

Nakusp Short-Term Rental Regulations Explained

In 2023, the Village of Nakusp passed Zoning Bylaw No. 729. This bylaw regulates all land use and determines where and how a Short-Term Rental can operate. Recently, the province imposed new regulations on short-term rentals. The Village is not required to follow most of those provisions because the Village's population is below 10,000. The STR regulations in Nakusp are explained below.

Definitions to help you:

Short Term Rental (STR): Means the rental of a dwelling unit to paying guests for periods up to 30 days. A unit rented on a month-to-month basis is not considered a STR. A hotel/motel/inn or tourist accommodation is treated differently than an STR.

Dwelling Unit: means a contained suite used as a living space by one or more people and usually contains cooking, eating, living, sleeping and sanitary (washroom) facilities. A dwelling unit can include an entire house, a separate suite within a house, an apartment, a condo/strata unit, a carriage house, laneway house, or a suite above a garage. Properties with two dwelling units are often considered to have a 'primary' dwelling unit and a 'secondary' suite.

Single Detached Dwelling: A stand-alone house on a property that houses one person or family.

Bed and Breakfast: means a home occupation carried on in a single detached dwelling owned and occupied by the operator, which provides not more than three (3) rooms, accommodating up to 6 transient paying guests for sleeping purposes only. The room rate includes breakfast, which is served on the premises. Bed and Breakfasts are not considered STRs and have different regulations.

Long-term: means more than 30 days, or month by month (exceptions made for February).

Where STRs are allowed (most cases)

Secondary Suites:

Usually, an STR is only allowed on a property with a primary and secondary dwelling unit. One unit must be occupied long-term by at least one person. This person may be the owner(s) or a long-term tenant(s).

Dwelling units (or suites) may be:

- Attached (e.g. Basement suite with a house built above, a duplex, etc.); or,
- Detached from the primary dwelling, but on the same property (e.g. a property with a single detached dwelling plus: a detached carriage house, laneway house, garage suite, etc.)

Conditions:

- An STR can only operate where the primary use of the property is a residence. For example, an STR is not permitted in a dwelling unit if the primary use of the property is a retail store.

- Only a maximum of one (1) STR is allowed on any property. Even if a property is zoned appropriately and has three or more dwelling units, only one can be used as an STR; the remaining dwelling units must be occupied long-term.
- Generally, an entire house without a secondary dwelling unit may not be operated as an STR, except in C-1 and LD-1 zones, and only for up to 90 days - see C-1 and LD-1 Zone Exceptions.

C-1 and LD-1 Zone Exceptions:

Only the C-1 and LD-1 zones have exceptions from the Village's general rules for STRs. These zones allow the following:

- A property with only a single dwelling unit (entire house or strata unit) may operate an STR for up to 90 days in a calendar year.
- A property with a primary use other than a residence (such as a retail store with a dwelling unit attached), may operate an STR in one dwelling unit for up to 90 days in a calendar year. The dwelling unit must otherwise be occupied long-term.

Zones Where STRs May Operate:

STR in a Secondary Dwelling	STR in a Dwelling Unit for up to 90 days
R1 – Small Parcel Residential R-2 – Low Density Residential R-3 Multiple Unit Residential RU-1 Rural Residential C-1 Core Commercial C-2 Service Commercial C-5 Neighbourhood Mixed-Use LD-1 Lakeshore Development	C-1 Core Commercial LD-1 Lakeshore Development

Please follow the link below to access the Zoning Map and see what zone your property is located in:

- https://developnakusp.com/wp-content/uploads/2023/11/NakuspZoningAddresses_36x48_20230927.pdf

If reading the map is difficult for you, no problem! Contact the Village office and we can provide this information to you!

What is not Permitted for Use as an STR:

An STR must be in a legally permitted dwelling unit. An STR cannot be a travel trailer or any other structure not suitable for human occupancy as per the BC Building Code.

What Zones are STRs Not Allowed

STRs are not allowed to operate on a property where the primary use is anything other than residential use, or on a property that only has one dwelling unit. Special cases are made for zones C-1 and LD-1 where a dwelling unit attached/detached to a commercial use may operate under the 90-day provision.

Zones an STR is prohibited:	RM-1: Mobile Home Park A-1 Agricultural C-4 Highway Commercial M-1 Light Industrial M-2 Heavy Industrial P – Park I - Industrial
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What is Required to Operate an STR

- All property owners wishing to operate an STR must have a valid business license issued from the Village of Nakusp.
- A copy of the business license must be posted on the websites the STR advertises and is booked on.
- A fire inspection must be completed annually by the Nakusp Fire Department. The dwelling unit must pass the fire inspection or immediately fix any issues identified by the Fire Department.
- The operator must provide the number of off-street parking spaces required by Section 4.4 of the Zoning Bylaw No. 729.

To qualify for the 90-day STR business license:

- The applicant must state which 90 days in the calendar year the dwelling unit will operate as an STR.
- The STR may not operate or appear as a listing on an STR rental site outside of the dates specified on the business license.

Are Existing STRs Grandfathered?

Grandfathering is formally known as ‘legally non-conforming.’ A legally non-conforming use allows someone to continue to carry on with a use that was legally permitted before the use is prohibited by a change in regulations (such as a new Zoning Bylaw). Before 2021, Village Council decided not to issue business licences to STRs until the new Zoning bylaw was

completed. No STRs were legally permitted to operate from 2021 through 2023. Therefore, no STR is considered a legally non-conforming use throughout the entire Village.

Do You Have More Questions?

If you have any further questions, or need more clarification, Village staff are happy to help. You may:

- Come in to the office and ask questions in person
- Call 250-265-3689 to speak over the phone; or,
- Email your questions to info@nakusp.com.