

SUMMARY:

The Off-Street Parking and Landscape Bylaw is a bylaw to regulate off-street parking and landscaping within the City of Nelson.

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

THE CORPORATION OF THE CITY OF NELSON

OFF-STREET PARKING AND LANDSCAPE BYLAW NO. 3274, 2013

REVISED: February 3, 2020

Consolidated for Convenience to Include Bylaw No. 3314, 3320, 3345, 3393,
3401, 3422, 3450, 3459, 3464, 3472, 3474

BEING A BYLAW TO REGULATE OFF-STREET PARKING AND LANDSCAPING
WITHIN THE CITY OF NELSON

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Off-Street Parking and Landscape Bylaw No. 3274, 2013

WHEREAS Part 26 of the *Local Government Act* authorizes a local government to enact bylaws respecting off-street parking and loading, runoff control and screening and landscaping;

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

PART 1 – DEFINITIONS AND INTERPRETATION (amended by [BL3422](#), [BL3450](#), [BL3472](#))

1.1 Definitions

The following words or phrases have the meanings set out in the *City of Nelson Zoning Bylaw 3199, 2013*: “**Dwelling Unit**”, “**Gross Floor Area (GFA)**”, “**Lane**”, “**Lot**”, “**Lot Coverage**”, “**Street**”, and “**Zone**”.

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:

“**Accessible Vehicle Parking**” means a parking stall reserved for the exclusive use of a person with a disability parking permit.

“**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 refuelling stations.

“Bicycle Parking:

“**Long Term**” means a secure, weather protected bicycle parking facility used to accommodate long term bicycle parking, such as for residents or employees.

“**Short Term**” means a short term visitor bicycle parking facility that offers some 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, subject to Section 9.1 of this Bylaw.

“**Car-share**” means a system of sharing vehicles in the City that allows for a membership based service available to all qualified drivers. No separate written agreement is required each time a member reserves and uses a vehicle. The car-share operation offer members access to a dispersed network of shared vehicles 24-hours, 7 days a week at unattended self-service locations.

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

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

“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 any of the following: a monitor(s), communications equipment, a controller(s), a timer(s), and other applicable device(s).

“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.

“Landscape Area” means the minimum percentage of lot area required to be landscaped for any development requiring a landscape plan.

“Landscape Plan” means a plan as per Section 10.4 of this Bylaw.

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

“Level 2 Charging” means a connected point in an electrical wiring installation at which Level 2 service is taken to supply utilization equipment (with Level 2 defined by SAE International's J1772 standard).

“Municipality” means the City of Nelson.

“Off-Street Vehicle Parking” means a lot or part of a lot or a building available to be used for the parking of motor vehicles.

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

“Senior Citizens Home” means a multi-unit residential building occupied exclusively by people over the age of 55:

- a) which is supported in whole or in part by financial assistance from the Municipal, Provincial, or Federal governments or agencies; and/or
- b) where the residents are regularly served with meals and housekeeping and the building contains adequate facilities to provide such services along with other amenities.

“Shared Parking Space” means a parking space that serves multiple users and destinations.

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

“Vegetative Buffer” means the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a vegetative screen and plantings.

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

1.2 Interpretation

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

PART 2 – PURPOSE

The purpose of this Bylaw is to regulate off-street vehicle parking, loading spaces, bicycle parking, and landscaping in the municipality for the benefit of the community as a whole.

PART 3 – ACCESS

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

PART 4 – METRIC MEASUREMENT

All measurements in this Bylaw are expressed in metric units.

PART 5 – APPLICATIONS IN PROCESS

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

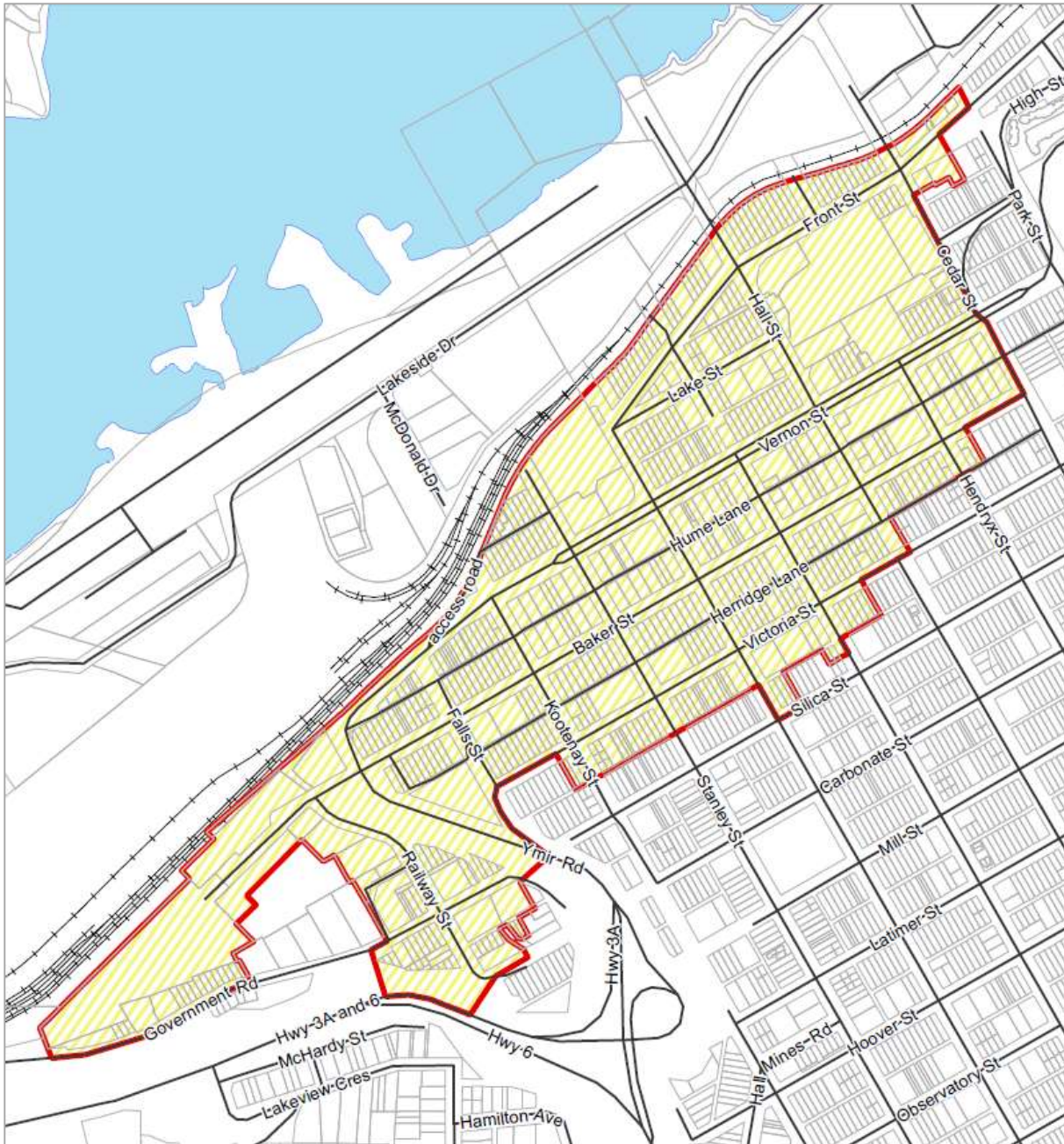
PART 6 - PROVISION OF OFF-STREET VEHICLE PARKING, LOADING SPACES AND BICYCLE PARKING

6.1 Application (amended by BL 3450)

- (1) Space for off-street vehicle parking, 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.
- (2) These regulations do not apply to buildings, structures or uses existing on the effective date of this bylaw, except that:

- (a) off-street vehicle parking and loading spaces required in accordance with previous land use regulation bylaws shall be provided and maintained, except that if the number of spaces required by this bylaw is lower, the requirements of this bylaw shall be applied.
 - (b) off-street vehicle parking, loading spaces and bicycle parking shall be provided and maintained in accordance with this bylaw for any addition to such existing building or structure that creates new floor area. Requirements for off-street vehicle parking, loading spaces and bicycle parking will be based on the new gross floor area, not including the previous building.
- (3) Despite subsections 6.1.(1) and 6.1.(2), in lieu of providing off-street vehicle parking spaces for new buildings and structures within the Downtown Parking Area as shown on Figure 1, a financial contribution to the City's Active Transportation Reserve Fund for the development of active transportation infrastructure may be provided. The value will be \$10,000 per vehicle parking space.
- (4) Despite subsections 6.1.(1) and 6.1.(2), a change of use to an existing building or structure that does not result in new floor area being created, when located in a commercial, industrial, institutional, or mixed-use zone, will not be required to provide additional off-street vehicle parking, cash in lieu, loading spaces or bicycle parking, provided that the existing building is at least five years old.
- (5) Variances to this Bylaw may be granted by Council or the Board of Variance in accordance with the provisions of the *Local Government Act* and *Development Applications Procedures Bylaw No. 3243, 2012*.

Schedule A: Downtown Parking Area (Amended by Bylaw No. 3393, 3474)



6.2 Calculation of Required Off-Street Vehicle Parking, Loading Spaces and Bicycle Parking

- (1) When the calculation of aggregate off-street vehicle parking, loading spaces or bicycle parking requirements results in a fractional figure, it shall be rounded to the nearest whole number.
- (2) If more than one use is located on a lot, the total number of off-street vehicle parking spaces, loading spaces and bicycle parking spaces shall be the sum of the requirements for each use.
- (3) A loading space or a bicycle parking space shall not be considered as an off-street vehicle parking space for the purpose of calculating the vehicle parking spaces provided.
- (4) An off-street vehicle parking space or a bicycle parking space shall not be considered as a loading space for the purpose of calculating the loading spaces provided.
- (5) If a use is not listed, City staff determine whether off-street parking spaces, loading spaces and bicycle parking spaces are required, and if so, the number of required off-street vehicle parking spaces, loading spaces and bicycle parking spaces shall be calculated on the basis of a similar use that is listed.
- (6) In the case of a single-detached residential dwelling that existed prior to the adoption of *City of Nelson Zoning Bylaw No. 3199, 2013*, and with no recorded, actual or feasible off-street parking space provided, and where a secondary suite or laneway house is proposed, off-street vehicle parking requirements will only apply to the secondary suite or the laneway house.

PART 7 - OFF-STREET VEHICLE PARKING

7.1 Location of Off-Street Vehicle Parking [\(amended by BL 3450\)](#)

- (1) In all residential zones, off-street vehicle 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 use cannot be provided on the same lot as the Short-Term Rental, up to one (1) required parking space may be located on another lot adjacent to or across the lane, or within 100 metres from the subject lot, upon approval of the Manager of Development Services provided that:

- i. such other off-site parking shall be secured by an agreement, satisfactory to the City, 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 use until its off-street parking requirements are fulfilled to the City's satisfaction.
- vi. the lot on which the off-site parking space is located must meet the minimum parking requirements as specified in section 7.3 of this bylaw. The space provided for a Short-Term Rental shall be in addition to the minimum parking required.
- vii. a property owner providing off-site parking shall only enter into not more than one (1) agreement to provide not more than one (1) parking space.

(b) All or part of the off-street vehicle 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 separate lot on which the off-street vehicle parking is located.

(2) In zones other than residential zones, all or part of the off-street vehicle 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 vehicle parking is provided is not more than 150 m. from the site 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 separate lot on which the off-street vehicle parking is located.

7.2 Accessible Vehicle Parking (amended by BL 3450)

- (1) Accessible vehicle parking shall:
 - a. Despite anything to the contrary in this Bylaw, be at least 3.7 metres wide and 5.5 metres long, and have a vertical clearance of at least 2.3 metres;
 - b. have a clear pedestrian access aisle of 1.2 m wide that extends the full length of the space, is clearly indicated by high-colour contrast diagonal pavement markings, and shall connect with adjacent accessible path of travel. Where two accessible parking spaces are adjacent, the pedestrian aisle may be shared.
 - c. be located within 30 metres from an accessible entrance and as close to a main building entrance as practical, on a level, firm, and slip-resistant surface; and
 - d. be clearly identified as being solely for the use of persons with disabilities.
- (2) Accessible parking stalls shall be included in the calculation of the applicable minimum parking requirement.
- (3) Despite subsection (2) and anything to the contrary in this Bylaw, when more than 5 parking stalls are required, each accessible parking space provided to satisfy the minimum required number of such spaces will count as two parking spaces for the purpose of satisfying the minimum required number of parking spaces.
- (4) The minimum number of designated accessible parking spaces:
 - a. for a Senior Citizens Home, Hospital, Care Services, or Extended Medical Treatment Services use, is set out in Category 2 of the Table of Required Accessible Parking; and
 - b. for all other uses, is set out in Category 1 of the Table of Required Accessible Parking.

Table of Required Accessible Parking		
	Total Number of Required Parking Spaces	
<i>Number of Required Accessible Parking Spaces</i>	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

7.3 Off-Street Vehicle Parking Requirements (amended by BL3422, BL3450, BL3464)

- (1) As a requirement of this bylaw, the following minimum off-street vehicle parking requirements shall be adhered to within the City of Nelson:

Use	Number of Spaces
Residential	
Single Detached Residential Duplex Residential	2 spaces/Dwelling Unit (DU)
Single Detached Residential Duplex Residential With one (1) or more Short Term Rental Guest Rooms	2 spaces/DU + 1 space/guest room
Secondary Suite	1 space/DU
Laneway House	1 space/DU
Multi-Unit Residential (Studio, 1 Bedroom)	1 space/DU, plus 0.1 visitor spaces per DU
Multi-Unit Residential (2+ Bedrooms)	1.5 spaces/DU, plus 0.1 visitor spaces per DU
Live/Work Unit	1 space/DU
Dwelling Units located in the R3 zone (Downtown Residential), the MU6 zone (Downtown Mixed-Use), the C1 (Core Commercial) zone, and the C4 (Railtown Core Commercial) zone	1 space/DU
Existing Dwelling Unit with 1 Short- Term Rental Guest Room	1 space/DU
Existing Dwelling Unit with 2 Short-Term Rental Guest Rooms	2 spaces/DU
Existing Dwelling Unit with 3 Short- Term Rental Guest Rooms or more	2 spaces/DU + 1 space/guest room
Secondary Suite used as a Short- Term Rental Guest Suite	1 space/DU
Laneway House used as a Short- Term Rental Guest Suite	1 space/DU

Existing Dwelling Unit used as a Short-Term Rental Guest Home (not located in the Downtown Residential Zone (R3) or Core Commercial Zone (C1))	a) To satisfy the requirement for a year-round Short-Term Rental Business Licence: 2 spaces/DU b) To satisfy the requirement for Short-Term Rental Business Licence valid for fewer than six (6) months: 1 space/DU
Existing Dwelling Unit used as a Short-Term Rental Guest Home or Secondary Suite used as a Short-Term Rental Guest Suite or a Laneway House used as a Short-Term Rental Guest Suite (located in the Downtown Residential Zone (R3) and Core Commercial Zone (C1))	1 space/DU
Senior Citizens Home	0.4 spaces/unit
Care Services	1 space/4 living units
Transition House	3 spaces
Commercial/Industrial	
Child Care Facilities Early Childhood Development Centre Extended Medical Treatment Services	1 space/30 sq. m. Gross Floor Area (GFA)
Tourist Accommodation	1 space/guest room
Marina	1 space/3 boat spaces
Broadcasting Studios Contractor Services Custom Indoor Manufacturing Printing and Publishing Establishment Professional and Business Offices Public Administration Social Services Centre	1 space/30 sq. m. GFA
Animal Daycare Liquor Primary Establishment Neighbourhood Pub Personal Service Establishment Restaurant Retail Store Veterinary Clinic	1 space/30 sq. m. GFA

Building Supply Regional Commercial Retail Warehouse Shopping Centre	1 space/25 sq. m. GFA
Art Galleries and Museums Entertainment Facility Funeral Home Participant Recreation Services Indoor Public Assembly	1 space/10 sq. m. of floor area used for assembly purposes
Commercial Storage (when storage facilities are fully enclosed in a building with no external access to the individual unit) Warehouse	1 space/200 sq. m. GFA
Commercial Storage (when individual storage units are fully accessible by vehicle to the exterior)	1 space/building
Industry, Light Micro-Brewery Nursery	1 space/50 sq. m. GFA
Car Wash Mechanical Repair and Service Mechanical Repair, Service and Sales Service Station	1 space/50 sq. m. GFA + 1 space/service bay
Institutional (Public/Private)	
Hospital	1 space/50 sq. m. GFA
Participant Recreation Services, Outdoor	a) greater than 2 ha. in area: minimum 18 spaces b) less than or equal to 2 ha. in area: minimum 6 spaces; on-street parking spaces abutting the park may be used for all or some of the requirement
Public Education Services	One per classroom (elementary and middle school)
Private Education Services	Three per classroom (secondary or higher)
Commercial School	1 space/30 sq. m. GFA

(2) Despite subsection 7.3(1) when commercial or institutional uses are located in Figure 1: Downtown Parking Area and are part of a mixed use

building that also contains multi-unit residential dwellings, the required number of vehicle parking spaces may be reduced as follows:

- i. parking may be reduced to 50% of the total number that would otherwise be calculated; and/or
 - ii. where car-share stalls are provided, the total parking requirement may be reduced by four stalls for every one car-share stall provided subject to the proponent submitting a long-term license agreement with an established car-share company/organization. Such reduction shall not be greater than two car-share spaces per development. **(Amended by Bylaw No. 3393, 2018)**
- (3) In addition to subsection (2), where a new subdivision is approved in Figure 1: Downtown Parking Area that establishes a new public road, the number of required on-site parking stalls shall be reduced by the total number of stalls that are able to be established on the newly created road right-of-way. Such reduction shall be at the discretion of the Approving Officer based on the needs 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 to the total size of all newly created lots. **(Amended by Bylaw No. 3393, 2018)**
- (4) Despite the parking rates prescribed in 7.3.(1), alternate parking rates apply to Nelson Landing lands as approved in Zoning Bylaw 3199 and identified in Schedule B – City of Nelson Subdivision and Development Servicing Bylaw No. 3170, 2011. For clarity, all parking rates for Nelson Landing remain consistent with the said bylaw, except for expressly identified in the Zoning Bylaw. **(Amended by Bylaw No. 3314, 2015)**
- (5) Despite subsection 7.3(1), where car-share stalls are provided, the total parking requirement for residential lots containing four or more dwelling units, may be reduced by four stalls for every one car-share stall provided subject to the proponent submitting a long-term license agreement with an established car-share company/organization. Such reduction shall not be greater than two car-share spaces per development. **(Amended by Bylaw No. 3450, 2019)**

7.4 Electric Vehicle Charging Requirements (amended by Bylaw no. 3472)

- (1) Energized outlets provided pursuant to this section shall be clearly labelled for their intended use as electric vehicle charging.
- (2) The minimum number of required electric vehicle parking spaces is set as follows:

- a. For new buildings, including mixed-use buildings, that contain at least one dwelling unit, at least one parking space per dwelling unit shall feature Level 2 Charging or higher to the parking space.
 - b. For the first 10 required parking spaces, or a part thereof, for a commercial, industrial, mixed-use, public, or institutional use, a minimum of two parking spaces shall feature Level 2 Charging or higher to the parking space, plus two Level 2 Charging or higher spaces for any portion of each additional 10 parking spaces.
 - c. A Service Station shall feature Alternative Fuel Infrastructure available for public use.
- (3) Despite subsection (2), no electric vehicle parking will be required to construct a new dwelling unit within an existing building.
 - (4) Where one or more accessible parking spaces are required by this bylaw, at least 50% of the accessible parking spaces shall feature Level 2 Charging or higher to the parking space.
 - (5) Where a car-share stall is provided under subsections 7.3(2) or 7.3(5), the car-share space shall feature Level 2 Charging or higher to the parking space.
 - (6) Where an electric vehicle energy management system is implemented, the Director of Development Services may specify a minimum performance standard to ensure a sufficient rate of electric vehicle charging.

7.5 Tandem Parking

- (1) Off-street vehicle parking spaces may be configured in tandem for single- detached residential dwellings, secondary suites, laneway houses, duplex residential, and multi-unit residential provided that each dwelling unit has one directly accessible parking space at all times and visitor parking is not in tandem.

7.6 Shared Parking

- (1) Despite Section 6.2 (2), where the peak use of off-street vehicle parking spaces for two (2) or more uses on the same lot or adjacent lots occurs at different periods of time, the required number of off-street vehicle parking spaces for such uses in total may be reduced by no more than 25%, provided that the requirements of subsection 7.5.(2) are met.
- (2) A reduction in the total number of required off-street vehicle parking spaces as described in subsection (1) above shall only be permitted with approval of the Director of Development Services and where:
 - (a) a written report has been submitted to the City by a professional engineer experienced in parking matters, recommending such reduction based on supporting evidence; and
 - (b) a covenant in favour of the City is registered against the title of the lot or lots concerned, and 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.

7.7 Off-Street Vehicle Parking Design Criteria (Amended by BL3450)

- (1) All off-street vehicle parking areas where more than two (2) spaces are required on a lot in a commercial or mixed-use zone, and where more than five (5) spaces are required on a lot in all other zones, shall:

- (a) 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;
- (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 six percent (6%) or otherwise with approval from the Director of Development Services;
- (e) have surface water drainage managed on site, with connection to the City storm system where connection is required and/or available.
- (f) have drainage directed to prevent damage or inconvenience to abutting properties 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 properties; and
- (h) have all spaces required for visitor parking located close to building entrances and clearly and permanently marked for visitor use only.

- (2) Vehicle Parking Space and Aisle Dimensions.

- (a) the minimum vehicle parking space and aisle dimensions shall be in accordance with the following:

Parking Angle (in degrees)	Width of Aisle (m)	Length of Space (m)	Width of Space (m)
90	6.4 (2 Way)	6.0	2.75
0 (Parallel)	6.4 (2 Way)	7.0	2.6
60	5.6 (1 Way)	6.0	2.75
45	4.2 (1 Way)	6.0	2.75
30	3.5 (1 Way)	6.0	2.75

0 (Parallel)	3.8 (1 Way)	7.0	2.6
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- i. when a vehicle parking space is abutting a wall of a height greater than 0.3 m, then an additional 0.3 m is required to be added to the width of the vehicle parking space.
 - (b) where parking angle is 60 degrees, 45 degrees, or 30 degrees, only one-way traffic will be permitted in the maneuvering aisle.
 - (c) despite the requirements in subsection 7.6.2.(a), in cases when the off- street vehicle parking requirements exceed ten (10) spaces, a maximum of 30 percent (30%) of the total parking requirements may be reduced to 2.5 m in width and 5.3 m in length, provided that each such vehicle parking space is clearly designated with the words "Small Car Only" on the pavement or facing wall.
 - (d) despite the requirements in subsection 7.6.2.(a), where four (4) off- street vehicle parking spaces or fewer are required on a lot in a residential zone, off-street vehicle parking spaces shall have a minimum area of 16.5 sq. m.
 - (e) despite the requirements in subsections 7.6.2.(a), 7.6.2.(b), 7.6.2.(c) and 7.6.2.(d), alternate design of vehicle parking space and aisle dimensions might be permitted:
 - i. where a written report has been submitted to the City by a professional engineer experienced in parking matters, recommending changes based on supporting evidence; and
 - ii. with approval of the Director of Development Services.
- (3) Driveway Access and Access to Vehicle Parking Spaces
- (a) Approval by the Director of Development Services is required for a new driveway access. The Director may deny such a request if it does not comply with City bylaws, or if the proposed access would obstruct or interfere with City-approved on-street parking spaces.
 - (b) Each property shall only have one driveway access, unless a demonstrated need and approval is obtained from the Director of Development Services. Where a lot abuts a lane or road of different classification, the driveway shall be located to access the lane or road of the lower classification.
 - (c) All residential driveway accesses shall have a minimum width of 3 m and a maximum width of 6 m.
 - (d) The maximum width of a driveway to a commercial or industrial property shall be 6 m, however the Director may approve up to 10m if there is a demonstrated need.
 - (e) Unless a driveway access measures no more than 3.5 metres in width, a driveway access must provide at least two off-street parking spaces.

- (f) A driveway access may not span more than one-third of a property frontage, or 4 m, whichever is greater.
 - (g) Driveways shall be located a minimum of 1 m from hydrants, poles, street lights or street signs.
 - (h) Residential driveway access onto an arterial road is not permitted unless alternate access is impractical. Wherever physically possible, alternate local road or lane access shall be dedicated to preclude residential driveways accessing directly onto major roads.
 - (i) Residential driveway accesses serving corner lots shall be a minimum of 7 m from the lot corner nearest the intersection.
 - (j) Driveway accesses to commercial and industrial corner lots shall be a minimum of 15 m from the property line of the adjoining road, unless otherwise approved by the Director of Development Services.
- (4) Properties located adjacent to a Provincial Highway must receive permission from the Ministry of Transportation and Infrastructure for access.

7.8 Voluntary Establishment of Off-Street Vehicle Parking

- (1) Where off-street vehicle parking in excess of Bylaw requirements is provided, the location, design and operation shall comply with the requirements of this Bylaw.

7.9 Exemptions for Residential Infill Housing

- (1) Notwithstanding the parking rates prescribed in 7.3.(1), no more than three (3) parking spaces shall be required on a single property in the R1 – Low Density Residential Zone, as it is mapped and defined in Zoning Bylaw 3199, 2013, unless that property has a Duplex Residential use.
- (2) Notwithstanding the parking rates prescribed in 7.3.(1), the off-street vehicle parking requirement for a Laneway House or Secondary Suite may be waived with the approval of the Director of Development Services where:
 - (a) all legal street parking within a 100m-buffer of the lot or lots concerned is time-restricted, permit-only, or metered parking; and
 - (b) a covenant in favour of the City is registered against the title of the lot or lots concerned that voids the right of the resident(s) of the Laneway House or Secondary Suite in question, present and future, to be issued a residential parking permit, or for any parking permit issued to be associated with the Laneway House or Secondary Suite in question, except for a Seniors Parking Permit.
- (3) Notwithstanding the parking rates prescribed in 7.3.(1), the off-street vehicle parking requirement for a Laneway House or Secondary Suite may be waived with the approval of the Director of Development Services where:

- (a) two parking spaces conforming to this Bylaw are provided on the property in question; and
- (b) legal, useable street parking for at least two vehicles, as per the dimensions described in section 7.6.(2).(a), abuts the property in question; and
- (c) legal, useable street parking is available on both sides of at least one of the streets immediately adjacent to the property in question.

PART 8 - LOADING SPACES

8.1 Location of Loading Spaces

- (1) Required loading spaces shall be provided and maintained on the same lot as the use, building or structure they serve.
- (2) Loading spaces shall:
 - (a) not be located within a front yard;
 - (b) not be located within a side yard if there is a rear lane; and
 - (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 vehicle parking space.

8.2 Loading Space Requirements

- (1) Where more than one building or use is located on a lot, the required number of spaces may be combined.
- (2) Loading space(s) for buildings in the zones listed shall be provided in accordance with the following table:

Zones	Gross Floor Area of Building(s)	Spaces Required
<ul style="list-style-type: none"> • Mixed-Use (non-residential component only), • Commercial (non-residential component only), • Industrial, • Public & Institutional 	Less than 500 sq. m.	0
	500 square metres to 2,800 sq. m.	1
	Each additional 2,800 sq. m., or fraction thereof, in excess of 2,800 sq. m.	1 additional

8.3 Loading Space Design Criteria

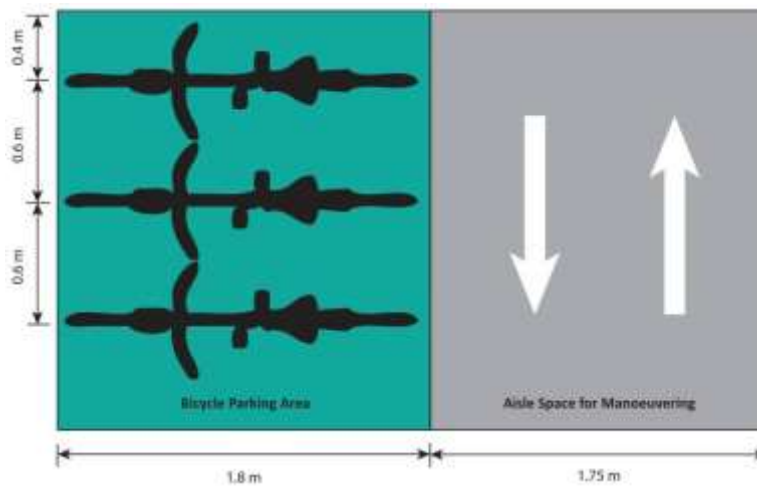
- (1) All loading spaces shall:

- (a) 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;
 - (b) have surface water drainage managed on site, with connection to the City storm system where connection is required and/or available; and
 - (c) be clearly and permanently marked for loading use only.
- (2) Each loading spaces shall be a minimum of 12.0 m in length, 3.5 m in width, and have a vertical clearance of 4.0 m.
 - (3) Adequate provision shall be made for access by vehicles to all loading spaces by means of a 6 m wide maneuvering aisle.

PART 9 - BICYCLE PARKING

9.1 Development Standards for Bicycle Parking

- (1) Spaces for long term and short term bicycle parking should:
 - (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 2.0 m, and



- (d) be situated on a hard surface.
- (2) Bicycle racks used for long term or 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 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.
- (3) Where more than one bicycle rack is used, the aisles between the bicycle racks should be a minimum of 1.75 m in width.
- (4) Long term bicycle parking shall be:
- (a) in the form of bicycle lockers, compounds or rooms with lockable doors specifically provided and equipped for bicycle storage.
- (5) Short term bicycle parking shall be:
- (a) located in a convenient, well-lit, and highly visible location that is accessible by visitors;
 - (b) separated from car parking by a physical barrier or sufficient space; and
 - (c) located so as not to interfere with pedestrians.

9.2 Bicycle Parking Requirements

- (1) As a requirement of this bylaw the following bicycle parking standards shall be adhered to within the City of Nelson:

Use	Minimum Bicycle Parking Requirements
Residential, Multi-Unit	Long Term: 0.5 spaces per dwelling unit. Short Term: 6 spaces for any development with 10 or more dwelling units, plus 6 additional spaces for each additional 10 dwelling units.
All other non-residential uses	Long Term: 1 space per 500 square metres GFA. Short Term: 6 spaces for any development with a GFA greater than or equal to 1,000 square metres, plus 6 additional spaces for each additional 1,000 square metres.

- (2) For multi-unit residential dwellings where each unit is designed with and has access to its own garage, no long term bicycle parking spaces shall be required.
- (3) Despite subsection 9.2.(1), in lieu of providing short term bicycle parking spaces for new buildings, structures and uses, a financial contribution to the City's Active Transportation Reserve Fund for the development of active transportation infrastructure may be provided. The value will be determined based on actual land and construction costs, as reviewed and accepted by the Director of Development Services.

PART 10 - LANDSCAPE STANDARDS

10.1 Application (Amended by BL3450)

- (1) Except as otherwise provided for in this Bylaw, a landscape plan as per the requirements in section 10.4 of this Bylaw shall be required in the following cases:
 - (a) for multi-unit developments with four to nine dwelling units in one building;
 - (b) for multi-unit developments consisting of ten or more dwelling units;
 - (c) for new principal buildings in commercial, mixed-use, industrial, institutional, and public zones;
 - (d) for new principal buildings in comprehensive development zones when a development permit is required by the *Official Community Plan*.
- (2) Except when a landscape plan is required under subsection (1)(a), a landscape plan shall be prepared by either a registered Landscape Architect or a professional certified in landscape design.
- (3) A landscape plan shall be considered part of the Development Permit requirements in the *Official Community Plan*, and submitted at the time of Development Permit application.

10.2 Landscape Area (Amended by BL3450)

- (1) In residential zones, a minimum of 30% of the lot shall be landscaped and/or surfaced with permeable materials.
- (2) In commercial zones, a minimum of 10% of the lot shall be landscaped and/or surfaced with permeable materials. In the case that lot coverage exceeds 85% of the site, landscaping requirements may be waived.
- (3) In mixed-use zones, a minimum of 10% of the lot shall be landscaped and/or surfaced with permeable materials.
- (4) In industrial zones, a minimum of 10% of the lot shall be landscaped and/or surfaced with permeable materials, and a minimum of 60% of the front yard area shall be landscaped and/or surfaced with permeable materials.
- (5) In any other zone, a minimum of 20% of the lot area shall be landscaped and/or surfaced with permeable materials.

10.3 General Landscaping Requirements (Amended by BL3450, 3459)

- (1) The following general landscaping regulation shall apply to all properties within the City, effective August 12, 2019:
 - (a) No new or additional coniferous evergreen trees/plants, such as junipers and cedars, are to be planted within 1.5 metres of a dwelling unit, principal or accessory building as well as other structures such as decks.
 - (b) All plantings shall consist of species known to be native or otherwise appropriate for the Nelson climate. Plants that are low water consumers are encouraged.
 - (c) Edible landscaping opportunities are encouraged.
 - (d) Invasive plants are not permitted.
- (2) New trees and shrubs shall be set back a minimum of 3.0 m from all underground utilities.
- (3) The proposed site grading shall:
 - (a) respect the natural contour of the land to the extent possible;
 - (b) minimize the necessity to use retaining walls; and
 - (c) ensure drainage away from buildings and abutting properties.
- (4) 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.
- (5) To provide a buffer between high-intensity and low-intensity uses, a fence shall be required in all zones for multi-unit residential, commercial, public, institutional, and industrial uses that are adjacent to a single-family residential use, or as approved by the Director of Development Services.

10.4 Landscape Plan

- (1) Where a detailed landscape plan is required pursuant to this Bylaw, the landscape plan shall contain, as a minimum, the following information:
 - (a) property address and legal description, north arrow, drawing scale, name of property owner/developer and name of design consultant where applicable;
 - (b) property lines, easements, rights-of-way, dimensions of the site, total area of the site, and total landscaping 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) details or descriptions for walls, fencing, signage and hardscaping;
- (g) description of how existing trees and vegetation and other site features will be protected during construction;
- (h) existing and final grading including direction of site surface drainage;
- (i) planting plan with species list indicating the quantity, size, common and botanical names of the plant material to be used;
- (j) a list of the type and quantity of site furnishings (benches, bicycle racks, etc.) to be used;
- (k) 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;
- (l) description of means of maintaining new landscaping during the establishment period (i.e. maintenance program); and
- (m) planting in proximity to a hydro utility must comply with Nelson Hydro requirements.

(2) All landscape plans and installations shall be in accordance with the most recent British Columbia Landscape and Nursery Association, *BC Landscape Standards*.

(3) Where permitted by the zone, all exterior storage of goods and materials shall:

- (a) be screened from view from any street, and from adjacent sites in a residential zone by fences, berms, landscape materials or a combination of these to the satisfaction of the Director of Development Services; and
- (b) have screening that is equivalent in height to the stored goods and materials.

(4) Preservation of existing trees and vegetation is encouraged where possible. The landscape plan shall reference means for protecting existing trees and vegetation during construction, referencing best practices for buffer and fencing requirements.

(5) Strategies incorporated into the landscape plan to promote safe places are encouraged. Means may include but are not limited to:

- (a) the provision of adequate outdoor lighting for entrances, building perimeters and walkways;

- (b) clear directional and safety signage;
- (c) the use of vandalism resistant materials;
- (d) adequate provisions for waste collection;
- (e) maintaining good sightlines; and
- (f) restricting vehicular access where appropriate.

(6) Development shall follow FireSmart guidelines for landscaping.

(7) Landscape Plans shall furthermore adhere to the following design guidelines:

- (a) Landscaping shall be used to enhance the property, contribute towards energy conservation, water conservation and greenhouse gas reduction, and provide a buffer between adjacent land uses.
- (b) Landscaping should also be used to screen parking and loading areas, on-site storage areas, mechanical equipment and garbage disposal areas from view of the street or adjacent residential or commercial properties.
- (c) Screening should be provided when the development is adjacent to parcels used for residential purposes. Where a landscape screen is considered to be insufficient for protecting the privacy of an adjoining residence, an opaque fence should be installed along the lot line. Chain-link fences with privacy slats are prohibited.
- (d) Garbage containers and recycling bins should be placed in an inconspicuous location with convenient access for the users and collectors. They should be totally enclosed by a fence or other approved structure.
- (e) The site should be provided with landscaping in the following areas:
 - Along the property to the edge of roadways,
 - Between buildings and parking areas,
 - Along on-site access roads,
 - Along the sides of buildings, and
 - In other open space areas not required for parking, access roads or walkways.
- (f) Existing trees or landscapes should be incorporated into the site whenever possible.
- (g) The landscaping components should be designed as part of a comprehensive landscaping plan that complements the building and surrounding areas.
- (h) Where appropriate, development should include the planting of trees parallel to the street or highway right-of-way. To help ensure proper growth, the trees should be protected from damage and be of an appropriate species considering relation to power lines.
- (i) Consideration of compost facilities for multi-unit residential and commercial buildings.
- (j) Encourage the use of native and low water consumption plant species, suitable for the Nelson region.

- (k) In-ground irrigation should promote water conservation and ensure on-going ease of maintenance and quality of landscaping.
- (l) Retaining walls: lock block and gabion style retaining walls are not considered appropriate for commercial and multi-unit residential development. Materials such as concrete, allan block or sierra slope systems should be considered for commercial and multi-unit residential developments and be subject to any geotechnical engineering as may be required.

10.5 Landscape Security & Maintenance

- (1) When a Landscape Plan is required, a landscape security is required as a condition of Development Permit approval, prior to Building Permit issuance, and shall be in accordance with the following:
 - (a) an irrevocable, automatically renewing Letter of Credit in the form satisfactory to the City, or other such means satisfactory to the City, having a value equivalent to 100% of the established landscape installation.
- (2) The estimated cost to complete the landscape plan shall be provided by either a registered Landscape Architect or professional certified in landscape design, and shall be based on the information provided on the landscape plan approved by the City. If, in the opinion of the City, these projected costs are inadequate, the City may establish an appropriate landscaping cost figure for the purposes of determining the value of the landscaping security.
- (3) The Director of Development Services or designate may release 90% of the security deposit once it is determined that the landscaping works have been completed in accordance with the approved landscape plan.
- (4) The remaining security deposits will be released providing the landscaping is confirmed to be in healthy condition after one year from the date of completion of the landscape work, referred to as the maintenance period.
- (5) Any Letter of Credit shall allow for partial draws by the City if the landscaping is:
 - (a) Not completed in accordance with the approved landscape plan(s) within one growing season after completion of the development; or
 - (b) The landscaping is not well maintained and in a healthy condition during or at the end of the maintenance period.
- (6) The City may draw on a Letter of Credit and the amount thereof shall be paid to the City for its use absolutely.
- (7) In the event that the Owner does not complete the required landscaping, or

fails to maintain the landscaping in a healthy condition for the specified period of time, and the Letter of Credit is 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, within 60 days of completing or maintaining the landscaping.

(8) Landscape Inspection Procedure.

- (a) Upon receipt of a written request from the parties involved in the development, including, but not limited to, the Owner, Strata Corporation, 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 April 1 and October 31. The Director of Development Services, or designate, will perform the inspection within 20 working days of receipt of the inspection request.
- (b) Inspections by the Director of Development Services or designate shall, as a minimum, consist of an inspection following installation (installation inspection) and a final inspection at the end of the warranty period (warranty inspection). These inspections will include the following:
 - i. determining whether the variety, size, quantity, location, and condition of plant materials and other landscape features and requirements correspond to those shown on the approved landscape plan(s);
 - ii. determining whether adequate means of watering plant material exists and that there is evidence that this has been done consistently; and
 - iii. determining whether the correct conditions for plant establishment and continued health are maintained for the maintenance period.

PART 11 – PENALTIES AND ENFORCEMENT

- (1) Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$10,000 and costs of prosecution or to imprisonment for not more than six months.
- (2) Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this bylaw to continue.

- (3) Each day a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
- (4) Pursuant to Section 264 of the *Community Charter*, any person designated as a Bylaw Enforcement Officer pursuant to the City's *Bylaw Notice Enforcement Bylaw No.3195* and all amendments thereto is hereby authorized and empowered to enforce the provisions of this bylaw or bylaw notice or as otherwise provided by this and any other bylaw of the City.
- (5) No person may obstruct a Bylaw Enforcement Officer in the fulfillment of their duties.

PART 12 – SEVERABILITY

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

PART 13 – CITATION

This Bylaw may be cited for all purposes as the “**Corporation of the City of Nelson Off-Street Parking and Landscape Bylaw No. 3274, 2013**” and shall come into force and effect upon its adoption.

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

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

John Dooley _____
 Mayor

Frances Long _____
 Corporate Officer

CERTIFIED A TRUE AND CORRECT COPY OF
THE "Corporation of the City of Nelson Off-
Street Parking and Landscape Bylaw No.
3274, 2013"

Frances Long

Manager of Legislative and Administrative Services