

CORPORATION OF THE CITY OF NEW WESTMINSTER

ZONING BYLAW NO. 6680, 2001

ADOPTED SEPTEMBER 17, 2001

A BYLAW TO PROVIDE FOR THE ZONING OF THE CITY OF NEW WESTMINSTER

110. Introduction

The Municipal Council of the City of New Westminster **ENACTS AS FOLLOWS:**

Short Title

This Bylaw may be cited for all purposes as “ZONING BYLAW No. 6680, 2001.”

Severability

If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

Zoning Bylaw No. 1743, 1940 Repealed

The City of New Westminster Zoning Bylaw, 1940 is hereby repealed.

Establishment of Districts

110.1 For the purpose of this Bylaw, land within the City of New Westminster covered by this Bylaw is divided into the following districts, with the following abbreviated designations:

Section Number	Abbreviated Designation	Districts
200		Agricultural Districts
210	AG-1	Limited Agricultural Districts
220	AG-2	Family Farm Agricultural Districts
300		One and Two Unit Residential Districts
310	RS-1	Single Detached Dwelling Districts
311	RS-2	Single Detached Dwelling Districts
312	RS-3	Residential Commercial Dwelling Districts
313	RS-5	Single Detached Dwelling Districts (Small Lots)
314	RS-6	Single Detached Dwelling Districts (Heritage)
320	NR-1	Neighbourhood Residential Dwelling Districts
321	NR-2	Neighbourhood Residential Dwelling Districts (Group Child Care)
322	NR-3	Neighbourhood Residential Commercial Dwelling Districts
323	NR-5	Neighbourhood Residential Dwelling Districts (Small Lots)

330	RQ-1	Queensborough Neighbourhood Residential Dwelling Districts
331	RQ-5	Queensborough Neighbourhood Residential Dwelling Districts (Small Lots)
340	RT-1	Duplex Districts
400		Multi-Unit Residential Districts
410	RT-2	Townhouse Districts
411	RT-2A	Townhouse Districts
412	RT-2B	Townhouse Districts
413	RT-2C	Townhouse Districts
414	RT-2D	Detached Townhouse Districts
420	RM-1	Multiple Dwelling Districts (Garden Apartments)
421	RM-1A	Multiple Dwelling Districts (Garden Apartments)
422	RM-1B	Multiple Dwelling Districts (Garden Apartments)
430	RM-2	Multiple Dwelling Districts (Low Rise)
431	RM-2A	Multiple Dwelling Districts (Low Rise)
440	RM-4	Multiple Dwelling Districts (High Rise)
450	RM-5	Multiple Dwelling Districts (Medium Rise)
451	RM-5A	Multiple Dwelling Districts (Medium Rise)
460	RM-6	Multiple Dwelling Districts (Downtown)
461	RM-6A	Multiple Dwelling Districts (Downtown)
470	RW-1	Residential Waterfront Districts
471	RMW-2	Multiple Dwelling Districts Waterfront (Low Rise)
472	RMW-2A	Multiple Dwelling Districts Waterfront (Low Rise)
473	RMW-3	Multiple Dwelling Districts Waterfront (High Rise)
474	RMW-3A	Multiple Dwelling Districts Waterfront (High Rise)
475	RMW-3B	Multiple Dwelling Districts Waterfront (High Rise)
480	RC-1	Congregate Housing Districts (High Rise)
500		Commercial Districts
510	C-1	Local Commercial Districts
511	C-1A	Local Commercial Districts (Restricted)
512	C-2	Community Commercial Districts (Low Rise)
513	C-2A	Community Commercial Districts (Medium Rise)
514	C-3	Community Commercial Districts (High Rise)
515	C-3A	Community Commercial Districts (High Rise)
520	C-4	Central Business Districts
521	C-4A	Central Business Districts (Restricted)
522	C-4B	Central Business Districts (Restricted)
530	CRC-1	Riverboat Casino Districts
531	C-5	Community Commercial Districts (Restricted)
532	C-6	Central Business Districts (Restricted)
533	C-7	Commercial Hotel Districts
540	C-8	Columbia Street Historic Comprehensive Development Districts
550	CS-1	Service Districts
551	CS-2	Service Station Districts

560	CP-1	Commercial Parking Districts
561	CP-2	Commercial Parking Districts
562	CM-1	Commercial Industrial Districts
570	CW-1	Commercial Waterfront Districts
571	CW-2	Commercial Waterfront Districts (Limited)
572	CW-3	Community Commercial Waterfront Districts(Low Rise)
573	CW-4	Community Commercial Waterfront Districts (High Rise)
600		Institutional Districts
610	P-1	Public and Institutional Districts (Low Rise)
620	P-2	Public and Institutional Districts (Medium Rise)
630	P-3	Public and Institutional Districts (High Rise)
640	P-4	Residential Care Districts (Low Rise)
650	P-5	Residential Care Districts (Medium Rise)
660	P-6	Group Care Districts
670	P-7	Corrections Districts
680	P-8	Public Works, Adult Entertainment and Utility Districts
690	P-9	Public and Institutional Districts
700		Industrial Districts
710	M-1	Light Industrial Districts
720	M-2	Heavy Industrial Districts
730	M-3	Special Industrial Districts
740	M-4	Limited Industrial Districts
1000		Comprehensive Development Districts
1009	CD-9	Comprehensive Development District (Kelly Street) (CD-9)
1027	CD-27	Comprehensive Development District (Westminster Pier)

(BYLAW 8184, 2020)

Zoning Map

110.2 The locations of the zones established by this Bylaw are show on the "Zoning Map" which, with all explanatory notes, is attached as Appendix "A" of this Bylaw.

(BYLAW 8184, 2020)

Zone Boundary

110.3 The location of zone boundaries shall be determined by the site boundaries, except where otherwise permitted in this Bylaw.

(BYLAW 8184, 2020)

120. Definitions

- 120.1 In this Bylaw, unless the context otherwise requires:
- 120.2 **ACCESSORY BUILDING** means a building or portion of a building, the use or intended use of which is ancillary to that of the *principal building* situated on the same site; or a building or portion of a building which is ancillary to the *principal use* made of the site upon which the *accessory building* is located. **(BYLAW 8172, 2020)**
- 120.3 **ACCESSORY RECYCLING RETURN CENTRE** means the accessory collection from consumers, sorting, packaging, temporary storage, and preparation for shipment within a building, and the shipment from the building, of empty beverage containers and used electronic goods, including the payment of deposit refunds, which is directly related and ancillary to a permitted principal retail sales use on the site, and excludes the processing of containers and electronic goods other than the crushing of glass beverage containers. **(BYLAW 7308, 2009)**
- 120.4 **ACCESSORY USE** means a use which is ancillary to the *principal building* or to the use of the *principal building* on the same site; or a use which is ancillary to the *principal use* being made of the site upon which such accessory use is located; or upon a designated adjacent site where specifically allowed under the provisions of this Bylaw. **(BYLAW 8172, 2020)**
- 120.4.01 **ACCOMMODATION FOR YOUTH IN FOSTER CARE AND TRANSITIONING FROM FOSTER CARE** means the use of a lot to provide housing and support services for youth in foster care and/or youth transitioning from foster care and their child(ren) and which is supported in part or whole by Provincial or Federal Ministries responsible for assisted housing and/or support services. **(BYLAW 7937, 2017)**
- 120.4.1 **ADAPTABLE DWELLING UNIT** means a unit that is constructed to comply with the standards specified under subsection 3.8.5 Adaptable Dwelling Units in the British Columbia Building Code. **(BYLAW 7464, 2011)**
- 120.5 **ADULT ENTERTAINMENT USE** means a) the use of any building, or portion of a building, for the offering for rent, use, viewing or sale of an object (other than a contraceptive device), commodity, good, material, device, machine or entertainment which is designed or intended to be used in, or is a depiction of, a sexual act as defined in the Regulations enacted pursuant to the Motion Picture Act R.S.B.C 1996, c. 314, as amended or replaced from time to time; or b) the use of a building, or portion of a building, not licensed to sell or serve liquor under the Liquor Control and Licensing Act R.S.B.C. 1996, c. 267, as amended or replaced from time to time, in which *strippers* or *exotic dancers* perform.
- 120.6 **ADULT MOTION PICTURE** means a motion picture, which comes within the definition of "Adult Motion Picture", contained in the Motion Picture Act, R.S.B.C. 1996, c. 314, as amended or replaced from time to time.
- 120.7 **ADULT MOTION PICTURE STUDIO** means the use of any building, or portion of a building, for the production or reproduction of *adult motion pictures*.

- 120.8 **ADULT THEATRE** means a building, or portion of a building, or open area used, or intended to be used, for the projection of *adult motion pictures* or motion picture films classified or designated as “restricted” under the Motion Picture Act, R.S.B.C. 1996, c. 314, as amended or replaced from time to time, where there is one or more film viewers or other appropriate technology made available for use by the public.
- 120.9 **ADULT VIDEO STORE** means a building or portion of a building, used by any person licensed as an adult film distributor or adult film retailer under the Motion Picture Act, R.S.B.C. 1996, c. 314, as amended or replaced from time to time where *adult motion pictures* are available for distribution, sale or rental.
- 120.10 **ADVISORY PLANNING COMMISSION** means the New Westminster Advisory Planning Commission, duly constituted under Advisory Planning Commission Bylaw, 1957, as amended or replaced from time to time.
- 120.11 **AMUSEMENT ARCADE** means the use of a building, or portion of a building, for providing entertainment in the form of any combination of video amusement machines, or other mechanical or electronic games, totalling four or more in number, but does not include a *casino*.
- 120.10.1 **ANIMAL GROOMING** and **DAYCARE FACILITIES** means the use of an enclosed building for the provision during the day of animal grooming, training or daycare but does not include keeping animals overnight. **(BYLAW 7058, 2005)**
- 120.10.2 **ANIMAL GROOMING FACILITIES** means the use of an enclosed building for the provision during the day of animal grooming. **(BYLAW 7460, 2011; 8172, 2020)**
- 120.12 **ANIMAL HOSPITAL** and **VETERINARY CLINIC** means any building, or portion of a building, or structure in which animals are cared for, treated, maintained or hospitalized and in which no provision is made to keep or board animals except those undergoing medical treatment. **(BYLAW 7058, 2005)**
- 120.13 **ANTIQUÉ STORE** means a *retail store* having a) more than 10 percent of its display floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale furniture or furnishings made, fabricated or manufactured at least 25 years prior to the date they are offered for sale or resale; and b) not more than a total of 25 percent of its display floor space occupied or used for buying, procuring, selling, reselling, or offering for sale or resale any of the following items:
- a) used books, magazines and papers
 - b) collectibles
 - c) used electronics (including cameras)
 - d) used jewellery and accessories
 - e) used musical equipment and accessories (excluding recorded music), or
 - f) used recreational equipment and accessories

- 120.14 **APARTMENT BUILDING** means a building other than a *house* or *duplex* divided into three or more *dwelling units* with common or shared entrances or interior passageways, which provide access to the outside and which does not include a townhouse.
(BYLAW 7697, 2014)
- 120.14.1 **ATTACHED ACCESSORY STRUCTURE** means a structure attached to a principal building which is not enclosed such as decks, porches, balconies and carports.
(BYLAW 7936, 2017)
- 120.15 **BACHELOR UNIT** means a *dwelling unit*, which does not contain a bedroom separated from other *habitable rooms or spaces*.
- 120.16 **BALCONY** means a platform which projects from or is recessed into the wall of a building above ground level and is partially enclosed by a low parapet or railing in such a manner as to remain permanently exposed to outside weather.
- 120.17 **BASEMENT** means a storey the floor of which is more than 1 foot (.30 metres) but less than 5 feet (1.52 metres) below the *height datum*.
- 120.18 **BATHROOM** means a room consisting of not less than one toilet, one wash basin, and one bathtub or shower.
- 120.19 **BAY WINDOW** means a rectangular, curved or polygonal window or group of windows, which encloses an extension of the windowsill beyond the wall of the building.
- 120.20 **BED AND BREAKFAST** means a *home based business* to provide temporary sleeping accommodations on not less than a daily basis, including the provision of a daily breakfast.
- 120.21 **BEVERAGE CONTAINER RETURN DEPOT** means the use of a building, or portion of a building, for the collection, temporary storage, packaging, preparation for shipment and shipment of used beverage containers.
- 120.22 **BICYCLE LOCKER** means a fully enclosed space designed for the storage of one bicycle and accessible only to the operator of the bicycle.
(BYLAW 7272, 2008)
- 120.23 **BICYCLE PARKING, LONG TERM** means a space designed for the parking of one bicycle by permanent users of a building, such as employees and residents, in respect of which the parking space is provided.
(BYLAW 7272, 2008)
- 120.24 **BICYCLE PARKING, SHORT TERM** means a freely accessible space designated for the parking of one bicycle, available for public use during the business hours of premises in the building in respect of which the parking space is provided.
(BYLAW 7272, 2008)
- 120.25 **BICYCLE STORAGE FACILITY** means an area providing two or more long term bicycle parking spaces.
(BYLAW 7272, 2008)
- 120.26 **BOARDER** means a person occupying a *sleeping unit* or *dormitory unit* obtaining meals within the same building, or portion of a building in which the *sleeping unit* or *dormitory unit* is located.
- 120.27 **BOARDING HOUSE** means a *lodging house* wherein meals are provided for the persons living therein.

- 120.28 **BUILDING** means any structure designed or intended for the support, enclosure, shelter or protection of persons or property.
- 120.29 **BUSINESS AND PROFESSIONAL OFFICE** means the use of a building, or portion of a building, for administrative, clerical and professional work. Business and professional offices include financial, real estate, insurance, medical, dental, *massage providers*, *massage therapists*, legal, design, accounting, advertising, sales, consulting, telecommunications, high technology, and similar types of businesses engaged in person to person, person to business, and business to business transactions in a pedestrian oriented environment.
- 120.29.1 **CANNABIS** has the same meaning as in the Cannabis Act (Canada), and despite changes to the meaning in the Cannabis Act (Canada) over time. **(BYLAW 8043, 2018)**
- 120.29.2 **CANNABIS ACCESSORY** has the same meaning as in the Cannabis Act (Canada). **(BYLAW 8043, 2018)**
- 120.29.3 **CANNABIS PRODUCTION FACILITY** means a facility providing for the production, storage, processing and distribution of cannabis and which is owned or operated by a licensed cannabis producer or distributor as per the *Cannabis Act* (Bill C-45) as amended and replaced from time to time. **(BYLAW 8043, 2018)**
- 120.29.4 **CAR SHARE VEHICLE** means a motor vehicle owned and operated by an organization that provides car-sharing services to its members. **(BYLAW 8184, 2020)**
- 120.30 **CASINO** means a building, or portion of a building, or structure a) used or intended for use, in whole or in part, for the purpose of conducting and managing a gaming business pursuant to paragraph 207 of the Canadian Criminal Code, as amended or replaced from time to time; b) licensed under all applicable enactments; and c) with table games, and slot machines, excluding video lottery terminals and any other electronic devices, which are expressly prohibited.
- 120.31 **CELLAR** means a *storey* the floor of which is more than 5 feet (1.52 metres) below the *height datum*.
- 120.32 **CEMETERY** means the use of land or a building, or portion of a building, for the burial, interment or cremation of humans or domestic pets.
- 120.33 **CHARITABLE CASINO** means a *casino* limited to a building, or portion of a building, a) providing equipment, management and personnel for the purposes of conducting a non-profit *casino*, where a portion of the net income benefits various charities; and b) operated by a provincially licensed charitable management company; and for greater certainty a *charitable casino* does not include a *destination casino*.
- 120.34 **CHARITY THRIFT STORE** means a *second hand store* in which either a) all net proceeds of the business operation, or b) an amount of at least 5 percent of annual gross sales of the store, are donated annually to a charitable organization registered under the Income Tax Act R.S.B.C. 1996, c.215, as amended or replaced from time to time.
- 120.35 **CHILD CARE CHILD** means a child in the care of an adult during the portion of a day.

- 120.36 **CHILD CARE** means and includes child-minding, family child care, group child care, specialized child care, kindergartens, play schools, child nurseries and child care schools as defined in the Community Care and Assisted Living Act, S.B.C. 2002, c. 75, as amended or replaced from time to time, and regulations thereto. **(BYLW 8172, 2020)**
- 120.37 **CHILD WELFARE FACILITY** means any facility that provides accommodation for children by the province but not a use included in a *community care facility*.
- 120.38 Deleted **(BYLAW 7924, 2018)**
- 120.39 **CLOSED FENCE** shall be defined as one that has more than fifty percent (50%) of its area closed.
- 120.40 **CLOTHING CONSIGNMENT STORE** means a *retail store* having more than 10 percent of its display floor space occupied or used for selling, reselling or offering for sale or resale used clothing which has been taken into trust for the purpose of sale or resale on behalf of another party.
- 120.41 **CLUB OR LODGE** means the use of a building, or portion of a building, by a non-profit society, organisation, or corporation organised for the promotion of the fraternal, social or recreational purposes.
- 120.42 **CLUSTER HOUSE** shall mean a single detached dwelling located on one registered parcel of land. **(BYLAW 6717, 2002)**
- 120.43 **COLLECTIBLES** means used goods which have a higher value than when originally manufactured including, but not limited to, stamps, coins and ceramic dolls.
- 120.44 **COMMERCIAL SCHOOL** means the use of a building, or portion of a building, for the training and or instruction of students in business skills, and similar office and business use functions; and a post-secondary institute offering only programs, and certificates, diplomas, degrees or other qualifications in health care sciences professions or practices and health care administration, and health care research and development, and includes without limitation, medicine, dentistry, nursing, dental assistants, physiotherapy, health consulting, dental technology, and medical technology. A Commercial School also includes *Self-Improvement School*. **(BYLAW 7756, 2015)**
- 120.44.1 **COMMERCIAL USE** means, for the purposes of Section 140-160, a use providing for the sale or rental of goods or services, for personal services, or for the servicing and repair of goods. **(BYLAW 8184, 2020)**
- 120.45 **COMMUNITY CARE FACILITY** means any facility that provides accommodation and is defined and licensed under the Community Care and Assisted Living Act, S.B.C. 2002, c. 75, as amended or replaced from time to time. **(BYLAW 8172, 2020)**

- 120.46 **CONGREGATE HOUSING** means a building, or portion of a building, containing more than three *congregate living units* intended to be occupied by senior citizens, in which building, or portion of a building, not more than one *dwelling unit* may be included for a resident manager, where common dining and recreational areas are provided and where commercial uses such as barbershop, beauty salon and gift shop are permitted, and where the owner of the property has entered into a Housing Agreement, as allowed by the Local Government Act R.S.B.C. 1996, c. 326, as amended or replaced from time to time, guaranteeing the use of the *housing units*, their tenure, and the provision of amenities. The *congregate living units* can contain not less than 400 square feet (37.16 square metres) of gross floor area nor more than 650 square feet (60.39 square metres) of gross floor area.
- 120.47 **CONGREGATE LIVING UNIT** means one or more *habitable rooms*, purpose designed for senior citizens containing therein sanitary facilities, but not containing therein cooking facilities other than a microwave oven.
- 120.48 Deleted **(BYLAW 8184, 2020)**
- 120.49 **CORNER SITE** means a site at the intersection or junction of two or more streets, or of a street and a lane not less than 20 feet (6.10 metres) in width. Where a corner site has a width greater than 66 feet (20.12 metres), the requirements applicable to a corner site shall apply to all that portion of the site within 66 feet (20.12 metres) from the flanking street or lane, and the requirements applicable to an interior site shall apply to the remainder of such site.
- 120.50 **CONTINUING CARE** means the provision of health care services as defined in the Continuing Care Act, R.S.B.C. 1996, c. 70, as amended or replaced from time to time.
- 120.51 **CONVERSION** means a *house* or *duplex* structurally altered to contain one or more additional *sleeping, housekeeping or dwelling units*.
- 120.52 **COTTAGE BREWERIES** means a building, or portion of a building, of not more than 10,000 square feet (929.00 square metres) in which beer is brewed but not bottled, and beer and wine are sold to the public and to local outlets. **(BYLAW 6725, 2002)**
- 120.53 **COUNCIL** means the Municipal Council of the Corporation of the City of New Westminster.
- 120.54 **DENSITY BANK** means a record administered by the Corporation of the City of New Westminster which records the amount of density, expressed in *housing units*, for residential density or gross floor space, for non-residential density, deposited by a donor site and the amount of density withdrawn by a recipient site.
- 120.55 **DENSITY TRANSFER SYSTEM** means the system of density transfer described in Section 170.16 of this Bylaw.
- 120.56 **DESTINATION CASINO** means a floating riverboat capable of navigation on the Fraser River containing a *casino* limited to not more than 400 slot machines and, 30 gaming tables, and a \$500 betting limit where a) not less than one sixth of the net income from the *casino* is provided to the Corporation of the City of New Westminster and b) the *casino* is operated by a provincially licensed destination management company. The Destination casino may provide equipment, management and personnel for the operation of the Destination casino and may also include eating, drinking, entertainment and office facilities which are an integral part of the casino operation. **(BYLAW 6827, 2003)**

- 120.67 **DWELLING UNIT** means one or more *habitable rooms* designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a *facility for cooking*, sleeping facilities and a *bathroom* are provided for the exclusive use of such person or persons.
- 120.68 **EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS** means a building, or portion of a building, used by a group registered under the Society Act R.S.B.C. 1996, c. 433, as amended or replaced from time to time, to further the spiritual, moral or physical improvement of others but does not mean a *building used for place of worship*, a *hospital*, a *community care facility*, a *child welfare facility*, a *group living facility* or a corrections facility. **(BYLAW 7924, 2018)**
- 120.69 **ELDERLY CITIZENS' HOME** means a house or *apartment building* or a *dormitory unit* containing three or more *dwelling units*, *housekeeping units* or *sleeping units* used or occupied exclusively by persons on low income over the age of sixty and supported in whole or in part by financial assistance from the City, Provincial or Federal governments.
- 120.69.1 **ELECTRIC VEHICLE** means a vehicle that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries. **(BYLAW 8040, 2018)**
- 120.69.2 **ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM** means a system to control electric vehicle supply equipment electrical loads comprised of monitor(s), communications equipment, controller(s), timer(s) and other applicable devices. **(BYLAW 8040, 2018)**
- 120.69.3 **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. **(BYLAW 8040, 2018)**
- 120.70 **ELECTRONICS** means electrically powered merchandise in working order having a home entertainment or office function, including but not limited to computers, computer components, external computer peripherals, cameras, printers, fax machines, electronic games (but not arcade size video games), televisions, video cassette recorders and home sound systems, but excluding appliances.
- 120.71 **EMERGENCY HOUSING SHELTER** means a use providing emergency temporary accommodation to the homeless for up to one month, and which may accommodate families. Sleeping arrangements may be in dormitories, or in shared or single bedrooms. Included in shelters are you safe houses. Meals, medical aid, rehabilitative and social services may be provided as incidentals to the emergency accommodations.
- 120.71.1.1 **ENERGIZED LEVEL 2 OUTLET** 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 11772 standard). **(BYLAW 8040, 2018)**
- 120.71.1 **ENERGY STEP CODE** means the energy efficiency standards set out in sections 9.36.6 and 10.2.3 of the **BC Building Code**. **(BYLAW 7953, 2018)**

- 120.72 **ENGINEER or DIRECTOR OF ENGINEERING** means the Director of Engineering of the City of New Westminster. **(BYLAW 7924, 2018)**
- 120.73 **ESCORT SERVICE** means any person carrying on the business of providing or furnishing escorts or partners for social occasions.
- 120.74 **EXOTIC DANCER** means a person who, during a performance, removes a substantial portion, but not necessarily all, of the clothing from his or her body, or who comes to the performance area or stage substantially nude and dresses or leaves the stage during a performance to remove a substantial portion of his/her clothing and returns thereafter to continue the performance.
- 120.75 **FAÇADE IMPROVEMENT IN ACCORDANCE WITH HERITAGE GUIDELINES** means the alteration of an exterior façade in a style to conform to approved City of New Westminster Heritage Area Revitalization Programs.
- 120.76 **FACILITY, CHILD WELFARE** see *Child Welfare Facility*.
- 120.77 **FACILITY, COMMUNITY CARE** see *Community Care Facility*.
- 120.78 **FACILITY, GROUP LIVING** see *Group Living Facility*.
- 120.79 **FACILITY, MENTAL HEALTH** see *Mental Health Facility*.
- 120.80 **FACILITY FOR COOKING** means any equipment device or appliance used to heat or cook food or any combination thereof and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facility.
- 120.81 **FLOAT HOME** means a structure built on a flotation system and intended for use as a *dwelling unit* and not primarily for navigation.
- 120.81.1 **FLOOR AREA, GROSS** means, for the purposes of Sections 140-160, the horizontal cross-sectional area of all the *buildings* on the *lot* measured to the outside of the outer walls or outer roof of the *buildings* or portion of a *building* at each *storey*. Gross floor area shall also include areas used for structured parking. **(BYLAW 8184, 2020)**
- 120.81.2 **FLOOR AREA, NET** means, for the purposes of Sections 140-160, the *gross floor area*, subject to the exemptions of the definition of *floor space ratio* of this Bylaw. **(BYLAW 8184, 2020)**
- 120.82 **FLOOR SPACE RATIO** means, with respect to buildings or portions of buildings, the number obtained by dividing the horizontal cross-sectional area of all the buildings on the site measured to the outside of the outer walls of the buildings or portion of a building at each floor level (the “Gross Floor Area”) by the site area except the following shall not be included: **(BYLAW 7464, 2011)**
- a) The floor space located below the *height datum* or the natural grade of the site used for automobile parking, vehicular access, manoeuvring aisles, *bicycle storage facility*, elevators or stairs; **(BYLAW 8184, 2020)**

- b) The floor space located above the *height datum* or the natural grade of the site used for required automobile parking, vehicular access, manoeuvring aisles, *bicycle storage facility*, and elevator or stairs providing access exclusively thereto;
(BYLAW 8184, 2020)
- c) The floor space of all portions of *cellars* or *basements* located below the *height datum* or the natural grade of the site to be used for storage lockers, laundry rooms, or containment of garbage in a purpose designed multiple *dwelling*;
- d) The floor space of all areas below datum or the natural grade of the site used for mechanical, heating, ventilating, or air conditioning equipment;
- e) The floor space of those portions of a building or buildings above the *height datum* used for mechanical purposes including elevator penthouses, but not to exceed an area equal to ten percent (10%) of the *site coverage*;
- f) The total horizontal area of roof gardens, unenclosed balconies, porches, sundecks, patios, cantilevered canopies, and other similar appurtenances which are not enclosed by walls;
- g) The net floor area of all those portions of purpose-designed multiple *dwelling*s used exclusively for recreational purposes up to but not exceeding five percent (5%) of the permitted gross floor area for the site. The exemption for recreational purposes includes the areas of an entrance lobby to a purpose-designed *apartment building*, which are set aside specifically for meeting, reading, relaxing and waiting purposes and whose continuing area and function is guaranteed to the City through a covenant upon the title of the property;
- h) provided that in respect of any building containing multiple unit residential uses to which Section 190.21.1 applies, there shall be deducted from Gross Floor Area before it is divided by the site area 1.85 square metres (19.90 square feet) multiplied by the total number of one bedroom adaptable dwelling units and 2.80 square metres (30.14 square feet) multiplied by the total number of two or more bedroom adaptable dwelling units.
(BYLAW 7464, 2011)

- 120.83 **FOSTER CHILD** means a child in the full custody of adults unrelated to the child by blood not as an adopted child.
- 120.84 **FOSTER HOME** means a building, or portion of a building, used for the housing of *foster children*, in compliance with the Child, Family and Community Service Act, R.S.B.C. 1996, c.46, as amended or replaced from time to time.
- 120.85 **FRATERNITY OR SORORITY HOUSE** means a building, or portion of a building, rented, occupied or owned by a general or local chapter of an organized university fraternity or sorority, or on its behalf by a building corporation or association comprised of members or alumni thereof, and occupied by members of the local chapter of such fraternity or sorority as a place of residence.

- 120.85.2 **FREQUENT TRANSIT NETWORK** means that network of corridors where transit service runs at least every 15 minutes in both directions throughout the day and into the evening, every day of the week, as designated from time to time by the South Coast British Columbia Transportation Authority (TransLink) or its successor in function.
(BYLAW 7688, 2014)
- 120.86 **FRONT YARD** means a *yard* extending across the full width of the site from the front property line of the site to the front wall of the building, except where there is an existing corner truncation, in which case a front yard need only be provided between the front wall of any building and the portion of the front lot line parallel to the building.
(BYLAW 7779, 2015)
- 120.87 **GARDEN APARTMENT** means a purpose-designed apartment with housing accommodation in two or less *storeys*.
- 120.85.1 **GENERAL AMENITY** includes civic lands and buildings; recreation buildings; park and park improvements; libraries; public art; transportation infrastructure, none of which have been included in the calculation of development cost charges pursuant to the Local Government Act.
(BYLAW 7392, 2010)
- 120.88 **GROUP HOME** means a residential care home which provides care, food and lodging and an opportunity for the social, emotional, physical and intellectual growth of children under the age of 19 years living apart from their parents or guardians under the continuing guidance and supervision of group home parents or other qualified persons and which shall comply with all applicable provincial and municipal regulations.
- 120.89 **GROUP LIVING FACILITY** means any facility that provides accommodation and provides care, supervision, guidance or counselling to persons with physical and/or mental disabilities, persons with drug or alcohol problems, persons under the legal custody of the Crown, or persons in emergency or crisis situations, excluding a corrections facility.
- 120.90 **HABITABLE ROOMS OR SPACE** means a room or space intended primarily for *housing*; excludes *bathroom*, utility room, workroom, furnace room and storage room.
- 120.91 **HEIGHT DATUM** of a site means the average of the existing elevations taken at each corner of the site as established by survey prepared and certified by a British Columbia Land Surveyor: Provided that on any site in Queensborough charged by a S. 219 Flood Covenant, and where the average elevation of that portion of such site, not within any required side, front or rear yard is a minimum of two feet below the flood construction level ("FCL") as established by the Ministry of the Environment for the one in 200-year flood, the Height Datum shall be:
- a) for a dwelling where the main roof forms a peak the FCL less 7 feet (2.13 metres); and
 - b) for a dwelling where the main roof does not form a peak the FCL less 11 feet (3.35 metres).
(BYLAW 7334, 2009)

- 120.109 **HOUSE, PIER** see *Pier House*.
- 120.110 **HOUSE, ROW** see *Row House*.
- 120.111 **HOUSE, WOMEN’S TRANSITION** see *Women's Transition House*.
- 120.112 **HOUSEBOAT** means a powered *vessel* containing living accommodation, usually flat-bottomed and used in navigation.
- 120.113 **HOUSEKEEPING UNIT** means one or more *habitable rooms* containing therein facilities for cooking and a sink but no other sanitary facilities.
- 120.114 **HOUSING** means provision of accommodation for people for domestic purposes.
- 120.115 **HOUSING UNIT** includes any or all of the following: *bachelor unit, housekeeping unit, dwelling unit, sleeping unit, dormitory unit or secondary suite*.
- 120.116 **IMPROVED PEDESTRIAN ACCESS TO THE WATERFRONT** means the construction of a pedestrian overpass for public use to travel over Front Street and any road or railway tracks thereon.
- 120.117 **IMPROVED VEHICULAR ACCESS TO THE WATERFRONT** means the construction of a vehicular overpass over Front Street, including the railway tracks, and the construction of an at grade crossing which improves safety in conjunction with an overpass.
- 120.117.1 **INDUSTRIAL USE** means, for the purposes of Sections 140-150, a use providing for manufacturing, processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, recycling or salvaging of goods, materials or things for direct use or resale to individual business customers, and not for the general public. **(BYLAW 8184, 2020)**
- 120.117.2 **INSTITUTIONAL USE** means, for the purposes of Sections 140-150, a use providing for the gathering of persons for charitable, cultural, governance, philanthropic, religious, recreational or educational purposes. **(BYLAW 8184, 2020)**
- 120.118 **INTERIOR SITE** means a site other than a corner site.
- 120.119 **LAND DEDICATION FOR COMMUNITY PURPOSES** means the securing and use of a property or portion of property free of charges to the City by the dedicating land owner for the purposes of erecting and operating an aquarium, art gallery, civic building, concert hall, or museum with related activities.
- 120.120 **LANE** means a public thoroughfare, which affords only secondary means of access to a site at the side or rear.
- 120.118.1 **LIQUOR PRIMARY LICENSED PREMISES** means the use of a premises primarily for the sale of beer, wine or liquor for consumption on the premises as authorized under the *Liquor Control and Licensing Act*, with or without food service, and for entertainment and games authorized under that Act other than gambling and performances by *exotic dances* or *strippers*, and for the accessory use of the manufacturing of beverage products including beer, wine or liquor. **(BYLAW7622, 2013) (BYLAW 7273, 2009)**

- 120.121 **LIVEBOARD** means a powered or sail *vessel* primarily used for navigation and incidentally used for living accommodation.
- 120.122 **LIVE-WORK UNIT** means a commercial premise that is used for only commercial purposes on any ground floor component and contains a dwelling unit on one or more of any contiguous upper floors and may be used as a commercial business with a dwelling unit, a commercial business or a dwelling unit. **(BYLAW 6931, 2004)**
- 120.123 **LOCKED-IN LOT** means one site or two or more contiguous sites in any District specifically described in Section 170.1 of this Bylaw which:
- a) is a corner property including a corner site having an area of less than 12,000 square feet (1,114.80 square metres) and a frontage of less than 78 feet (23.77 square metres) on any street, or is a property not including a corner site having an area of less than 11,000 square feet (1,021.90 square metres) and a frontage of less than 70 feet (21.34 square metres) on any street; and
 - b) is built on, if at all, with buildings designed as *single detached dwellings* or *duplexes*, whether converted to *multiple dwelling* use or not; and
 - c) is located between sites developed for other than *single detached dwellings* or *duplexes*, or is located between a site developed for other than *single detached dwellings* or *duplexes* and a street.
- 120.124 **LODGER** means a person occupying a *sleeping unit* or *dormitory unit* obtaining meals outside the building containing the *sleeping unit*.
- 120.125 **LODGING HOUSE** means a building, or portion of a building, containing not less than three nor more than 15 rooms used as *sleeping units*.
- 120.125.2 **LOUNGE ENDORSEMENT AREA** means the accessory use of an area of a brewery, distillery or winery for the sale and service of beer, liquor or wine for consumption in an indoor area or patio area of the brewery distillery or winery specified by a licence issued under section 12 of the *Liquor Control and Licensing Act*. **(BYLAW 7622, 2013; 8184, 2020)**
- 120.126 **LOW RISE APARTMENT** means a purpose-designed apartment containing housing accommodation in three or less *storeys*.
- 120.127 **MARINA CLASS A** means a *marina* providing moorage space for *watercraft*.
- 120.128 **MARINA CLASS B** means a *marina* providing moorage space for *vessels*, ships, boats or any other description of *vessel* used or designated to be used in navigation not used for residential purposes.
- 120.129 **MARINA** means any installation, which provides moorage space for *vessels*, or *float homes*.
- 120.130 **MASSAGE PROVIDER** means a person who is a member in good standing in the Natural Health Practitioners of Canada and who practices, instructs or demonstrates therapeutic or relaxation massage and operates in a business and professional service establishment only. **(BYLAW 7232, 2008) (BYLAW 7779, 2015)**

- 120.131 **MASSAGE THERAPIST** means a registrant of the College of Massage Therapists of British Columbia established in accordance with the Health Professions Act R.S.B.C 1996, as amended or replaced from time to time, c.183. **(BYLAW 7232, 2008)**
- 120.132 **MASSEUR** or **MASSEUSE** means a person who is not a cosmetologist, massage therapist, or massage provider and who kneads, rubs, or massages the human body for remuneration. **(BYLAW 7232, 2008)**
- 129.132.1 Deleted **(BYLAW 8043, 2018)**
- 120.133 **MENTAL HEALTH FACILITY** means a building, or portion of a building, for the care and boarding of patients who are committed to receive psychiatric treatment, personal care or assistance on account of their mental disability, in compliance with the Mental Health Act, R.S.B.C. 1996, c.288, as amended or replaced from time to time.
- 120.134 **METHADONE CLINIC OR DISPENSARY** means a business where the principal purpose is the filling of methadone prescriptions. **(BYLAW 6960, 2004)**
- 120.135 **MIDDLE SCHOOL** means a *public school* providing instruction for students in grades six to eight inclusive.
- 120.136 **MULTIPLE DWELLING** means a building, or portion of a building, containing three or more *dwelling units, housekeeping units or sleeping units* or combination thereof or a *dormitory unit*, but does not include a lot occupied by a single detached dwelling with a secondary suite and detached accessory dwelling unit. **(BYLAW 7936, 2017)**
- 120.136.1 **OFF-STREET PARKING** means a use providing *parking spaces* for the temporary storage of vehicles not on a public street or right-of-way, and includes accessory off-street parking and off-street parking that is a principal use. **(BYLAW 8184, 2020)**
- 120.136.2 **OFF-STREET PARKING SPACE, ACCESSIBLE** means a *parking space* designated and designed for use by and for people with disabilities. **(BYLAW 8184, 2020)**
- 120.136.3 **OFF-STREET PARKING SPACE, VAN ACCESSIBLE** means a *parking space* to accommodate vans and other vehicles with platform lifts or side ramps. **(BYLAW 8184, 2020)**
- 120.137 **ONE FAMILY UNIT** means one person or two or more persons who are related by blood, marriage (including common law marriages) or adoption.
- 120.138 **ONE HOUSEHOLD UNIT** means one person or two or more persons who are not related by blood, marriage (including common law marriages) or adoption occupying a *dwelling unit, bachelor unit or housekeeping unit*.
- 120.138.1 **OUTDOOR STORAGE** means means the storage of goods or materials, for more than 72 hours, which are not located within a fully enclosed building, and excludes the storage of *shipping containers* and vehicles. **(BYLAW 7615, 2013)**
- 120.139 **PARKING AREA** means a site or portion of a site unoccupied by buildings, the surface of which is prepared for and is used, or is intended to be used, primarily for the parking or storage of motor vehicles.

- 120.140 **PARKING GARAGE** means a building, or portion of a building, or structure or portion of a structure, the primary purpose of which is the parking or storage of motor vehicles.
- 120.141 **PARKING SPACE** means a space within a building or a *parking area* for the parking of one motor vehicle, excluding driveways, ramps and manoeuvring areas, and unobstructed by columns, walls or other structural features. **(BYLAW 8184, 2020)**
- 120.141.1 **PASSIVE HOUSE** is a building certified, by an accredited Passive House certifier, as meeting the Passive House Standard established by the International Passive House Institute. **(BYLAW 7953, 2018)**
- 120.142 **PAWN SHOP** means the use of a building, or portion of a building, for the business of taking goods or chattels excluding the sale of firearms in pawn whether or not the provisions of the Pawnbrokers Act R.S.B.C. 1996, c. 350, as amended or replaced from time to time, apply to the business. **(BYLAW 7276, 2008)**
- 120.143 **PERSONAL SERVICE ESTABLISHMENT** means barber shops, beauty parlours, cosmetologists, massage providers, massage therapists, dry cleaning shops (automatic self-service only), dry cleaning establishments, electrical appliance repair shops, florist shops, laundrettes (automatic self-service only), shoe repair shops, tailor or dressmaking shops, optical or watch repair shops, printing using photographic processes, letter pressing, blue printing, silk screening and lithographing. **(BYLAW 7232, 2008)**
- 120.144 **PIER HOUSE** means a building containing not more than two *housing units* of which more than fifty percent (50%) of the main floor sits on piers suspended over water measured at the high water line (the level of the highest normal tides).
- 120.144.1 **PLACE OF WORSHIP** means the gathering of people for the purpose of sharing, expressing or practicing a commonly-held faith, spiritual belief or religion.
- 120.145 **PRINCIPAL BUILDING** means a building, or portion of a building, or structure the use or intended use of which is the main use being made of the site upon which such principal building is located.
- 120.146 **PRINCIPAL USE** means a use, which is the main use of the site or of the *principal building* on the site. **(BYLAW 8172, 2020)**
- 120.147 **PRIVATE HOSPITAL** means a building, or portion of a building, in which two or more patients other than the spouse, parent or child of the owner or operator thereof are living at the same time and including a nursing home or convalescent home, but does not include a *hospital* as defined in this Bylaw or a *hospital* licensed under the Mental Health Act R.S.B.C. 1996, c.288, as amended or replaced from time to time.
- 120.148 **PRIVATE SCHOOL** means a school, other than a *public school*, where academic subjects are taught or which is maintained for philanthropic or religious purposes and may include a boarding school, but does not include any school or home otherwise classified or defined under this Bylaw. **(BYLAW 7893, 2017; 8172, 2020)**

- 120.149 **PUBLIC ASSEMBLY AND ENTERTAINMENT USE** means the use of a building, or portion of a building, for assembly or entertainment including auditoriums, billiard halls, bowling alleys, dance halls, gymnasiums, karaoke, meeting halls, swimming pools, theatres (excluding drive-in theatres), libraries, art galleries, museums, and parks, but excludes *adult entertainment uses, adult motion picture uses, adult theatres, and adult video stores and liquor primary licensed premises.* **(BYLAW 7273, 2009)**
- 120.150 **PUBLIC OPEN SPACE** means the securing of an area of a site at grade or street level which is acceptable to the City and is appropriately landscaped for the use and enjoyment of the public during reasonable hours.
- 120.151 **PUBLIC SCHOOL** means an elementary school, *middle school*, junior secondary school or senior secondary school maintained at the public expense pursuant to the School Act R.S.B.C. 1996, c.412, as amended or replaced from time to time, and owned by School District No. 40. *A Child Care is permitted as an accessory use.* **(BYLAW 7893, 2017)**
- 120.152 **PUBLIC UTILITY** means any building, structure or land, or portion thereof, accommodating equipment as part of electrical, gas, water, sewer, telephone, radio, television or other similar facilities and includes all major installations and transmission facilities.
- 120.153 **PUBLIC WORKS YARD** means any building, structure or land, or portion thereof, accommodating any use provided by an agency of government or any *public utility* works yard for the maintenance, repair and storage of vehicles, equipment and/or construction materials, and shall include any accessory offices.
- 120.154 **PURPOSE DESIGNED APARTMENT** means a building, or portion of a building, designed and built as an apartment, and excludes a *conversion*.
- 120.154.1 **QUEEN'S PARK ADVANCED CATEGORY HOUSE** means a residential dwelling in the Queen's Park Heritage Conservation Area designated in the Official Community Plan, that:
- Has an original construction date earlier than January 1, 1941 and that is not listed in Appendix 4 of Schedule A to the Official Community Plan; or
 - Is listed on the Heritage Register.
- For the purposes of determining the original construction date of a building or structure, the date will be the earlier of the date on which the City issued a building permit authorizing the construction and the date on which the City authorized, in writing, the connection of that building or structure to the City's water supply, sewage collection, or electrical power supply systems. **(BYLAW 8024, 2018)**
- 120.155 **RAMP** means an inclined plane or sloping passageway for mounting or descending from one level to another.
- 120.156 **REAR YARD** means a *yard* extending across the full width of the site from the rear wall of the building to the rear line of the site; provided however, that in computing the required depth of a rear yard which is bounded at the rear by a *lane*, one-half of the width of the *lane* or 10 feet (3.05 metres), whichever is the lesser width, may be assumed to be part of the yard.

- 120.157 **RECONDITIONED GOODS** means used *electronics* or used household appliances which have had some components replaced, repaired or upgraded to increase the usefulness and/or durability of the good.
- 120.158 **RECONDITIONED GOODS STORE** means a *retail store* having more than 10 percent of its display floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale *reconditioned goods*.
- 120.159 **RECYCLING RETURN CENTRE** means the collection, sorting, packaging, temporary storage, and preparation for shipment within an enclosed building, and the shipment from the building, of recyclable materials, including empty beverage containers, used electronic goods, paper products, glass and metal, but excluding *automobile wrecking*, storage of damaged vehicles and used building materials, and includes the payment of deposit refunds.
(BYLAW 7308, 2009)
- 120.159.1 **RENTAL RESIDENTIAL UNIT, SECURED** means a dwelling unit that is located on a site used for multiple dwelling, is occupied pursuant to the residential tenancy agreement, and is either:
- (a) Secured by a Housing Agreement or,
 - (b) Is an existing multiple dwelling that is not secured by a Housing Agreement, which has not added more than five units at any point in time.
- (BYLAW 7688, 2014; 7741, 2015)
- 120.159.2 **RESIDENTIAL COMMUNITY LIVING** means the use of land and buildings for long term and independent residential living arrangements for up to four persons with mental or physical disabilities and up to two staff members, licensed under the Community Care and Assisted Living Act, and may include counselling and life skills training activities.
(BYLAW 7675, 2014)
- 120.159.2.1 **RESIDENTIAL RENTAL TENURE** means, in relation to a dwelling unit in a multi-family residential building or multiple dwelling,
- a) a tenancy governed by a tenancy agreement that complies with the Residential Tenancy Act or, in the event that the Act is repealed and not replaced, that contains the standard terms set out in the Residential Tenancy Regulation B.C. Reg. 477/2003 as of the date of enactment of Zoning Amendment Bylaw No. 8123, 2019; or
 - b) a tenancy in which the landlord is the City of New Westminster, the Greater Vancouver Housing Corporation, the B.C. Housing Management Commission, a non-profit society or association incorporated under the Societies Act or the Cooperative Association Act whose objects include the provision of affordable rental housing, or a partnership between any two or more such entities.
- (BYLAW 8078, 2019; 8123, 2019)
- 120.159.2.2 **RESIDENTIAL USE** means, for the purposes of Section 140-150, a use providing for the accommodation of home life of one or more persons, including activities customarily incidental to the accommodation and home life of a person.
(BYLAW 8184, 2020)
- 120.159.3 **RETAIL SALE OF CANNABIS** means the use of a site or a portion of a site only for the retail sale or distribution of *cannabis*, including any products containing *cannabis*, directly to a consumer for which a license has been issued under the Provincial *Cannabis Control and Licensing Act* (Bill 30) as amended and replaced from time to time.

(BYLAW 7966, 2018) (BYLAW 8043, 2018)

- 120.160 **RETAIL STORE** means the use of a building, or portion of a building, for the sale of new goods directly to the consumer excluding the sale of new or used firearms. *Retail stores* include food stores, general merchandise stores, apparel and clothing stores, hardware stores, furniture and fixture stores, drug and cosmetic stores, book and stationary stores, flower shops, jewellery stores, tobacconist stores, pet stores, photographic supply and photographer stores and similar stores in a pedestrian environment. (BYLAW 7276, 2008)
- 120.161 **RETAIL LIQUOR STORE** means a **RETAIL STORE** of not more than 2,000 gross square feet of floor space (excluding refrigerated space) which is contiguous to a Licensed Liquor Primary establishment and which sells alcoholic beverages, snacks and liquor related items directly to the public until no later than 11:00pm or before 9:00am and which does not permit consumption of alcoholic beverages on the premises.
(BYLAW 6895, 2003; 8172, 2020)
- 120.161.1 **RETAINING WALL** means a structure constructed of any material and designed to hold back, stabilize or support an earthen bank resulting from differences in site grades.
(BYLAW 7614, 2013)
- 120.162 **ROW HOUSE** means a *house* sitting upon its own fee-simple lot, consisting of one *dwelling unit* sharing a common wall to one or more *dwelling units* with each *dwelling unit* located on a lot abutting a street and a *lane*.
- 120.163 **SCHOOL, MIDDLE** see *middle school*.
- 120.164 **SCHOOL, PRIVATE** see *private school*.
- 120.165 **SCHOOL, PUBLIC** see *public school*.
- 120.166 **SCHOOL, SELF-IMPROVEMENT** see *self-improvement school*.
- 120.167 **SCHOOL STAFF MEMBER** means a person employed full-time or part-time at a school whether or not employed by School District # 40, including without limitation teachers, special education assistants, administrative and custodial staff and staff providing special instruction and other programs to students.
(BYLAW 7272, 2008)
- 120.168 **SCHOOL, TRADE** see *trade school*.
- 120.169 **SCRAP METAL** means used or discarded items which consist predominantly of ferrous metals, aluminium, brass, copper, lead, chromium, tin, nickel, magnesium, zinc or alloys thereof but does not include used metal cans or containers for food, beverages, paint, or domestic or household products normally recycled to avoid waste; (BYLAW 7203, 2007)
- 120.170 **SCRAP METAL DEALER** means any person carrying on the business of buying and selling Scrap Metal.
(BYLAW 7203, 2007)
- 120.171 **SECOND HAND SPECIALTY STORE** means a *retail store* having more than 10 percent of its display floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale used goods from only one of the following categories:
- a) books, magazines and papers

- b) *collectibles*
 - c) *electronics*
 - d) *jewellery and accessories*
 - e) *luggage and travel accessories*
 - f) *musical equipment and accessories (excluding recorded music), or*
 - g) *recreational equipment and accessories.*
- 120.172 **SECOND HAND STORE** means a *retail store* having more than 10 percent of its floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale used goods of every nature and kind except empty recyclable bottles or cans, either directly or on consignment, and for greater certainty, includes a *reconditioned goods store*, but does not include a *pawn shop, used music store or used tool store*.
- 120.173 **SECONDARY SUITES CO-ORDINATOR** means the person appointed from time to time by *Council* for the purpose of enforcing this Bylaw.
- 120.174 **SECONDARY SUITE** means a *dwelling unit*, which is accessory to a *single detached dwelling* use and is contained within the same structure as the *single detached dwelling*.
- 120.174.1 **SECURED RENTAL RESIDENTIAL UNIT** see **RENTAL RESIDENTIAL UNIT, SECURED** (BYLAW 7688, 2014)
- 120.175 **SEISMIC UPGRADING** means the upgrading of an existing building, or portion of a building, that does not meet current seismic requirements up to the current seismic requirements of the Building Bylaw of the City of New Westminster, as amended or replaced from time to time, or erection of a new building, or portion of a building, to these requirements and in such a manner as not to conflict with *Façade Improvements in Accordance with Heritage Guidelines*.
- 120.175.1 **SETBACK** means an area measured perpendicular from a *lot line*, excluding corner truncations, within which no *structure* may be located, except as specifically permitted elsewhere in this Bylaw. (BYLAW 8184, 2020)
- 120.175.2 **SETBACK, EXTERIOR SIDE** means a *setback* extending along the length of a *side lot line* which is adjacent to a street or *lane*. (BYLAW 8184, 2020)
- 120.175.3 **SETBACK, FRONT** means a *setback* extending along the length of a *front lot line*. (BYLAW 8184, 2020)
- 120.175.4 **SETBACK, REAR** means a *setback* extending along the length of a *side lot line*. (BYLAW 8184, 2020)
- 120.175.5 **SETBACK, SIDE** means a *setback* extending along the length of a *side lot line*. (BYLAW 8184, 2020)
- 120.176 **SHIPPING CONTAINER** means a rectangular metal container customarily used for the transport of freight or for storage. (BYLAW 7084, 2006)

- 120.177 **SELF-IMPROVEMENT SCHOOL** means the use of a building, or portion of a building, for instruction in arts, dance, music, martial arts, sports or similar self-improvement activities, but does not include any sex-oriented business.
- 120.178 **SIDE YARD** means a *yard* extending from the front wall of the building to the rear wall of the building and lying between the side line of the site and the side wall of the building.
- 120.179 **SINGLE DETACHED DWELLING** means a house consisting of one *dwelling unit* only, and may include a *secondary suite*.
- 120.180 **SITE** means an area of land abutting on a street consisting of one registered parcel of land except in the case of an air space parcel or parcels in which case the *site* shall consist of the air space parcel or parcels and the remainder of the parcel of land from which the air space parcel or parcels were created such that these parcels are treated for all purposes in this Bylaw as a single *site*, the area of which shall be calculated as if no air space subdivision had occurred.
- 120.181 **SITE, CORNER** see *Corner Site*.
- 120.182 **SITE, INTERIOR** see *Interior Site*.
- 120.183 **SITE, THROUGH** see *Through Site*.
- 120.184 **SITE COVERAGE** means the vertical projection of the area within the outside walls of the buildings and structures on a site onto a horizontal plane located at the *height datum* or at the finished grade of the site.
- 120.185 **SITE LINES** means the lines bounding the *site*.
- 120.186 **SLEEPING UNIT** means one or more *habitable rooms* equipped to be used for sleeping and sitting purposes only (see *dormitory unit*).
- 120.187 **STAIRCASE** means an open flight or series of flights of steps or stairs leaving from one floor to another including the landings, handrails and support balustrades.
- 120.188 **STAIRWELL** means a *staircase* enclosed within a vertical shaft of surrounding walls or partitions.
- 120.189 **STORE, ADULT VIDEO** see *Adult Video Store*.
- 120.190 **STORE, ANTIQUE** see *Antique Store*.
- 120.191 **STORE, CHARITY THRIFT** see *Charity Thrift Store*.
- 120.192 **STORE, CLOTHING CONSIGNMENT** see *Clothing Consignment Store*.
- 120.193 **STORE, RECONDITIONED GOODS** see *Reconditioned Goods Store*.
- 120.194 **STORE, RETAIL** see *Retail Store*.
- 120.195 **STORE, SECOND HAND SPECIALTY** see *Second Hand Specialty Store*.

- 120.196 **STORE, SECOND HAND** see *Second Hand Store*.
- 120.197 **STORE, USED MUSIC** see *Used Music Store*.
- 120.198 **STORE, USED TOOL** see *Used Tool Store*.
- 120.199 **STORE, VIDEO** see *Video Store*.
- 120.200 **STOREY** means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling above it. A *storey*, for the purpose of calculating *floor space ratio*, shall include *cellar, basement, mezzanine, first floor, second floor, and every other type of storey, above or below grade, but shall not include a) an undeveloped area with a clear vertical height from a floor to a ceiling of 4 feet (1.22 metres) or less to which there is no permanent means of access or b) a crawl space in Queensborough required to meet flood covenant requirements*
- 120.201 **STREET** means a public thoroughfare, which affords principal means of access to abutting property.
- 120.202 **STRIPPER** means a person who, during a performance, removes all of the clothing from his or her body, or who comes to the performance area or stage, either totally nude and dresses in the performance, or leaves the stage during the performance to undress and returns thereafter to continue the performance.
- 120.203 **STRUCTURE** means anything constructed or erected the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground.
- 120.204 **STUDENT HOUSING** means the use of a building, or portion of a building, for the domestic purposes of students attending an educational facility.
- 120.205 **SUPPORTIVE HOUSING** means self contained housing units in a purpose designed building that provide long-term housing, often without a time limit as to the length of stay, to enable occupants to live more independently within the community. This type of housing incorporates a range of support services which address the needs of the occupants.
(BYLAW 7201, 2007)
- 120.206 **THROUGH SITE** means a *site* having a frontage on two parallel or approximately parallel *streets*.
- 120.207 **TOWNHOUSE** means a *house* consisting of three or more *dwelling units* on a lot, where each *dwelling unit* has direct ground level access, or indirect ground level access by way of a staircase shared by not more than two *dwelling units* on the same storey, and each *dwelling unit* is attached to another *dwelling unit*.
- TRANSITIONAL HOUSING** means self contained housing units in a purpose designed building that are viewed as an interim housing step with occupants moving to more permanent housing once their situation has stabilized. This type of housing accommodates stays from 30 days to 36 months and incorporates a range of support services which address the needs of occupants. It does not include a detoxification or medical facility.
(BYLAW 7201, 2007)

- 120.208 **TRADE SCHOOL** means the use of a building, or portion of a building, for instruction and or apprenticeship in an industrial occupation, such as automobile mechanics, bricklaying, carpentry, electrical wiring, plumbing, sheet metal work or similar occupation.
- 120.209 **TRUCK STOP** means a building, or portion of a building, or buildings providing facilities as are used by employees and truck drivers during stopovers at the facilities and may include a) sleeping accommodation; b) restaurants; or c) *retail stores*.
- 120.210 **USABLE OPEN SPACE** means an unobstructed area or areas, accessible in whole or in part to all occupants of the building it serves, having no dimension less than 10 feet (3.05 metres) and being available for safe and convenient use for recreation or leisure activities. This usable open space may be on roofs or *structures* or at grade and may include private balconies or patios but shall not include Off-Street parking areas, Off-Street loading areas or service driveways.
- 120.211 **USED AUTOMOTIVE PARTS BUSINESS** means a business having more than 10 percent of its floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale used automotive parts and accessories, and may include the dismantling of automobiles provided that the dismantling and any storage of automobiles or automobile parts is conducted entirely within an enclosed building, or portion of a building,.
- 120.212 **USED MUSIC STORE** means a *retail store* having more than 10 percent of its display floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale used recorded music stored in a vinyl, audio tape, compact disc or any other format.
- 120.213 **USED TOOL STORE** means a *retail store* having more than 10 percent of its display floor space occupied or used for buying, procuring, selling, reselling or offering for sale or resale used tools suitable for construction, automotive repair or domestic use.
- 120.214 **VESSEL** means any ship or boat or any other description of vessel used or designed to be used in navigation.
- 120.215 Deleted. **(BYLAW 7058, 2005)**
- 120.216 **VIDEO STORE** means a building, or portion of a building, where motion pictures are available for distribution, sale or rental.
- 120.217 **WATERCRAFT** means any ship, boat, hull, house, raft, etc. which is afloat and used for residential purposes.
- 120.218 **WOMEN'S TRANSITION HOUSE** means a facility funded by and under contract with the province which is contained within a house having one *dwelling unit* only and which is intended to provide a safe place of residence on a temporary basis for women and their children leaving an abusive relationship.
- 120.219 **YARD** means any part of a *site* which is unoccupied and unobstructed by buildings or other *structures* from the ground upward, save and except for those buildings or other *structures* or appurtenances provided for in Sections 190.37 to 190.40 of this Bylaw.

130. Administration

General Restrictive Clause

- 130.1 No person shall erect, construct, locate, alter, reconstruct or maintain any building, or locate or carry on any industry, business, trade or calling, or use any land or building within any District, without complying with the provisions of this Bylaw applicable thereto.

Notice of Public Hearing

- 130.2 Notice of public hearings shall be provided in accordance with the Development Approval Procedures Bylaw, 1987, as amended or replaced from time to time.

Enforcement

Right of Entry

- 130.3 The Director of Engineering is hereby authorised to enter at all reasonable times upon any property or a building, or portion of a building, subject to this Bylaw to ascertain whether the regulations and provisions herein contained are being or have been complied with. A person employed from time to time by the City as a Deputy or Deputy Director of Engineering, Assistant Director of Engineering, Supervisor of Inspections, Building Inspector, Director of Planning, Secondary Suites Co-ordinator, Senior Planner, Planner, Planning Analyst, or Planning Assistant is hereby designated to act in the place of the Director of Engineering for the purposes of this subsection.
- 130.4 It shall be unlawful for any person to prevent or obstruct or seek or attempt to prevent or obstruct any of such officials in or from the carrying out of any of their official duties under this Bylaw.

Buildings in Contravention of City Bylaws

- 130.5 Where any building or part of a building or other erection has been constructed or placed in contravention of this Bylaw, the Director of Engineering may, subject to the provisions of the Building Bylaw, as amended or replaced from time to time (or of any Bylaw of the City applicable thereto), with the approval of the Council, pull down or remove the building or part of the building or erection so constructed or placed in contravention of this Bylaw at the expense of the owner, as provided in said Building Bylaw, as amended or replaced from time to time.

Information Required for Design Review

- 130.6 Every application for a building permit, except for one and two unit residential uses shall be accompanied by, in addition to any other requirements, the following:
- a) A topographic plan of the proposed site, including site elevations at each corner of the site, prepared by a British Columbia Land Surveyor and dated within six months of the application date. Profiles, where appropriate, are to be included;

- b) Fully dimensioned architectural drawings of the proposed project, drawn to an appropriate scale. The plans shall include exterior elevations, cross sections and floor plans of the building, complete with geodetic elevations of all floors. Proposed materials are to be indicated on the exterior elevations;
- c) Landscaping plans to scale showing number, type and extent of plant material proposed to be used and the proposed treatment of other surfaces of the site. Such plans shall also include the proposed treatment of the street boulevard and crossings;
- d) Context photographs of the existing site and surrounding properties;
- e) Sun, shade, shadow analysis and effects on adjoining properties, and streets at 10:00 a.m., 12:00 noon, and 2:00 p.m. on September 21 and March 21 for any building taller than 3 storeys and or 35 feet (10.67 metres) above the height datum;
- f) A coloured perspective or scale model of the finished building or structure and site development;
- g) A colour board, or coloured samples of the proposed materials;
- h) A statistical table of the proposal covering all of the conditions of use for the applicable Zoning District. The table shall include yard and setback requirements, as well as density, floor space ratio, site coverage, height and parking calculations. Balcony and open space areas and dimensions, housing unit areas, and areas set aside for recreation facilities shall be noted. Any Bylaw deficiencies shall be noted on the plans submitted;
- i) A driveway profile: the first 20 feet (6.10 metres) having a slope not greater than ten percent (10%), with a slope not greater than fifteen percent (15%) on the remainder;
- j) Drawings to scale indicating the location, size and type of all intended signs;
- k) Drawings of all Off-Street parking spaces and the manoeuvring aisles and access ramps.

Two or More Zoning Districts on One Lot

130.7 Where a lot contains more than one zone:

- a) Each zoned area shall be treated as a separate entity for the purpose of determining compliance with the provisions of the zone;
- b) All uses that are accessory to a principal use shall be provided within the area zoned for the principal use.

Penalty for Violation

- 130.8 Every person who commits any infraction of or offense against any of the provisions of this Bylaw shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Judge a fine not exceeding (exclusive of costs) the sum of five thousand dollars (\$5,000) for each offense and in default of payment therefor, to imprisonment to a term not exceeding two months.

Land Use Contracts

- 130.9 Bylaw No. 4936 (1976)
West half each of Lots 31 & 32, Lot 4, Block 13, Suburban Block 12
(municipally known as 927 Eighth Avenue)
- 130.10 Bylaw No. 4937 (1976)
Lot 4 of Blocks 7 and 8, Suburban Block 34, Plan 2620
(municipally known as 131 Third Street)



Off-Street Parking

Section 140

140. Off-Street Parking Spaces

(BYLAW 8184, 2020)

Off-Street Parking Space Requirements

- 140 .1 *Off-Street parking spaces* shall be provided in accordance with the requirements of this section.
- 140 .2 When the number of required *off-street parking spaces* results in a fractional space, any fraction shall be rounded up to the nearest whole number.
- 140 .3 Imperial measurements are provided for convenience only. In the case of a difference between a metric measurement and an imperial measurement, the metric measurement shall prevail.
- 140 .4 Where two or more uses occur on a *site*, the minimum number of required parking spaces must be the sum of the *parking spaces* required for each individual use.

Use of Off-Street Parking

- 140 .5 *Off-street parking spaces* provided shall only be used for parking of vehicles not exceeding 4,536 kilograms (10,000 pounds).
- 140 .6 Required *off-street parking spaces* for any *buildings* used by the public must be accessible during all hours of business.

Units of Measurement

- 140 .7 Where *net floor area* is used as a unit of measurement for the calculation of required parking spaces, it shall include the *net floor area* of all *buildings*, designated for the use with the exception that any space used for parking shall not generate an additional parking requirement.
- 140 .8 Where number of persons is used as a unit of measurement, it shall mean the greatest number of persons on-site, at any time for the particular use.



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Residential Off-Street Parking Space Requirements

140 .9 *Off-street parking spaces for commercial uses shall be provided in accordance with the following table:*

Use	Minimum Required Off-street <i>Parking Spaces</i>
<i>Congregate Housing</i>	0.2 per <i>bachelor unit</i> 0.4 per one-bedroom unit
<i>Dormitory Unit</i>	1.0 per each 140 square metres use for habitable rooms or space
<i>Duplex</i>	1.0 per <i>dwelling unit</i>
<i>Elderly Citizen's Home</i>	1.0 per each five (5) <i>bachelor units</i> 2.0 per each five (5) one-bedroom units
<i>Float Home, Houseboat, Liveaboard, Pier House</i>	1.0 per unit
<i>Housekeeping Unit</i>	1.0 per each unit
<i>Multiple Dwelling</i>	1.0 per <i>bachelor unit</i> 1.2 per one-bedroom unit 1.4 per two-bedroom unit 1.5 per unit with three (3) or more bedrooms 0.2 per <i>dwelling unit</i> for visitors <u>Sites located within Downtown:</u> 1.0 for each bachelor or one-bedroom <i>dwelling unit</i> 1.35 per <i>dwelling unit</i> with two (2) or more bedrooms 0.1 visitor spaces for each <i>dwelling unit</i>
<i>Secured Rental Units</i>	<u>Sites within 400m of a Skytrain station or Frequent Transit Network:</u> 1.0 per <i>dwelling unit</i> <u>Sites located within Downtown:</u>



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	<p>0.6 per <i>bachelor unit</i> or one-bedroom unit 0.8 per <i>dwelling unit</i> with two or more bedrooms</p> <p><u>All other sites:</u> 0.1 per <i>dwelling unit</i> for visitors</p>
<p>Single Detached Dwellings:</p> <p>No detached accessory dwelling unit or secondary suite</p> <p>With detached accessory dwelling unit and/or secondary suite</p>	<p>1.0 per <i>dwelling unit</i></p> <p>2.0 per <i>site</i></p>
Sleeping unit	1.0 per each 32.52 square metres of floor space used for habitable rooms or space
Youth Hostels	1.0 per each eight (8) <i>dwelling units, bachelor units, housekeeping units, or sleeping units</i>

Commercial Parking Space Requirements

140 .10 *Off-street parking spaces for commercial uses shall be provided in accordance with the following table:*

Use	Required Off-street Parking Spaces		Measurement
Business and Professional Office Use	Minimum	1.0 per 50 sq. metres	<i>Net Floor Area</i>
	Maximum	1.0 per 33.33 sq. metres	
Casino uses	Minimum	1.0 per 100 sq. metres <i>net floor area</i>	<i>Net Floor Area</i>
Commercial and retail uses located	Minimum	1.0 per 72 sq. metres 1.0 per 100 sq. metres for properties zoned C-8	<i>Net Floor Area</i>



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<i>Downtown</i>			
<i>Hotels</i>	Minimum	0.8 per rental unit	Rental unit
	Maximum	1.0 per rental unit	
Liquor Primary Licensed Premises	Minimum	1.0 per 12.50 sq. metres	<i>Net Floor Area</i>
	Maximum	1.0 per 9.0 sq. metres	
Marinas	Minimum	1.0 per	Recreational vessel moorage space
	Maximum	-	
Medical and Dental Clinics	Minimum	1.0 per 33.33 sq. metres per	<i>Net Floor Area</i>
	Max.	1.0 per 25 sq. metres	
<i>Retail Stores and other commercial uses not in this table</i>	Minimum	1.0 per 50 sq. metres	<i>Net Floor Area</i>
	Maximum	1.0 per 33.33 sq. metres	
<i>Retail Stores (larger than 10,000 sq. metres) and other commercial uses not in this table</i>	Minimum	1.0 per 40 sq. metres (430.55 sq. ft.)	<i>Net Floor Area</i>
	Maximum	1.0 per 33.33 sq. metres	
Public Assembly	Minimum	1 per 92.29 sq. meters	<i>Net floor area of primary assembly area</i>
	Maximum	-	
Restaurants	Minimum	1.0 per 50 sq. metres for restaurants up to 100 sq metres of <i>net floor area</i> ; and	<i>Net Floor Area</i>
	Minimum	1.0 per 40 sq. metres for restaurants between 100 sq. metres and 500 sq. metres of <i>net floor area</i> ; and	
	Minimum	1.0 per 33.33 sq. metres for restaurants 500 sq. metres and above	
	Maximum	1.0 per 33.33 sq. metres	



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140 .11 Despite the provisions above, for offices, banks, businesses, *retail stores*, *restaurants* and *personal service establishment* (excluding *home occupations* in mixed-use districts), where the width of the *site* is less than 13.72 metres, one *parking space* shall be provided for each 92.90 square metres or portion thereof of *gross floor area of commercial use* within the *building*.

140 .12 No additional parking is required for an existing *building* used for *commercial uses* and which continues to be used for *commercial uses* provided no additional floor space is added to the *building*.

140. .12 .1 The following reductions are permitted for liquor primary licensed premise, lounge endorsement area or restaurant or café uses:

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2020

- a) two off-street parking spaces, which are not accessible parking spaces; or
- b) one off-street loading space

per establishment on site, provided such reduction facilitates the conversion of existing parking spaces or loading areas to a space which is used for outdoor seating and consumption of food and/or beverage served by and in close proximity to the business.

Commercial Service and Industrial Off-Street Parking Space Requirements

140 .13 *Off-street parking spaces* for commercial service and *industrial uses* shall be provided in accordance with the following table:

Use	Required <i>Off-street Parking Spaces</i>		Measurement
Fuel Service Stations, and Automobile, Truck, Motorcycle and Boat Inspection, Repair and Service	Min.	0.5 per; and	Gasoline Pump
	Min.	1.0 per	Vehicle Service Bay
	Min.	1.0 per 46.45 sq. metres	<i>Net Floor Area</i>
	Max.	-	
<i>Industrial Uses, except Mini Storage, Recycling Return Centre</i>	Min.	1.0 per 92.9 sq. metres up to 18,580 sq. metres of <i>net floor area</i> ; and	<i>Net Floor Area</i>
	Min.	1.0 per 278.70 sq. metres	



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		above 18,580 sq. metres	
	Max.	-	
Mini Storage	Min.	1.0 per 325.15 sq. metres	<i>Net Floor Area</i>
	Max.	-	
Recycling Return Centre	Min.	6.0 per	Business premises
	Max.	-	
Exterior Areas used for Storage or Product Display	Min.	1.0 per 278.70 sq. metres up to 1,393.50 sq. metres; and	Lot Area Used for Display and Storage
	Min.	1.0 per 464.5 sq. metres between 1,393.50 sq. metres and 3,716 sq. metres; and	
	Min.	1 per 1,393.50 sq. metres for 3716 sq. metres and above	
	Max.	-	

Institutional Off-street Parking Space Requirements

140 .14 *Off-street parking spaces for institutional uses shall be provided in accordance with the following table:*

Use	Required Off-street Parking Spaces		Measurement
Child Care in a non-residential building	Min.	1 per 50 sq. metres	<i>Net Floor Area</i>
	Max.	-	
Child Care in a residential building	Min.	No Requirements	
	Max.	-	
Community Centres	Min.	1 per 18.58 sq. metres	<i>Net Floor Area</i>
	Max.	-	
Curling Rinks	Min.	8 per	Ice sheet or curling lane
	Max.	-	
Fire Stations	Min.	1 per 46.45 sq. metres	<i>Net Floor Area</i>
	Max.	-	



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Hospital, Private hospital	Min.	1 per 92.9 sq. metres	<i>Net Floor Area</i>
	Max.	-	
Libraries	Min.	1 per 74.32 sq. metres	<i>Net Floor Area</i>
	Max.	-	
Religious Assembly and Place of Worship, and similar places of public assembly	Min.	1 per 92.29 sq. meters	<i>Net floor area of primary assembly area</i>
	Max.	-	
Public School, Private School	Min.	0.7 per; or 0.5 per if the school is located within 400 metres of a transit stop at which transit service is provided between 7 a.m. and 9 a.m. and between 3 p.m. and 6 p.m. at intervals of not more than 15 minutes;	<i>School Staff Member</i>
	Max.	-	

140 .15 If a use is not listed in the tables above, the number of *off-street parking spaces* shall be calculated on the basis of a similar use as determined by the *Director of Engineering*.

Car and Van Pool Parking Spaces Required

140 .16 Five percent (5%) of required off-street *parking spaces* for *business and professional office, industrial and institutional uses* with more than 30 off-street parking spaces shall be reserved for car or van pool use and shall include appropriate signage indicating: “Car Pool Space – Reserved 8 am to 5 pm on Weekdays”.



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Provision of Electric Vehicle Charging Infrastructure

- 140 .17 For new *buildings* that contain at least one dwelling unit, all residential *parking spaces* and spaces for *car share vehicles*, shall feature an *Energized Level 2* outlet or higher to the *parking space*. *Energized Level 2 outlets* will not be required for visitor parking spaces.
- 140 .18 *Energized Level 2 outlets*, provided pursuant to the section above, shall be labeled for their intended use for *electric vehicle* charging.
- 140 .19 Where an *electric vehicle energy management system* is implemented, the *Director of Engineering Services* may specify a minimum performance standard to ensure a sufficient rate of *electric vehicle* charging.
- 140 .20 For spaced dedicated to *car share vehicles*, the *Director of Engineering Services* may specify a minimum performance standard to ensure a sufficient rate of *electric vehicle* charging.

Family-Friendly Housing Unit Parking

- 140 .21 Conversion of *dwelling units* to increase the number of bedrooms on a *site* used for *multiple dwellings* will not require provision of additional *parking spaces* provided that the units conform to the Design Guidelines of the Family-Friendly Housing Policy.

Secured Rental Units Parking

- 140 .22 Despite any other provisions of the Off-Street Parking regulations section of this Bylaw, additional *off-street parking spaces* are not required for additional *secured rental residential units* provided:
- (a) No more than five (5) additional *secured rental residential units* are added to the number of *dwelling units* on the site prior to the adoption of Zoning Amendment Bylaw 7688, 2014 on September 29, 2014;
 - (b) The *site* was used for *secured rental residential units* prior to the adoption of Zoning Amendment Bylaw 7688, 2014 on September 29, 2014.



Off-street Parking Space Reductions and Incentives

Downtown Off-street Parking

140 .23 *Off-street parking* spaces may be reduced for *sites* located within *Downtown* in accordance with the following:

Incentive	Location	Reduction to	Maximum Reduction
Rapid Transit Proximity	250 metres from SkyTrain Station	Total Parking Spaces Required	5%
	500 metres from Skytrain Station	Total Parking Spaces Required	2.5%
Shower & Lockers for Cyclists	Provision of showers & lockers for men and women	Non-Residential Parking Spaces Required	5%

Car Share Vehicle and Parking Spaces

140 .24 For every *car share vehicle* and *car share off-street parking space* provided, for any *multiple dwelling use, commercial use, or industrial use*, the number of required *off-street parking spaces* may be reduced by *car share vehicles* and car share parking spaces, up to a maximum of 10% of the required parking.

140 .25 *Car share vehicles* and car share parking spaces must be secured by an easement and restrictive covenant to ensure that such parking spaces are reserved and maintained for such use and the spaces shall not be leased or rented.

City Parking Facilities - Payment In-Lieu

140 .26 An owner or occupier of a *building*, any part of which is within 457.20 metres (1,500 feet) of a collective parking facility owned by the City, may comply with the *off-street parking* space requirements specified in this Bylaw, other than those specified for the parking of bicycles or under the heading “Provisions for Independent Living”, by paying \$35,000 to the City, before the issuance of a building permit, for each parking space.



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Commercial and Industrial Parking

- 140 .27 Notwithstanding the parking space requirements specified in this section, commercial and industrial *parking space* requirements may be reduced to the extent indicated if the following transportation demand management measures are in place, and such reductions may be cumulative:
- (a) If 24 hour pay parking is in place and maintained by the occupier of a commercial *building*, including visitor and employee paid parking, then the number of required parking spaces may be reduced by 3%.
 - (b) If 10% of required parking spaces are equipped with electrical outlets for the recharging of *electric vehicles*, then the number of required parking spaces may be reduced by 3%.

Front Street Parkade Parking Credits

- 140 .28 The owners and occupiers of each of the buildings whose civic address is set out in Appendix D are exempt from the requirement to provide *off-street parking* spaces required per the Off-Street Parking Regulations section of the Bylaw, but only to the extent of the number of spaces specified in Appendix D for that civic address, for so long as:
- (a) the Front Street Parkade provides publicly available *parking spaces*; and
 - (b) the *building* in existence at that civic address on the date of adoption of this Bylaw remains in existence; and
 - (c) if the *building* is demolished, the exemption shall cease to apply and any replacement *building* shall fully comply with the requirements of the Off-Street Parking Regulations section of the Bylaw to provide *off-street parking spaces*.



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Shared Off-Street Parking Spaces

- 140 .29 Shared *parking areas* to meet required off-street *parking space* requirements is permitted under the following conditions:
- (a) Maximum parking demand for the uses occur at different periods of the day or week which is substantiated by a parking study prepared by qualified registered professional engineer to the satisfaction of the *Director of Engineering*; and
 - (b) Protected by an easement and restrictive covenant to ensure that such *parking spaces* are reserved and maintained for the uses for which they are required.

Maximum Parking Space Reduction

- 140 .30 The maximum total reduction in parking spaces through incentives included in the Off-Street Parking Regulation section of this Bylaw is 30% of required parking.



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Off-Street Parking Space Design Standards

Off-street Parking Space Sizes

140 .31 Lengths and widths of all *off-street parking* spaces and all maneuvering aisles must be not less than those shown in the following tables:

Standard Parking Space and Maneuvering Aisle Dimensions

Parking Angle	Width of Parking Space	Length of Parking Space	Width of Maneuvering Aisle	Vehicle Travel
90°	2.7 metres	5.3 metres	6.6 metres	two-way traffic
90°	2.6 metres	5.3 metres	7.0 metres	two-way traffic
60°	2.6 metres	5.3 metres	5.5 metres	one-way traffic
45°	2.6 metres	5.3 metres	3.9 metres	one-way traffic
30°	2.6 metres	5.3 metres	3.3 metres	one-way traffic
Parallel	2.6 metres	6.7 metres	3.6 metres	one-way traffic

Compact Parking Space and Maneuvering Aisle Dimensions

Parking Angle	Width of Parking Space	Length of Parking Space	Width of Maneuvering Aisle	Vehicle Travel
90°	2.44 metres	4.57 metres	6.7 metres	two-way traffic
60°	2.44 metres	4.57 metres	4.88 metres	one-way traffic
45°	2.44 metres	4.57 metres	3.66 metres	one-way traffic
30°	2.44 metres	4.57 metres	3.05 metres	one-way traffic
Parallel	2.44 metres	5.5 metres	3.35 metres	one-way traffic



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Compact Parking Spaces

- 140 .32 The total number of compact parking spaces must not be greater than thirty percent (30%) of the total number of required *off-street parking spaces*.
- .33 All compact parking spaces must be marked on the pavement surface or with a vertical mounted sign not less than 1.5m above ground level stating: “Compact Vehicles Only”.

Visitor Parking Space Standards

- 140 .34 Visitor parking spaces for *multiple dwellings* must:
- (a) Be clearly marked on the pavement or with a vertical mounted sign not less than 1.5m above ground level stating: “Visitor Parking Only”;
 - (b) not be assigned for the use of any *dwelling unit*;
 - (c) be held in common ownership;
 - (d) be used only for visitor parking;
 - (e) either be openly accessible to visitors or accessible by intercom or similar mechanism; and
 - (f) be secured by a statutory covenant in favour of the City ensuring the continued availability of visitor parking spaces for visitors.

Design Clearances

- 140 .35 Overhead clearance for *off-street parking spaces*, maneuvering aisles and driveways must be not less than 2.0 metres.
- 140 .36 When the side of a *parking space* adjoins a fence, wall or other *structure* greater than 0.30 metres in height, the width of the parking space shall be increased by 0.30 metres for its entire length except for 1.22 metres at each end of the space on the side or sides which abuts such fence or other *structure*.
- 140 .37 Where a column, buttress, pilaster or similar structural support adjoins a parking space, no portion of the support shall protrude into the required area for the parking space.



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Surfacing, Drainage, Signs, Lighting and Screening

- 140 .38 All *parking spaces*, maneuvering aisles, driveways and all access to parking spaces shall be surfaced with a material that is durable and dust-free.
- 140 .39 All *parking spaces*, maneuvering aisles, driveways and all access to *parking spaces* shall be graded and drained so as to properly dispose of all surface water.
- 140 .40 The *parking spaces* in a *parking area* shall be marked on the ground by painted white or yellow lines not less than 7.62 centimetres (3 inches) in width.
- 140 .41 All *parking areas* adjacent to fences, walls, hedges, landscaping and restricted areas shall provide curb or wheel stops to prevent damage or encroachment of vehicles.
- 140 .42 Where illumination of *parking areas* is provided, it shall be so arranged that no direct rays of artificial light from the fixtures enter any adjoining residential property.
- 140 .43 In all Districts, whenever any storey or portion thereof of a *building* is located above the finished grade around the *building*, or portion of a *building*, and is used for off-Street parking, all vehicles shall be effectively screened from view from outside the *site* except at points of entry and exit. Whenever any portion of a parking structure located below the height datum extends above the finished grade, such portion shall be set back not less than 1.5 metres (5 feet) from any *building* line or property line bounded by a street or *lane*.
- 140 .44 For *residential uses*, *parking areas* and driveways located within side or *rear yards* shall be effectively screened from view from outside the *site* except at points of entry and exit by a *closed fence*, decorative wall or obscuring evergreen hedge not less than 1.22 metres (4 feet) in height which shall be maintained in good condition at all times.
- 140 .45 For agricultural, institutional, commercial and *industrial uses*, where a rear or interior side *site line* adjoins or abuts a *site* in an (R) District and no *lane* intervenes, such rear or interior side *site line* shall be adequately screened. In addition, *parking areas* shall be partially screened from view from the street except at points of entry and exit by a *closed fence*, decorative wall or obscuring evergreen hedge not less than 0.6 metres (2 feet) nor more than 1.0 metres (3.5 feet) in height. All fences, walls and hedges shall be maintained in good condition at all times.



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Location of Off-Street Parking

Single Unit Residential and Duplex Residential Uses

- 140 .46 On *sites* occupied by a *single unit residential use* or a *duplex use*:
- (a) No *parking space* shall be located in the required *front setback*.
 - (b) No parking or storage of buses, mobile homes, recreation vehicles, commercial trucks, boats, trailers, contractors' equipment or other commercial or industrial vehicles is permitted except for the following:
 - (i) one truck or commercial vehicle not exceeding 4,536 kilograms (10,000 pounds) gross vehicle weight;
 - (ii) temporary parking of commercial vehicles or equipment while servicing or repairing a *building* or *structure*;
 - (iii) one recreational boat or one recreational vehicle belonging to the occupants of the premises.
 - (c) No *parking space* shall be located closer to a *lane* than 6.71 metres (22 feet), less the width of such *lane*, where access to such parking space is obtained directly from such *lane*.
 - (d) No *parking space* shall be located within 1.52 metres (5 feet) of any *site line* bounded by a *street*.

No vehicular access shall be provided in the front *setback* of any corner lot.

Multiple Dwelling Residential Uses

- 140 .47 On *sites* occupied by *multiple dwelling* uses:
- (a) No *parking spaces* shall be located in the required *front setback*;
 - (b) No parking space or maneuvering aisle shall be located within 1.52 metres (5 feet) of any side or rear *site line*;
 - (c) No parking or storage of buses, mobile homes, recreation vehicles, commercial trucks, boats, trailers, contractors' equipment or other commercial or industrial vehicles is permitted except for the following:
 - (i) One truck or commercial vehicle not exceeding 10,000 pounds (45,36 kilograms) gross vehicle weight;
 - (ii) Temporary parking of commercial vehicles or equipment belonging to the occupants of the premises.



Off-Street Parking

Section 140

Agriculture, Industrial, Institutional, Commercial Uses

- 140 .48 On *sites* occupied by an *agricultural, industrial, institutional or commercial uses*:
- (a) No *parking spaces* shall be located in a *front setback*;
 - (b) Any storey, or portion thereof, of a *building* located above the finished grade and used for parking shall not be located within 1.52 metres (5 feet) of any *site line* bounded by a *street* nor within 1.52 metres (5 feet) of any rear or interior side *site line* adjoining or abutting a *site* used for residential purposes;
 - (c) No driveway shall be located within 1.52 metres (5 feet) of any rear or interior side *site line* adjoining or abutting an (R) or (RM) District where no *lane* intervenes.
 - (d) On corner lots used for *commercial* uses, if a *side setback* is provided, no *parking space* shall be located between the side *site line* and a *building*.

Alternative Parking Areas

- 140 .49 All required *off-street parking spaces* shall be provided on the same *site* as the *building* or portion of the *building* it is intended to serve.
- 140 .50 Notwithstanding regulations elsewhere in this Bylaw, a maximum of 25% of the *off-street parking spaces* required may be provided on an alternative *parking area* provided the following conditions are met:
- (a) the alternative *parking area* is within 91.44 metres (300 feet) of the use(s) it is intended to serve, and is not required for any other required parking spaces under this Bylaw; and
 - (b) the alternative *parking area* is not located on the same *site* as a *residential use*; and
 - (c) the alternative *parking area* is clearly signed as the *off-street parking area* for the use in respect of which the *parking spaces* are being provided; and
 - (d) the owner of the *site* and the owner of the *site* providing the alternative *parking area* must enter into an agreement with the City which ensures the ongoing provision of parking in the alternate *parking area* and which is registered at the Land Title Office;
- 140 .51 No driving or maneuvering aisle shall be within 0.30 metres of a wall of a *building*, or portion of a *building*.



Off-Street Parking

Section 140

Access to Off-Street Parking

On-Site Access

140 .52 Requirements in this section for both one and two-way vehicle travel shall apply to all types of intersections including driveways, *ramps* and maneuvering aisles, within parking *structures* and for at grade *parking spaces* located on a *site*.

140 .53 On-site access via driveways and ramps shall be provided in accordance with the following table:

<i>Parking Area Size</i>	<i>One-Way Traffic</i>	<i>Two-Way Traffic</i>
Ten (10) required parking spaces or less	Min. 2.74 metres Max. 5.49 metres	n/a
More than 10 required spaces	Min. 2.74 metres Max. 5.49 metres	Min. 5.49 metres Max. 7.62 metres
Each additional 10 required parking spaces in excess of 20 parking spaces	Min. 2.74 metres Max. 5.49 metres	

140 .54 One additional driveway, minimum 2.74 metres (9 feet) to a maximum 5.49 metres (18 feet) in width, may be provided for each ten additional parking spaces required in excess of 20 parking spaces.

Access from Lanes

140 .55 On *sites* occupied by *commercial uses* and *industrial uses*, parking is permitted directly off a *lane* and the *lane* may be considered as all or part of the required maneuvering aisle for the parking spaces provided that no part of the *lane* shall be used as part of any *parking space*.



Off-Street Parking

Section 140

Driveways and Ramps

- 140 .56 Driveways shall not be located within 4.57 metres (15 feet) of the intersection of *streets, lanes* or a *street* and a *lane*.
- 140 .57 For sloped driveways or *ramps*, the first 6.10 metres (20 feet) from the *site line* shall have a slope not greater than 10%, with the remainder having a slope not greater than 15%.
- .58 The gradient and turning radii of all points of vehicular access, driveways and ramps shall be subject to the approval of the *Director of Engineering*.

Vehicular Access Systems

- 140 .59 Vehicular access systems and similar mechanisms which permit vehicle entry to a secured *parking area* shall:
- (a) not be counted as part of the required driveway width;
 - (b) have the panel or any similar system of interface placed in a such a way that it is accessible to the driver of a vehicle without having to leave the vehicle; and
 - (c) have a driveway of not less than 4 metres in length between the system and the *street* or *lane* and 4 metres in length between the system and the *parking area*.



Accessible Off-Street Parking Regulations

Section 145

145. Accessible Off-Street Parking

(BYLAW 8184, 2020)

145 .1 *Accessible off-street parking* shall be provided in accordance with the requirements of this section.

Scooters

145 .2 All *buildings* containing *multiple dwelling uses, congregate housing* and *hospital* uses other than *animal hospitals* shall provide for a scooter plug and charging area in a minimum 10 sq. metre secure area.

On-Site Lay-bys / Loading

145 .3 All *congregate housing, hospital, and private hospital* uses, shall provide on-site lay-bys for accessible transit vehicles as near the main entrance as possible, and in accordance with the following size requirements:

Minimum Length	Minimum Height	Minimum Width
8 metres	2.5 metres	3 metres if there is at least 2 metres of at grade space, clear of all obstructions adjacent to the lay-by, otherwise 4.8 metres.

Accessible Off-Street Parking Space Requirements

145 .4 *Accessible off-street parking spaces* for cars shall be provided in accordance with the following:.

Use	Minimum Required Accessible Off-street Parking Spaces
<i>Continuing Care, Transitional Housing, Women’s Transition House, Group Home, Foster Home, Residential Community Living, Community Care Facility, Elderly Citizen’s Home,</i>	1 per 1-15 required <i>off-street parking spaces</i> 2 per 16-30 required <i>off-street parking spaces</i> 3 per 31-50 required <i>off-street parking spaces</i> 4 per 51-75 required <i>off-street parking spaces</i> 5 per 76-100 required <i>off-street parking spaces</i>



Accessible Off-Street Parking Regulations

Section 145

	1 additional <i>accessible off-street parking space</i> for 30 every required <i>off-street parking spaces</i> , in excess of 100
Hospital, Private Hospital, Medical Clinic, Dental Office	10% of all required <i>off-street parking spaces</i>
Multiple Dwellings	1 per 1-15 required <i>off-street parking spaces</i> 2 per 16-39 required <i>off-street parking spaces</i> 3 per 40-69 required <i>off-street parking spaces</i> 4 per 70-100 required <i>off-street parking spaces</i> 1 additional <i>accessible off-street parking space</i> required for every 30 required <i>off-street parking spaces</i> , in excess of 100
All other uses, except One-family unit, Single detached dwelling, Duplex, Row house, Townhouse, Houseboat, Float home, Liveaboard, Pier House	1 per 1-25 required <i>off-street parking spaces</i> 2 per 26-50 required <i>off-street parking spaces</i> 3 per 51-75 required <i>off-street parking spaces</i> 4 per 76-100 required <i>off-street parking spaces</i> 1 additional <i>accessible off-street parking space</i> required for every 50 required <i>off-street parking spaces</i> , in excess of 100

145

.5

Van accessible off-street parking spaces shall be provided in accordance with the following:

Use	Minimum Required Van Accessible Off-street Parking Spaces
All uses	1 van accessible off-street parking space for every 3 accessible off-street parking spaces required



Accessible Off-Street Parking Regulations

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Accessible Off-street Parking Space Design Standards and Location

145 .6 The minimum dimensions of *accessible off-street parking* and *van accessible off-street parking spaces* shall be provided in accordance with the following:

Type	Length	Width	Height (Overhead Clearance)
<i>Accessible off-street parking space (cars)</i>	5.5 metres	3.9 metres	2.3 metres
<i>Van accessible off-street parking</i>	7.6 metres	4.8 metres	2.3 metres

145 .7 All *accessible off-street parking spaces* and *van accessible off-street parking spaces* must:

- (a) have direct and unobstructed access to a *building* entrance or use for which the spaces are provided, in accordance with *British Columbia Building Code*, as amended from time to time;
- (b) have a firm, slip-resistant and level surface with a cross slope not greater than 1:50 gradient (2% slope);
- (c) have each parking space surface marked with the international symbol for wheelchair accessibility;
- (d) have a vertical mounted sign not less than 1.5m above ground level for each *accessible off-street parking space* and *van accessible off-street parking space*, in conformance with the specifications in Schedule 2 of Division 23 of the *Motor Vehicle Act*, as amended from time to time.
- (e) Have a vertical mounted sign minimum 0.15 metres high and 0.30 metres wide, stating: “VAN ACCESSIBLE” for each *van accessible-parking space*;
- (f) have a vertical mounted sign minimum 0.15 metres high and 0.3 metres wide stating: “Penalty Tow-Away Zone” for each *accessible off-street parking* and *van accessible parking space*.



Off-Street Bicycle Parking Regulations

Section 150

150. Off-Street Bicycle Parking Regulations

(BYLAW 8184, 2020)

- 150 .1 Off-Street bicycle parking spaces shall be provided in accordance with the requirements of this section.
- 150 .2 When the number of required *off-street parking spaces* results in a fractional space, any fraction shall be rounded up to the nearest whole number.

Residential Bicycle Parking Requirements

- 150 .3 Bicycle parking spaces shall be provided for *residential uses* in accordance with the following table:

Use	Minimum Long Term Bicycle Parking Spaces Required	Minimum Short Term Bicycle Parking Spaces Required
Multiple Unit Residential Uses, Including Live-Work Uses	1.25 spaces per <i>dwelling unit</i>	6 spaces for developments with 20 <i>dwelling units</i> or more
Multiple Unit Residential Uses designated solely for senior citizens' housing	0.25 space per <i>dwelling units</i>	6 spaces for developments with 20 <i>dwelling units</i> or more
Permanent Supportive Housing	0.25 space per <i>dwelling units</i>	Not required

- 150 .4 For all uses permitted in the RT Zone, off-street bicycle parking is required in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan.



Off-Street Bicycle Parking Regulations

Section 150

Commercial Bicycle Parking Requirements

150 .5 Bicycle parking spaces shall be provided for *commercial uses* in accordance with the following table:

Use	Minimum <i>Long Term Bicycle Parking Spaces</i> Required	Minimum <i>Short Term Bicycle Parking Spaces</i> Required
<i>Businesses and Professional Offices</i>	1.0 space up to 500 sq. metres of <i>net floor area</i>	6.0 spaces for each 1,000 sq. metres of <i>net floor area</i>
<i>Hotels</i>	1.0 space up to each 30 <i>hotel units</i>	6.0 spaces for all for developments with 75 <i>dwelling units</i> or more
<i>Restaurants, Cafes and Liquor Primary Licensed Premises</i>	Not required	3 spaces for each 500 sq. metres of <i>net floor area</i>
Commercial Use other than <i>Hotels, Restaurants and Liquor Primary Licensed Premises</i>	1 space for each 750 sq. metres of <i>net floor area</i>	6 spaces for any <i>building</i> with 1,000 sq. metres of <i>net floor area</i>

Industrial Bicycle Parking Requirements

150 .6 Bicycle parking spaces shall be provided for *industrial uses* in accordance with the following table:

Use	Minimum <i>Long Term Bicycle Parking Spaces</i> Required	Minimum <i>Short Term Bicycle Parking Spaces</i> Required
<i>Industrial Uses</i>	1.0 space up to 1,000 sq. metres of <i>net floor area</i> or 1 space per every 25 employees employed at the <i>site</i> , whichever is greater	Not required



Off-Street Bicycle Parking Regulations

Section 150

Recreation, Assembly and Institutional Bicycle Parking Requirements

150 .7 Bicycle parking spaces shall be provided for *institutional uses* in accordance with the following table:

Use	Minimum <i>Long Term</i> Bicycle Parking Spaces Required	Minimum <i>Short Term</i> Bicycle Parking Spaces Required
<i>Hospital, Private hospital</i>	1.0 space for every 25 employees on a work shift with maximum number of employees	6.0 spaces at each public entrance
<i>Public School, Private School,</i>	1.0 space for every 25 staff members	1.0 space for every 20 students
Colleges, Universities	1.0 space for every 25 staff members	1.0 space for every 700 sq. m of <i>net floor area</i>
Casino, Library, Gallery, Museum, Community Centre, Public Assembly or Similar place of Assembly	1 space per 500 sq. metres of <i>net floor area</i>	6 spaces for each 1,500 sq. metres of <i>net floor area</i>
Theatre, Auditorium, Gymnasium or Similar Spectator Facilities	Not required	6 spaces for every 300 persons seating capacity
Billiard Hall, Arcade, Bowling Alley or Curling Rink	Not required	6 spaces for every 300 persons seating capacity
All other <i>Institutional Uses, except Public Utility</i>	Not required	6.0 spaces for each 1,500 sq. metres of <i>net floor area</i>

150 .8 If a use is not listed in the tables above, the number of bicycle parking spaces shall be calculated on the basis of a similar use as determined by the Director of Development Services.



Off-Street Bicycle Parking Regulations

Section 150

Long Term Bicycle Parking Minimum Design Standards

150 .8 Long term bicycle parking spaces shall be provided in a *bicycle storage facility* or in individual *bicycle lockers*, in each case meeting the following standards:

Bicycle Storage Facilities:

- (a) Long term bicycle parking spaces located within a *bicycle storage facility* shall be within an area which is only accessible to residents or employees of premises in the *building* through a lock and key or a programmed entry system, and that provides individual bicycle parking spaces for securing the bicycle by the owner of the bicycle.
- (b) Bicycle storage facilities shall be designed to accommodate a maximum of 40 bicycles, not including those within *bicycle lockers*.
- (c) Long term bicycle parking spaces shall be securely enclosed by solid opaque walls or metal mesh.
- (d) The entry door and frame to the *bicycle storage facility* shall be constructed of steel.
- (e) The entire interior of the *bicycle storage facility* shall be visible from the entry doorway.
- (f) A minimum of 50 percent of the *long term bicycle parking* spaces in a *bicycle storage facility* shall allow for a bicycle to be parked horizontally on the floor.
- (g) A minimum of 20% of the *long term bicycle parking* spaces shall be *bicycle lockers*.
- (h) Each *long term bicycle parking* space that is not a *bicycle locker* shall comprise a bicycle parking rack constructed of sturdy theft-resistant material and anchored to the floor with theft resistant anchoring. The bicycle rack shall allow the frame and one wheel of the bicycle to be locked to the rack with a standard U-shaped shackle lock and shall be installed a minimum of 0.6 metres from any wall.
- (i) All bicycle storage facilities shall be painted white.
- (j) Electric outlets shall be provided in all bicycle storage facilities such that no parking space is more than 5 metres (16.40 feet) from an outlet.



Off-Street Bicycle Parking Regulations

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150 .9 Each *long term bicycle parking space* shall be sized as follows:

Vertical Clearance	Minimum Width	Minimum Length (horizontal placement)	Minimum Length (vertical placement)	Minimum Access Aisle Width
1.9 metres	0.6 metres	1.8 metres	1.0 metres	1.2 metres

150 .10 Not more than 50% of required *long-term bicycle parking spaces* shall be placed vertically.

150 .11 Each *long term bicycle parking space* provided in a *bicycle storage facility* shall be constructed of sturdy theft-resistant material, anchored to the floor with theft resistant anchoring, and shall allow the frame and one wheel of the bicycle to be locked to the rack with a U-shaped shackle lock and shall be installed a minimum of 0.6 metres from any wall.

150 .12 A long-term *bicycle storage facility* shall provide weather protection and be well-lit and shall be located within 30m of an entrance to the *building*.

150 .13 Electric outlets shall be provided in a *bicycle storage facility* such that no bicycle parking space is more than 5.0 metres from an outlet.

150 .14 Bicycle lockers shall be:

- (a) at least 2.00 metres (6.56 feet) away from the edge of the nearest bicycle parking space; and
- (b) be constructed of solid, opaque, and theft resistant material with a lockable door which opens to full width and height of the locker.

150 .15 Bicycle lockers shall be sized as follows:

Minimum Width	Minimum Length	Minimum Height	Minimum Access Aisle Width
0.6 metres	1.8 metres	1.2 metres	1.2 metres



Off-Street Bicycle Parking Regulations

Section 150

Short Term Bicycle Parking Minimum Design Standards

150 .16 Each *short term bicycle parking* space shall be provided in bicycle racks and sized as follows:

Minimum Width	Minimum Length (horizontal placement)	Minimum Access Aisle Width
0.6 metres	1.8 metres	1.2 metres

150 .17 Bicycle racks shall be constructed of solid, and theft resistant material and shall have sturdy theft-resistant anchoring to the floor or ground. The bicycle rack shall enable the bicycle frame and one wheel to be locked to the rack with a standard U-shaped shackle lock.

150 .18 Each *short term bicycle parking* space shall be provided in a convenient, well-lit location.

150 .19 If the *short term bicycle parking* spaces are not visible from the principal *building* entrance for which the spaces are required, directional signage must be provided.



Off-Street Loading Regulations

Section 160

160. Off-Street Loading Regulations

(BYLAW 8184, 2020)

160 .1 Off-Street loading spaces shall be provided in accordance with the requirements of this section.

General Off-Street Loading Requirements

160 .2 In the case of there being more than one use in a *building*, or portion of a *building*, or on a *site*, the total requirements for Off-Street loading spaces shall be the sum of the requirements for the various uses computed separately.

Required Number of Off-Street Loading Spaces

160 .3 Loading spaces shall be provided in accordance with the following table:

Use	Minimum Off-street Loading Spaces Required	Measurement
Retail Uses, Business and Professional Offices, Hotels, Manufacturing Uses, Warehousing Uses or other similar uses	No spaces are required for the first 300 sq. metres One loading space required for the next 1,500 sq. metres One additional loading space required for each 2,400 sq. metres (between 1,500 sq. metres and 10,000 sq. metres) One loading space per each 4,650 sq. metres, or portion thereof, over 10,000 sq. metres	<i>Net Floor Area</i>
Assembly and entertainment uses, Places of Worship and Religious Assembly, Hospitals, Private Hospitals, Public School, Private School	One loading space for the first 2,800 sq. metres, or portion thereof One loading space for every 4,650 sq. metres, or portion thereof, above 2,800 sq. metres	<i>Net Floor Area</i>
Multiple Dwelling	One loading space per <i>building</i>	



Off-Street Loading Regulations

Section 160

	<p>for <i>buildings</i> with more than 30 <i>dwelling units</i>.</p> <p><u>Exception:</u> An off-street loading space is not required if the <i>multiple dwelling</i> has <i>off-street parking spaces</i> provided adjacent to each <i>dwelling unit</i>.</p>	
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- 160 .4 Notwithstanding the requirements above, an off-street loading space for a *multiple dwelling* use can be shared with a visitor parking space, provided the property owner can demonstrate access and functionality to the satisfaction of the *Director of Engineering*.
- .5 Notwithstanding the requirements above, off-street loading spaces required for a *multiple dwelling* and *commercial use* located within a mixed use building, can be shared provided the property owner can demonstrate access and functionality to the satisfaction of the *Director of Engineering*.



Off-Street Loading Regulations

Section 160

School Drop-off and Pick-up

160 .6 For a *public school or private school*, 20 off-street passenger loading and unloading spaces shall be provided, unless a report is submitted by a professional engineer with experience in traffic engineering providing an alternative number of recommended loading and unloading spaces, on the basis of a site-specific study that takes into consideration all of the following:

- (a) student drop-off and pick-up demand, adult daytime student parking demand, and opportunities for demand management;
- (b) site constraints and opportunities for the provision of off-street passenger loading and unloading facilities;
- (c) anticipated traffic impacts from unregulated on-street drop-off and pick-up activity, the extent to which such impacts may be managed without providing off-street facilities, and improvements required to manage such impacts; and
- (d) *street* improvements including sidewalks, crosswalks, traffic signals, and lighting that would promote the use of alternative pedestrian and cycling modes of parent and student transportation to and from the school.

Size of Off-Street Loading

160 .7 The required spaces for Off-Street loading shall be sized as follows:

Minimum Length	Minimum Width	Minimum Height
7.6 metres	3.0 metres	4.0 metres

Access to Off-Street Loading

160 .8 Each off-street loading space must:

- a) be located to allow receipt or delivery of goods or materials without encroachment by the motor vehicle onto a pedestrian thoroughfare, a *street* or *lane* while receiving or delivering goods or materials; and
- b) all maneuvering space shall be accommodated on *streets, lanes*, or on *site*.



Off-Street Loading Regulations

Section 160

Location of Off-Street Loading

- 160 .9 All Off-Street loading spaces shall be located on the same *site* as the *building*, or portion of a *building*, it is intended to serve, but not within the required front or side yards, nor within 3.0 metres of any *site line* bounded by a street.

Landscaping and Screening of Off-Street Loading

- 160 .10 All required Off-Street loading spaces and access thereto located on a site within an (R) District or adjoining an (R) District shall be effectively screened and shall not be closer than 3.0 metres from the side property boundary of such site in an (R) District.

Surfacing and Drainage of Off-Street Loading

- 160 .11 Every off-street loading space and access thereto shall be surfaced with a material that is durable and dust-free.
- 160 .12 Every off-street loading space and access thereto shall be graded and drained as to properly dispose of all surface water.

170. Special Conditions

Locked-in Lot

- 170.1 In (R) Districts, it shall be unlawful to construct any building, or portion of a building, or buildings which will create a 'locked-in lot'.

Height of Building

- 170.2 The limitation in respect of the height of buildings and structures specified in this Bylaw shall not apply to church spires, belfries, domes, monuments, fire and hose towers, chimneys, flag poles, satellite dishes, radio and television masts, aerials and towers, scenery lofts in theatres, elevator and ventilating machinery, penthouses or other necessary mechanical appurtenances, provided that no such structure shall cover more than twenty percent (20%) of the site, or if located on a building, not more than ten percent (10%) of the roof area of the principal building.
- 170.3 In (RM) Districts, any storey used exclusively for parking or accessory use and located below the height datum shall be excluded from the measurement of the height of the building.
- 170.4 In (C), (P), and (M) Districts, any storey used exclusively for parking and located below the height datum shall be excluded from the measurement of the height of the building.

Corner Sites

- 170.5 In the case of a site, other than a through site, abutting two or more streets, the front of the site shall be deemed to be the street boundary of the site with the shortest dimension and the rear of the site shall be the site boundary opposite the front of the site, provided that in (RM) and (C) Districts, the street boundary of the site with the longest dimension may be deemed to be the front of the site.

Yards for Attached Dwellings

- 170.6 For the purpose of yard regulations, a duplex dwelling (being a building containing two dwellings) or a double duplex dwelling (being two duplex dwellings attached or partly attached side by side), or row houses and townhouses of not more than four attached dwellings, shall be considered as one building occupying one site.

Through Sites

- 170.7 A building on a through site shall have a front yard on each street in accordance with front yard regulations of the District in which the site is located.
- 170.7.1 Notwithstanding any other provisions of this bylaw, for a through site used for a single detached dwelling, one of the front yards of the through site may be deemed to be a rear yard provided that none of the principal entries to the dwellings located on any abutting site, and the sites abutting those sites, are oriented toward the to-be-deemed rear yard of the through site. Use and siting of the deemed rear yard shall conform to the requirements of the applicable zone. **(BYLAW 7624, 2013)**

Limitation of a Building to One Site

170.8 No building or structure or portion thereof shall be constructed or extended on or over site lines.

Limitation on Number of Buildings on a Site

170.9 In (RS-1), (RS-2), (RS-5), (RS-6), (NR-1), (NR-2), (NR-5), (RQ-1), (RQ-5) and (RT-1) Districts, not more than one building and its accessory buildings shall be placed or erected upon a site, and where a building or structure already exists on a site and a building permit is issued for a substitute building or structure for the same site, and the Director of Engineering is satisfied that the presently constructed building or structure will be removed from such site upon completion of the substitute building, or within one year of the issuance of the building permit, whichever is sooner, the Director of Engineering is herein authorized to demolish upon completion of the substitute building or within one year of the issuance of the building permit for the substitute building, whichever is sooner, any building or structure on the site which is in contravention of this subsection of the Bylaw after he or she gives 30 days written notice of this contemplated action to the owner, tenant or occupier of the site. An accessory building, or portion of a building, in the (RS-1), (RS-2), (RS-5), (RS-6), (NR-1) and (RT-1) Districts must not be used for housing or for business purposes, except for a home based business.

170.9.1

- a) In this section 170.9.1, “dominant site” means a site on which is located a building that encroaches upon another lot and “servient lot” means the lot on which such a building encroaches, regardless of whether the encroachment is authorized by private easement, and a building is not considered to encroach on an abutting site if only eaves, gutters or cantilevered portions of the building project over the site boundary; **(BYLAW 7494, 2011)**
- b) An encroaching building may be ignored for the purposes of determining whether there is more than one building on a site under s. 170.9, if the building takes its civic address from an abutting site and the encroachment comprises less than 50 percent of the ground floor area of the building measured to the outside surface of the outer walls of the building foundation. If exactly 50 percent of the ground floor area of the building is on each of two abutting sites, the portion of the building that is located on the site on which the building has its principal entrance shall be deemed to comprise more than 50 percent of the ground floor area of the building; **(BYLAW 7494, 2011)**
- c) Where this bylaw regulates the floor area or site coverage on a lot and a building is encroaching on the lot up to but not exceeding the extent described in section 170.9.1(b), the floor area and site coverage of the encroaching building must be included in calculating the floor area and site coverage of the dominant lot; **(BYLAW 7494, 2011)**

- d) Where this bylaw regulates the floor area or site coverage on a lot and a building is encroaching on the lot up to but not exceeding the extent described in section 170.9.1(b), the floor area and site coverage of the encroaching building may be ignored in calculating the floor area and site coverage of the servient lot, provided that the encroachment does not cover more than 5 percent of the area of the servient lot; **(BYLAW 7494, 2011)**
- e) e) Where this bylaw regulates the floor area or site coverage on a lot and a building is encroaching on the lot up to but not exceeding the extent described in section 170.9.1(b), and the encroachment covers more than 5 percent of the area of the servient lot, the floor area and site coverage of the encroaching building may be ignored in calculating the floor area and site coverage of the servient lot but the area of the servient lot that is covered by the encroachment shall not be included in the calculation, whether or not the portion of the building that covers the servient lot is floor space that must be included within floor space ratio calculations for the dominant lot under this bylaw; **(BYLAW 7494, 2011)**

Site Requirements

- 170.10 A site shall consist of one undivided lot or parcel of land the description and certificate to which is on record in the New Westminster Land Title Office.

Yards in Relation to Building Lines

- 170.11 Whenever a building line has been established under this Bylaw, or under any other Bylaw of the City, the depth or width of any required yard or setback prescribed in this Bylaw shall be measured from the relevant building line and not from the boundary line of the site.

New Westminster Redevelopment Act, 1989

- 170.12 Sites within the area delineated in **Supplementary Plan No. 1** attached to this Section and forming part of this Bylaw are also subject to the provisions of the New Westminster Redevelopment Act, 1989, as amended or replaced from time to time and Downtown New Westminster Redevelopment Bylaw No. 5859, 1989, as amended or replaced from time to time. These enactments provide for a design review panel to review plans for development within this area and require that an owner of land within this area obtain a Special Development Permit issuable by the Director of Planning before beginning development on such land.

Child Care in Multiple Family Buildings

- 170.13 Any child care facility created within a purpose-designed multiple family building shall meet the following conditions:
- a) A witnessed letter of authorization from the owner of a rental building or the council of a condominium or cooperative shall be provided;
 - b) Shall not exceed 25 children in any one facility; and
 - c) Need not provide any Off-Street parking spaces. **(BYLAW 7767, 2015)**

Beverage Container Return Depots

170.14 An Accessory Recycling Return Centre shall not exceed 278.70 square metres (3,000 square feet) in floor area, and an Accessory Recycling Return Centre or a Recycling Return Centre shall meet the following conditions: **(BYLAW 7308, 2009)**

- a) all activities must be conducted inside a building or portion of a building;
- b) all customer service and retail operations must be conducted at the front of the building or portion of the building;
- c) any preparation for shipment activities, including glass breaking must be conducted in a completely enclosed area not visible from the street or adjacent parking area and not adjacent to any window or area visible from a window;
- d) no storage of materials or equipment shall occur outside the building, or portion of the building.

Repairs to Buildings Experiencing Water Penetration

170.15 Despite provision elsewhere in this Bylaw, where it is necessary to repair the walls of a building, or portion of a building, experiencing water penetration, for the purposes only of that repair and for no other purpose, the walls may encroach up to 8 inches into the surrounding yards and any encroachment of the building, or portion of a building, is considered to be exempt to that extent from any floor space, site coverage or yard limitations for the purpose of that repair only.

170.16 Deleted **(BYLAW 7697, 2014)**

Cottage Breweries

170.17 Any cottage brewery in a (C) District shall meet the following conditions: **(BYLAW 6725, 2002)**

- a) all of the customer and service operations must be conducted at the front of the building or portion of the building;
- b) no storage of bottles, materials or equipment shall be stored outside the building or portion of building;
- c) all preparation for shipment must be conducted inside the building and not visible from the street;
- d) must not be on the same site as a hotel or hotel complex.

Live-Work Units

170.18 Any live-work unit shall meet the following conditions: **(BYLAW 6772, 2002)**

- a) shall be considered as a commercial unit for the purposes of calculating floor space and off-street parking requirements;

- b) shall provide to the City a covenant stipulating that the ground floor space remain in commercial use at all times;
 - c) shall provide to the City a covenant stipulating that the live-work unit shall remain as on unit of ownership as long as one dwelling unit is allowed within the live-work unit;
 - d) if the dwelling unit is removed from the live-work unit, it may only be re-established if it satisfies the definition of live-work unit and the requirements of 170.18
 - e) if the commercial business in the area above the ground floor is removed, it may be re-established if it satisfies the definition of live-work unit and the requirements of Section 170.18
- (BYLAW 6931, 2004)**

Outdoor Storage

170.19 Any *outdoor storage* use shall meet the following conditions:

- a) Areas used for *outdoor storage* shall be setback from all property lines a distance of not less than that indicated in the table below:

Property Line	Minimum Setback Distance
Front Property Line	7.62 metres (25 feet)
Side Property Line	3.05 metres (10 feet)
Rear Property Line	3.05 metres (10 feet)

- b) Areas used for *outdoor storage* shall be setback not less than 7.62 metres (25 feet) from any abutting *site* which is used or zoned for residential uses ;
 - c) Goods or materials shall not be stored higher than 9 metres (29.53 feet);
 - d) Areas used for outdoor storage shall be screened by buildings, solid fences or evergreen hedges which are not less than 2.44 metres (8 feet) in height, and which shall be maintained and be in good conditions at all times; and
 - e) Any goods or materials which are higher than the provided screening shall be setback not less than 15.25 metres (50 feet) from all property lines
- (BYLAW 7615, 2013)**

Shipping Container Storage

170.20 Any storage of *shipping containers* shall meet the following conditions:

- a) Areas used for storage of *shipping containers* shall be setback from all property lines a distance of not less than that indicated in the table below:

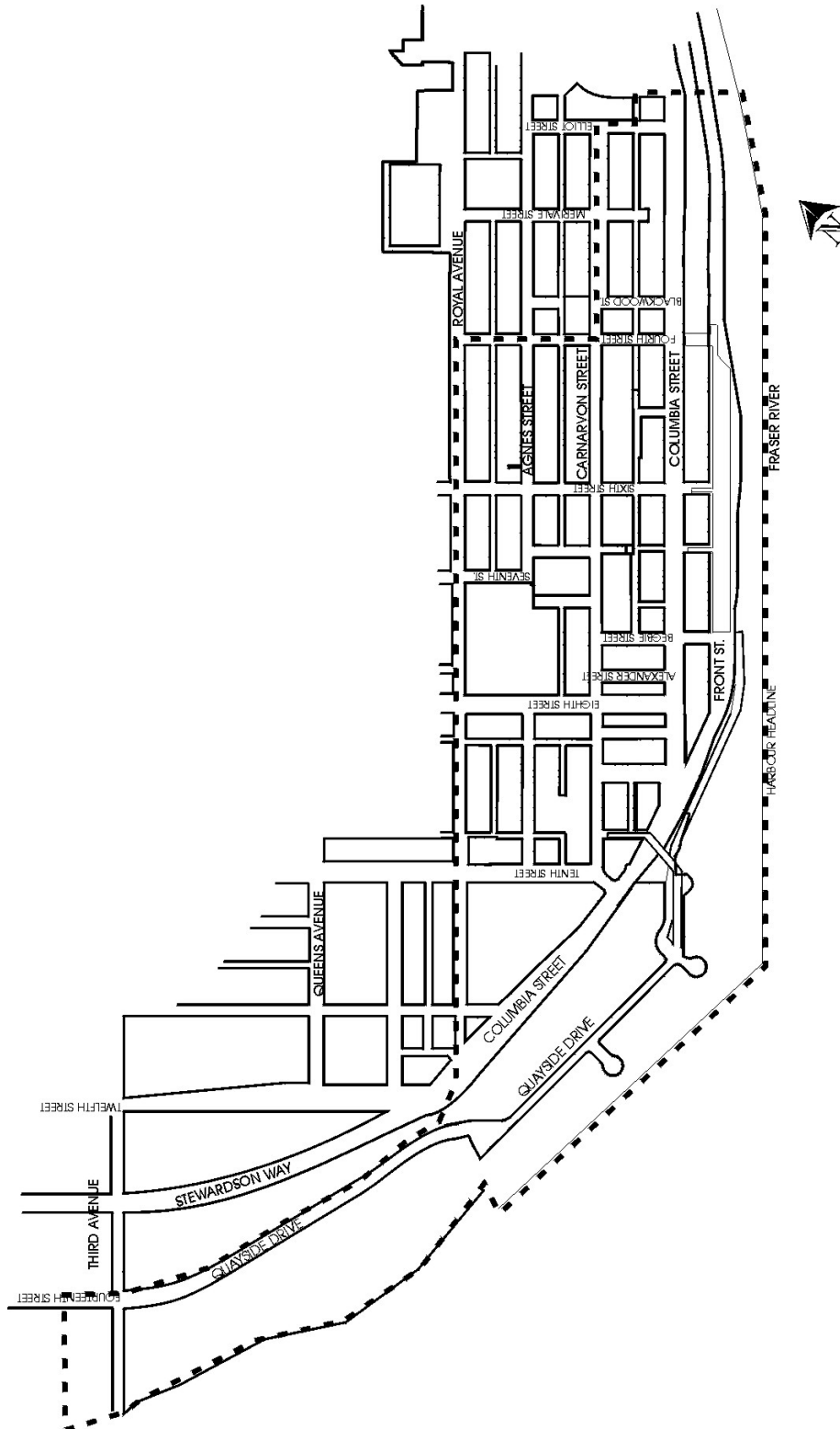
Property Line	Minimum Setback Distance
Front Property Line	7.62 metres (25 feet)
Side Property Line	3.05 metres (10 feet)
Rear Property Line	3.05 metres (10 feet)

- b) Areas used for storage of *shipping containers* shall be screened by buildings, solid fences or evergreen hedges which are not less than 2.44 metres (8 feet) in height, and which shall be maintained and be in good conditions at all times;
- c) For *sites* zoned Light Industrial Districts (M-1) the following conditions shall apply to areas used for *shipping container* storage:
- i) No more than 20 shipping containers shall be permitted on the *site*; and
 - ii) The height of stored *shipping containers* shall not exceed 3 metres (9.84 feet);
- d) For *sites* zoned Heavy Industrial Districts (M-2) the following conditions shall apply:
- i) The height of stored *shipping containers* shall not exceed 9 metres (29.53 feet);
 - ii) No stored *shipping container* shall be located within 15.25 metres (50 feet) of any property line abutting a *site* used or zoned for residential use; and
 - iii) Any shipping container which is higher than the provided screening, shall be setback not less than 15.25 metres (50 feet) from all property lines.

(BYLAW 7615, 2013)

New Westminster Redevelopment Act
Site Plan

Zoning Bylaw Supplementary Plan No. 1



180. Building Lines

4 Foot (1.22 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 4 feet (1.22 metres) from the property line or lines as hereinafter more particularly set forth:

North Side of Robson Avenue

Lot 9, Lot 13, SB 5 - East side

5 Foot (1.52 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 5 feet (1.52 metres) from the property line or lines as hereinafter more particularly set forth:

North Side of Blackman Street

Lot C, Lot 8, SB 14 to Lot 40, Lot 8, SB 14, inclusive

South Side of Blackman Street

Lot 21, Lot 8, SB 14 to Lot 30, Lot 8, SB 14, inclusive

7 Foot (2.13 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 7 feet (2.13 metres) from the property line or lines as hereinafter more particularly set forth:

East Side of Sixth Street

Easterly boundary of Sixth Street from the north side of Carnarvon Street to the south side of Eighth Avenue.

West Side of Sixth Street

Westerly boundary of Sixth Street from the north side of Carnarvon Street to the south side of Eighth Avenue.

9 Foot (2.74 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 9 feet (2.74 metres) from the property line or lines as hereinafter more particularly set forth:

South Side of Duncan Street

From Boyd Street to Stanley Street

From Beach Street to Mercer Street

From Blackley Street to Furness Street

10 Foot (3.05 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 10 feet (3.05 metres) from the property line or lines as hereinafter more particularly set forth:

South Side of Sixth Avenue

Lot 19, Lot 7, SB 10, South side

Lot 20, Lot 7, SB 10, South side

Lot 21, Lot 7, SB 10, South side

Lot 22, Lot 7, SB 10, South side

Lot 15, Lot 7, SB 10, North side

Lot 16, Lot 7, SB 10, North side

N.26' Lots B and C, Lots 17 and 18, part Lot 7, SB 10,

Sketches 1526 and 1527, North Side

Both Sides of East Columbia Street

From Cumberland Street to the northerly boundary of the City on the east and west sides of Columbia Street

From the easterly boundary of McBride Boulevard to the southerly boundary of Cumberland Street

Both Sides of 12th Street

From the northerly boundary of Third Avenue to the southerly boundary of Tenth Avenue

South Side of Cedar Street

From the westerly boundary of Lot 114, Block 22, Suburban Block 3 to the easterly boundary of Lot 26, Block 13, Suburban Block 3

North Side of Cedar Street

From the westerly boundary of Lot 115, Block 22, Suburban Block 3 to the easterly boundary of the East 40 feet (12.19 metres) of Lot 1, Block 13, Suburban Block 3

Both Sides of Royal Avenue

From the westerly boundary of Eighth Street to the easterly boundary of 12th Street

Both Sides of Brunette Avenue

From the Brunette River to the easterly boundary of Columbia Street East

West Side of 12th Street

Area closed by By-law 1649, Plan 21488

North Side of Royal Avenue

From the easterly boundary of McBride Boulevard to the westerly boundary of Lot 37, City Block F.

10 - 17 Foot (3.05 - 5.18 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed further into, any part of the property on which the building, or portion of a building, is sited less than 17 feet (5.18 metres) in depth on the westerly boundary and less than 10 feet (3.05 metres) in depth on the easterly boundary and less than a straight line setback between the two setback boundaries:

North Side of Royal Avenue

Lots 1 and 2, City Block F

11 Foot (3.35 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 11 feet (3.35 metres) from the property line or lines as hereinafter more particularly set forth:

North Side of Braid Street

From Eighth Avenue East to the lane east of Columbia Street East

North Side of Terminal Avenue

For its entire length

13 Foot (3.96 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 13 feet (3.96 metres) from the property line or lines as hereinafter more particularly set forth:

Both Sides of Mowat Street

From Queens Avenue to Third Avenue

16 Foot (4.88 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 16 feet (4.88 metres) from the property line or lines as hereinafter more particularly set forth:

South Side of Carnarvon Street

Lot 39, City Block B -- 164.92 feet (50.27 metres)

North Side of Stewardson Way
From Sixth Avenue to Thirteenth Street

33 Foot (10.06 metre) Setback

Despite provisions elsewhere in this Bylaw, it shall be unlawful for any person to erect, construct, alter or repair any building, or portion of a building, so that any portion thereof shall extend into, or if already constructed, further into any part of the property on which the building, or portion of a building, is sited less than 33 feet (10.06 metres) from the property line or lines as hereinafter more particularly set forth:

North Side of Braid Street

From Brunette Avenue to the east side of the Canadian Pacific Railway right-of-way and from the west side of the Brunette River to the City limits

South Side of Canfor Avenue

On the south side of the Brunette River from the river crossing to the west side of Parcel G of Lot 6, Block 8

42 Foot (12.80 metre) Setback

Deleted

(BYLAW 7823, 2016)

190. General Regulations

- 190.1 The provisions of the Zoning District Schedules contained in this Bylaw shall apply to buildings, or portion of buildings, and structures and to the use of buildings, structures and land or portions thereof situated within the Zoning Districts defined, designated, delimited and described in this Bylaw and shown on the plan annexed hereto and marked as Appendix "A".
- 190.2 It shall be unlawful to alter, repair, erect, construct, locate, maintain or reconstruct or cause to be altered, repaired, erected, constructed, located, maintained or reconstructed any building, structure or land, or portion thereof, save and except for such permitted uses and under such conditions of use as set forth in the Zoning Districts provided further that any General Requirements or Special Conditions set out in this Bylaw shall also apply to such uses and conditions of use.

Screening and Landscaping

- 190.3 In (R), (C) and (P) Districts, any part of a site not used for building, parking or loading facilities or outdoor recreation shall be fully and suitably landscaped and properly maintained.
- 190.4 In (M) Districts, any part of a site not used for building, manufacturing, storage, parking or loading facilities or outdoor recreation shall be fully and suitably landscaped and properly maintained.
- 190.5 Deleted. **(BYLAW 7480, 2011)**

Non-Conforming Buildings, Uses or Structures

- 190.6 Where the use of land, buildings or structures or portions thereof does not conform with this Bylaw and was lawfully used prior to the enactment of the prohibition in this Bylaw, the land, building or structure or portion thereof may only be lawfully used, maintained, repaired, extended, altered or reconstructed in accordance with section 911 of the Local Government Act R.S.B.C. 1996, as amended or replaced from time to time.

Maintenance of Required Yards if Site Reduced

- 190.7 No site shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Bylaw.
- 190.8 Deleted
- 190.9 Deleted.

Display Yards and Service Stations

- 190.10 Any display yard or service station or car sales lot shall be separated from an adjoining street or from an abutting lot in an (R) or (P) District by a fully and suitably landscaped and properly maintained strip of not less than 5 feet (1.52 metres) in width.

Conformity of Raised Buildings to Yard Requirements

- 190.11 Any building, or portion of a building, raised more than 3 feet from its existing foundation shall be placed so as to conform to the yard requirements of the District in which such building or portion of a building is situated. **(BYLAW 6740, 2002)**

Retaining Walls

- 190.11.1 Notwithstanding that retaining walls are not permitted within setbacks and yards, the following exemptions are permitted:
- a) Retaining walls on sites used for commercial, industrial, or institutional uses or for multiple dwellings, shall be permitted within required yards and setbacks provided they are authorized by a Development Permit if applicable; or
 - b) Retaining walls on sites used for or zoned for residential purposes, except multiple dwellings, shall be permitted within required yards and setbacks provided:
 - i) the height of a retaining wall, measured from the lowest ground level at the base of the retaining wall to the highest ground level at or near the top of the retaining wall, at any point along the retaining wall, shall not exceed:
 - 1) 1.22 metres (4 feet) for a retaining wall which is not specifically contemplated by this subsection; or
 - 2) 0.61 metres (2 feet) for a retaining wall located within 1.22 metres (4 feet) of, and which runs approximately parallel to, either an interior side lot line or interior rear property line; or
 - 3) 1.83 metres (6 feet) for a retaining wall used as a window well;
 - 4) 3 metres (9.84 feet) for a retaining wall bounding a pedestrian entrance, including one stairway, which is located between a building and the rear property line, and which serves a level of a building located below grade;
 - 5) 1.83 metres (6 feet) for a retaining wall bounding a pedestrian entrance, including one stairway, which is located between a building and a side property line and which serves a level of a building located below grade. The stairway serving this pedestrian entrance shall not exceed 3.05 metres (10 feet) in total length;
 - ii) the distance between adjacent retaining walls which are approximately parallel, as measured from their closest distance, shall not be less than the height of the higher retaining wall **(BYLAW 7614, 2013)**

Fences

- 190.12 Any fence, wall or other structure not being a building which exceeds the height limitations specified in this section (190.12 to 190.19) shall comply with the height and setback requirements prescribed for buildings and structures within the District in which it is located. **(BYLAW 8172, 2020)**

- 190.13 The height of a fence, wall or hedge shall be determined by measurement from the ground level at the average grade level within 3 feet (.91 metres) of both sides of such fence, wall or hedge.
- 190.14 At street intersections on a corner site in any District where front or side yards are required by this Bylaw, no fence, wall, hedge or other vegetation shall be allowed at a greater height than 3 feet (.91 metres), nor shall any parking space be allowed, above the established elevation of the centre point of an intersection of streets, at or within a distance of 15 feet (4.57 metres) of the corner of the site at the intersection of the streets.
(BYLAW 8184, 2020)
- 190.15 Where trees are situated on a corner site, all trees shall be trimmed in such a manner that no branches or foliage shall be at a lesser height than 6 feet (1.83 metres) above the established elevation of the centre point of intersecting streets at any place where such land is at or within a distance of 15 feet (4.57 metres) of the corner of the site at the intersection of streets.
- 190.16 Despite the above regulations, in (R) and (P) Districts, a fence or other structure of whatever nature, but not including a hedge or tree, erected or placed along a boundary line of a site or within a required yard shall not exceed 6 feet (1.83 metres) in height except in required front yards or on the boundary of required front yards where the height shall not exceed 4 feet (1.22 metres).
(BYLAW 8172, 2020)
- 190.17 Despite the above regulations, in (C) and (M) Districts, a fence or other structure of whatever nature, but not including a hedge or tree, erected or placed along a boundary line of any site shall not exceed 8 feet (2.44 metres) in height except that open mesh or chain link type fences may be erected to a height not to exceed 12 feet (3.66 metres).
(BYLAW 8172, 2020)
- 190.17.1 Notwithstanding regulations elsewhere in this Bylaw, fences shall be permitted to a maximum height of 3.66 metres (12 feet) for *sites* used for one or both of *outdoor storage* and *shipping container storage*
(BYLAW 7615, 2013)
- 190.18 Subsections 190.14, 190.15, 190.16 and 190.17 shall not apply to open mesh or chain link fences erected on cemetery, public playgrounds, park, play fields or school areas in which cases no such fence or other structure shall exceed 12 feet (3.66 metres) in height.
- 190.19 No advertising or display or posting of signs or notices is permitted on fences.

The Sale of Used Goods in Retail Districts

- 190.20 Where a retail store is a permitted use, used goods may be bought, sold, procured or offered for sale or resale provided that no more than 10 percent of the retail store's display floor space is occupied or used for such purposes.

Housing

Adaptable Housing Requirements

- 190.21.1 A minimum of 40% of all single-storey dwelling units in buildings that contain multiple unit residential uses, which employ interior corridors or exterior passageways for access to the dwelling units, must be constructed as Adaptable Dwelling Units in accordance with the standards specified under subsection 3.8.5 Adaptable Dwelling Units in the British Columbia Building Code. **(BYLAW 7464, 2011)**

Family Friendly Housing

- 190.21.2 With the exception of multiple dwellings in which all dwelling units are Secured Rental Residential Units and multiple dwellings with less than ten dwelling units, all multiple dwellings that have been subdivided under the Strata Property Act shall include a minimum 30% two-bedroom and three-bedroom dwelling units, and at least 10% of the total dwelling units shall have three bedrooms or more.
- 190.21.3 With the exception of multiple dwellings with less than ten dwelling units, all multiple dwellings in which all dwelling units are Secured Rental Residential Units shall include a minimum of 25% two-bedroom and three-bedroom dwelling units, and at least 5% of the total dwelling units shall be three-bedroom dwelling units.
- 190.21.4 Sites zoned Village at Historic Sapperton Comprehensive Development Districts (C-CD-3) shall not be required to comply with sections 190.21.2 and 190.21.3 above. **(BYLAW 7741, 2015)**
- 190.21.4.1 Existing dwelling units with one or more bedrooms on a site used for multiple dwellings can be converted to add additional bedrooms provided the dwelling unit conforms to the Design Guidelines of the Family Friendly Housing Policy. **(BYLAW 7924, 2018)**

Housing Accommodation in Basements and Cellars

- 190.21.5 No habitable rooms shall be permitted in any basement or cellar except that:
- a) in a single detached dwelling, duplex, row house, or townhouse, habitable rooms used only as extra bedrooms and recreation rooms may be located in a basement;
 - b) in (RM-5) Districts, habitable rooms may be permitted in a basement of an apartment building but only as part of a two storey dwelling unit;
 - c) Despite the above regulations, a secondary suite in conformity with Section 190.29 of this Bylaw may be permitted in a basement.

Requirements for Sleeping Units

- 190.22 All sleeping units shall comply with the following:
- a) There shall be no sink or cooking facilities contained therein;

- b) There shall be not less than one complete bathroom for every 700 square feet (65.03 square metres) of habitable floor area used for sleeping units but in no case need there be more than one bathroom for each sleeping unit and in no case less than one for every six sleeping units.

Requirements for Dormitory Units

190.23 All dormitory units shall comply with the following:

- a) There shall be no sinks or cooking facilities contained therein;
- b) There shall be not less than one complete bathroom for every 700 square feet (65.03 square metres) of floor area used as a dormitory unit.

Requirements for Housekeeping Units

190.24 All housekeeping units shall comply with the following:

- a) Each housekeeping unit shall have a minimum floor area of 120 square feet (11.15 square metres);
- b) There shall not be less than one complete bathroom for every 700 square feet (65.03 square metres) of floor area used for housekeeping units;
- c) There shall be not more than one kitchen or kitchenette and one sink within each housekeeping unit;
- d) Each housekeeping unit shall be occupied by not more than one family unit, or one household unit consisting of not more than three adults, and two foster children.

Requirements for Dwelling Units

190.25 All dwelling units shall comply with the following:

- a) Each dwelling unit shall have a minimum floor area of 500 square feet (46.45 square metres) except that in an elderly citizens' home this floor area may be reduced to not less than 450 square feet (41.81 square metres) conditional upon satisfactory communal recreational space being provided within a building, or portion of a building, on the same site having a floor area of not less than 50 square feet (4.65 square metres) for each dwelling unit;
- b) There shall be not less than one complete bathroom contained within each dwelling unit;
- c) There shall be not more than one kitchen contained within each dwelling unit provided, however, that an additional cooking facility accessory to the kitchen may be permitted;
- d) Each dwelling unit may be occupied by not more than one family unit, or one household unit consisting of not more than four persons, plus two lodgers or boarders or four foster children or seven child care children.

- e) The entire area of any dwelling unit must be accessible from within the dwelling unit, and no portion of the dwelling unit shall be isolated such that it can only be accessed from an exterior door. Except that for single detached dwellings, spaces of 150 square feet (13.93 square meters) or less may be solely accessible from an exterior door.

(BYLAW 7924, 2018; 8172, 2020)

Requirements for Transitional and Supportive Housing

All transitional and supportive housing units shall comply with the following:

- a) Each transitional or supportive housing unit shall have a minimum floor area of 240 square feet (22.3 square metres).
- b) There shall be one complete bathroom in each transitional or supportive housing unit.
- c) There shall be one kitchen or kitchenette and one sink within each transitional or supportive housing unit.

(BYLAW 7201, 2007)

Requirements for Bachelor Units

190.26 All bachelor units shall comply with the following:

- a) Each bachelor unit shall have a minimum floor area of 350 square feet (32.52 square metres) except that in an elderly citizens' home this floor area may be reduced to not less than 300 square feet (27.87 square metres) conditional upon satisfactory communal recreational space being provided within a building, or portion of a building, on the same site having a floor area of not less than 50 square feet (4.65 square metres) for each bachelor unit;
- b) There shall be not less than one complete bathroom contained within each bachelor unit;
- c) There shall not be more than one kitchen contained within each bachelor unit;
- d) Each bachelor unit may be occupied by not more than one family unit, or one household unit consisting of not more than three persons, plus two foster children.

Requirements for Hotels

190.27 Every hotel unit shall comply with the following:

- a) The floor area of each rental unit shall be not less than 240 square feet (22.30 square metres);
- b) Every rental unit shall include a bathroom.

Requirements for Home Based Businesses

190.28 Every home business shall comply with the following requirements:

- a) the home based business shall clearly be an accessory use to the residential use;
- b) *no more than one non-resident person may be engaged in one or more home based businesses at the home. In the case of a site containing a secondary suite and/or a detached accessory dwelling unit where more than one dwelling unit operates a home based businesses, only one of the dwelling units may have a non-residential person who is engaged in the home based business on the site;*
(BYLAW 7936, 2017)
- c) a home based business shall not generate any noise, vibration, smoke, dust, odours, toxins, heat, glare, radiation, fire hazard, health hazard or similar disturbance;
- d) no exterior alteration to the appearance of the structure(s) on the site may be made to indicate that the site contains anything other than a residential land use, nor shall the erection of any building, structure, fence enclosure or portion thereof, other than those in conformity to the permitted residential uses of the zoning district allowed;
- e) the residential floor space and accessory building area on a site, including any detached accessory buildings, occupied or used for any home based business shall not exceed 500 square feet (46.45 square metres) in total;
- f) no home based business shall have unenclosed or exterior storage or display of goods, materials, components, stock-in-trade, equipment or finished goods;
- g) the operation of any home based business shall not result in or cause more business-related vehicle or pedestrian trips per day to or from the home than is normal for the residential area;
- h) not more than one Off-Street and one on-street parking space may be occupied within a dwelling unit at one time by vehicles associated with one or more home based businesses within a dwelling unit. In the case of a house containing a secondary suite and both dwelling units in the house contain one or more home based businesses, no more than one Off-Street and one on-street parking space may be occupied at one time by any vehicle associated with the home based businesses on the site;
- i) the parking of all vehicles associated with any home based business shall be in accordance with all City of New Westminster parking regulations;
- j) every operator of a home based business must first receive permission from the landlord or strata corporation in order to operate a home based business;
- k) no home based business shall involve the sale of goods or products where customers regularly enter the home to inspect, purchase or take possession of the goods or products, except in the case of the RM-6, C-2A, C-4 and C-4A districts, where the retail sale of goods is permitted by a home based business operated within a dwelling unit located on the street level of a building, or portion of a building,;
- l) a home based business shall involve only such equipment as is ordinarily employed in purely domestic use, household use, recreational hobbies or small office uses, and shall not require upgrading, electrical or plumbing systems beyond the usual for a residential district;

- m) deleted; **(BYLAW 8172, 2020)**
- n) a home based business shall not involve:
 - (1) adult entertainment uses, adult motion picture studios, adult theatres, adult video stores or escort services, or
 - (2) automotive repair at the location of the home;
- o) a home based business shall not include any on-site storage of construction materials, hazardous chemicals or explosives; and
- p) a bed and breakfast
 - i) may not accommodate no more than four guests except that one additional guest for every 500 square feet (46.45 square metres) of floor space in the dwelling unit over 2,000 square feet (185.80 square metres) is permitted, to a maximum of 10 guests;
 - ii) may occupy one Off-Street parking or one on-street parking per bed and breakfast bedroom, provided that not more than two spaces per every three bed and breakfast bedrooms are occupied; and
 - iii) in the case where a house contains a secondary suite, may be operated in either the principal residence or the secondary suite, but not both.
 - iv) *is not permitted to operate within a detached accessory dwelling unit or any other detached accessory building.*

(BYLAW 7936, 2017)

Requirements for Secondary Suites

- 190.29 Every Secondary Suite and every house containing a Secondary Suite shall conform to the following:
- a) every house containing a Secondary Suite and any alteration or change made to a house containing a Secondary Suite shall conform to City of New Westminster “Design Standards and Guidelines for Houses with Secondary Suites” attached hereto as Appendix G and forming part of this Bylaw;
 - b) every Secondary Suite and all construction, alteration or addition to a Secondary Suite shall comply with the provisions of the Building Bylaw, as amended or replaced from time to time and the City of New Westminster Technical Requirements for Secondary Suites;
 - c) the cross sectional area of a Secondary Suite shall not:
 - i) exceed forty percent (40%) of the total cross sectional area of the house containing the Secondary Suite;
 - ii) be less than 350 square feet (32.52 square metres) nor greater than 968 square feet (89.93 square metres);

- d) no part of a Secondary Suite may be constructed below any flood construction level prescribed by the City of New Westminster or other competent authority;
- e) no Secondary Suite may be stratified, subdivided or otherwise legally separated from the house wherein it is contained;
- f) one Off-Street parking space designed in accordance with the City of New Westminster “Design Standards and Guidelines for Houses With Secondary Suites” attached hereto as Appendix G and forming part of this Bylaw, shall be provided for the exclusive use of the occupants of the Secondary Suite;
- g) no house may contain more than one Secondary Suite. **(BYLAW 7106, 2006)**
- h) Deleted. **(BYLAW 7106, 2006)**

Requirements for Women’s Transition Houses

190.30 Every Women’s Transition House shall conform to the following:

- a) all construction, alteration or addition to a Women’s Transition House shall comply with all City of New Westminster Bylaws, as amended or replaced from time to time;
- b) the site area of the subject property shall be a minimum of 6,000 square feet (557.40 square metres) and the building housing the Women’s Transition House on the subject property shall be a maximum of 3,000 square feet (278.70 square metres) in area;
- c) at no time shall the number of residents at the Women’s Transition House (including staff, women and children) exceed 16 persons;
- d) there shall be no structural alterations to the exterior of the house which would indicate that the house is being utilized for a purpose other than that of a single detached dwelling, and no building, structure, fence, enclosures or portion thereof other than those in conformity with permitted residential uses in the Zoning District in which the house is located, may be erected;
- e) the exterior of the house, fences and other structures on the property shall be maintained in keeping with the style of the house and the context and character of the neighbourhood and any changes thereto shall be approved by the Director of Planning;
- f) parking of vehicles on or near the property by residents or staff shall be minimized to the greatest extent possible and additional off street parking shall be adequately screened from view by neighbours;
- g) a portion of every Women’s Transition House shall be accessible to handicapped persons;
- h) every Women’s Transition House shall be located within three blocks of public transit and within six blocks of a recreational amenity, a park and shopping;

- i) the owner or operator of a Women's Transition House shall enter into a Good Neighbour Agreement with the City of New Westminster, in a form satisfactory to the City, respecting the operation of the Women's Transition House;
- j) the registered owner of property containing a Women's Transition House shall grant the City of New Westminster a Section 219 Land Title Act R.S.B.C. 1996, c.250, as amended or replaced from time to time, Covenant in a form acceptable to the City incorporating the above mentioned requirements and an indemnification against liability in favour of the City and the following additional requirements:
 - i) no part of a Women's Transition House may be constructed below any flood construction level prescribed by the City of New Westminster or other competent authority;
 - ii) no Women's Transition House may be stratified, subdivided or otherwise separated into parts;
 - iii) a minimum of 200 square feet (18.58 square metres) of hard surface outdoor space for children with a minimum dimension of 10 feet (3.05 metres) shall be provided (note: asphalt is not accepted as a hard surface unless stamped and coloured concrete is used);
 - iv) the outdoor space shall be landscaped with planted areas, raised beds, lawn, shrubs and trees, and shall be easily accessible from the house;
 - v) no displays, signs or advertising shall be erected or displayed on the property identifying the use of the house as a Women's Transition House; and
 - vi) noise attenuation measures shall be employed where possible to minimize disturbances to the neighbourhood.

Requirements for Accommodation for Youth in Foster Care and/or Transitioning from Foster Care Use **(BYLAW 7937, 2017)**

- 190.30.1 No lot shall be used for Accommodation for Youth in Foster Care and Transitioning from Foster Care unless the following requirements have been met:
- a) at no time shall the number of residents on a lot used for Accommodation for Youth in Foster Care and/or Transitioning from Foster Care (excluding staff) exceed 12.
 - b) an accommodation for Youth in Foster Care and/or Transitioning from Foster Care use is permitted within an authorized *Detached Accessory Dwelling Unit*;
 - c) the owner or operator of an Accommodation for Youth in Foster Care and/or Transitioning from Foster Care use shall enter into a Good Neighbour Agreement with the City of New Westminster, in a form satisfactory to the City;

- d) there shall be no alterations to the exterior of the house which would indicate that the house is being utilized for a purpose other than that of a single detached dwelling, and no building, structure, fence, enclosures or portion thereof other than those in conformity with permitted residential uses in the Zoning District in which the house is located, may be erected;
- e) no displays, signs or advertising shall be erected or displayed on the property identifying the use of the house as Accommodation for Youth in Foster Care and/or Transitioning from Foster Care Youth;
- f) the exterior of the house, fences and other structures on the property shall be maintained in keeping with the style of the house and the context and character of the neighbourhood and any changes thereto shall be approved by the Director of Development Services;
- g) parking of vehicles on or near the property by residents or staff shall be minimized to the greatest extent possible and additional off street parking shall be adequately screened from view by neighbours;
- h) a portion of every principal building used for Accommodation for Youth in Foster Care and/or Transitioning from Foster Care shall be accessible to persons with a physical disability;
- i) no part of a building used for Accommodation for Youth in Foster Care and/or Transitioning from Foster Care may be constructed below any flood construction level prescribed by the City of New Westminster or other competent authority;
- j) a lot used for Accommodation for Youth in Foster Care and/or Transitioning from Foster Care may not be stratified, subdivided or otherwise separated into parts;
- k) a minimum of 200 square feet (18.58 square metres) of at grade outdoor space for children shall be provide onsite with a minimum dimension of not less 10 feet (3.05 metres) and shall be easily accessible from the house; and,
- l) noise attenuation measures shall be employed where possible to minimize disturbances to the neighbourhood.

Requirements for Student Housing

- 190.31 The owner of any building, or portion of a building, intended for student housing shall inter into a Restrictive Covenant with the City, guaranteeing the use of the building, or portion of a building, for student housing.
- 190.32 The owner of any building, or portion of a building, intended for student housing shall enter into a Housing Agreement with the City specifying the nature of the tenure and the terms therein.

Change of Occupant of Building

- 190.33 A change of tenants or occupants of any building, or portion of a building, shall not be deemed to affect the use of the building, or portion of a building, within the meaning of this section.

Refusal of Permit for Lower Value Dwellings

190.34 In order to provide for the conservation of property values, it shall be lawful for the Director of Engineering to refuse to grant a permit for the construction of a dwelling in any residential area unless the value of such proposed dwelling shall be at least equal to the average value of all dwellings erected within 500 feet (152.40 metres) of such proposed dwelling.

Exterior Access to Residential Buildings

190.35 In the case of a duplex or multiple dwelling, the means of ingress and egress above the ground floor shall be provided or constructed in the rear yard only, except where such means is placed within the building.

Minimum Lot Size on Subdivision in Queensborough

190.36 Despite provisions elsewhere in this Bylaw, no parcel or parcels of land lying and being in that portion of the City of New Westminster known as "Lulu Island" and being comprised of District Lots 757 and 758, Group One, New Westminster District shall be subdivided so as to produce any lot having an area of less than one-half acre (.20 hectares), nor having a frontage of less than 66 feet (20.12 metres), unless such land can be connected to the City's sanitary sewer system.

Projections into Yards**Front Yards**

190.37 The following are allowed in or may project from the building into the required front yard:

- a) steps and ramps from the first floor to grade;
- b) sills, belt courses, cornices and chimneys provided that none of these shall extend into the required front yard more than 2 feet (.61 metres);
- c) unenclosed porches, eaves, balconies and cantilevered canopies over entrances provided that none of these shall extend into the required front yard more than 4 feet (1.22 metres);
- d) bay windows provided that none of these shall extend into the required front yard more than 2 feet (.61 metres) or exceed a projected width greater than 6 feet (1.83 metres) or a projected height greater than one storey. For each storey, the total of the widths of all the bay windows shall not exceed fifty percent (50%) of the width of the building;
- e) stairwells below the finished grade.

Side Yards

190.38 The following are allowed in or may project from the building into the required side yard:

- a) steps and ramps from the first floor to grade;

- b) stairwells above the finished grade provided that none of these extend into the required side yard more than 4 feet (1.22 metres) or one-half the required minimum depth of such side yard, whichever is the lesser;
- c) stairwells below the finished grade;
- d) sills, belt courses, cornices and chimneys provided that none of these shall extend into a required side yard more than 2 feet (.61 metres) or one-half the required minimum depth of the side yard, whichever is the lesser;
- e) unenclosed porches, eaves, balconies and cantilevered canopies over entrances provided that none of these shall extend into a required side yard more than 4 feet (1.22 metres) or one-half the required minimum depth of the side yard, whichever is the lesser;
- f) bay windows provided that none of these extend into the required side yards more than 2 feet (.61 metres) or exceed a projected width greater than 6 feet (1.83 metres) or a projected height greater than one storey. For each storey, the total of the widths of all the bay windows along any one side of a building shall not exceed fifty percent (50%) of the length of that side.

In the (NR-1), (NR-5), (RQ-1) and (RQ-5) Districts no bay window, unenclosed porch, balcony, cantilevered canopy, or stairwell above finished grade shall project into a required side yard such that it is reduced to less than 4 feet (1.22 metres).

Rear Yards

190.39 The following are allowed in or may project from the building into the required rear yard:

- a) steps and ramps from the first floor to grade;
- b) staircases;
- c) stairwells;
- d) sills, belt courses, cornices and chimneys provided that none of these shall extend into the required rear yard more than 2 feet (.61 metres) or one-half the required minimum depth of the rear yard, whichever is the lesser;
- e) unenclosed porches, eaves, balconies and cantilevered canopies over entrances provided that none of these shall extend into the required rear yard more than 4 feet (1.22 metres);
- f) bay windows provided that none of these shall extend into the required rear yard more than 2 feet (.61 metres) or exceed a projected width greater than 6 feet (1.83 metres) or a projected height greater than one storey. For each storey, the total of the widths of all bay windows shall not exceed fifty percent (50%) of the width of the building.

Extended Canopies

- 190.40 In (RM) and (P-1) Districts, design approved canopies not exceeding 10 feet (3.05 metres) in height may be constructed over pedestrian walkways extending from the main entrance of a building to the street site line where the visibility at an intersection or any other safety consideration will not be affected.

Satellite Dishes, Radio and Television Masts, Aerials, and Towers

- 190.41 A satellite dish, radio and or television mast, aerial, and or tower shall, for the purposes of this Bylaw, be considered to be a building and or structure.
- 190.42 Where a satellite dish, radio and or television mast, aerial, and or tower is attached to a principal building, it shall be considered as part of the principal building.
- 190.43 Where a satellite dish, radio and or television mast, aerial, and or tower is freestanding and or attached to an accessory building, it shall be considered to be an accessory building.
- 190.44 Despite provisions elsewhere in this Bylaw, no satellite dish, radio and or television mast, aerial and or tower shall be erected between the wall of a principal building and a property line facing a street.

Adult Videos in a Video Store

- 190.45 Where a video store is a permitted use and the retailer is the holder of a joint licence to carry both motion pictures and adult motion pictures, adult motion pictures may be sold or rented in the video store, and the portion of the video store in which the adult motion pictures are displayed is subject to the following conditions:
- a) is partitioned from the general area of the video store, having limited access and being signed to the effect that no person under age 18 is allowed inside;
 - b) comprises not more than ten percent (10%) of total floor space of the retail/rental portion (not including storage, offices or staff space) of the video store;
 - c) contains not more than ten percent (10%) of the total retail/rental supply of motion pictures in the video store;
 - d) has no external signage or advertising that adult motion pictures are available for sale or rental; and
 - e) contains no film viewers or other appropriate technology by which adult motion pictures may be viewed or projected.

Temporary Use Permits

- 190.46 Temporary commercial and industrial uses may be allowed under Section 493 of the Local Government Act within all zones shown on Appendix "A". In considering the issue of a temporary use permit, the Council or its delegate shall consider the following:

(BYLAW 7924, 2018)

- a) Whether the proposed use is consistent with the official community plan designation for the land;

- b) Whether the proposed use is consistent with any neighbourhood plan applying to the land;
- c) Whether the proposed use is consistent with relevant policies adopted by the Council;
- d) In the case of any proposed use that is not consistent with any such plan or Council policy, the nature and extent of any community benefit from the use;
- e) Whether the proposed use is of a temporary nature or whether it would be more appropriate for the City to consider permitting the use by rezoning;
- f) The suitability and compatibility of the proposed use with the surrounding area, including its operation, function, appearance and intensity of use;
- g) The impact of the proposed use on the operation of adjacent uses, including future land uses permitted by the zoning bylaw and designated by the official community plan. **(BYLAW 7387, 2010)**

Liquor Primary Licensed Premises**(BYLAW 8043, 2018)**

190.47 Notwithstanding any other provision of this Bylaw, in addition to the uses permitted in the districts established by Section 140 of this Bylaw, *liquor primary licensed premises* are permitted at the premises having the civic addresses and legal descriptions set out in Appendix “H”, and at no other premises. **(BYLAW 7273, 2008)**

190.48 The actual occupant load of each premises specified in Appendix “H”, determined in accordance with the British Columbia Building Code, shall not exceed that specified in respect of those premises in Appendix “H”. **(BYLAW 7273, 2008)**

Retail Sale of Cannabis**(BYLAW 8043, 2018)**

190.48.1 Notwithstanding any other provision of this Bylaw, *Retail Sale of Cannabis* is only permitted in the locations, and to be maximum gross floor area, listed in the following table, as amended:

Business Name	Address	Max Gross Floor Area	Legal Description
Westcanna	710 Twelfth Street (706 Twelfth Street)	385 sq. metres	009-124-411
Muse Cannabis	532 Sixth Street (607 Belmont Street)	210 sq. metres	015-226-352
BC Cannabis Stores	805 Boyd Street – Building L	465 sq. metres	026-736-641
Maple Leaf Greenery	71 Sixth Street	200 sq. metres	008-209-448
Queensborough Cannabis Co.	540 Ewen Avenue	440 sq. metres	011-313-625

(BYLAW 8043, 2018; 8109, 2019; 8111, 2019; 8140, 2019; 8107, 2019; 8108, 2019)

190.48.2 *Retail Sale of Cannabis* shall:

- (a) not permit consumption of *cannabis* within the portion of the building used for the *retail sale of cannabis*;
- (b) not permit production, growing or cultivation of *cannabis* within the portion of the building used for the *retail sale of cannabis*;
- (c) only be permitted to sell *cannabis*, *cannabis accessories* and retail merchandise directly related to *cannabis* and no other product;
- (d) not be permitted within the same commercial unit as any other use, except for the retail sale of cannabis accessories; and
- (e) not sell edibles containing cannabis.

(BYLAW 8043, 2018)

Personal Cultivation of Cannabis

(BYLAW 8043, 2018)

190.48.3 Growing and cultivation of *cannabis* for personal use is permitted on a site which is zoned for residential uses provided:

- (a) all laws, regulations and requirements of other jurisdictions are met and all required permits, such as but not limited to Building and Electrical Installation Permits, have been obtained;
- (b) does not include any processing or manufacturing of *cannabis* unless for medical purposes in accordance with a prescription from a medical practitioner;
- (c) does not include the retail sale of *cannabis*; and
- (d) for sites containing *multiple dwellings*, it is located on a portion of the property under private occupancy, such as, but not limited to areas within a dwelling or on limited common property.”

(BYLAW 8043, 2018)

Amenity Density Bonus

190.49 Where a zoning district allows for bonus density, the bonus density may be permitted if payments are made into capital reserve funds as established by Bylaw 7382, 2010, Bylaw No 7383, Bylaw No 7384, 2010 or Bylaw 7608, 2013 in accordance with the table below.

Housing Form	Location	Contribution Per Area Above Base Density
Townhouse	Mainland	\$120 / sq. ft.
	Queensborough	\$120 / sq. ft.
	Downtown	\$90 / sq. ft.
Apartment Building	Mainland	\$120 / sq. ft.

(Six Storeys or Less)	Queensborough	\$65 / sq. ft.
	Downtown	\$90 / sq. ft.
Apartment Building (More Than 6 Storeys)	Downtown	\$50 / sq. ft.

(B/L 7947, 2017)

190.49.1 Despite the per square foot density bonus amounts shown in the table in section 190.49, where one or more applications for: **(BYLAW 7947, 2017)**

- (a) rezoning;
- (b) development permit;
- (c) special development permit; and/or
- (d) development variance permit

are required to authorize a proposed development, and all such applications are complete and have been received by the City prior to January 1, 2018, the amount in respect of any unit to be constructed in accordance with the application shall be the amount in effect on the day the application is received.

190.49.2 Density bonus payments made pursuant to this bylaw must be made prior to issuance of a building permit authorizing the construction of a building that contains bonus density.

190.49.3 Sites which are used for secured rental residential units and which do not contain any dwelling units which are not secured market rental dwelling units, shall be exempt from payments required by section 190.49. **(BYLAW 7697, 2014)**

Heritage Density Transfer System

190.49.4 Unused density from a Heritage Donor Site may be transferred to a recipient site in the Downtown provided the following conditions are met: **(BYLAW 7697, 2014)**

- (a) the amount of density transferred from the Heritage Donor Site must not exceed the amount of unused density currently available on the donor site including any permitted bonus density for residential uses;
- (b) unused density may be transferred in whole or in part to a recipient site until all unused density has been transferred from the Heritage Donor Site;
- (c) the owners of the Heritage Donor Site and the recipient site must enter into a three-party agreement with the City, stating the amount of the density transferred and the consideration that the owner of the recipient site is providing to the owner of the Heritage Donor Site for the transfer, acknowledging the voluntary nature of the transaction, and releasing the City from all liability in respect of the transaction;
- (d) the owner of the Heritage Donor Site must enter into a Heritage Revitalization Agreement with the City which must include provisions regarding the repair, restoration or conservation of a building on the Heritage Donor Site and provisions prohibiting the use on the Heritage Donor Site of density that has been transferred to a recipient site;

- (e) the density of development of the recipient site following the transfer must not exceed the maximum permitted density in the relevant zoning district, including permitted bonus density; and
- (f) the owner of the recipient site shall be exempt from payments otherwise required in section 190.49 in respect of each square foot of density transferred from a Heritage Donor Site.

190.49.5 Downtown Base Density Maximum Permitted Height Map: **(BYLAW 7697, 2014)**



All measurements shown on the above map are in feet **(BYLAW 7924, 2018)**

190.50 No payment is required under section 190.49 in respect of a site used for secured rental residential units and no other residential use. **(BYLAW 7688, 2014)**

Garbage and Recycling Space Requirements

190.51 All buildings containing a multiple dwelling use must provide a designated space designed and developed to accommodate, in a location accessible to residents and removal contractors, containers for garbage and separated recyclable materials that are sufficient in number and capacity to serve the multiple dwelling use. This designated space shall be effectively screened from view by a closed fence, decorative wall or obscuring evergreen hedge, which shall be secured and maintained in good condition at all times, or be located within an fully enclosed and secured room within a building. **(BYLAW 7308, 2009)**