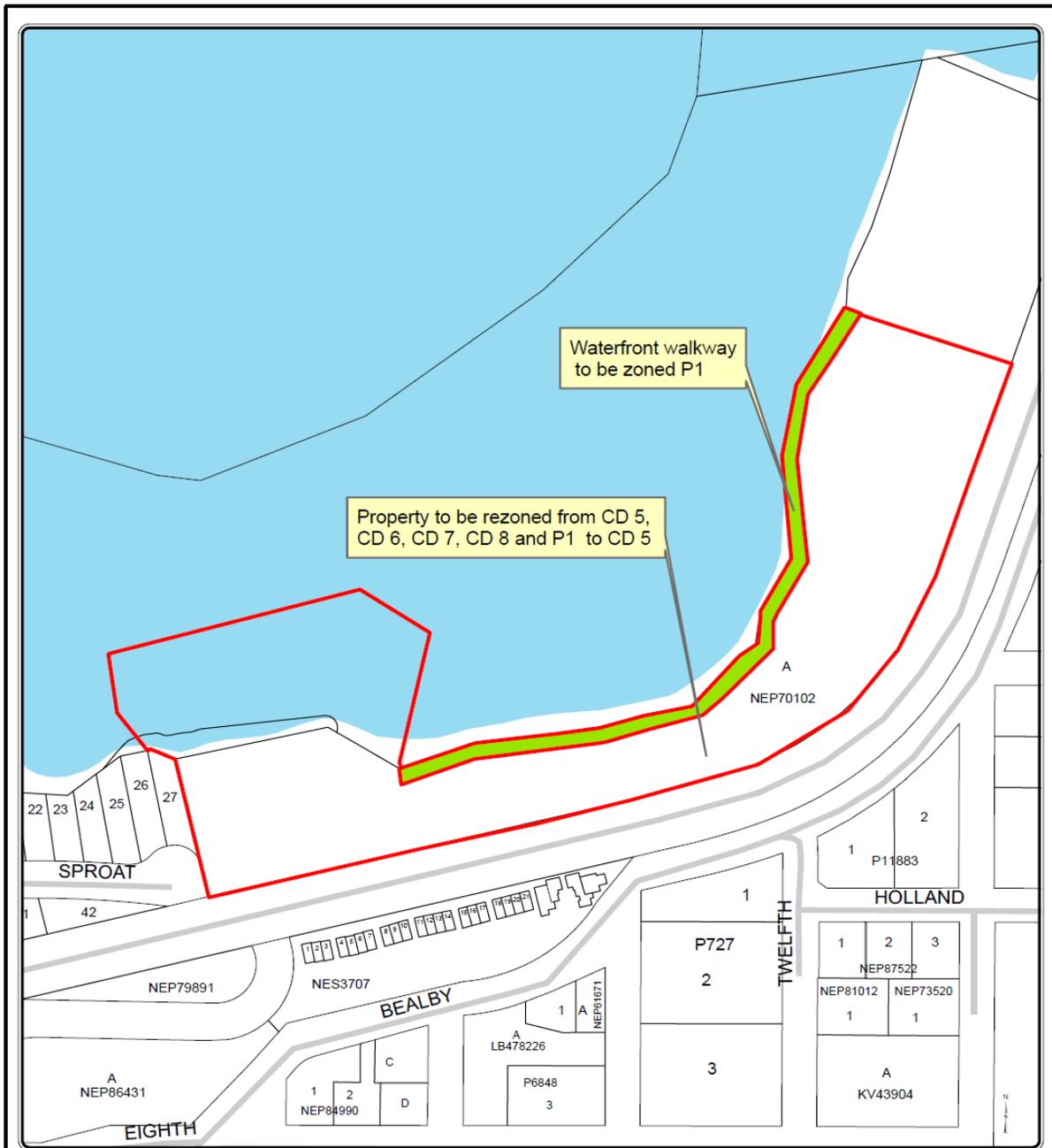
<b>Design Traffic (EASL)</b>
2.8 x 10 <sup>4</sup>

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

## Servicing ROW requirements

22. 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**.

**Attachment A to CD4**

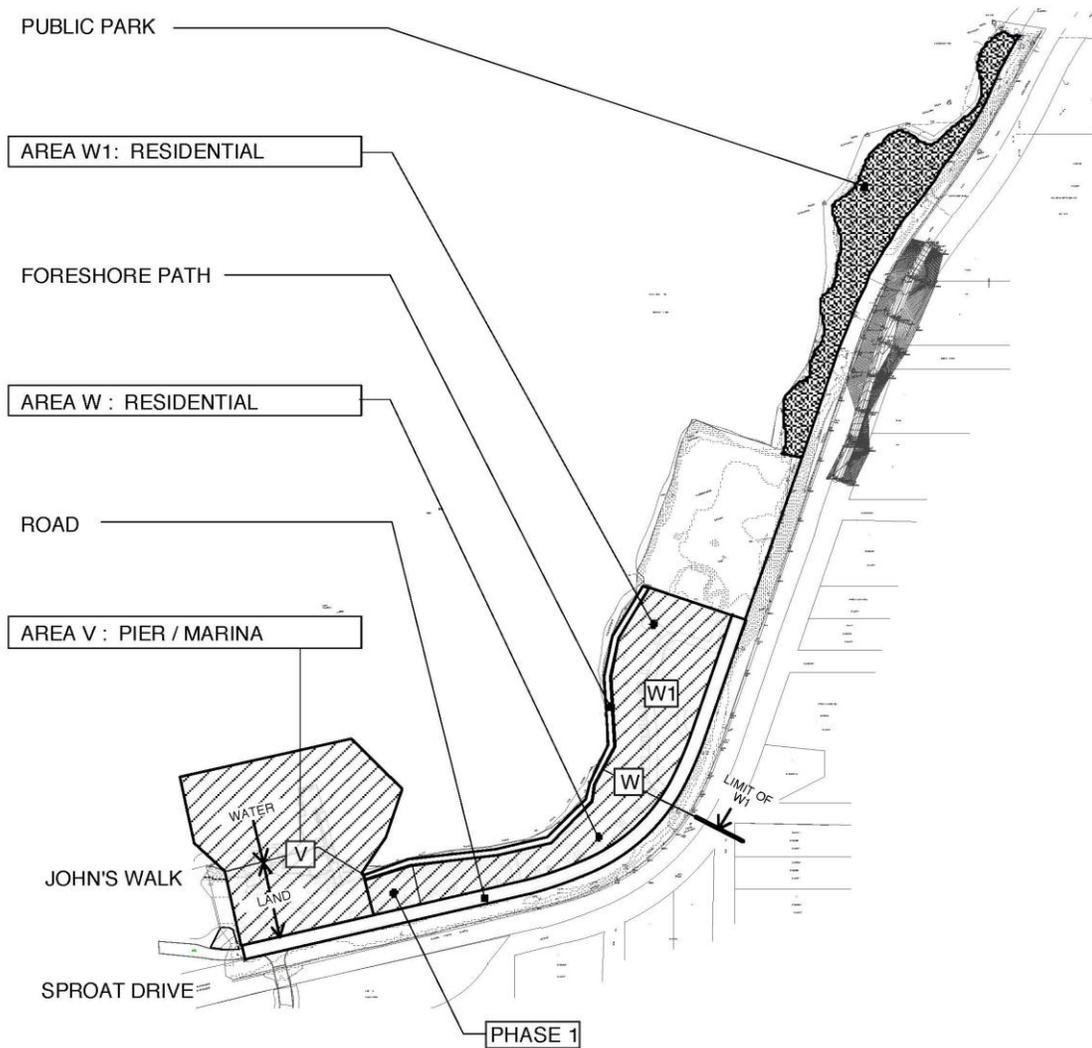



  
 City of Nelson  
 Suite 101 - 310 Ward Street, Nelson, BC V1L 5S4  
 Phone: 250-352-8221 Fax: 250-352-2131  
 Internet: www.nelson.ca  
  
 The mapping information shown are approximate representations and should only be used for reference purposes. The City of Nelson is not responsible for any errors 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 to CD4

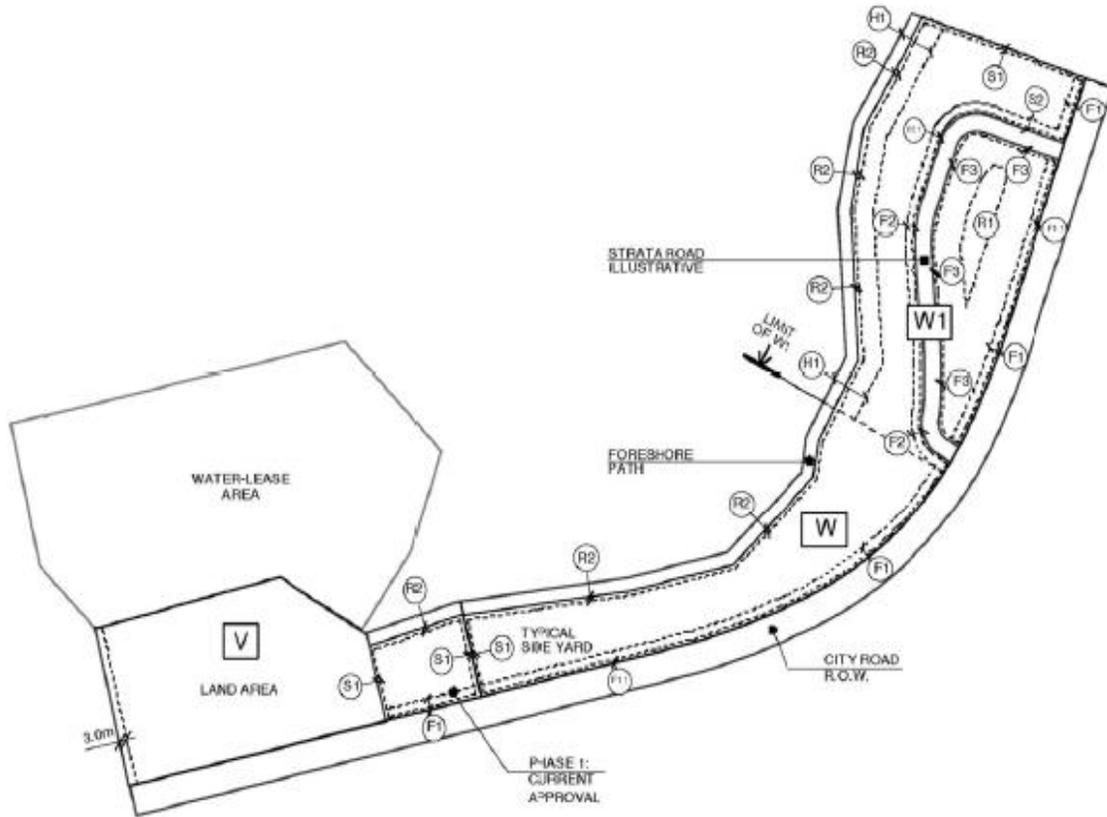


TITLE ZONING AREAS (V,W,W1)

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

DK

# Attachment C to CD4



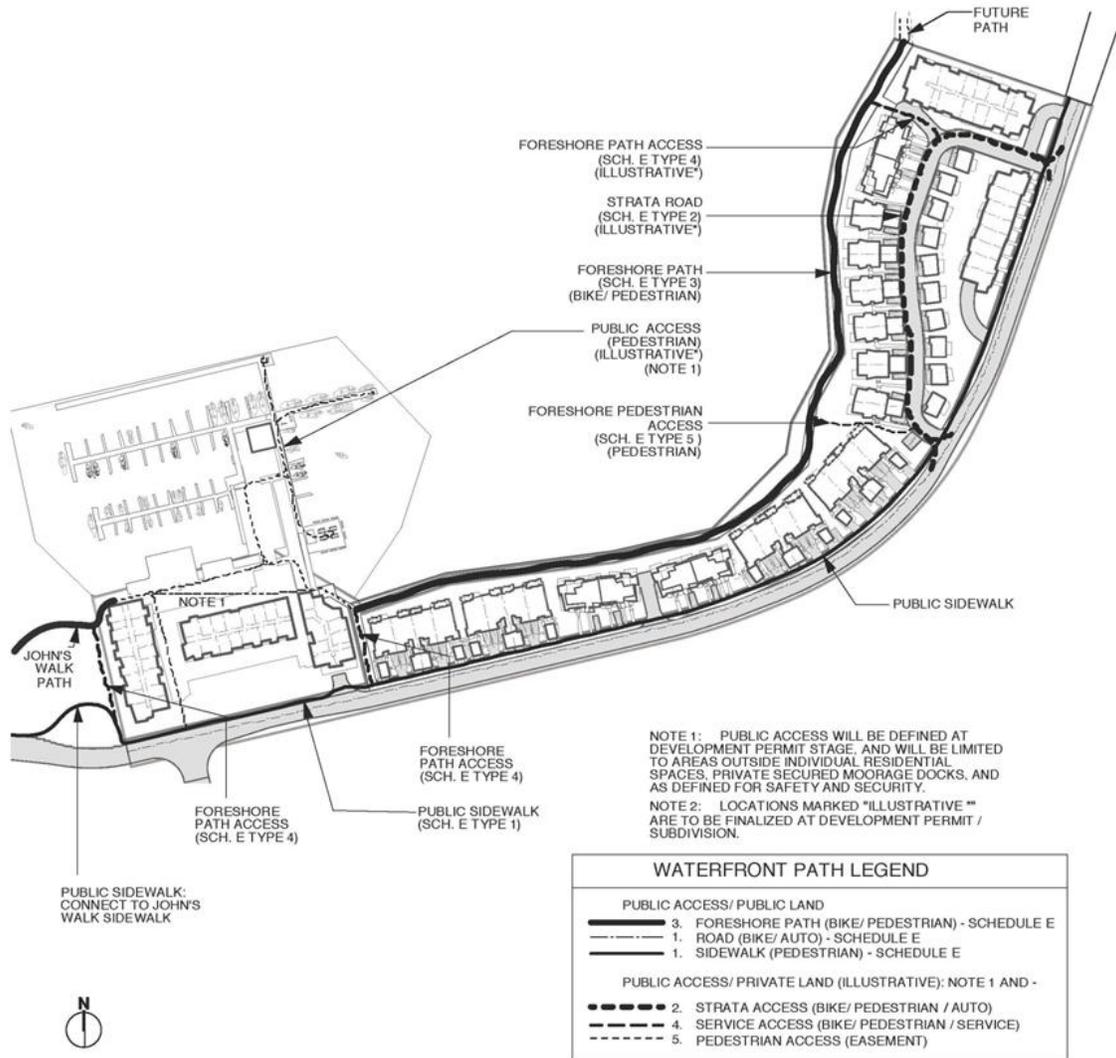
SETBACK NOTES
1. INTERIOR SIDE YARDS TO BE APPLIED AT SUBDIVISION OF INDIVIDUAL LOTS.
2. LOCATION OF STRATA ROAD IS ILLUSTRATIVE ONLY.
3. SEE BYLAW TEXT FOR DETAILED SETBACK INFORMATION.

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



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

# Attachment D to CD4



NOTE 1: PUBLIC ACCESS WILL BE DEFINED AT DEVELOPMENT PERMIT STAGE, AND WILL BE LIMITED TO AREAS OUTSIDE INDIVIDUAL RESIDENTIAL SPACES, PRIVATE SECURED MOORAGE DOCKS, AND AS DEFINED FOR SAFETY AND SECURITY.

NOTE 2: LOCATIONS MARKED "ILLUSTRATIVE" ARE TO BE FINALIZED AT DEVELOPMENT PERMIT / SUBDIVISION.

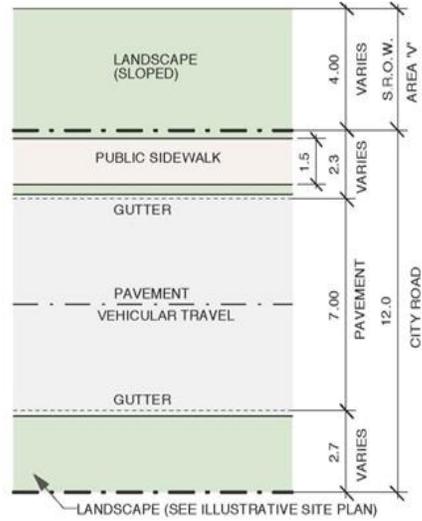
WATERFRONT PATH LEGEND	
PUBLIC ACCESS/ PUBLIC LAND	
	3. FORESHORE PATH (BIKE/ PEDESTRIAN) - SCHEDULE E
	1. ROAD (BIKE/ AUTO) - SCHEDULE E
	1. SIDEWALK (PEDESTRIAN) - SCHEDULE E
PUBLIC ACCESS/ PRIVATE LAND (ILLUSTRATIVE): NOTE 1 AND -	
	2. STRATA ACCESS (BIKE/ PEDESTRIAN / AUTO)
	4. SERVICE ACCESS (BIKE/ PEDESTRIAN / SERVICE)
	5. PEDESTRIAN ACCESS (EASEMENT)

TITLE	PATH LOCATIONS
PROJECT:	NELSON LANDING, NELSON B.C
ISSUED:	06 MAY 2015

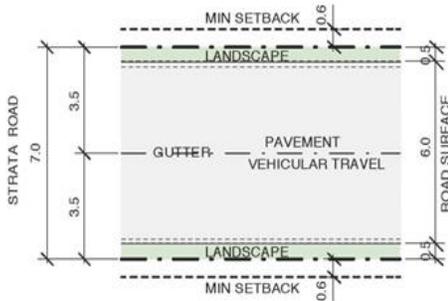
DRAI

# Attachment E to CD4

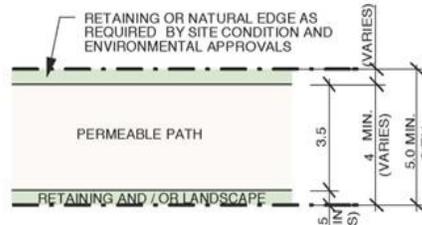
## CD 3 Road / Path Standards



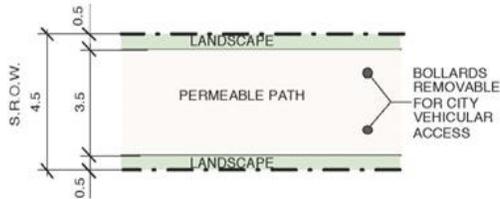
**1 ROAD (CITY)**  
 (CONNECTS TO JOHN'S WALK SIDEWALK AND CONTINUES THROUGHOUT LENGTH OF SITE)



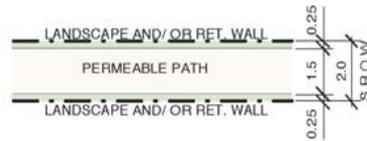
**2 STRATA ROAD**  
 STRATA LANE ROAD WITH EMERGENCY ACCESS



**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

## 6. CD5 Small-Scale Residential Zone

### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for small-scale residential along West Richards Street. This zone is compatible with land designated by the **Official Community Plan** as “small-scale residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD5 zone:
  - a. **Care Services** (for no more than 8 persons)
  - b. **Small-Scale Residential**
  - c. **Transition House**

### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Density

5. The maximum **density** on **lots** less than or equal to 280 sq. m. is three **dwelling units**.
6. The maximum **density** on **lots** greater than 280 sq. m. is four **dwelling units**.

### Subdivision

7. The minimum **lot width** shall be 12 m.
8. The minimum **lot area** shall be 370 sq. m.

### Lot Coverage

9. The maximum permitted **lot coverage** and minimum required **permeable surfaces** on a **lot** shall be determined according to **density** as follows:

	1 dwelling unit	2 or 3 dwelling units	4 dwelling units, Care Services, or Transition House
Maximum permitted <b>lot coverage</b>	35%	40%	45%
Minimum coverage of <b>permeable surfaces</b>	30%		

10. On **lots** less than 370 sq. m. in area, the maximum permitted **lot coverage** determined in section 9 shall be increased by 5%.

## Building Height

11. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	11 m and no more than 3 storeys
<b>Accessory Building</b>	4.5 m
<b>Laneway House</b>	5.8 m
<b>Above-Garage Suite</b>	6.1 m

## Setbacks

12. The minimum **setback** from **lot lines** shall be as follows:

	<b>Principal Building</b>	<b>Carport</b>	<b>Any other accessory building</b>
<b>Front lot line</b>	3 m	1.5 m	3 m
<b>Rear lot line</b>	3 m		1.5 m
<b>Exterior and interior side lot line for lots with a front lot line greater than 9.2 m</b>	1.2 m		
<b>Exterior and interior side lot line for lots with a front lot line less than 9.2 m</b>	1 m, except that the minimum permitted <b>setback</b> from one <b>interior side lot line</b> only shall be 0.76 m		

13. Despite section 12, where a common party wall exists, the minimum required **setback** from one **interior side lot line** shall be reduced to 0 m, provided that one **setback** from an **interior side lot** required under section 12 is maintained per **lot**.

14. Despite section 12, where chimneys, chimney chases, bay floor areas to a maximum of 0.93 sq. m. per bay area and a maximum of 3 bay areas per floor, uncovered steps or **eaves** project beyond the face of a **building**, the minimum distance to:

- a. an abutting **interior side lot line** may be reduced by not more than 0.3 m.; and
- b. an abutting **exterior side, front, or rear lot line** may be reduced by not more than 0.6 m, providing that such reduction shall apply only to the projecting feature.

## 7. CD6 Mixed-Use Residential Zone

### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for mixed-use development for 805 Nelson Avenue. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use residential”.

### General

2. Part 3 “General Regulations” and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.
3. Except for the site-specific parking requirements as follows, all sections of Part 7 “Off-Street Parking Regulations” apply in addition to the requirements of this zone:

Use	Number of Required Off-Street Parking Spaces
<b>Multi-Unit Residential</b> (studio, one-bedroom, two-bedroom <b>dwelling units</b> )	0.4 spaces per <b>dwelling unit</b>

### Permitted Uses

4. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD6 zone:
  - a. **Animal Daycare**
  - b. **Care Services**
  - c. **Custom Indoor Manufacturing**
  - d. **Financial Services**
  - e. **Health Services**
  - f. **Live/Work**
  - g. **Participant Recreation Services, Indoor**
  - h. **Personal Service Establishment**
  - i. **Professional and Business Offices**
  - j. **Restaurant**
  - k. **Retail (Minor)**
  - l. **Veterinary Clinic**

### Conditional Uses

5. **Multi-Unit Residential** shall be a **permitted use** when combined with one or more of the **uses** listed in section 4, provided that the residential **use**:
  - a. is contained in the same **building**; and
  - b. has a separate exterior entrance.

### Conditions of Use

6. Commercial **uses** shall front the **street**.
7. 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**.

8. **Professional and Business Offices and Health Services** are limited to a maximum of 20% of the **gross floor area** of any **building**.
9. No commercial **uses** shall involve the exterior, unenclosed storage of goods.

**Subdivision**

10. The minimum **lot width** shall be not less than 30 m.
11. The minimum **lot area** shall be 1,000 sq. m.

**Lot Coverage**

12. The maximum permitted **lot coverage** on a **lot** is 60%.
13. The minimum coverage of **permeable surfaces** on a **lot** shall be 20%.

**Height**

14. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	13.5 m and no more than 4 <b>storeys</b>
<b>Accessory Building</b>	4.5 m

15. The **principal building** on any **lot** shall have a minimum of two **storeys**.

**Setbacks**

16. The minimum **setback** from **lot lines** shall be as follows:

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

## 8. CD7 Multi-Unit Residential Zone

### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for both **small-scale residential** and **multi-unit residential** at 1904-1908 Silver King Road. This zone is compatible with land designated by the **Official Community Plan** as “multi-unit residential”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD7 zone:
  - a. **Care Services**
  - b. **Multi-Unit Residential**
  - c. **Small-Scale Residential**

### Conditional Uses

4. The following **uses** are permitted in the zone as **accessory uses**, subject to the use-specific conditions contained in Part 4 “Conditional Uses”:
  - a. **Short-Term Rental**

### Zoning Regulations

5. The minimum coverage of **permeable surfaces** on a **lot** shall be 30%.
6. The following zoning regulations shall be determined according to the number of **dwelling units** on a **lot** as follows:

	3 or more <b>dwelling units</b>	1-2 <b>dwelling units</b>
<b>Maximum Lot Coverage</b>	45%	35%
<b>Minimum lot area</b>	1,000 sq. m.	495 sq. m.
<b>Minimum lot width</b>	30 m	15 m
<b>Minimum required density</b>	Three <b>dwelling units</b>	One <b>dwelling unit</b>
<b>Maximum permitted density</b>	The greater of: four <b>dwelling units</b> , or 60 <b>dwelling units</b> per gross hectare	
<b>Maximum Height</b>		
<b>Principal Building</b>	12 m, and not more than 4 <b>storeys</b>	11 m, and not more than 3 <b>storeys</b>
<b>Accessory Building</b>	4.5 m	
<b>Laneway House</b>	5.8 m	
<b>Above-Garage Suite</b>	6.1 m	
<b>Minimum Setbacks</b>		
<b>Front lot line</b>	4.5 m	
<b>Carport</b>	1.5 m	
<b>Rear lot line</b>	4.5 m	

<b>Accessory Building</b>	1.5 m	
<b>Exterior side lot line</b>	4.5 m	1.5 m
<b>Interior side lot line</b>	3 m	1.5 m
<b>Accessory Building</b>	1.5 m	

DRAFT - FOR DISCUSSION PURPOSES

## 9. CD8 Mixed-Use Core Zone

### Purpose

1. The purpose of this Comprehensive Development Zone is to provide a site-specific zone for a **building** that includes a mix of residential and recreational **uses** at 818-824 Front Street. This zone is compatible with land designated by the **Official Community Plan** as “mixed-use core”.

### General

2. Part 3 “General Regulations”, Part 7 “Off-Street Parking Regulations”, and Part 8 “Landscape Regulations” apply in addition to the requirements of this zone.

### Permitted Uses

3. In addition to **uses** permitted citywide under Part 3, the following **uses**, or a combination thereof, are permitted in the CD8 zone:
  - a. **Multi-Unit Residential**
  - b. **Parking Lot**
  - c. **Participant Recreation Services, Indoor**
  - d. **Professional and Business Offices**
  - e. **Public Administration**
  - f. **Public Assembly**

### Conditions of Use

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

### Subdivision

5. The minimum **lot width** shall be 7.6 m.
6. The minimum **lot area** shall be 278 sq. m.

### Building Height

7. The maximum permitted **height** of a **building** shall be as follows:

	<b>Maximum Building Height</b>
<b>Principal Building</b>	18 m and no more than 6 <b>storeys</b>
<b>Accessory Building</b>	4.5 m
8. The **principal building** on any **lot** shall have a minimum of two **storeys**.

### Setbacks

9. The minimum **setback** from **lot lines** shall be as follows:

<b>Front lot line</b>	0 m
<b>Rear lot line</b>	0 m, but 1.5 m if the <b>lot</b> is not served by a constructed rear <b>lane</b>
<b>Exterior side lot line</b>	0 m
<b>Interior side lot line</b>	0 m

## PART 16 – TITLE AND EFFECTIVE DATE

1. This bylaw shall take effect immediately.
2. This bylaw may be cited as "Zoning Bylaw No. 3652, 2026".

READ A FIRST TIME the \_\_th day of \_\_, 2026  
READ A SECOND TIME the \_\_th day of \_\_, 2026  
PUBLIC HEARING HELD the \_\_th day of \_\_, 2026  
APPROVED PURSUANT TO THE TRANSPORTATION ACT  
the \_\_th day of \_\_, 2026

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

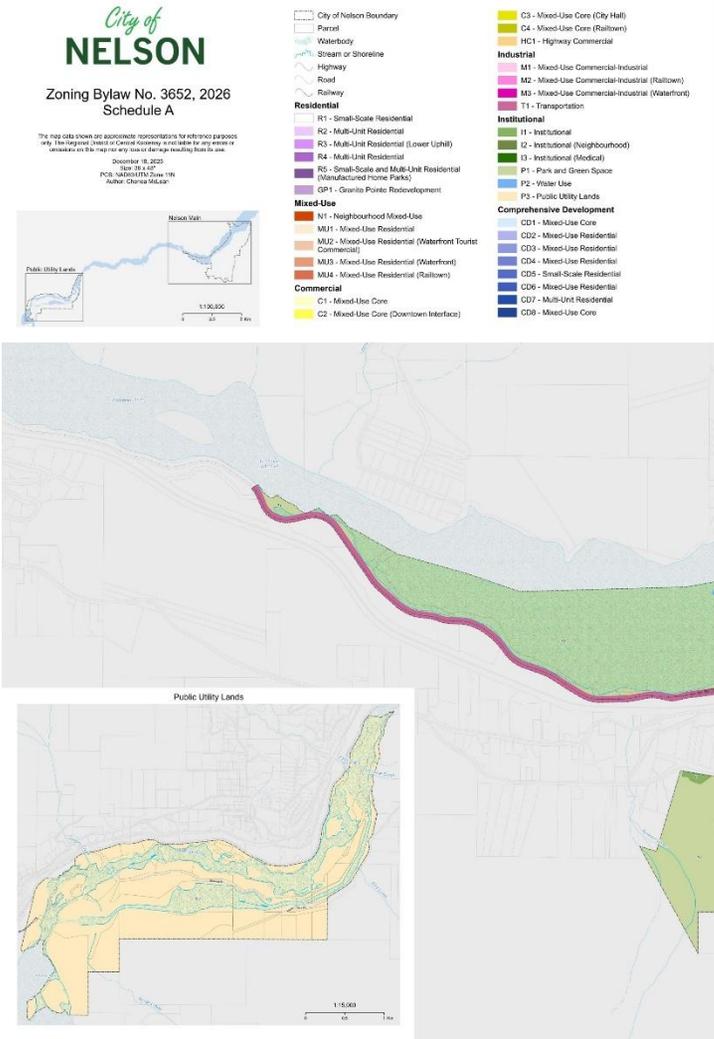
READ A THIRD TIME the \_\_th day of \_\_, 2026

FINALLY PASSED AND ADOPTED the \_\_ day of \_\_, 2026

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

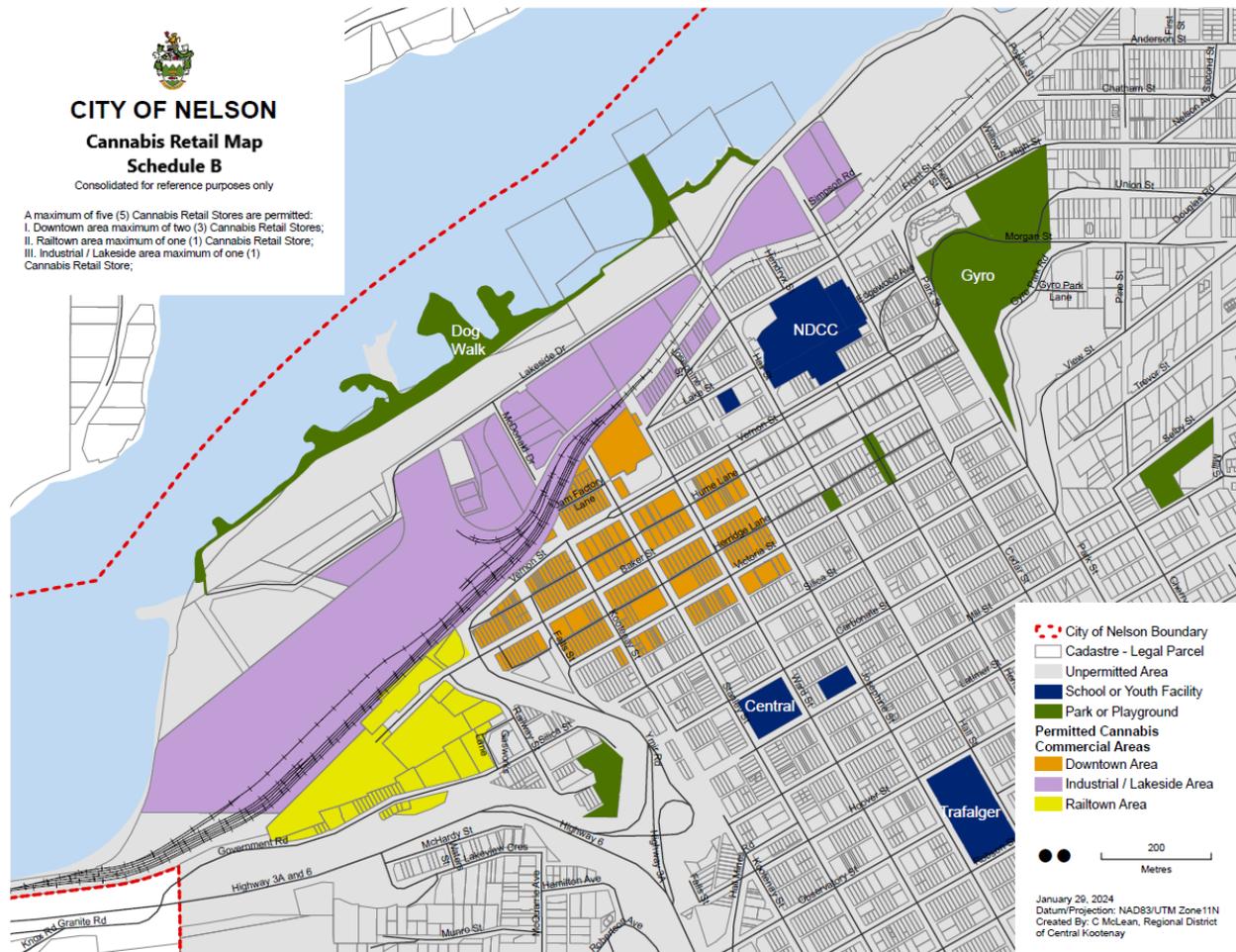
# SCHEDULE A – ZONING MAP



City of Nelson Zoning Bylaw No. 3652, 2026

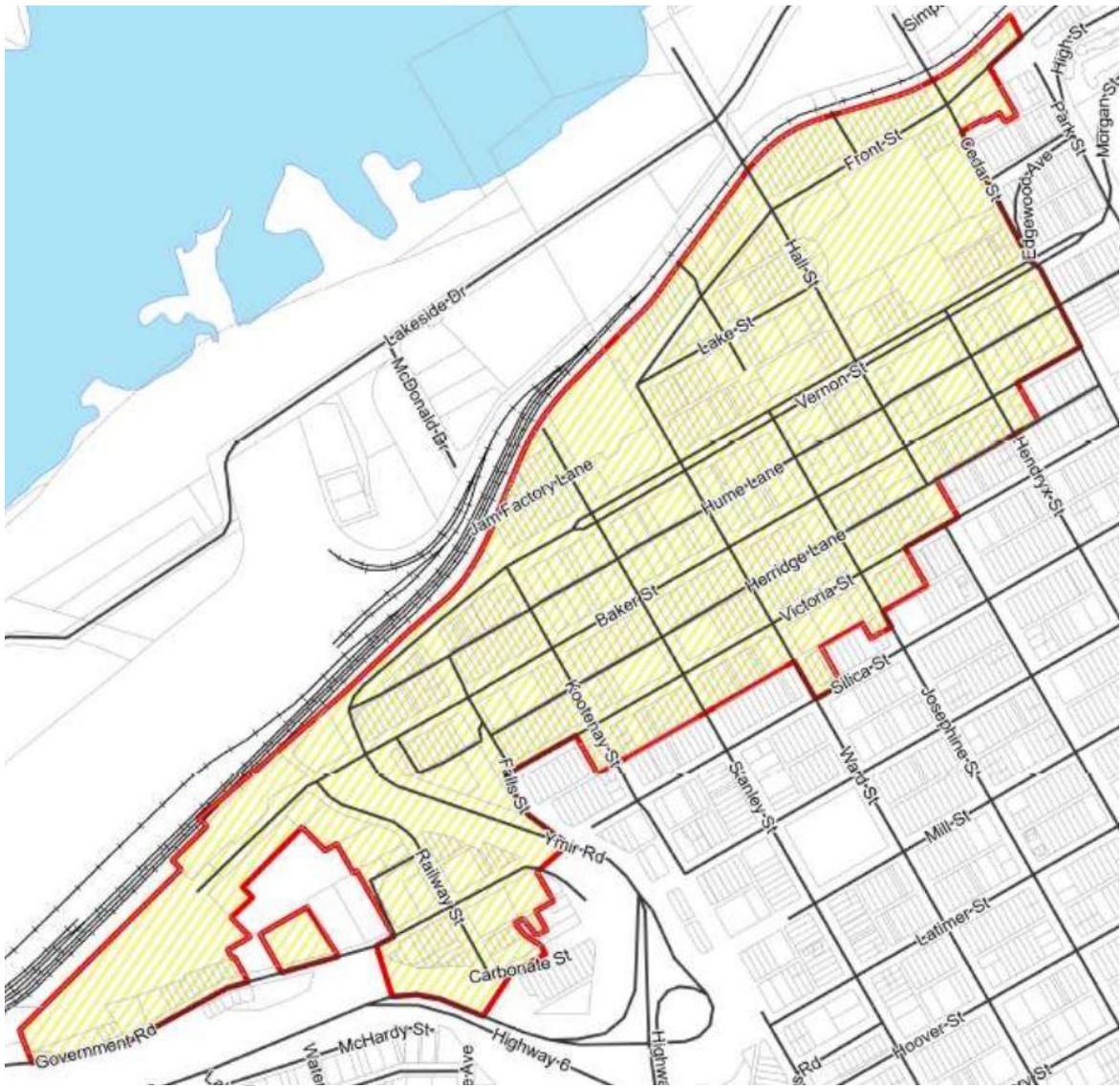
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# SCHEDULE B – CANNABIS ZONING MAP



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# SCHEDULE C – DOWNTOWN PARKING AREA MAP



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## SCHEDULE D – PROHIBITED PLANT LIST: KNOWN INVASIVE SPECIES

African rue / harmal (*Peganum harmala*)  
Annual bugloss  
Annual sow thistle (*Sonchus oleraceus*)  
Baby's breath (*Gypsophila paniculata*)  
Bachelor's-button / Cornflower (*Centaurea cyanus*)  
Bighead / Giant knapweed (*Centaurea macrocephala*)  
Black henbane (*Hyoscyamus niger*)  
Black knapweed (*Centaurea nigra*)  
Black locust (*Robinia pseudoacacia*)  
Blueweed (*Echium vulgare*)  
Bohemian knotweed (*Reynoutria / Fallopia x bohemica*)  
Brazilian elodea (*Egeria densa*)  
Bristly locust / rose acacia (*Robinia hispida*)  
Broad-leaved peavine (*Lathyrus latifolius*)  
Brown knapweed (*Centaurea jacea*)  
Buffalo-bur (*Solanum rostratum*)  
Bull thistle (*Cirsium vulgare*)  
Bur chervil (*Anthriscus caucalis*)  
Butterfly-bush (*Buddleja davidii*)  
Camel thorn (*Alhagi maurorum*)  
Canada thistle (*Cirsium arvense*)  
Caraway (*Carum carvi*)  
Carpet burweed (*Soliva sessilis*)  
Cheatgrass / downy brome (*Bromus tectorum*)  
Chicory (*Cichorium intybus*)  
Chilean tarweed (*Madia sativa*)  
Clary sage (*Salvia sclarea*)  
Coltsfoot (*Tussilago farfara*)  
Common bugloss (*Anchusa officinalis*)  
Common burdock (*Arctium minus*)  
Common comfrey (*Symphytum officinale*)  
Common crupina (*Crupina vulgaris*)  
Common frogbit (*Hydrocharis morsus-range*)  
Common periwinkle (*Vinca minor*)  
Common tansy (*Tanacetum vulgare*)  
Creeping buttercup (*Ranunculus repens*)  
Curled dock (*Rumex crispus*)  
Curly leaf pondweed (*Potamogeton crispus*)  
Cutleaf evergreen blackberry (*Rubus laciniatus*)  
Cypress spurge (*Euphorbia cyparissias*)

Dalmatian toadflax (*Linaria genistifolia* spp. *dalmatica*)  
Dames rocket (*Hesperis matronalis*)  
Daphne / spurge-laurel (*Daphne laureola*)  
Dense-flowered cordgrass (*Spartina densiflora*)  
Diffuse knapweed (*Centaurea diffusa*)  
Dyer's woad (*Isatis tinctoria*)  
Eggleaf spurge (*Euphorbia oblongata*)  
English cordgrass (*Spartina anglica*)  
English holly (*Ilex aquifolium*)  
English ivy (*Hedera helix*)  
Eurasian watermilfoil (*Myriophyllum spicatum*)  
European bittersweet / climbing nightshade (*Solanum dulcamara*)  
European common reed (*Phragmites australis* subsp. *australis*)  
Fanwort (*Cabomba caroliniana*)  
Feathered mosquito-fern (*Azolla pinnata*)  
Field bindweed (*Convolvulus arvensis*)  
Field scabious (*Knautia arvensis*)  
Flat pea / flat peavine (*Lathyrus sylvestris*)  
Floating primrose-willow  
Flowering rush (*Butomus umbellatus*)  
Foxglove (*Digitalis purpurea*)  
Fragrant waterlily (*Nymphaea odorata* subsp. *odorata*)  
French broom (*Genista monspessulana*)  
Fuller's Teasel (*Dipsacus fullonum*)  
Garden sorrel  
Garden yellow loosestrife (*Lysimachia vulgaris*)  
Garlic mustard (*Alliaria petiolata*)  
Giant hogweed (*Heracleum mantegazzianum*)  
Giant knotweed (*Reynoutria* / *Fallopia sachalinensis*)  
Giant reed / giant cane (*Arundo donax*)  
Giant salvinia (*Salvinia molesta*)  
Goat's rue / french lilac (*Galega officinalis*)  
Gorse (*Ulex europaeus*)  
Goutweed / bishop's weed (*Aegopodium podagraria*)  
Great burdock (*Arctium lappa*)  
Greater celandine (*Chelidonium majus*)  
Greater knapweed (*Centaurea scabiosa*)  
Green foxtail / green bristlegrass (*Setaria viridis*)  
Hairy cat's-ear (*Hypochaeris radicata*)  
Halogeton / saltlover (*Halogeton glomeratus*)  
Heart-podded hoarycress (*Lepidium* / *Cardaria draba*)  
Herb-Robert (*Geranium robertianum*)  
Himalayan blackberry (*Rubus armeniacus*)

Himalayan knotweed (*Persicaria wallichii* / *Polygonum polystachyum*)  
Hoary alyssum (*Berteroa incana*)  
Hound's-tongue (*Cynoglossum officinale*)  
Hydrilla (*Hydrilla verticillata*)  
Iberian starthistle (*Centaurea iberica*)  
Italian arum (*Arum italicum*)  
Italian plumeless thistle (*Carduus pycnocephalus*)  
Japanese butterbur (*Petasites japonicus*)  
Japanese knotweed (*Reynoutria* / *Fallopia japonica*)  
Johnsongrass (*Sorghum halepense*)  
Jointed goatgrass (*Aegilops cylindrica*)  
Jubata grasses  
Kochia / Summer Cypress (*Bassia* / *Kochia scoparia*)  
Kudzu (*Pueraria montana*)  
Leafy spurge (*Euphorbia esula*)  
Longspine sandbur (*Cenchrus longispinus*)  
Maltese star-thistle (*Centaurea melitensis*)  
Marsh plume thistle / Marsh thistle (*Cirsium palustre*)  
Meadow buttercup (*Ranunculus acris*)  
Meadow clary (*Salvia pratensis*)  
Meadow knapweed (*Centaurea x moncktonii* / *debeauxii*)  
Meadow salsify / goats-beard (*Tragopogon pratensis*)  
Mediterranean sage (*Salvia aethiopsis*)  
Medusahead (*Taeniatherum caput-medusae*)  
Milk thistle (*Silybum marianum*)  
Mountain bluet (*Centaurea montana*)  
Mouse ear hawkweed (*Pilosella officinarum* / *Hieracium pilosella*)  
Mullein (*Verbascum thapsus*)  
Myrtle spurge (*Euphorbia myrsinites*)  
Nodding / musk thistle (*Carduus nutans*)  
North Africa grass (*Ventenata dubia*)  
Norway Maple  
Orange hawkweed (*Pilosella aurantiaca* / *Hieracium aurantiacum*)  
Oxeye daisy (*Leucanthemum vulgare*)  
Pampas grasses  
Parrot's feather / Brazilian watermilfoil (*Myriophyllum aquaticum*)  
Perennial pepperweed (*Lepidium latifolium*)  
Perennial sow-thistle (*Sonchus arvensis*)  
Plumeless thistle (*Carduus acanthoides*)  
Poison hemlock (*Conium maculatum*)  
Policeman's helmet / himalayan balsam (*Impatiens glandulifera*)

Portuguese broom (*Cytisus striatus*)  
Princess tree / Royal Paulownia (*Paulownia tomentosa*)  
Puncture vine (*Tribulus terrestris*)  
Purple / red starthistle (*Centaurea calcitrapa*)  
Purple loosestrife (*Lythrum salicaria*)  
Purple nutsedge (*Cyperus rotundus*)  
Queen Anne's lace / wild carrot (*Daucus carota*)  
Red bartsia (*Odontites serotina*)  
Reed canary grass (*Phalaris arundinacea*)  
Rush skeletonweed (*Chondrilla juncea*)  
Russian knapweed (*Rhaponticum / Acroptilon repens*)  
Russian olive (*Elaeagnus angustifolia*)  
Russian thistle (*Salsola tragus / kali*)  
Saltcedar / tamarisk (*Tamarix ramosissima*)  
Salt-meadow cordgrass (*Spartina patens*)  
Scentless chamomile (*Tripleurospermum inodorum / Matricaria perforata*)  
Scotch broom (*Cytisus scoparius*)  
Scotch thistle (*Onopordum acanthium*)  
Sea buckthorn  
Shiny geranium (*Geranium lucidum*)  
Short-fringed knapweed (*Centaurea nigrescens*)  
Siberian elm (*Ulmus pumila*)  
Silverleaf nightshade (*Solanum elaeagnifolium*)  
Slender false brome / false brome (*Brachypodium sylvaticum*)  
Slender meadow foxtail (*Alopecurus myosuroides*)  
Slenderflower thistle / winged thistle (*Carduus tenuiflorus*)  
Smooth cordgrass (*Spartina alterniflora*)  
Smooth hawkweed (*Hieracium laevigatum*)  
Spanish broom (*Spartium junceum*)  
Spotted knapweed (*Centaurea stoebe / biebersteinii*)  
Spring millet grass (*Milium vernale*)  
Spurge flax (*Thymelaea passerina*)  
Squarrose knapweed (*Centaurea virgata ssp. squarrosa*)  
St. John's-wort (*Hypericum perforatum*)  
Sulphur cinquefoil (*Potentilla recta*)  
Sweet fennel (*Foeniculum vulgare*)  
Syrian bean-caper (*Zygophyllum fabago*)  
Tansy ragwort (*Jacobaea vulgaris / Senecio jacobaea*)  
Texas blueweed (*Helianthus ciliaris*)  
Tree of heaven (*Ailanthus altissima*)  
Variable leaf milfoil (*Myriophyllum heterophyllum*)  
Velvet-leaf (*Abutilon theophrasti*)  
Wand loosestrife (*Lythrum virgatum*)  
Water chestnut (*Trapa natans*)

Water hyacinth (*Eichhornia crassipes*)  
Water lettuce (*Pistia stratiotes*)  
Water primrose  
Water soldier (*Stratiotes aloides*)  
Western salsify / goat's-beard (*Tragopogon dubius*)  
Whiplash hawkweed (*Pilosella flagellaris* / *Hieracium flagellare*)  
White flowered broom (*Cytisus multiflorus*)  
Wild / common parsnip (*Pastinaca sativa*)  
Wild chervil (*Anthriscus sylvestris*)  
Wild four o'clock (*Mirabilis nyctaginea*)  
Wood sage (*Salvia nemorosa*)  
Wormwood (*Artemisia absinthium*)  
Yellow archangel (*Lamiastrum galeobdolon*)  
Yellow bedstraw  
Yellow floating heart (*Nymphoides peltata*)  
Yellow hawkweed species (*Hieracium* / *Pilosella* spp.)  
Yellow iris (*Iris pseudacorus*)  
Yellow nutsedge / nut-grass (*Cyperus esculentus*)  
Yellow starthistle (*Centaurea solstitialis*)  
Yellow/common toadflax (*Linaria vulgaris*)  
Yellowdevil hawkweed (*Pilosella glomerata* / *Hieracium glomeratum*)

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