What We Heard Report

Zoning Bylaw Review

City of NELSON

LAND ACKNOWLEDGMENT

We acknowledge that Nelson resides on the traditional and unceded territory of the Ktunaxa, the Syilx, and the Sinixt, and is also home to the Métis and diverse Indigenous Peoples. Together, we summon the wisdom embedded in our collective traditions to collaboratively shape a thriving city for both present and future generations. Nelsonites not only inhabit but share a responsibility to steward this Land. Our very presence in this city, its vitality, and existence are indebted to the Land itself and the rich cultures that have contributed to its development. City planning, is fundamentally about land— the use of land and connections to cultural practices. We aspire to deepen the path of reconciliation, acknowledging and celebrating the First Nations who have stewarded this Land for millennia and honoring the Indigenous Communities who proudly call Nelson home today.

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OVERVIEW & PURPOSE

OCP TIMELINE

Fall 2025

Phase One:
Research and Review by Planning Staff

Fall 2025

Phase Two:
Council workshop on October 21, 2025,
Development Industry workshops on November 12 & 26, 2025,
Chamber of Commerce presentation on November 13, 2026,
Various one-on-onr meetings through-out November and December

Winter 2026

Phase Three:
Public Review of Draft Plan &
Public Engagement January and February 2026

Spring 2026

Phase Four:
Formal approval process, including a Public Hearing

Zoning Bylaw Update Overview

With the recent approval of a new Official Community Plan (OCP) it's time to look at the City's Zoning Bylaw.

The purpose of the Zoning Bylaw review is to ensure the Bylaw is:

- aligned with the newly adopted OCP;
- up-to-date with recent provincial changes to planning and development rules; and
- easier for everyone to read, understand and use.

What We Heard Purpose

This report provides an overview of the engagement activities and key feedback gathered during the Zoning Bylaw review engagement. It explains how public input was collected and used to refine the draft Zoning Bylaw.

Overall, only a few major changes are being considered; the majority are minor. Based on past feedback from the public, City staff identified 7 sections of the Bylaw that should be highlighted for public engagement, as those sections represent most of the change within the Bylaw.

This report summarizes these efforts, detailing the outreach methods used, the feedback received, and how it informed the next steps in the Zoning Bylaw review process.

SUMMARY

The first draft phase of engagement was held between October 27th and November 28th,2025.

The public was invited to participate online through letstalk.nelson.ca. This page included the following:

- **History of Zoning in Nelson** page to help educate the public on the history and changes to the Zoning Bylaw over the years;
- **Discussion Forum** with background information on specific topics and an opportunity for the public to ask questions:
  - consolidation of Bylaws and replacement of outdated terminology;
  - changes to setbacks, lot coverage and height regulations to make it easier to build housing in the R1 zone;
  - reduced parking requirements for new Multi-Unit Residential Affordable and Purpose-Built Rental housing developments;
  - updated Landscaping rules to clarify landscaping requirements for new developments;
  - requiring the expansion of existing retail stores, or the construction of new retails stores greater than 4,000 sq m (43,050 sq ft.) to have to go through public engagement and rezoning process, rather than the current as-of-right approach; and
  - requirement for all new residential development to have space for waste and recycling storage areas.
- **Q & A** section to give people an opportunity to ask questions about any topic.

Overall:

- 673 people viewed the letstalk.nelson.ca webpage during the engagement;
- 24 people contributed to the discussion forums and had their questions answered;
- 67 documents were downloaded including:
  - 40 of the current Zoning Bylaw;
  - 14 of the current Off-Street Parking and Landscape Bylaw; and
  - 13 of the Mobile Home Parks Bylaw;
- 35+ people who made front-counter or pre-application review (PAR) meeting inquiries were made aware of the Zoning Bylaw review and potential changes that may affect them.
- 18+ people in the local development community participated in workshops. This includes local builders, architects, engineers and surveyors.
- 15+ members of the Chamber of Commerce attended a presentation and asked questions.

KEY MESSAGES

Most people who participated are overall supportive of the draft Zoning Bylaw.

General Public:

- the general public who participated online, or where informed of the proposed regulations through other means, were generally supportive of the draft Zoning Bylaw.

Development Community:

- the development community was supportive of the draft Zoning Bylaw with one exception: the proposed way the Zoning Bylaw measures height particularly related to steeply sloped lots. We subsequently made changes to that section of the draft Bylaw.
- Some members of the development community asked if we would implement all of the suggested regulations in the Province of BC - Small-Scale Multi-Unit Residential Policy Manual and Site Standards.
- Almost all of the members of the development community expressed support for the revised Major Variance criteria.

Chamber of Commerce:

- Staff attended a Chamber of Commerce meeting that had approximately 10-12 attendees. At the meeting people were generally supportive of the changes, although 2 people did express concerns with the prohibition on Vape/Tobacco Stores and Pay-Day Loan Stores.
- the Chamber of Commerce President sent a follow-up letter that was generally supportive of the draft Zoning Bylaw with one exception: the proposed restrictions or prohibition on Vape/Tobacco Stores and Pay-Day Loan Stores.

WHAT WE HEARD:

PUBLIC ENGAGEMENT

Online engagement was primarily in the form of discussion forums that included background information and an opportunity for the public to ask questions on the following sections:

- **Consolidation of Bylaws and replacement of outdated terminology:**
  - Includes consolidating all residential uses into two terms: small-scale residential (for up to 4 units) and multi-unit residential (for 5+ units), and replacing outdated terminology such as the terms 'low-density', 'medium-density' and 'high-density'.
  - 3 comments received. 2 people supported this, and 1 person asked a question.

- **Housing (changes to lot coverage, setbacks and height for R1 zoned properties):**
  - 5 comments received. 3 people expressed concern on the regulation on how to measure height. One person was opposed to the sliding scale for lot coverage (more lot coverage the more units) and opposed to the imposition of small-scale housing regulations by the province; and one person suggested increasing lot coverage to 50%.

- **Reduce parking for new Affordable and Purpose-Built (Market) rental housing:**
  - 5 comments received. 1 person expressed support, 1 person expressed opposition and 3 people asked questions about specific developments, or asked for more information.

- **Clarifying landscape requirements for new development:**
  - 1 comment was received and it expressed support.

- **Large-Format Retail**:
  - No longer allow large-format retail (over 4,000 sq m (43,055 sq ft), as-of-right and require public engagement and a rezoning process for expansion of existing and new large-format retail.
  - No comments were received.

- **Waste and Recycling Storage areas for all development:**
  - 4 comments were received. 2 people expressed support and 2 people asked questions.

- **Other comments**:
  - 1 person asked for exclusively residential zoning on a property currently zoned for mixed-use. They were advised the OCP requires mixed-use zoning.

WHO WE HEARD FROM:

DEVELOPMENT & BUSINESS

Development Community Engagement:

- Two development community workshops where 18+ people attended two workshops, including: builders, architects, engineers and surveyors;
- Follow-up meetings and e-mails with 3 builders to primarily discuss R1 zoning changes; and
- Front-counter and pre-application review (par) meeting inquiry/requests from 35+ people who where informed of the Zoning Bylaw review and told about proposed regulations that may affect their development proposal;
- The development community was supportive of the draft Zoning Bylaw with one exception: the proposed way the Zoning Bylaw measures height particularly related to steeply sloped lots. We subsequently made changes to that section of the draft Bylaw.
- Some members of the development community asked if we would implement all of the suggested regulations in the Province of BC - Small-Scale Multi-Unit Residential Policy Manual and Site Standards. We indicated we are attempting to find a balance between implementing these regulations (which are recommended for all municipalities in BC) versus finding regulations that work in the local Nelson context, particularly when it comes to preservation of heritage properties and the steep slopes found in Nelson. We also identified a potential issue with these standards when it comes to lot coverage. The province recommends 50% lot coverage regardless of number of units which could result in large single-unit houses. A proposed sliding-scale approach—where increased lot coverage corresponds with a higher number of units—may be more appropriate in Nelson given the limited land.

Chamber of Commerce Engagement:

- One presentation and a highlight in a recent Chamber newsletter directing people to letstalk.nelson.ca/zoning
- Most attendees were were supportive of the proposed changes to the Zoning Bylaw. There was general discussion but no overall consensus on the proposed prohibition on Tobacco Shops and Payday Loan Stores, and the requirement for Large-Format retail to have to undergo a rezoning process.
- The Chamber president provided a follow-up letter that generally support for most aspects of the proposed Zoning Bylaw, except the proposed proposed restriction or prohibition on Tobacco Shops and Payday Loan Stores. The Chamber's position was to let the market decide and a belief that singling out specific sectors would provide uncertainty for other industries.

APPENDIX 1:

LIST OF COMMENTS AND RESPONSES TO ONLINE ENGAGEMENT

AVAILABLE AT:
LETSTALK.NELSON.CA/ZONING

APPENDIX 2:

PRESENTATION TO COUNCIL, DEVELOPMENT COMMUNITY AND CHAMBER OF COMMERCE

Zoning Bylaw Review

Council Workshop

October 21, 2025

City of NELSON

Agenda

Background Information:

What is Zoning?

Why Zoning?

Timeline & Public Engagement

Workshop Topics:

1) Consolidation &Updates
2) Housing:
   a) R1,
   b) R2 & R4
   c) Affordable Housing parking requirements
3) Vape stores and Payday Loan Outlets
4) Large-Format Retail Stores
5) Landscaping
6) Other Changes

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What is Zoning?

Q: Can I subdivide my lot in Rosemont?

A: Lot size and dimensions

Q: Why’s is such a big variety of shops and services downtown?

A: Permitted Uses

Q: How big of an additional can I build on my house

A: Maximum Height & lot coverage, minimum setbacks

Q: Why do new buildings have EV chargers and Bike Parking

A: Parking Requirements

Q: Why is there so much parking on the Waterfront

A: Parking Requirements

Q: Why do people sometimes need variances?

A: Pre-1938 there was no Zoning

A: Zoning can’t deal with every possible situation

A: Zoning changes over-time

What is Zoning?

Zoning Bylaw do regulate:

- Permitted Use - What type of buildings or activities are allowed (housing, businesses or industrial);
- Building heights and sizes;
- Density (how many housing units can be built on a lot);
- Subdivision rules (lot sizes and dimensions);
- Parking requirements (Motor Vehicle, EV infrastructure, Bikes); and
- Landscaping requirements.

Zoning Bylaws don't regulate:

- Form and Character (e.g. architectural design & building materials)
- Infrastructure (such as: water, sewer and storm systems);
- street right-of-way including on-street parking, patios and signs; or
- Government of BC or Canada owned land.

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What is Zoning?

OCP Policy

Small-Scale Residential	• Small-scale residential • Small-scale residential homes providing care services such as group homes, transition homes, assisted living, childcare, etc. • Short-term rentals, in limited quantity and with principal residency restrictions • Home occupation uses, accessory to residential use only	Up to 3 storeys

Zoning Bylaw Regulations

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

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

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

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

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

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

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

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

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Why Zoning?

- Puts the community's vision into action:
  - Implements OCP policy
- Provides clarity and reduces conflict:
  - Everyone knows what can be build on their property, block or neighbourhood
- Supports community goals
  - Could, if done right, encourage more housing, EV and Bike usage, wider variety of businesses/workplaces
- Implements provincial direction:
  - Small Scale Multi-Unit Housing (SSMUH)

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Timeline and Engagement

Phase 1: August to October 2025: Research/Regulation Review/Engagement

- Staff research
- Council Workshop
- Public Engagement
- Development Community

Phase 2: November to December 2025 - Staff draft new Zoning Bylaw

Phase 3: January 2026 - Present draft to Community

Phase 4: February to March 2026 - formal approval process

- 1st/2nd Reading
- Public Hearing
- MoTT approval
- Final Reading

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Workshop - Consolidation

Zoning Bylaw (2013 and older)
Off-Street Parking & Landscape Bylaw (2013)
Mobile Home Park Bylaw (1977)

Zoning Bylaw (2026)

Single Detached Dwelling
Duplex
Secondary Suite
Triplex
Fourplex
Laneway House
Garage Suite

Small-Scale Residential
(up to 4 units)

Multi-Unit Residential

Multi-Unit Residential
(5+ units)

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Workshop - Updates

Rezoning:

- former landfill site (end of Lakeside Drive) from P1 to I1 (same as public works yard)
- 711 Tenth Street from CD8 to R2
  - with proposed changes to the R2 zone, a CD zone is no longer necessary
- 1403 Front St & 724 Second St from R6 to R1
- 1102 Gordon St (Alpine Lake Suites) from R4-A to R2
  - R2 is more appropriate zoning for existing land use
- 205 Hall St (Nelson CARES office/housing) from C1A to C1
  - C1A and C1 zone are the same, except for rear setback. No need for separate zone that applies to one property
- Some I1 properties to a new I2 zone (OCP provides direction to allow different max height for Institutional in residential area:
  - 402 West Richards
  - 500 West Beasley
  - 402-408 Anderson
  - 905 Gordon
  - All church properties

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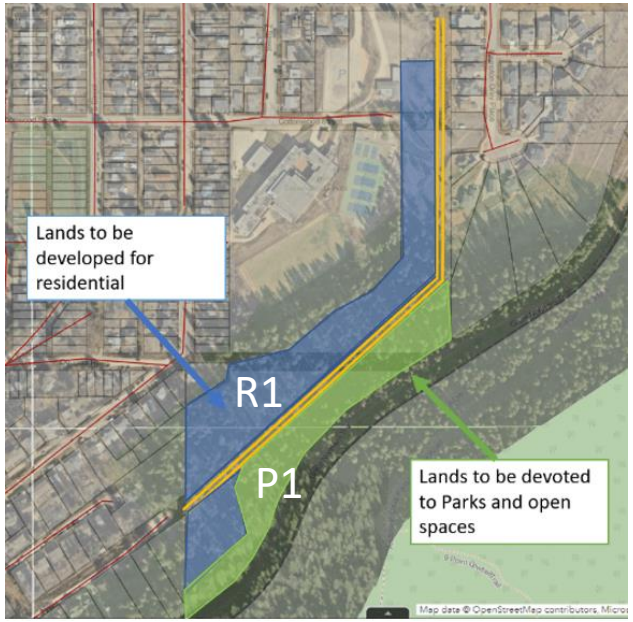
Workshop – Trevor Street

Adjust the zoning boundaries to align with Trevor Street Land Swap, per OCP

- R1- Low Density Residential
- P1, Park, Open and Recreational Space Zone



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Workshop – Housing

OCP:

5.2.1.3 Continue to explore ways to promote the development of infill housing, especially "missing-middle" housing types.

Zoning Bylaw recommendation:

	Current R1	SSMUH Standards	Staff Proposal
Height	10 m to highest point of the roof	11 m to the mid-point of the roof	
Lot Coverage	35% + 5% on smaller lots + 5% for single-storey laneway houses Total max of 45%	50%	• 1 dwelling: 35% • 2 or 3 dwellings: 40% • 4 dwellings: 45%
Front Setback	4.5 m	2 m	3 m
Rear Setback	4.5 m	1.5 m	3 m
Side Setbacks	1.5 m, or 1 m on narrow lots	1.2 m, or 1 m on narrow lots	

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Workshop – Housing

OCP:

4.1.3 Explore options to regulate density through height and lot coverage, rather than through dwelling unit maximums.

Zoning Bylaw recommendation:

	R1	R2	R3	R4
Height	11m 3 storeys	12m 3 storeys	11m 3 storeys	14m 4 storeys
Lot coverage	35% - 45%	45%	45%	55%
Theoretical maximum density on a 557 m2 lot	4 units (firm cap)	6-8 units (equivalent of a triplex or fourplex per lot)		14 units*
Theoretical maximum density on a 2,500 m2 lot	24-28 units	36 units*	36 units*	63 units*

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Workshop – Housing

OCP:

4.3.3 Continue to consider reduced parking standards, especially in areas with transit access.

5.2.1.4 Continue to explore regulatory, financial, and other types of incentives to help encourage new purpose-built rental housing.

Zoning Bylaw recommendation:

Reduce parking for non-market affordable housing units from 1 stall per unit to 0.5 stalls per unit

Background:

- Nelson's parking standards are reasonable, except for affordable housing units
- Many studies have shown less than 1 stall per unit is sufficient for non-market affordable units (anywhere between 0.25 to 0.75 stalls per unit)
- Parking is very expensive to build and cost is passed onto the developer and ultimately to the tenants in the form of higher rents
- Large amount of embodied carbon

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Workshop – Vape Stores & Payday Loan Stores

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Workshop – Vape Stores & Payday Loan Stores

OCP:

Health

Equity

Climate Resilience

Health + Climate Resilience

Healthy environment, healthy people. The problems that ail the planet also ail us. Clean air and water and a healthy environment have a direct impact on or physical and mental health.

Zoning Bylaw recommendation:

Explore restrictions on vape and tobacco and Payday Loan Outlets

1. Continuing to allow vape/tobacco and PayDay Loan retail, but restrict storefront signage and advertising;
2. Imposing a minimum separation distance between stores;
3. Prohibiting new vape/tobacco stores, and PayDay Loan retail, citywide or in select areas (such as Baker Street or neighbourhood commercial); or
4. No change; no staff time spent on this matter

Are there other land uses staff should review?

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Workshop – Large Format Retail Stores

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Workshop – Large Format Retail Stores

OCP:

4.6 Reinforce a vibrant, human-scale, charming, and walkable downtown, and maintain Baker Street as the predominant retail commercial spine of Downtown Nelson.

4.6.1 The Baker Street area, including its intersecting streets, will function as the main shopping and leisure activity district in the Downtown, and Hall Street will be encouraged to redevelop as a second pedestrian-oriented commercial street.

5.4.1.9 Avoid supporting the development of economic activities that have negative effects on human and ecosystem health. Ensure congruity between economic strategies and the Official Community Plan's values and guiding principles.

5.4.1.10 Promote the development of local, sustainable businesses that reduce reliance on external resources and contribute to a low-carbon economy.

Zoning Bylaw recommendation:

No longer allow Retail Stores, for example, greater than 4,000 sq m (43,055 sq ft)

Background:

- Currently Pre-zoning & delegated DP means all types and sizes of retail are allowed in commercial zones without Council or public input
- Not allowing 'as-of-right' ensures a higher level of public/Council review through rezoning process
- Currently two large-format retail stores that exceed this cap
- Would have legal non-conforming status and can continue to operate but not expand
- Existing Shopping Centres could expand but not contain a Retail Store greater than the cap.

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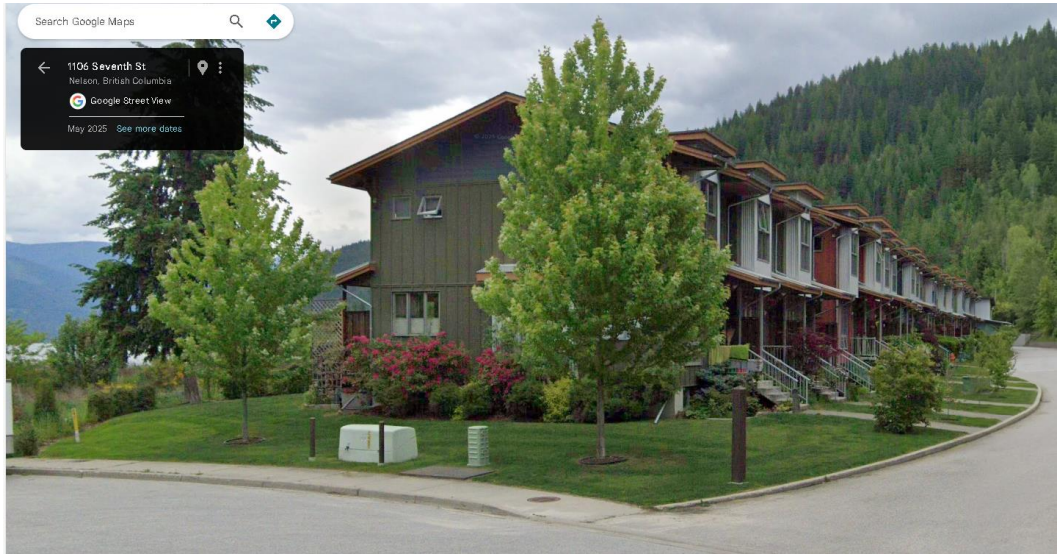
Workshop – Landscaping



Workshop – Landscaping

OCP:

5.9.2.3 New development on slopes will be encouraged to meet the following criteria:

- retain existing trees and vegetation, subject to Wildland Interface Development Guidelines;
- orient residential units to maximize natural light and avoid shadowing;
- minimize paved-over area of the site; and
- provide opportunities for pooling or retention of storm water.

5.9.2.4 Look for and act on ways to add vegetation and create more natural habitat within city limits.

5.9.2.18 Consider prohibiting the sale of select invasive plants within the city.

Zoning Bylaw recommendation:

For new development:

- Add a requirement for a specific minimum number of trees and plants landscape areas
- State that landscape trees and plants must be:
  - Climate resilient
  - Fire Smart
  - Non-Invasive
- Provide an incentive to retain existing trees by providing a credit for retention of existing trees at a ratio of 2: 1
- Example: if a new development is required to plant 20 trees, but they retain 2 existing trees, they would receive a credit of 4, and would only have to plant 16 new trees

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Workshop – Other

Are there any other topics you'd like to discuss?

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Thank you.

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