

VILLAGE OF NEW DENVER

ZONING BYLAW No. 612, 2007



Consolidated for Convenience (October 25, 2018)

BASIC PROVISIONS

SECTION 1

1.1 Application

This Bylaw applies to all land, buildings, structures and the surface of water within the boundaries of the Village of New Denver as defined on Schedule “B”, incorporated and forming part of this Bylaw.

1.2 Conformity

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

1.3 Severability

If any section, subsection, clause, sentence 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 it is invalid shall not affect the validity of the remaining portions of this Bylaw.

1.4 Units of Measure

Metric units are used for all measurements in this Bylaw. The approximate imperial measurement equivalents are shown in brackets for convenience only.

1.5 Applicable Regulations

- .1 Where this bylaw sets out two or more regulations that could apply to a situation, the most stringent regulation shall apply.
- .2 Where this bylaw sets out both general and specific regulations that could apply to a situation, the specific regulation shall apply.

2.1 Inspection

The municipal clerk, the building inspector, or other officer of the Village of New Denver who may be appointed by Council, is hereby authorized to enter at any reasonable time, on any property that is subject to regulations under this Bylaw to ascertain whether the provisions of this Bylaw are being observed.

2.2 Violation

Every person who:

- .1 violates any of the provisions of this Bylaw;
- .2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- .3 neglects or omits to do anything required under this Bylaw;
- .4 carries out, causes or permits to be carried out any development in a manner prohibited or contrary to any of the provisions of this Bylaw;
- .5 fails to comply with an order, direction or notice given under this Bylaw; or
- .6 prevents or obstructs attempts to prevent or obstruct the authorized entry of an officer onto property under section 2.1;

shall be deemed guilty, upon summary conviction, of an offence under this Bylaw.

2.3 Offence

Each day's continuance of an offence under Section 2.2 constitutes a new and distinct offence.

2.4 Penalty

Every person who commits an offence under this Bylaw is liable, on summary conviction, to a fine not exceeding \$2,000 plus the cost of prosecution.

DEFINITIONS

SECTION 3

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

ACCESSORY USE means a use subordinate, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same parcel.

ACCESSORY BUILDING OR STRUCTURE means a detached building or structure located on the same parcel or site as the principal building, the use of which is subordinate and incidental to that of the main building, which is not used for human habitation and includes a private garage or implement shed.

ACCESSORY RESIDENCE means a dwelling unit in a stand-alone building on a residential property that also contains a single detached principal building. The accessory residence may be purpose-built, or may be a conversion of, or an addition to, an existing garage or accessory building.

APPROVING OFFICER means the person appointed from time to time under the Land Title Act for the Municipality.

AUTOMOBILE SHOW ROOM AND SALES LOT means a building and lot used for the display and sale of automobiles. This use may also include service bays for the repair and servicing of automobiles.

BED AND BREAKFAST ACCOMMODATION means an accessory use of a single family dwelling wherein not more than two rooms are rented to provide temporary lodging for tourists and visitors, where the room rate includes an on-premise meal served before noon.

BOARDER OR LODGER means a person or persons other than members of a family which occupy a guest room or rooms without kitchen facilities.

BUILDING means a structure wholly or partly enclosed by a roof or roofs supported by walls or columns which is permanently affixed to the land and is intended for supporting or sheltering any use or occupancy by persons, animals or property.

BUS TERMINAL means a building where commercial motor vehicles pick up and discharge fare paying passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

CAMPGROUND means a use of land for commercial purposes for the temporary (less than 30 consecutive days) accommodation of tents, tent trailers, travel trailers, recreational vehicles and campers.

CHURCH means a building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

CIVIC USE means a use for public purposes under the auspices of a government body except for public utility uses.

CLINIC means a public or private building used for medical, dental, physiotherapeutic, chiropractic or other human health treatment by one or more practitioners.

CLUB OR LODGE means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation and conviviality. Club and lodge shall also mean, where the context requires, a building or establishment owned or occupied by members of such association and their guests within which the activities of the club or lodge are conducted.

COMMERCIAL USE means an occupation, employment or enterprise that is carried on for gain or monetary profit by any person. A commercial use includes uses located in a C1 or C2 zone except for single family, two family and multi-family dwellings. Commercial use in a C3 Zone shall allow only those permitted uses as listed in this bylaw.

COMMUNITY HALL means a building used for community meetings, gatherings, and functions.

COMMUNITY WATER SYSTEM means a system of waterworks, within the meaning of the Health Act, which is owned, operated and maintained by the Municipality, an Improvement District under the Water Act, or the Municipal Act, or which is regulated under the Water Utility Act, and authorized by the Municipal Council.

CONVENIENCE STORE means a retail commercial establishment, not exceeding 225 square metres (2,422 sq. ft.) of gross floor area, supplying groceries and other daily household necessities, including but not limited to food, beverages, magazines, books, toiletries, stationary, tobacco products, plants and flowers. A convenience store may also include an automated teller machine.

DAYCARE means an establishment licensed as required under the Community Care Facilities Act intended to provide care, education, and supervision of children during the day or evening. This use includes drop-in centres and group daycare centres for 8 or more patrons.

DWELLING, MULTI-FAMILY means a building used for residential purposes consisting of three or more dwelling units, each containing not more than one set of cooking equipment, either with private individual access or common access and hallways. This includes townhouses, triplexes and apartment buildings.

DWELLING, SINGLE FAMILY means a residential use where the building on a parcel is used for one dwelling unit.

DWELLING, TWO FAMILY means a residential use where the building on a parcel is used for two dwelling units. This use may include duplexes.

DWELLING UNIT means one or more habitable rooms used for the residential accommodation of only one family when such room or rooms contain or provide for the installation of only one set of cooking facilities.

ENVIRONMENTAL RESERVE (E1) means lands that are zoned for the development of Village water infrastructure and the protection of the source.

FAMILY means:

- a) two or more persons related by blood, marriage, common-law, adoption, or foster parenthood sharing one dwelling; or
- b) three or fewer unrelated persons sharing one dwelling.

FINANCIAL INSTITUTION means the premises of a bank, trust company, investment dealer, credit union, mortgage broker or related business.

FRONTAGE means the horizontal distance between the intersection of two side parcel lines and the front parcel line.

GASOLINE SERVICE STATION means a building or land used or intended for use for the retail sale of motor fuels and lubricants and may include a convenience store, car wash facilities, the servicing and minor repair of motor vehicles and the sale of automobile accessories.

GRADE means the average of the elevations of finished ground taken at the midpoint of each of the exterior walls of the building.

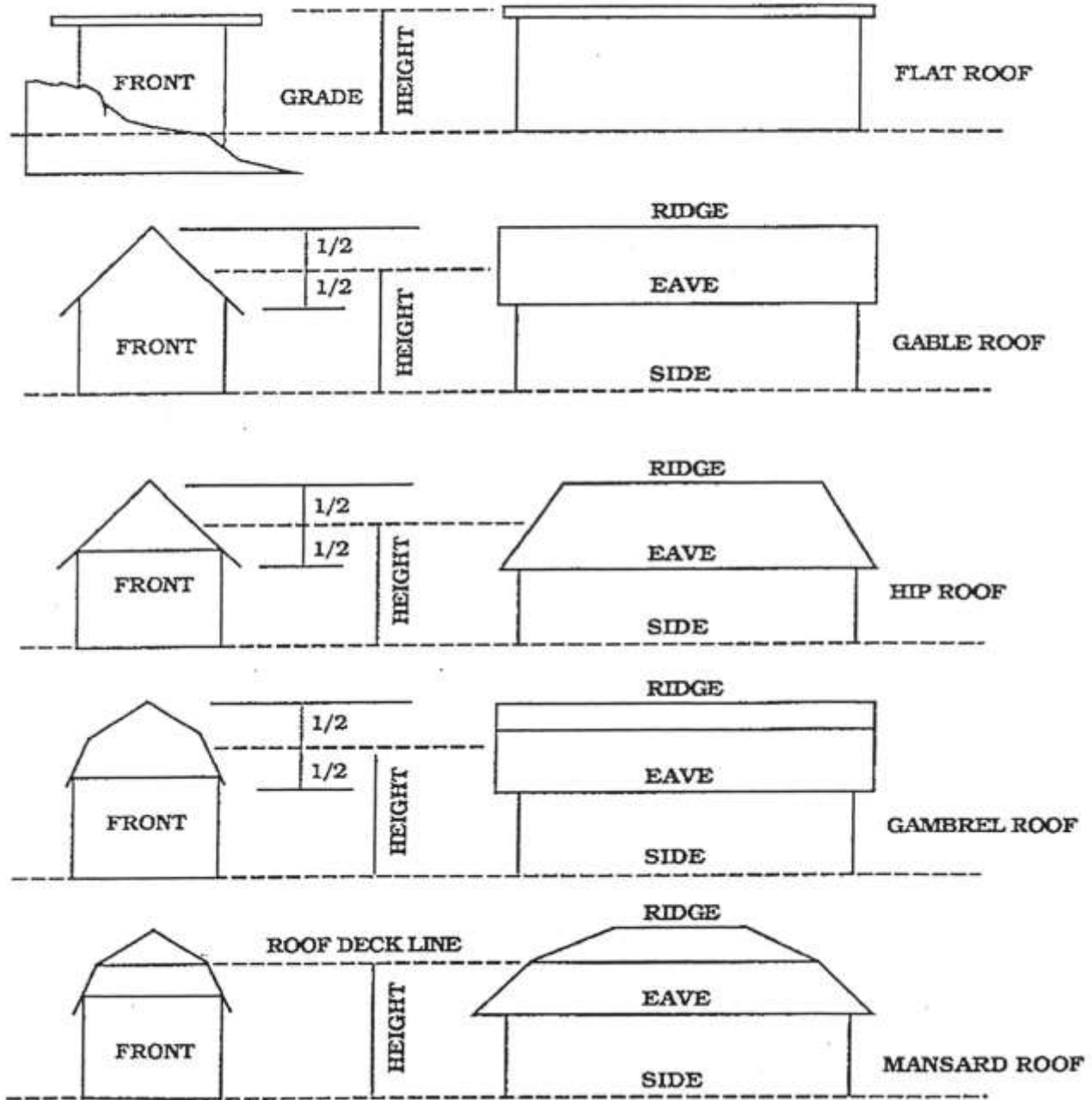
GROSS FLOOR AREA means the sum of the areas of each storey in each building on a parcel measured between the exterior walls of such buildings.

GUEST HOUSE means a premises with six rooms or less that can be used temporarily by guests where individual rooms have access either through a common area or direct access from outside.

HABITABLE ROOM means a room used for cooking, eating, sleeping, or living; includes kitchen, dining room, bedroom, living room, family room and den; excludes recreation room, bathroom, utility room, workroom, furnace room and storage room.

HEIGHT as illustrated in Diagram 3.1, means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof or to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof, to the highest point of the structure.

**DIAGRAM 3.1
ILLUSTRATION OF HEIGHT**



HIGHWAY means a street, road, land, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property.

HOME OCCUPATION means the use of a portion of a dwelling as an office, studio or work room to conduct trade, business profession or other occupation which is secondary to the principal use of the dwelling unit.

HOSPITAL means any institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons suffering from sickness, disease or injury or for the convalescent or chronically ill persons.

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

LANDSCAPE SCREEN means a fence, wall, compact evergreen hedge, or combination thereof, that would effectively screen the property which it encloses and is broken only by access drives, walks, and lanes.

LANDSCAPED means improvements consisting of a combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property.

LANE means a road allowance more than 3m (9.8 ft.) but less than 10m (32.8 ft.) in width which is intended to provide only a secondary means of access to a site, at the side or rear of the property.

LIBRARY means a building containing printed, pictorial, audio, video and other reference materials for public use for the purposes of study, reference and recreation.

MARINA means a private commercial or government establishment or premise, containing docking or mooring facilities where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent. A marina may include facilities for the sale of fuel and oil for the operations of boats or other vessels.

MOBILE HOME means a transportable, single or multiple-section single family dwelling conforming to the CSA Z240 or CSA A277 certified standards at the time of manufacture for residential occupancy designed to be transportable on its own chassis and is ready for occupancy upon arrival at its site except for incidental improvements such as placement on foundations, addition of steps, and connection to utilities.

MODULAR HOME means construction in which the super-structure of a building is fabricated fully in a factory, transported to the building site and connected together to form a complete building.

MOTEL means a building or group of buildings containing sleeping units, occupied or intended to be occupied temporarily by automobile tourists or transients, with each unit having its own individual outside access and parking space, with each dwelling unit being self-contained having its own bathroom, with or without cooking facilities.

MUNICIPALITY means the Municipality of the Corporation of New Denver.

MUSEUMS, HERITAGE SITES, MEMORIAL CENTRES means a building or group of buildings, whether private or public, which is devoted to procurement, care and display of objects of lasting interest or value, and serving to preserve remembrance, which may include the sale of commodities relevant to the function of the site.

NURSERY means land and buildings used for the growing of flowers, trees, shrubs, bushes, sod and other gardening and landscaping supplies intended for retail or wholesale trade.

OFFICE means a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, financial institution, place of amusement, or place of assembly.

OFF-STREET PARKING means a use providing parking spaces for the temporary storage of vehicles, not located within a public right of way.

OPEN SPACE means the open, unobstructed space on a parcel, including the open unobstructed space accessible to all occupants of any residential or commercial building or the structure on the parcel, which is suitable and used for the growth and maintenance of grass, flowers, bushes, and other landscaping and may include a watercourse, trail, surface pedestrian walk, patio, pool or similar area, but does not include any driveway, ramp or parking area.

OUTDOOR RECREATION EQUIPMENT RENTAL means a building used for the rental or sale of outdoor recreation equipment including non-motorized water vehicles such as kayaks, canoes, paddle wheels, row boats, sail boats, and sail boards, fishing boats with small outboard motors of less than 10 horsepower; bicycles, in-line skates, mountain climbing gear, hiking supplies and other similar products, but does not include the sale or rental of motorized products such as motorcycles, houseboats, jet skis, seadoos, ski boats and other noisy water uses.

PARCEL means any lot, block or other area in which land is held, including Crown Land, which is legally defined either by registered plan or description, but does not include a highway.

PARCEL AREA means the total horizontal area within the parcel lines of a parcel.

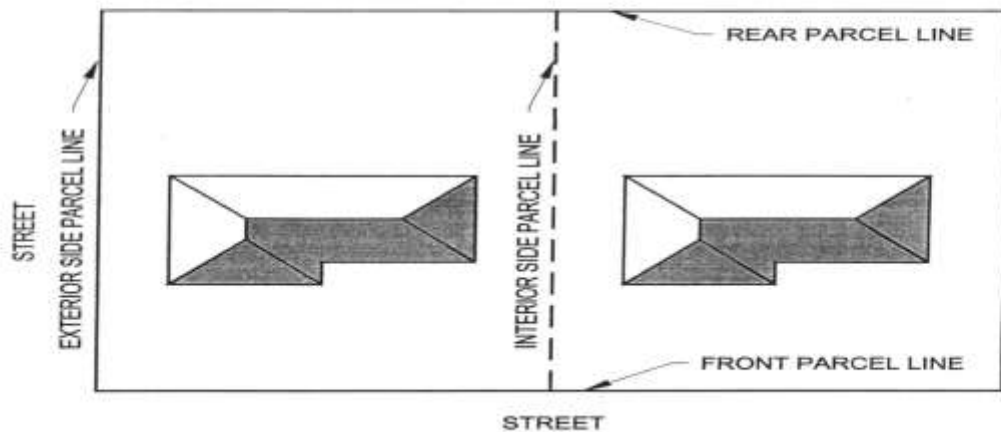
PARCEL COVERAGE, SURFACE means the percent of the parcel area covered by principal buildings, accessory buildings and structures.

PARCEL LINE, EXTERIOR SIDE as illustrated in Diagram 3.2, means a parcel line which abuts a highway other than a lane on a corner parcel.

PARCEL LINE, FRONT as illustrated in Diagram 3.2, means the shortest parcel line common to a parcel and a highway other than a lane.

PARCEL LINE, INTERIOR SIDE as illustrated in Diagram 3.2, means a parcel line between two or more parcels, other than a front or rear parcel line. The interior side parcel line also includes a parcel line between the parcel and a lane along the side of the parcel.

**DIAGRAM 3.2
ILLUSTRATION OF PARCEL LINES**



PARCEL LINE, REAR as illustrated in Diagram 3.2, means the boundary of a parcel which lies the most opposite to and is not connected to the front parcel line.

PARK means an area permanently devoted to recreational uses and is generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation.

PARKING SPACE means an area identified for the parking of one motor vehicle and does not include an aisle space.

PERSONAL SERVICE ESTABLISHMENT means a business where personal services are provided for gain and where the retail sale of goods is only accessory to the provision of such services, including but not limited to: barber shops, beauty shops, shoe repair shops, electrical and electronic repair shops, photographic studios, artist studios, optical and watch repair shops.

PLAYGROUND means an open landscaped area containing children=s equipment such as slides, swings and wading pools.

POST OFFICE means a building where mail and parcels are delivered to and from, where mail is sorted for delivery, and from which mail and parcels may also be sent to other destinations.

PRINCIPAL BUILDING means a building which:

- a) occupies the major or central portion of a parcel;
- b) is the chief or main building on the parcel;
- c) constitutes, by reason of its use, the primary purpose for which the parcel is used.

PRINTING AND PUBLISHING means a retail establishment that provides duplicating services, using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

PUBLIC UTILITY means a use providing for the essential servicing of the Municipality with water, sewer, electrical, telephone, and similar services where such a use is established by the Corporation, by another government body, or by a company operating under the Public Utilities Act; includes sewer, water main, power line easements, and traffic controls.

RESIDENTIAL means a use providing for the accommodation and home life of a person or persons.

RESTAURANT means a building where prepared food is offered for sale to the public and includes cafes, coffee shops, cafeterias, dairy bars, refreshment stands, fast food take-out establishments, or tea rooms.

RETAIL STORE means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.

SCHOOL means a public school, a separate school, a university or college or a private school authorized by the authority having jurisdiction.

SECONDARY SUITE means a self-contained, accessory dwelling unit located within a single detached dwelling that is utilized for long term residential rentals. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit.

SENIOR CITIZEN HOME means accommodation constructed and financed in accordance with the provisions of The Housing Construction (Elderly Citizens) Act of the Province of British Columbia.

SETBACK means the horizontal distance measured at right angles to the parcel line, between the parcel line and the building, structure, or use.

SIDE YARD means the area of a parcel between a building or structure and the side parcel lines in depth and between two parcel lines intersecting the subject parcel line in width.

SIGHT TRIANGLE means the area formed by a triangle in the angle formed by the right of way boundaries or boundaries produced and two points on those boundaries 6.0 m (20 ft.) from the point of intersection.

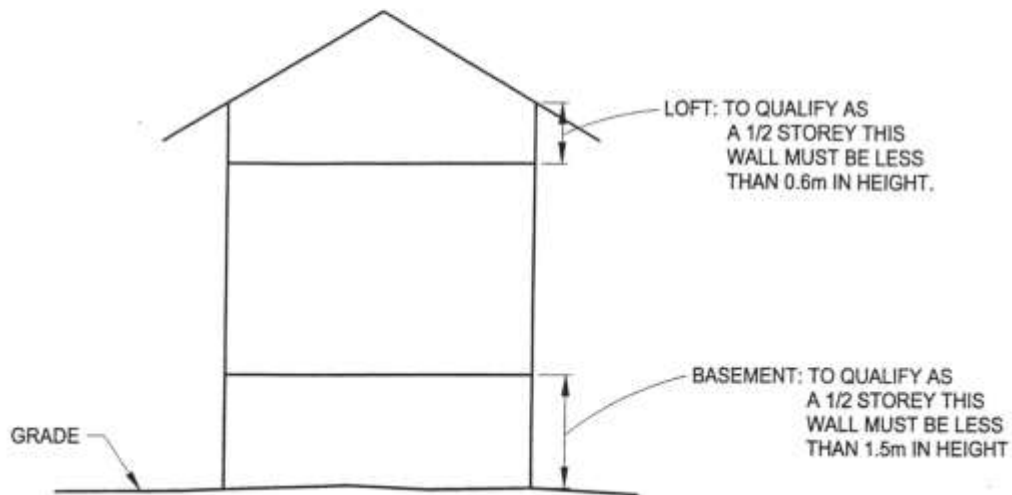
SIGN means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or parcel and which directs attention to an object, product, place activity, person, institute, organization or business.

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

STOREY, HALF as illustrated in Diagram 3.3 means a storey under a sloping roof, the walls of which, on at least two opposite walls, are not more than 0.6 m (2.0 ft.) high

above the finished floor of such a storey. A half storey also includes a basement

**DIAGRAM 3.3
ILLUSTRATION OF A HALF STOREY**



projecting less than 1.5 m (4.9 ft.) above grade.

STREET means a road allowance 10 m (32.8 ft.) or more in width.

STRUCTURE means any construction fixed to, supported by, or sunk into land or water.

THEATRE means a building or structure devoted to showing motion pictures, or dramatic, musical or live performances.

TRAVEL TRAILER means any portable structure or vehicle used or designed and equipped to be used for living or sleeping purposes while travelling or vacationing and which is designed or intended to be mobile on land, whether or not self-propelled.

UNDERTAKING ESTABLISHMENT means a building used by an undertaker for the cremation or preparation of a dead human body for interment.

VIDEO RENTAL STORE means a building used for the rental or sale of videocassettes and videocassette recorders and related accessories.

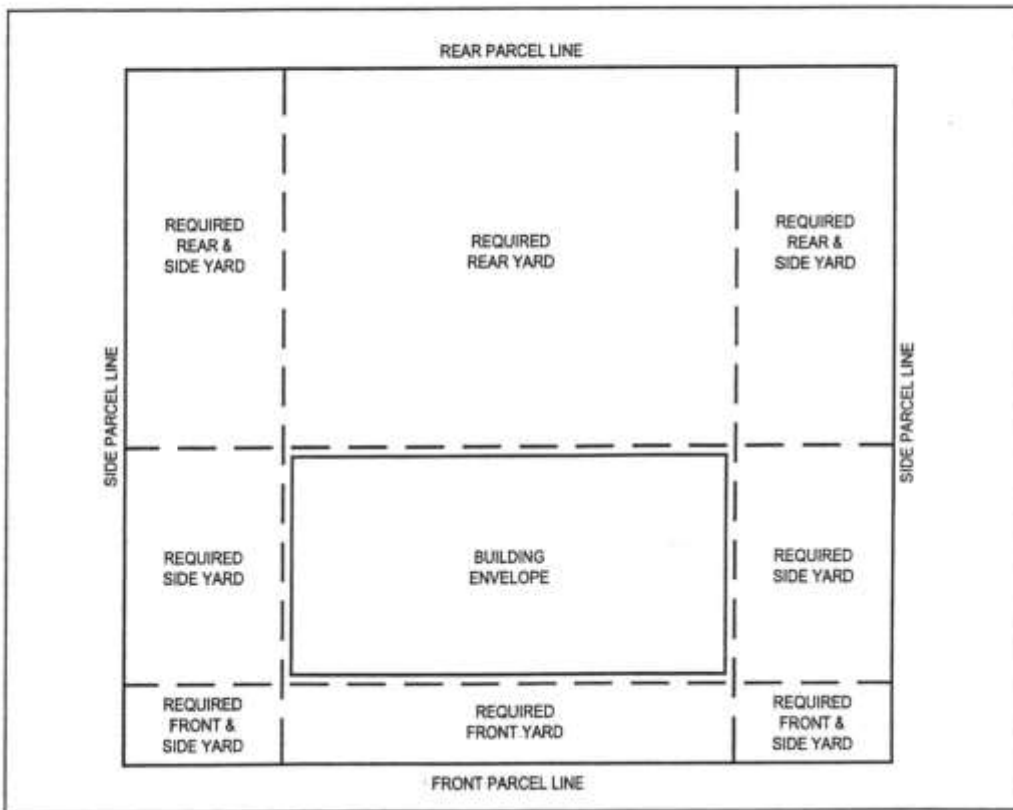
WIDTH means the distance from a main wall to the opposite main wall of a building or structure. Specifically for a mobile home; the width of the building is its width when it

is placed on the parcel, before vestibules, garages, decks or other additions are added to the mobile home.

YARD, FRONT as illustrated in Diagram 3.4, means the area of setback required from the front parcel line.

YARD, REAR as illustrated in Diagram 3.4, means the area of setback required from the rear parcel line.

**DIAGRAM 3.4
ILLUSTRATION OF FRONT, SIDE AND REAR YARD**



YARD, SIDE as illustrated in Diagram 3.4, means the area of setback required from the interior or exterior side parcel line.

ZONE means an area established under this Bylaw.

4.1 Applicability of General Regulations

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

4.2 Consolidation of Parcels Prior to Development

Where the construction of a building that will straddle two or more parcels is proposed, development shall not proceed until the separate parcels are consolidated to form one property with a single Certificate of Indefeasible Title.

4.3 Exemption of Existing Parcels

The parcel area and parcel width requirements of this Bylaw shall not apply to any parcel which has an area or width less than that required by this Bylaw if such a parcel was described on the official records on file in the Land Registry Office on or before the effective date of this Bylaw.

4.4 Minimum Parcel Area Requirements

- .1 Minimum parcel area requirements apply upon creation of the parcel at subdivision.
- .2 If a use located on an existing parcel changes to a new use that requires a larger minimum parcel area, then the existing parcel must contain the larger minimum parcel area required for the new use.

4.5 Exemption from Minimum Parcel Area

The provisions of this Bylaw pertaining to minimum parcel area do not apply in the case where:

- .1 Two or more parcels are to be consolidated into one parcel;
- .2 The parcel being created is to be used solely for an unattended building or equipment necessary for the operation of:

a community water system;

- a community sewer system;
- a community gas distribution system;
- a radio or television receiving or broadcasting antenna;
- an air navigation aid;
- a marine navigation aid;
- an electrical substation or power generating station;
- parks or playgrounds; or
- any other similar public service facility or utility

4.6 Setback Exceptions

No features shall project into the setback required by this Bylaw, except the following:

- .1 Chimneys, cornices, leaders, gutters, columns, belt courses, sills, bay windows, or other similar features may intrude no more than 0.6 m (2.0 ft.) into the required setback area.
- .2 Steps, eaves, sunlight control projections, canopies, balconies, or porches may project no more than:
 - (a) 1.2 m (3.9 ft.) into a front or rear yard; or
 - (b) 0.6 m (2.0 ft.) into a side yard.
- .3 Where a common wall shared by two or more units within a building for a residential use or a commercial use coincides with an interior side parcel line of a parcel or of a strata shown on a registered strata plan as provided in the Condominium Act, the setbacks for the principal building specified in the Bylaw with respect to the side parcel line shall not apply.
- .4 An accessory building or structure 9.3 m² (100 sq. ft.) or less may project no more than 0.9 m (2.9 ft.) into a side or rear yard measured from the eaves of the accessory building or structure.

4.7 Siting Exceptions

- .1 An underground structure may be sited in any portion of a parcel provided that the top surface of such structure shall at no point extend above the average finished ground elevation.
- .2 Free-standing lighting poles, flag poles, warning devices, antennas, masts, signs and sign structures, except as otherwise limited in this or other bylaws, may be sited on any portion of a parcel.

4.8 Landscape Screening and Fences

Landscape screening and fences are subject to the following regulations:

- .1 Landscape screens comprised of evergreen hedges may be sited on any portion of a parcel without a height limit.
- .2 Landscape screens comprised of fences and/or walls not exceeding a height of 2.0 m (6.6 ft.) may be sited on any portion of a parcel.
- .3 Arbors, trellises, gateways and other similar structures less than 2.4 m (8 ft.) in height may be sited on any portion of a parcel.

4.9 Height Regulation Exemptions

The following structures are exempt from the height limitations specified in each zone in this Bylaw:

- .1 flag pole;
- .2 flood light;
- .3 water tower;
- .4 spire, steeple, belfry;
- .5 chimney, smoke stack;
- .6 dome, cupola;
- .7 monument or sculpture;
- .8 retaining walls;
- .9 industrial cranes;
- .10 antenna or mast for the transmission or reception of radio and television signal;

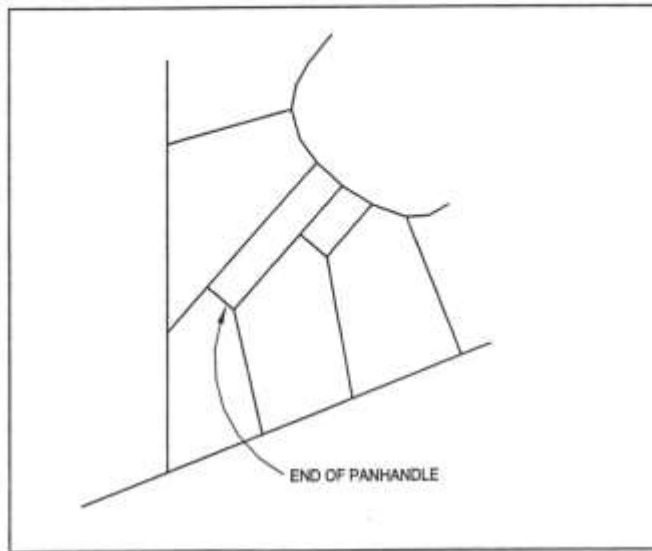
provided that no exempted structure:

- (a) exceeds 20 m in height;
- (b) covers more than 20% of the parcel; or
- (c) if located on a building, covers more than 10% of the roof area of the building.

4.10 Panhandle Parcels

- .1 On a panhandle parcel, the panhandle part of the parcel (the access route to the main portion of the parcel) shall not be included in the parcel area for the purpose of determining if the parcel meets the minimum parcel size. The end of the panhandle is deemed to be a line drawn perpendicular to the sides of the panhandle at the point where the two sides of the panhandle are no longer parallel (or within 15° of being parallel) as shown in Diagram 4.10.

**DIAGRAM 4.10
PANHANDLE PARCEL**



- .2 The minimum width of a panhandle for a parcel that cannot be further subdivided is 9 m (30 ft.).
- .3 The minimum width of a panhandle for a parcel that can be further subdivided into two or more parcels is 20 m (66 ft.).

4.11 Area and Frontage of Parcels

The minimum area of a parcel and a parcel's frontage on a highway shall be increased when necessary to ensure that the gradient on access driveways to service the proposed parcels shall not exceed 15%.

4.13 Home Occupation Regulations

A home occupation is subject to the following regulations:

- .1 A home occupation shall be entirely enclosed within a building.
- .2 In the R1 and R2 zones, a home occupation shall be entirely enclosed within the dwelling unit to which it is an accessory.
- .3 A home occupation shall not occupy more than 40% or 500 sq. ft., whichever is the lesser, of the gross floor area of the dwelling unit in which it is accessory.
- .4 A home occupation shall not involve the external storage or display of materials or finished products associated with the home occupation use.
- .5 In the R1 and R2 zones, not more than one person is permitted to be engaged in a home occupation in addition to members of the family resident in the dwelling unit in which it is conducted.
- .6 No change, except for a sign, is permitted to the outside appearance of the building which would indicate that a home occupation is being conducted therein.
- .7 A home occupation shall not discharge or emit odorous, noxious or toxic matter or vapours; heat, glare, noise or radiation; or recurrently generated ground vibrations.
- .8 A home occupation shall not result in traffic congestion, parking problems, electrical interference, fire hazard or health hazards.
- .9 A home occupation shall not produce a public offence or nuisance of any kind.
- .10 A home occupation shall not consist of the salvage or sale of motor vehicles or motor vehicle engines or parts.
- .11 A home occupation shall not include the sale of a commodity produced off the premises, except that telephone or mail order sales of goods for home distribution services shall be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.

4.14 Bed and Breakfast Accommodation Regulations

A bed and breakfast accommodation shall comply with the following regulations:

- .1 The principal use of the building shall be for occupation by a single family.
- .2 Bed and breakfast accommodations are not permitted in two-family or multi-family dwellings.
- .3 The family residing in the dwelling, or a member of that family, shall be engaged in the operation of the bed and breakfast business, but the operator or operators may hire employees to work on the premises.
- .4 Not more than two bedrooms in the dwelling shall be used for bed and breakfast accommodation.
- .5 The maximum occupancy of the bedrooms used for bed and breakfast accommodation is not more than six persons in total.
- .6 No meals shall be provided to customers of the operator of the bed and breakfast other than one meal daily, served before noon.
- .7 No liquor shall be offered for sale to customers.

4.15 Secondary Suite Regulations

A secondary suite shall comply with the following regulations:

- .1 No more than one secondary suite shall be permitted per principal dwelling unit.
- .2 A secondary suite shall not be permitted in two-family dwellings or in multi-family dwellings.
- .3 The secondary suite shall not occupy more than 40% of the gross floor area of the dwelling unit.
- .4 A secondary suite will only be permitted in a principal dwelling located on a parcel which is equal to or greater than 510 m² in area.
- .5 All secondary suites must meet B.C. Building Code requirements.
- .6 All secondary suites must be registered with the Village of New Denver.

4.16 Permanent Uses Prohibited in a Tent or Travel Trailer

A permanent use located in part or in total in a tent or travel trailer shall be prohibited in all zones except as specifically permitted in this Bylaw.

4.17 Accessory Buildings and Structures

- .1 No accessory building, structure or use shall be permitted on any parcel unless the principal building to which the building, structure or use is an accessory has been erected or will be erected simultaneously with the accessory building, structure or use.
- .2 Where an accessory building or structure is attached to the principal building, it shall be considered part of the principal building and shall comply in all respects with the requirements of the Bylaw applicable to principal buildings.
- .3 In a R1 or R2 zone, an accessory building shall not exceed a gross floor area of 75 m² (800 sq. ft.).

4.18 Accessory Residences

An accessory residence shall comply with the following regulations:

- .1 An accessory residence, when permitted, shall not be occupied as a residence except where the registered owner of the subject property resides in the accessory residence or in the principal residence/building on the property.
- .2 If the registered owner of the subject property ceases to reside in either the principal residence/building or the accessory residence, the accessory residence must not be used for any purpose except storage of goods.
- .3 Only one accessory residence is allowed per residential property, and shall not be allowed in conjunction with a secondary suite in the principal dwelling unit.
- .4 No accessory residence will be allowed without meeting the requirements as defined in the British Columbia Health Act for septic disposal capacity.
- .5 All accessory residences must meet BC Building Code requirements.
- .6 An accessory residence shall not be sited or located on a separate parcel from the principal building/residence.
- .7 An accessory residence shall not exceed 5.0 m (16.4 ft.) in height.
- .8 An accessory residence shall be permitted in R1 (Single and Two Family Residential) Zones.
- .9 An accessory residence shall only be permitted in R2 (Low-Density Multi-Family Residential) Zones on parcels that contain one principal dwelling unit.

- .10 Subject to Section 4.17.3, the floor area of an existing accessory residence shall not exceed 40% of the total main floor area of the principal residence or 600 sq. ft., whichever is greater, provided the maximum parcel coverage for all buildings located on the parcel does not exceed 45% of the total parcel area, and provided the accessory residence conforms to the maximum square footage as set out in Section 4.17.3.
- .11 Parking and Access Requirements:
(i) One on-site parking space is required for the accessory residence in addition to those spaces required for the principal residence;
(ii) All required parking spaces shall be located on the subject parcel.
- .12 An accessory residence shall meet the minimum setback provisions for the zone in which the subject property is located. If attached to a garage or other structure, the entire building containing the accessory residence shall meet the minimum setback provisions for the principal building on the site.
- .13 All accessory residences must be registered with the Village of New Denver.

5.1 Establishment of Zones

For the purposes of the Bylaw, the area within the boundary of the Village of New Denver shall be divided into zones as described in Table 5.1:

TABLE 5.1 - ZONES

COLUMN I ZONE	COLUMN II ZONE ELABORATION
R1	Single and Two-Family Residential
R2	Low Density Multi-Family Residential
C1	Core Commercial
C2	Local Commercial
C3	Residential Commercial
P	Parks
P1	Parks and Open Space
P2	Public and Institutional
E1	Environmental Reserve

5.2 Zone Title

The correct name of each zone provided for this Bylaw is set out in Column I of Table 5.1. The inclusion of the names contained in Column II of Table 5.1 is for convenience only.

5.3 Location of Zones

The location of each zone is established on Schedule B, the Zoning Map, of this Bylaw.

5.4 Zone Boundaries

- .1 Where a zone boundary is shown on Schedule B, the Zoning Map, as following a highway or rail right-of-way or water course, the centre line of the right-of-way or water course shall be the zone boundary.
- .2 Where a zone boundary does not follow a legally defined line(and where the distances are not specifically indicated, the location of the zoning boundary

shall be determined by scaling from the Zoning Map shown on Schedule B of this Bylaw.

R1 - SINGLE AND TWO FAMILY RESIDENTIAL

SECTION 6

6.1 Permitted Uses

The following uses and no other shall be permitted in a R1 zone:

- (a) single family dwelling; including a single family dwelling used for short term rental for tourist accommodation that does not exceed four (4) weeks per year;
- (b) two-family dwelling; including a two-family dwelling used for short term rental for tourist accommodation that does not exceed four (4) weeks per year;
- (d) park;
- (e) playground;
- (f) home occupation;
- (g) public utility;
- (h) secondary suite;
- (i) bed and breakfast;
- (j) accessory residence;
- (k) accessory use.

6.2 Regulations

On a parcel located in an area zoned R1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 Minimum Parcel Area

The parcel area for the following uses shall not be less than:

(a) Single-family Dwelling	510 m ² (5,489.6 sq. ft.);
(b) Two-family Dwelling	765 m ² (8,234.5 sq. ft.);
(c) Other permitted Uses	765 m ² (8,234.5 sq. ft.).

.2 Minimum Parcel Frontage

The minimum parcel frontage is 15 m (49.2 ft.).

.3 Exemptions from Minimum Parcel Area and Minimum Parcel Frontage

The minimum parcel area and parcel frontage requirements do not apply where the land is used solely for parks, playgrounds or public utility uses.

.4 **Principal Buildings Per Parcel**

A parcel in a R1 zone is limited to a maximum of one principal building per parcel.

.5 **Accessory Residences Per Parcel**

A parcel in a R1 zone is limited to a maximum of one accessory residence per parcel.

.6 **Minimum Setbacks from Parcel Lines**

The minimum setbacks from parcel lines are as follows:

- (a) 4.5 m (14.8 ft.) from the front parcel line;
- (b) 1.5 m (4.9 ft.) from a rear parcel line;
- (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
- (d) 1.5 m (4.9 ft.) from an interior side parcel line.

.7 **Maximum Height**

- (a) The maximum height of principal buildings is 8.5 m (27.9 ft.) or two storeys, whichever is the lesser.
- (b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.).

.8 **Minimum Building Width**

The minimum building width is 5.5 m (18 ft.)

.9 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage is 45% of the parcel area.

.10 **Boarders and Lodgers**

Not more than two paying guests, boarders or lodgers are permitted in each separated dwelling unit.

R2 - LOW DENSITY MULTI-FAMILY RESIDENTIAL

SECTION 7

7.1 Permitted Uses

The following uses and no others shall be permitted in a R2 Zone:

- (a) multi-family dwelling;
- (b) single-family dwelling; including a single family dwelling used for short term rental for tourist accommodation that does not exceed four (4) weeks per year;
- (c) two-family dwelling; including a two-family dwelling used for short term rental for tourist accommodation that does not exceed four (4) weeks per year;
- (d) park;
- (e) playground;
- (f) home occupation;
- (g) public utility;
- (h) secondary suite;
- (i) senior citizen home;
- (j) bed and breakfast;
- (k) accessory use;
- (l) accessory residence.

7.2 Regulations

On a parcel located in an area zoned R2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 Minimum Parcel Area

The parcel area for the following uses shall not be less than:

(a) Single-family Dwelling	510 m ² (5,489.6 sq. ft.);
(b) Two-family Dwelling	765 m ² (8,234.5 sq. ft.);
(c) Senior Citizen Home	1,100 m ² (11,840 sq. ft.);
(c) Multi-Family Dwelling	1,100 m ² (11,840 sq. ft.);
(c) Church	1,100 m ² (11,840 sq. ft.).

.2 Multi-Family Dwelling Regulations

- (a) A Multi-Family Dwelling shall not exceed a maximum surface parcel coverage of 45% of the parcel area.
- (b) A Multi-Family Dwelling shall not have less than 220 m² (2,368.1 sq. ft.) of parcel area for each dwelling unit.

.3 **Minimum Parcel Frontage**

The minimum parcel frontage is 15 m (49.2 ft.).

.4 **Exemptions from Minimum Parcel Area and Minimum Parcel Frontage**

The minimum parcel area and parcel frontage requirements do not apply where the land is used solely for parks, playgrounds or public utility uses.

.5 **Principal Buildings Per Parcel**

A parcel in a R2 zone is limited to a maximum of one principal building per parcel.

.6 **Accessory Residences Per Parcel**

A parcel in a R2 zone is limited to a maximum of one accessory residence per parcel, provided there is only one single family principal dwelling unit located on the parcel, and shall not be permitted otherwise.

.7 **Minimum Setbacks from Parcel Lines**

- (1) The minimum setbacks from parcel lines for Multi-Family Dwellings and Senior Citizens Homes are as follows:
 - (a) 4.5 m (14.8 ft.) from a front parcel line;
 - (b) 1.5 m (4.9 ft.) from a rear parcel line;
 - (c) 4.5 m (14.8 ft.) from an exterior side parcel line;
 - (d) 1.5 m (4.9 ft.) from an interior side parcel line.
- (2) The minimum setbacks for other buildings and structures permitted in a R2 zone are as follows:
 - (a) 4.5 m (14.8 ft.) from a front parcel line;

- (b) 1.5 m (4.9 ft.) from a rear parcel line;
- (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
- (d) 1.5 m (4.9 ft.) from an interior side parcel line.

.8 **Maximum Height**

- (a) The maximum height of principal buildings is 8.5 m (27.9 ft.) or two storeys, whichever is the lesser.
- (b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.)

.9 **Minimum Building Width**

The minimum building width is 5.5 m (18 ft.).

.10 **Maximum Surface Parcel Coverage**

- (a) Principal buildings shall not cover more than 45% of the parcel area.
- (b) Accessory buildings or structures shall not cover more than 15% of the parcel area.

.11 **Boarders and Lodgers**

Not more than two paying guests, boarders, or lodgers are permitted in each separate dwelling unit.

.12 **Parking Area Regulations in a R2 Zone**

- (1) Off-street parking areas, unless completely enclosed within a building or underground, shall not be used for the parking or storing of:
 - (a) commercial vehicles exceeding a Gross Vehicle Weight rating of 2,800 kg (6,172.9 lb.);
 - (b) contractor's equipment;
 - (c) travel trailers, boat trailers, or boats, which exceed 8 m (26.2 ft.) in length.

- (2) Off-street parking areas not concealed within a building or underground and containing more than four parking spaces shall be bounded by a landscape screen of not less than 0.9 m (3.0 ft.) in height at the time of planting and maintained in a healthy growing condition and in a neat and orderly appearance.
- (3) Off-street parking areas shall be sited such that the surface of such use at ground level, or a driveway for such use, is not within an arc of 3 m (9.8 ft.) in radius measured from the nearest surface of a window to a habitable room.

8.1 Permitted Uses

The following uses and no others shall be permitted in a C1 zone:

- (a) automobile show room and sales lot;
- (b) automotive, boat, and equipment sales, service and repair;
- (c) bakery;
- (d) boat show room and sales lot;
- (e) business and professional office;
- (f) bus terminal for loading and unloading;
- (g) civic use;
- (h) community hall, clubs and lodges, church, library, and other similar uses;
- (i) convenience store;
- (j) daycare;
- (k) financial institution;
- (l) gasoline service station;
- (m) guest house;
- (n) home occupation;
- (o) hotel;
- (p) medical and dental office;
- (q) motel;
- (r) nursery;
- (s) outdoor recreation equipment rental;
- (t) personal service establishment;
- (u) post office;
- (v) printing and publishing;
- (w) recreation and place of amusement;
- (x) restaurant;
- (y) retail store;
- (z) single-family dwelling and two-family dwelling; including a single or two-family dwelling used for short term rental for tourist accommodation that does not exceed four (4) weeks per year;
- (aa) theatre excluding drive-in;
- (bb) undertaking establishment;
- (cc) video rental store;
- (dd) bed and breakfast;
- (ee) public utility building and structures, with no exterior storage of any kind and no garage for the storage, repair, and maintenance of equipment;
- (ff) residential dwelling in conjunction with a commercial use;

- (gg) accessory use
- (hh) multi-family dwelling.

8.2 Regulations

On a parcel located in an area zoned C1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 **Residential Dwelling in Conjunction with a Commercial Use**

Dwelling units shall:

- (a) be contained in the same building;
- (b) be located above or behind the commercial use;
- (c) have separate entrances from the outside.

.2 **Minimum Parcel Area**

(1) The parcel area for the following uses shall be not less than:

- (a) Hotel or Motel: 1,100 m² (11,840.4 sq. ft.);
- (b) Gasoline Service Station: 1,100 m² (11,840.4 sq. ft.);
- (c) Two-Family Dwelling: 765 m² (8324.5 sq. ft.);
- (d) For any uses except Hotel, Motel, Gasoline Service Station, or Two-Family Dwelling: 510 m² (5,489.6 sq. ft.);

(2) The minimum parcel size for any uses except Hotel, Motel, Gasoline Service Station, Single-Family Dwelling or Two-Family Dwelling may be reduced to 255 m² (2,744.9 sq. ft.) provided the owner meets Provincial regulations for sewage disposal and all other regulations.

.3 **Exemption from Minimum Parcel Area**

The minimum parcel area requirements do not apply where the land is used solely for a public utility use.

.4 **Minimum Parcel Frontage**

The minimum parcel frontage on a highway is 15 m (49.2 ft.).

.5 **Buildings Per Parcel**

Shall not be limited except in the case of a single-family or a two-family dwelling use which shall be limited to one principal building.

.6 **Minimum Setbacks from Parcel Lines**

- (1) The minimum setbacks from parcel lines for Single-Family and Two-Family Dwellings are as follows:
 - (a) 4.5 m (14.8 ft.) from a front parcel line;
 - (b) 3.0 m (9.8 ft.) from a rear parcel line;
 - (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
 - (d) 3.0 m (9.8 ft.) from an interior side parcel line that abuts a side lane; or
 - (e) 1.5 m (4.9 ft.) from any other interior side parcel line.
- (2) The minimum setbacks for all other permitted uses are as follows:
 - (a) 0.0 m (0 ft.) from a front parcel line; or
 - (b) 4.5 m (14.8 ft.) from a front parcel line where the parcel abuts Highway 6 or 31A;
 - (c) 4.5 m (14.8 ft.) from a rear parcel line;
 - (d) 0.0 m (0 ft.) from an exterior side parcel line;
 - (e) 4.5 m (14.8 ft.) from an exterior side parcel line where it abuts Highway 6 or 31A;
 - (f) 0.0 m (0 ft.) from an interior side parcel line; or
 - (g) 3.0 m (9.8 ft.) from an interior side parcel line that abuts a side lane; or
 - (h) 4.5 m (14.8 ft.) from an interior side parcel line where it abuts a residential zone.

.7 **Minimum Building Width**

The width of a single family dwelling shall not be less than 5.5 metres (18 ft.).

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

- (a) The maximum height of principal buildings is 10.0 m (32.8 ft.) or two and a half storeys, whichever is the lesser.
- (b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.).

.9 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage for commercial buildings is 90% of the parcel area subject to adequate sewage disposal being available.

The maximum surface parcel coverage for single and two-family dwellings is 45% of the parcel area.

.10 **Landscaping**

All land which is not used for parking, walks or gardens shall be landscaped.

9.1 Permitted Uses

The following uses and no others shall be permitted in a C2 zone:

- (a) bed and breakfast;
- (b) business and professional office;
- (c) daycare;
- (d) guesthouse;
- (e) medical or dental office;
- (f) outdoor recreation equipment rental;
- (g) personal service establishment;
- (h) public utility building and structures, with no exterior storage of any kind and no garage for the storage, repair, and maintenance of equipment;
- (i) single-family dwelling and two-family dwelling;
- (j) studio for arts, crafts, music, dance and photography;
- (k) woodworking shop;
- (l) sales directly associated with permitted uses;
- (m) accessory use.

9.2 Regulations

On a parcel located in a n area zoned C2, no building or structure shall be constructed, located, or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 Minimum Parcel Area

The parcel area for the following uses shall not be less than:

- (a) Single-Family Dwelling: 510 m² (5,489.6 sq. ft.);
- (b) Two-Family Dwelling: 765 m² (8234.5 sq. ft.);
- (c) Other Permitted Uses: 765 m² (8234.5 sq. ft.).

.2 Minimum Parcel Frontage

The minimum parcel frontage on a highway is 15 m (49.2 ft.).

.3 Buildings Per Parcel

The number of buildings per parcel shall not be limited, except in the case of a single-family or a two-family dwelling use which shall be limited to one principal building.

.4 **Minimum Setbacks from Parcel Lines**

- (1) The minimum setbacks from parcel lines for Single-Family and Two-Family Dwellings are as follows:
 - (a) 4.5 m (14.8 ft.) from a front parcel line;
 - (b) 1.5 m (4.9 ft.) from a rear parcel line;
 - (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
 - (d) 1.5 m (4.9 ft.) from an interior side parcel line.
- (2) The minimum setbacks from parcel lines for all other permitted uses are as follows:
 - (a) 4.5 m (14.8 ft.) from a front parcel line;
 - (b) 3.0 m (9.8 ft.) from a rear parcel line;
 - (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
 - (d) 3.0 m (9.8 ft.) from an interior side parcel line that abuts a side lane; or
 - (e) 1.5 m (4.9 ft.) from any other interior side parcel line.

.5 **Minimum Building Width**

The minimum building width is 5.5 m (18 ft.).

.6 **Maximum Height**

- (a) The maximum height of principal buildings is 8.5 m (27.9 ft.) or two storeys, whichever is the lesser.
- (b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.).

.7 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage is 60% of the parcel area subject to adequate sewage disposal being available.

.8 **Landscaping**

All land which is not used for parking, walks or gardens shall be landscaped.

C3 - RESIDENTIAL COMMERCIAL SECTION 10

10.1 Permitted Uses

The following uses and no other shall be permitted in a C3zone:

- (a) single family dwelling;
- (b) single family dwelling for weekly or monthly rental for tourist accommodation;
- (c) two-family dwelling;
- (d) church not greater than 185.8 sq. m. (2,000 sq. ft.) in gross floor area;
- (e) park;
- (f) playground;
- (g) home occupation;
- (h) public utility;
- (i) secondary suite;
- (j) bed and breakfast;
- (k) accessory use.

10.2 Regulations

On a parcel located in an area zoned C3, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 **Minimum Parcel Area**

The parcel area for the following uses shall be not less than:

- | | |
|----------------------------|------------------------------|
| (a) Single-family Dwelling | 510 sq. m. (5,489.6 sq. ft.) |
| (b) Two-family Dwelling | 765 sq. m. (8,234.5 sq. ft.) |
| (c) Other permitted uses | 765 sq. m. (8,234.5 sq. ft.) |

.2 **Minimum Parcel Frontage**

The minimum parcel frontage is 15 m (49.2 ft.)

.3 **Exemptions from Minimum Parcel Area and Minimum Parcel Frontage**

The minimum parcel area and parcel frontage requirements do not apply where the land is used solely for parks, playgrounds or public utility uses.

.4 **Principal Buildings Per Parcel**

A parcel in a C3 zone is limited to a maximum of one principal building per parcel.

.5 **Minimum Setbacks from Parcel Lines**

The minimum setbacks from parcel lines are as follows:

- (a) 4.5 m (14.8 ft.) from the front parcel line;
- (b) 1.5 m (4.9 ft.) from a rear parcel line;
- (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
- (d) 1.5 m (4.9 ft.) from an interior side parcel line.

.6 **Maximum Height**

- (a) The maximum height of principal buildings is 8.5 m (27.9 ft) or two storeys, whichever is the lesser.
- (b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.).

.7 **Minimum Building Width**

The minimum building width is 5.5 m (18 ft.).

.8 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage is 45% of the parcel area.

11.1 Permitted Uses

The following uses and no others shall be permitted in a P zone:

- (a) arena;
- (b) campground;
- (c) daycare;
- (d) marina;
- (e) outdoor recreation equipment rental;
- (f) park, playground and public recreation;
- (g) public utility building and structure, with no exterior storage of any kind and no garage for the storage, repair, and maintenance of equipment;
- (h) public dock, pier, wharf and raft;
- (i) residential dwelling in conjunction with a tourist commercial use;
- (j) restaurant;
- (k) accessory use.

11.2 Regulations

On a parcel located in an area zoned P, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 Residential Dwelling in Conjunction with a Tourist Commercial Use

One dwelling unit in conjunction with the uses permitted in Section 11.1 for the accommodation of owner, operator, or an employee of the establishment, is permitted.

.2 Minimum Parcel Area and Minimum Parcel Frontage

- (1) The minimum parcel area is 1,100 m² (11,840.4 sq. ft.).
- (2) The minimum frontage on a highway is 15 m (49.2 ft.).
- (3) The minimum parcel area requirements do not apply where the land is used solely for parks, playgrounds, public recreation or a public utility use.

.3 **Buildings Per Parcel**

There shall be no restrictions on the number of buildings per parcel.

.4 **Minimum Setbacks from Parcel Lines**

The minimum setbacks from parcel lines are as follows:

- (a) 7.5 m (24.6 ft.) from a front parcel line;
- (b) 7.5 m (24.6 ft.) from a rear parcel line;
- (c) 7.5 m (24.6 ft.) from an interior side parcel line;
- (d) 7.5 m (24.6 ft.) from an exterior side parcel line.

.4 **Maximum Height**

- (a) The maximum height of principal buildings is 8.5 m (27.9 ft.) or two storeys, whichever is the lesser.
- (b) The maximum height for accessory buildings and structures is 10.0 m (16.4 ft.).

.5 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage is 45% of the parcel area.

.6 **Landscaping**

All land which is not used for parking or exterior storage and which is not screened shall be landscaped.

12.1 Permitted Uses

The following uses and no others shall be permitted in a P1 zone:

- (a) campground;
- (b) park;
- (c) public dock, pier, wharf;
- (d) public utility building and structure, with no exterior storage of any kind and no garage for the storage, repair, and maintenance of equipment;
- (e) open space;
- (f) accessory use.

12.2 Regulations

On a parcel located in an area zoned P1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 Minimum Parcel Area

There is no minimum parcel area required for uses in a P1 zone.

.2 Minimum Parcel Frontage

There is no minimum parcel frontage required for uses in a P1 zone.

.3 Buildings Per Parcel

There shall be no restrictions on the number of buildings per parcel.

.4 Minimum Setbacks from Parcel Lines

The minimum setbacks from parcel lines for uses in a P1 zone are as follows:

- (a) 7.5 m (24.6 ft.) from the front parcel line;
- (b) 7.5 m (24.6 ft.) from the rear parcel line;
- (c) 7.5 m (24.6 ft.) from the interior side parcel line;

(d) 7.5 m (24.6 ft.) from the exterior side parcel line.

.5 **Maximum Height**

(a) The maximum height of principal buildings is 8.5 m (27.9 ft.) or two storeys, whichever is the lesser.

(b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.).

.6 **Maximum Height Exemptions**

The following structures are exempt from the height limitations specified in this zone:

(a) baseball backstop;

(b) playground equipment.

P2 - PUBLIC AND INSTITUTIONAL

SECTION 13

13.1 Permitted Uses

The following uses and no others shall be permitted in a P2 zone:

- (a) church;
- (b) civic use;
- (c) community hall;
- (d) daycare;
- (e) hospital;
- (f) museum, heritage site, memorial centre;
- (g) public utility;
- (h) school;
- (i) accessory use.

13.2 Regulations

On a parcel located in an area zoned P2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 **Minimum Parcel Area**

The minimum parcel area is 700 m² (7,534.8 sq. ft.).

.2 **Minimum Parcel Frontage**

The minimum frontage on a highway is 15 m (49.2 ft.).

.3 **Exemptions from Minimum Parcel Area**

The minimum parcel area requirements do not apply where the land is used solely for a public utility use.

.4 **Buildings Per Parcel**

There shall be no restrictions on the number of buildings per parcel.

.5 **Minimum Setbacks from Parcel Lines**

The minimum setbacks from parcel lines for uses in a P2 zone are as follows:

- (a) 6.0 m (19.7 ft.) from the front parcel line;
- (b) 6.0 m (19.7 ft.) from the rear parcel line;
- (c) 1.5 m (4.9 ft.) from the interior side parcel line;
- (d) 3.0 m (9.8 ft.) from the exterior side parcel line.

.6 **Maximum Height**

The maximum height is 13.0 m (42.6 ft.) for principal buildings and 13.0 (42.6 ft.) for accessory buildings and structures.

.7 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage is 60% of the parcel area subject to adequate sewage disposal being available.

E1 - ENVIRONMENTAL RESERVE SECTION 14

The intent of zoning lands designated as E1 is to protect the Village's water source.

14.1 Permitted Uses

The following uses and no others shall be permitted in an E1 zone:

- (a) municipal water supply;
- (b) park;
- (c) accessory use.

14.2 Regulations

On a parcel located in an area zoned E1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out below:

.1 **Minimum Parcel Area**

There is no minimum parcel area required for uses in an E1 zone.

.2 **Minimum Parcel Frontage**

There is no minimum parcel frontage required for uses in an E1 zone.

.3 **Buildings Per Parcel**

There shall be no restrictions on the number of buildings per parcel.

.4 **Minimum Setbacks from Parcel Lines**

The minimum setbacks from parcel lines are as follows:

- (a) 4.5 m (14.8 ft.) from the front parcel line;
- (b) 1.5 m (4.9 ft.) from a rear parcel line;
- (c) 3.0 m (9.8 ft.) from an exterior side parcel line;
- (d) 1.5 m (4.9 ft.) from an interior side parcel line.

.5 **Maximum Height**

(a) The maximum height of principal buildings is 8.5 m (27.9 ft.) or two storeys, whichever is the lesser.

(b) The maximum height for accessory buildings and structures is 5.0 m (16.4 ft.).

.6 **Maximum Surface Parcel Coverage**

The maximum surface parcel coverage is 45% of the parcel area.

OFF-STREET PARKING AND LOADING

SECTION 15

15.1 Application of Regulations

Space for the off-street parking and loading of motor vehicles in respect of a use permitted under this Bylaw shall be provided and maintained in accordance with the regulations of this section.

15.2 Location of Parking Spaces

- .1 Except for uses in the C1 and C2 zones, off-street parking spaces shall be located on the same parcel as the use they serve.
- .2 In the C1 and C2 zones, off-street parking spaces may be located on another parcel within 150 m (492 ft.) of the building or use the spaces serve under the condition that legal assurances, satisfactory to the Village of New Denver are established to ensure that the parcel or portion of the parcel is used only for parking that serves the building or use.
- .3 All parking areas shall have each space sited so as to permit unobstructed access to and egress from each space at all times.

15.3 Dimension of Parking Spaces

In all zones, each off-street parking space shall be provided in accordance with the following minimum specifications:

- .1 Each off-street parking space required by this Bylaw shall be not less than 2.7 m (8.9 ft.) in width and 5.5 m (18.1 ft.) in length;
- .2 Each off-street parking space shall have a vertical clearance of not less than 3.0 m (9.8 ft.);
- .3 Each off-street parking space shall be located 0.3 m (1.0 ft.) or more from a parcel line common to the street allowance.

15.4 Exemptions from Parking and Loading Requirements

The regulations contained in this section shall not apply to buildings, structures and uses existing as of the date of adoption of this Bylaw except that:

- .1 any alteration or addition to an existing building and structure or change or addition to the existing use is governed by the Local Government Act;
- .2 the number of off-street parking or loading spaces provided prior to the date of adoption of this Bylaw shall not be reduced below the applicable off-street parking requirements of this section.

15.5 Access to Highways

- .1 All parking areas shall have access and egress to a highway or lane via not more than two driveways of not less than 3 m (9.8 ft.) or more than 7.5 m (24.6 ft.) wide each, provided that one additional driveway may be added for each 375 m² (4,036.5 sq. ft.) of parking area in excess of 750 m² (8,073 sq. ft.).

15.6 Surfacing of Off-Street Parking and Loading Spaces

All area used for parking and loading shall be surfaced with pavement, concrete, gravel or other dust-free material.

15.7 Calculating the Number of Required Off-Street Parking and Loading Spaces

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

- .1 The number of off-street parking spaces required for a use, building or parcel abutting Highway 6 or Highway 31A or having an access on to Highway 6 or Highway 31A is calculated according to the Off-Street Parking Table 13.1 of this section in which Column I sets out the use of a building or parcel and Column II sets out the number of required parking spaces.
- .2 The number of off-street parking spaces required for a use, building or parcel not abutting Highway 6 or Highway 31A or not having access on to Highway 6 or Highway 31A is calculated according to the Off-Street Parking Table 13.2 of this section in which Column I sets out the use of a building or parcel and Column II sets out the number of required parking spaces.
- .3 Where the calculation of the required off-street parking spaces results in a fraction, one parking space shall be provided in respect of that fraction.

- .4 Where a building contains more than one function, the required number of spaces shall be the sum of the requirements for each function.

- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.5 m (1.6 ft.) of length of such seating shall be deemed to be one seat.

**TABLE 15.1
REQUIRED OFF-STREET PARKING SPACES FOR BUILDINGS OR PARCELS ABUTTING HIGHWAY 6
OR HIGHWAY 31A OR HAVING AN ACCESS ON TO HIGHWAY 6 OR 31A**

COLUMN 1 (USE)	COLUMN II (REQUIRED NUMBER OF PARKING SPACES)
Accessory Residence	1 per accessory residence
Auto Sales and Repair	1 per 70 m ² of GFA + 1 per service bay
Animal Hospital/Kennel	1 per 30 m ² of GFA
Auction (Indoor)	1 per 10 m ² of auction floor
Bowling Alley	2 per alley
Boat Sales	1 per 40 m ² of GFA and 1 per 400 m ² of display area
Building Material Supply	1 per 40 m ² of GFA
Campground/Overnight Trailer	1 per campsite
Club/Lodge	1 per 4 seats
College	5 per classroom
Convenience Store	1 per 15 m ² of GFA or 4 whichever is greater
Cultural Facility (Art Gallery, Etc.)	1 per 40 m ² of GFA
Financial Institution	1 per 20 m ² of GFA
Funeral Parlour	1 per 5 seats
Gas Station	1 + 2 per service bay
Golf Course	150 stalls
Golf Driving Range	1 per tee + 2
Guest House	1 per unit
Health Salon	1 per 10 m ² of GFA

Hospital, General	0.75 per bed
Hotel	1 per guest room
Laboratory	1 per 40 m ² of GFA
Laundry/Dry Cleaning	1 per 40m ² of GFA
Laundromat	1 per 3 washing machines
Motel	1 per unit
Machinery Sales	1 per 100 m ² of display area
Marina	3 + 1 per 2 boat spaces
Nursery/Greenhouse	1 per 15 m ² of GFA
Medical Clinic	2 stalls per doctor or dentist
Office, General	1 per 30 m ² of GFA
Police Office	1 per 30 m ² of GFA
Pool, Swimming	1 per 15 m ² of GFA
Post Office	1 per 30 m ² of GFA
Public Bus Depot	1 per 20 m ² of waiting room
Residential, Single Family and Duplex	1 per dwelling unit
Recreation Centre (Arena)	1 per 10 m ² of ice area
Restaurant	1 per 4 seats
School, Elementary	2 per classroom
School, Secondary	5 per classroom
Store, Retail	1 per 30 m ² of GFA
Senior Citizen Home	1 per 4 dwelling units
Theatre	1 per 4 seats
Tourist Attraction	1 per 4 persons at capacity
Tire Repair	1.5 per bay
Vegetable/Fruit Stand	1 per 30 m ² of GFA

Warehouse	1 per 180 m ² of GFA
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TABLE 15.2

REQUIRED OFF-STREET PARKING SPACES FOR BUILDINGS OR PARCELS NOT ABUTTING HIGHWAY 6 OR HIGHWAY 31A OR NOT HAVING AN ACCESS ON TO HIGHWAY 6 OR 31A

COLUMN 1 (USE)	COLUMN II (REQUIRED NUMBER OF PARKING SPACES)
Accessory Residence	1 per accessory residence
Arena	50 stalls
Club/Lodge	1 per 4 seats
College	1 per classroom
Community Centre	1 per 40 m ²
Daycare	1 per daycare
Golf Course	2 per hole
Golf Driving Range	1 per tee + 2
Guest House	1 per unit
Hotel	1 per guest room
Motel	1 per unit
Marina	3 + 1 per 2 boat spaces
Office, General	1 per office establishment
Police Office	1 per 30 m ² of gross floor area
Post Office	1 per 30 m ² of gross floor area
Public Bus Depot	1 per 20 m ² of waiting room
Residential, Single Family and Duplex	1 per dwelling unit
Residential, Multi-Family	1 per dwelling unit
Restaurant	1 per restaurant
School, Elementary	1 per classroom
School, Secondary	1 per classroom

Senior Citizen Home	1 per 4 dwelling units
All Other Commercial Uses	1 per commercial establishment

15.8 Off-Street Loading Spaces

.1 Off-Street loading spaces for uses abutting Highway 6 or Highway 31A or having an access to Highway 6 or Highway 31A shall be provided in accordance with the following regulations:

- (a) The number of off-street loading spaces required for any use is calculated according to Table 13.3 of this Bylaw in which Column 1 classifies the type of use and Column II sets out the number of off-street loading spaces required:

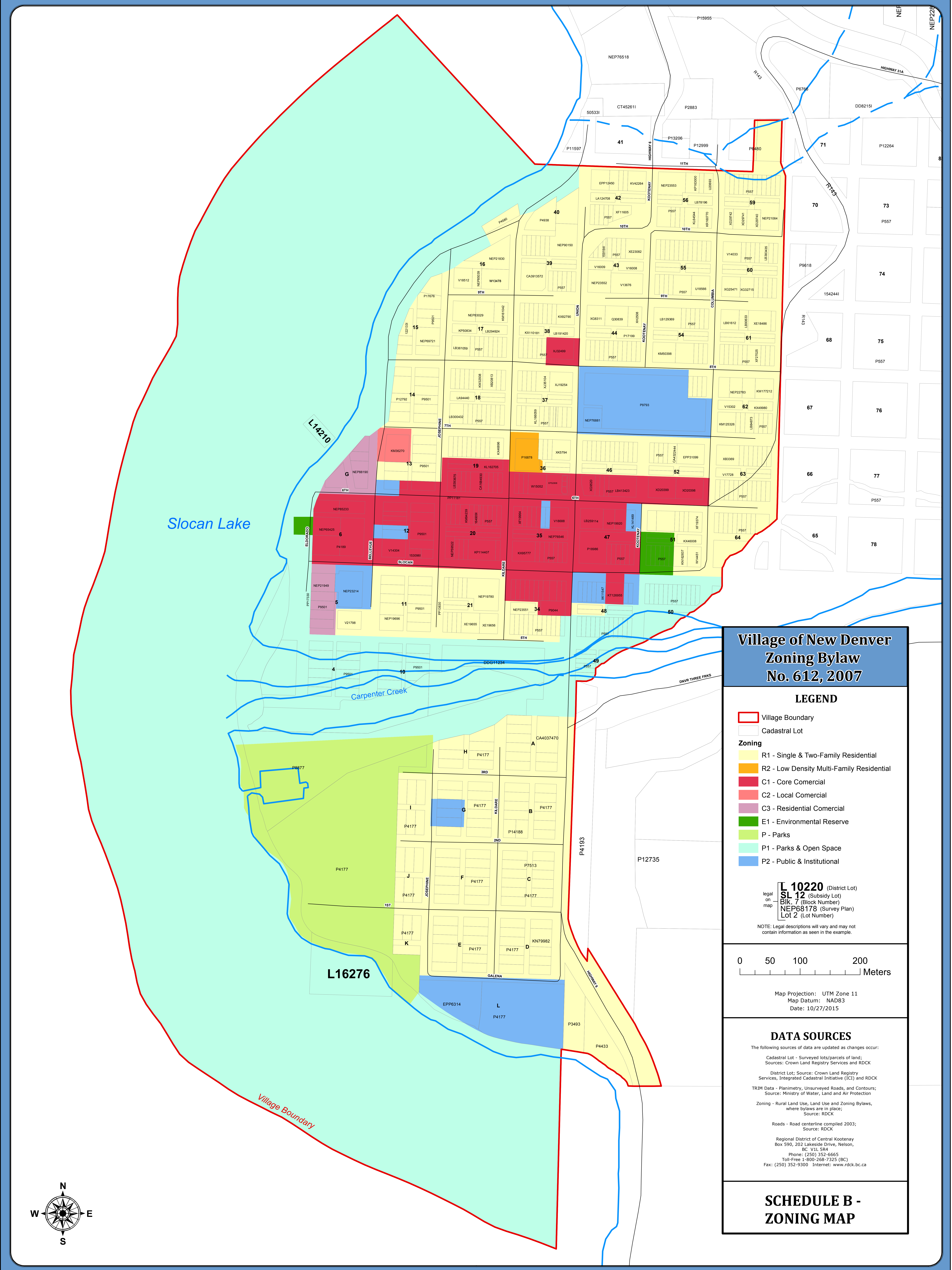
TABLE 15.3

OFF-STREET LOADING SPACES REQUIRED FOR USES ABUTTING HIGHWAY 6 OR HIGHWAY 31A, OR HAVING AN ACCESS ONTO HIGHWAY 6 OR HIGHWAY 31A

COLUMN I (USE)	COLUMN II (OFF-STREET LOADING SPACES REQUIRED)
Commercial Uses with a Floor Area of: 0 to 2000 m ² more than 2000 m ²	1 space 2 spaces

- (b) Off-street parking spaces shall not be credited as off-street loading spaces.
- (c) Each off-street loading space shall not be less than 10 m (32.8 ft.) in length, 3 m (9.8 ft.) in width, and provide no less than 4 m (13.1 ft.) of vertical clearance.
- (d) Each off-street loading space shall be located to the rear or side of the principal building.
- (e) Each off-street loading space shall have vehicular access to a highway or lane.
- .2 Off-Street loading spaces for uses not abutting Highway 6 or Highway 31A or not having an access on to Highway 6 or Highway 31A shall be provided in accordance with the following regulations:

- (a) Off-Street loading spaces are not required.



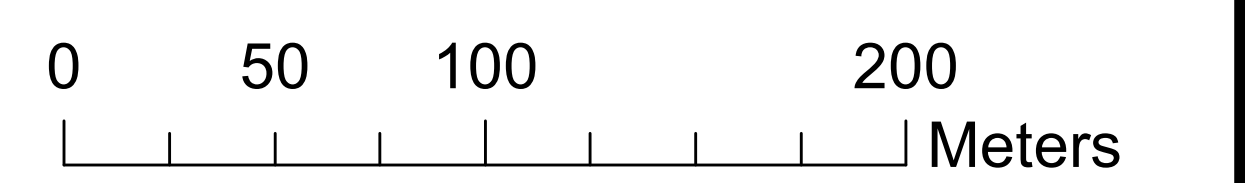
Village of New Denver Zoning Bylaw No. 612, 2007

LEGEND

- Village Boundary
- Cadastral Lot
- Zoning**
- R1 - Single & Two-Family Residential
- R2 - Low Density Multi-Family Residential
- C1 - Core Commercial
- C2 - Local Commercial
- C3 - Residential Commercial
- E1 - Environmental Reserve
- P - Parks
- P1 - Parks & Open Space
- P2 - Public & Institutional

L 10220 (District Lot)
SL 12 (Subsidy Lot)
Blk. 7 (Block Number)
NEP68178 (Survey Plan)
Lot 2 (Lot Number)

NOTE: Legal descriptions will vary and may not contain information as seen in the example.



Map Projection: UTM Zone 11
 Map Datum: NAD83
 Date: 10/27/2015

DATA SOURCES

The following sources of data are updated as changes occur:

- Cadastral Lot - Surveyed lots/parcels of land;
Sources: Crown Land Registry Services and RDCK
- District Lot; Source: Crown Land Registry Services, Integrated Cadastral Initiative (ICI) and RDCK
- TRIM Data - Planimetry, Unsurveyed Roads, and Contours;
Source: Ministry of Water, Land and Air Protection
- Zoning - Rural Land Use, Land Use and Zoning Bylaws, where bylaws are in place;
Source: RDCK
- Roads - Road centerline compiled 2003;
Source: RDCK
- Regional District of Central Kootenay
Box 590, 202 Lakeside Drive, Nelson,
BC V1L 5R4
Phone: (250) 352-6665
Toll-Free 1-800-268-7325 (BC)
Fax: (250) 352-9300 Internet: www.rdck.bc.ca

SCHEDULE B - ZONING MAP

