

300. Single Detached Dwelling Districts (RS)

300.1 **The intent of this district is to allow single detached dwellings, secondary suites and Laneway or Coach Houses in residential neighbourhood.**

Permitted Principal Uses

300.2 The following principal uses and no others shall be permitted in the (RS) district:

300.3 *Single detached dwellings;*

300.4 *Public utilities;*

300.5 *Women's transition houses;*

Permitted Accessory Uses

300.6 The following accessory uses and no others shall be permitted in the (RS) district

300.7 *Accessory uses to permitted principal uses;*

300.8 *Detached Accessory Dwelling Unit;*

300.9 *Home based businesses;*

300.10 *Secondary suite;*

300.11 *The keeping of not more than four foster children in a dwelling unit or more than eight child care children on a site;*

Definitions

300.12 Despite definitions elsewhere in the Bylaw, the following shall be defined as noted below for the purposes of this Zoning District:

300.13 **Floor space** means the numerical factor determined by measuring the horizontal cross-sectional area of buildings to the outside of the outer walls at each storey and determining the total of all such areas, excluding:

- a) the net floor space within the principal building to be used exclusively for up to two parking spaces, to a maximum of 41.81 square metres (450 square feet);
- b) any area having a floor to ceiling height of 1.22 metres (4 feet) or less.

300.14 **Floor space ratio** means the numerical factor determined by dividing the floor space by the site area.

Density - Units

300.15 One principal dwelling unit is permitted.

300.16 Where an amenity consisting of building and landscape design features which conform to City of New Westminster "Design Standards and Guidelines for Secondary Suites" attached hereto as Appendix G and forming part of this Bylaw, one additional accessory *dwelling unit* is permitted in the form of *secondary suite*. A provision of this amenity and an increase in the density will only be allowed if all "Requirements for Secondary Suites" set out in Section 190.29 of this Bylaw are complied with in all respects.

300.17 Where a Development Permit in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan has been issued, one additional bonus accessory dwelling unit is permitted in the form of a detached accessory dwelling unit.

Floor Area – Principal Building

300.18 The floor space ratio for the principal building shall not exceed a factor of 0.5.

Site Area and Site Frontage

300.19 A site shall be not less than 557.40 square metres (6,000 square feet) in area and shall have a frontage of not less than ten percent (10%) of its perimeter, unless Council determines upon a lesser frontage, except in the case of a site registered in the Land Title Office, City of New Westminster prior to the final adoption of this Bylaw.

Principal Building Height

300.20 The height of the principal building shall not exceed 7.62 metres (25 feet).

300.21 The highest point of any roof shall not exceed 10.67 metres (35 feet) from the *height datum*.

Site Coverage

300.22 The principal building shall not cover more than thirty-five percent (35%) of the site area.

Front Yard

300.23 A front yard shall be provided of not less than 5.79 metres (19 feet) or twenty percent (20%) of the depth of the site, whichever is less.

Rear Yard

300.24 A rear yard shall be provided of not less than twenty percent (20%) of the depth of the site or exceed 7.62 metres (25 feet), whichever is less.

Side Yard

300.25 For lots with a frontage of 12.19 metres (40 feet) or more a side yard shall be provided on each side of the building of not less than ten percent (10%) of the width of the site, or (1.52 metres (5 feet), whichever is less.

300.26 For lots with a frontage of 12.19 metres (40 feet) or less a side yard shall be provided on each side of the building of not less than 1.22 metres (4 feet)

Projections

300.27 Projections from the building are allowed in accordance with the relevant provisions of the 'Projections into Yards' portion of the General Regulations section of this Bylaw.

300.28 In addition to projections permitted elsewhere in this bylaw, a building may project into the required front yard to the average depth of the front yard of existing buildings on either side of it.

Attached Accessory Structures

300.29 The combined size of all *attached accessory structures* shall not exceed an amount equal to 10% of the site area.

Floor Area – Detached Accessory Buildings

300.30 The combined size of all detached accessory buildings shall not exceed an amount equal to 10% of the site area when including:

- a) the floor space of all enclosed detached buildings including but not limited to garages, detached accessory dwelling units and sheds; plus
- b) the site coverage of all detached accessory structures and buildings which are not enclosed including but not limited to carports, gazebos and swimming pools.

- 300.31 For sites which include a detached accessory dwelling unit, a maximum area of 21 square metres (226 square feet) for a detached carport shall not be included in the size of detached accessory buildings.
- 300.32 The size of a detached accessory dwelling unit may be increased by up to a floor space ratio of 0.05 provided that:
- a) there is a corresponding decrease in the floor space ratio for the principal building; and
 - b) the corresponding decrease in the floor space for the principal unit is available to be decreased.
- 300.33 The floor space for a detached accessory dwelling shall not exceed 89 square metres (958 square feet).

Detached Accessory Dwelling Unit Regulations

- 300.34 Detached accessory buildings which are used as a detached accessory dwelling unit shall comply with the following:
- a) shall be authorized by a Development Permit in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan;
 - b) shall not exceed a height of 7 metres (22.97 feet) as measured from averaged, existing grade at the four corners of the building envelope, as established by the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, to the highest point of the building;
 - c) shall not be permitted where a lot abuts a lane which is needed as alternate lot access from a neighbourhood collector, city collector, arterial or major road network in the New Westminster Master Transportation Plan unless:
 - i) a dedication of land for the purpose of providing a lane of a width not less than 6.1 metres (20 feet) is provided; and
 - ii) an on-site vehicle turnaround is provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan.
 - d) shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;
 - e) shall not be located, nor have access taken from a point closer than a distance of 4.57 metres (15 feet) from the corner of the site at an intersection of two streets, the intersection of two lanes or at an intersection of a street and lane; and
 - f) shall not be permitted to include more than 21 square metres (226 square feet) for an enclosed garage within the detached accessory dwelling unit.

Detached Accessory Buildings without a Detached Accessory Dwelling Unit Regulations

- 300.35 Detached accessory buildings, which are not used as a detached accessory dwelling unit shall comply with the following:
- a) shall not exceed one storey, and:
 - i) in the case of a peaked roof, no portion of the roof shall exceed 4.57 metres (15 feet), or

- ii) in the case of a roof having a pitch of 4:12 or less, no part of the roof shall exceed 3.6 metres (12 feet);
in each case measured from the finished floor of the detached accessory building.
- b) shall not be located in the required front yard;
- c) shall not be located closer than twice the width of the required side yard from the window of a habitable room on an adjoining site unless such window is above the roof line of such accessory building;
- d) if the detached structure is a garage or carport then it shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;
- e) shall not be closer than 1.52 metres (5 feet) from side and rear site lines where such accessory building or use is a swimming pool or an enclosure of a swimming pool;
- f) shall be located not closer than a distance of 4.57 metres (15 feet) from the corner of the site at an intersection of a street and lane;
- g) shall be located not closer than 1.52 metres (5 feet) from any rear or side site line bounded by a street;
- h) shall not have dormers; and
- i) shall be limited to one toilet fixture and one sink fixture and no other plumbing fixtures.

Off-Street Parking

300.36 Off-Street parking shall be provided in accordance with the provisions of Section 150 of this Bylaw.

301. Neighbourhood Residential Dwelling Districts (NR)

301.1 **The intent of this district is to allow single detached dwellings, secondary suites and Laneway or Coach Houses in the West End, Kelvin and Connaught neighbourhoods.**

Permitted Principal Uses

301.2 The following principal uses and no others shall be permitted in the (NR) district:

301.3 *Single detached dwellings;*

301.4 *Public utilities;*

301.5 *Women's transition houses;*

Permitted Accessory Uses

301.6 The following accessory uses and no others shall be permitted in the (NR) district

301.7 *Accessory uses to permitted principal uses;*

301.8 *Detached Accessory Dwelling Unit;*

301.9 *Home based businesses;*

301.10 *Secondary suite;*

301.11 *The keeping of not more than four foster children in a dwelling unit or more than eight child care children on a site;*

Definitions

301.12 Despite definitions elsewhere in this Bylaw the following shall be defined as noted below for the purpose of this Zoning District:

301.13 **Floor space** means the numerical factor determined by measuring the horizontal cross-sectional area of buildings to the outside of the outer walls at each storey and determining the total of all such areas, excluding:

- a) the cellar; and
- b) any area having a floor to ceiling height of 1.22 metres (4 feet) or less.

301.14 **Floor space ratio** means the numerical factor determined by dividing the floor space by the site area.

301.15 **Basement** means either:

- a) for buildings approved for construction on or after January 1, 1997: the area of a house which is
 - i) more than 0.61 metres (2 feet); and
 - ii) a maximum of 1.22 metres (4 feet)
 from existing grade to the finished floor level above the area, excluding localized depressions; or
- b) for buildings approved for construction before January 1, 1997: the lowest level of a house which has any of its height below grade;

301.16 **Average basement height above grade** means the number determined by averaging the distance between the main floor level and existing grade as determined by either:

- a) the corners of the house; or
- b) the weighted average of the entire perimeter of the house provided that localised depressions will not be considered in this determination.

provided that localised depressions will not be considered in this determination.

- 301.17 **Cellar** means the area of a principal building which is approved for construction on or after January 1, 1997 and which is a maximum of 0.61 metres (2 feet) from existing grade to the finished floor level above the area, excluding localized depressions.
- 301.18 **Existing grade** means the undisturbed ground level as indicated on a survey prepared and certified by a British Columbia Land Surveyor provided that localised depressions will not be considered in this determination.
- 301.19 **Localised depressions** means areas for window wells and for entrances for pedestrians and shall not exceed the following:
- a) an area of 1.49 square metres (16 sq. feet) for pedestrian entrances, excluding stairways;
 - b) an area of 2.79 square metres (30 sq. feet) for pedestrian entrances to a secondary suite, excluding stairways;
 - c) a width of 0.91 metres (3 feet) as measured from the foundation wall to the exposed face of any localised depression; and
 - d) a combined total of 25% of the length of the adjacent foundation wall.
- 301.20 **Flat roof** means:
- a) a roof with less than a 4 in 12 pitch;
 - b) a roof which does not form a peak at its proposed pitch; or
 - c) a roof system where the main roof does not form a peak when viewed from any elevation

Density - Units

- 301.21 One principal dwelling unit is permitted.
- 301.22 Where an amenity consisting of building and landscape design features which conform to City of New Westminster "Design Standards and Guidelines for Secondary Suites" attached hereto as Appendix G and forming part of this Bylaw, one additional accessory *dwelling unit* is permitted in the form of *secondary suite*. A provision of this amenity and an increase in the density will only be allowed if all "Requirements for Secondary Suites" set out in Section 190.29 of this Bylaw are complied with in all respects.
- 301.23 Where a Development Permit in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan has been issued, one additional bonus accessory dwelling unit is permitted in the form of a detached accessory dwelling unit.

Floor Area – Principal Building Constructed Since 1997

- 301.24 Principal buildings approved for construction on or after January 1, 1997 shall not exceed a floor space ratio of 0.5 provided that the floor space ratio of all floors above a basement, cellar or slab level shall not exceed a floor space ratio of 0.4.

Floor Area – Principal Building Constructed Prior to 1997

- 301.25 Principal buildings approved for construction before January 1, 1997 shall not exceed a floor space ratio of 0.4 above a basement, slab or crawl space level.
- 301.26 The total floor space ratio on a site shall not exceed that indicated in the table below:

Average Basement Height Above Grade		Maximum Total FSR
From	Less than	
-	0.61 metres (2 feet)	0.75 FSR
0.61 metres (2 feet)	0.91 metres (3 feet)	0.65 FSR
0.91 metres (3 feet)	1.22 metres (4 feet)	0.60 FSR
1.22 metres (4 feet)	1.83 metres (6 feet)	0.50 FSR

For any site with an average basement height above grade of more than 1.83 metres (6 feet) but less than 2.13 metres (7 feet), the total permitted floor space ratio shall not exceed the amount determined by the following calculation:

$$\text{Maximum FSR} = 0.4 + 0.1 (2.13 \text{ Metres} - \text{Average Basement Height Above Grade in Metres})$$

For any site with an average basement height above grade of more than 2.13 metres (7 feet), the total permitted floor space ratio shall not exceed 0.40.

Site Area and Site Frontage

- 301.27 A site shall be not less than 557.42 square metres (6,000 square feet) in area and shall have a frontage of not less than ten percent (10%) of its perimeter, unless Council determines upon a lesser frontage, except in the case of a site registered in the New Westminster Land Title Office, prior to the final adoption of this Bylaw.

Principal Building Height

- 301.28 The height of the principal building shall not exceed 7.62 metres (25 feet), except that the height of a flat or mansard roof building shall not exceed 6.10 metres (20 feet).
- 301.29 The highest point of any roof shall not exceed 10.67 metres (35 feet) from the *height datum*.

Site Coverage

- 301.30 All principal buildings in total shall not cover more than thirty-five percent (35%) of the site area.
- 301.31 If the building has two levels above a basement, cellar or slab level, then the second level is limited to eighty percent of the other level or floorplate.
- 301.32 For the purpose of this Schedule, a floorplate means the level immediately above a cellar, basement or slab level. The floorplate may include one-hundred percent (100%) of all attached accessory uses which are porches and verandahs that are attached solely to the front and side walls of the house, and fifty percent (50%) of all attached accessory uses which are porches, verandahs or sun decks which are attached solely to the rear wall of the house.
- 301.33 No portion of a basement, cellar or crawl space shall extend beyond the perimeter of the floor above it.

Front Yard

301.34 A front yard shall be provided of not less than 5.79 metres (19 feet) or twenty percent (20%) of the depth of the site, whichever is less.

Rear Yard

301.35 A rear yard shall be provided of not less 7.62 metres (25 feet) or twenty percent (20%) of the depth of the site, whichever is less.

Side Yard

301.36 A side yard shall be provided on each side of the building of not less than 1.22 metres (4 feet).

301.37 The total combined required side yards shall not be less than twenty-five percent (25%) of the frontage of the lot.

Projections

301.38 Projections from the building are allowed in accordance with the relevant provisions of the 'Projections into Yards' portion of the General Regulations section of this Bylaw.

301.39 In addition to projections permitted elsewhere in this bylaw, a building may project into the required front yard to the average depth of the front yard of existing buildings on either side of it.

Attached Accessory Structures

301.40 The combined size of all *attached accessory structures* shall not exceed an amount equal to 10% of the site area.

Floor Area – Detached Accessory Buildings

301.41 The combined size of all detached accessory buildings shall not exceed an amount equal to 10% of the site area when including:

- a) the floor space of all enclosed detached buildings including but not limited to garages, detached accessory dwelling units and sheds; plus
- b) the site coverage of all detached accessory structures and buildings which are not enclosed including but not limited to carports, gazebos and swimming pools.

301.42 For sites which include a detached accessory dwelling unit, a maximum area of 21 square metres (226 square feet) for a detached carport shall not be included in the size of detached accessory buildings.

301.43 The size of a detached accessory dwelling unit may be increased by up to a floor space ratio of 0.05 provided that:

- a) there is a corresponding decrease in the 0.40 floor space ratio permitted above a basement, cellar, crawlspace or slab for the principal building; and
- b) the corresponding decrease in the floor space ratio above a basement, cellar, crawlspace or slab for the principal unit is available to be decreased.

301.44 The floor space for a detached accessory dwelling shall not exceed 89 square metres (958 square feet).

Detached Accessory Dwelling Unit Regulations

301.45 Detached accessory buildings which are used as a detached accessory dwelling unit shall comply with the following:

- a) shall be authorized by a Development Permit in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan;
- b) shall not exceed a height of 7 metres (22.97 feet) as measured from averaged, existing grade at the four corners of the building envelope, as established by the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan, to the highest point of the building;
- c) shall not be permitted where a lot abuts a lane which is needed as alternate lot access from a neighbourhood collector, city collector, arterial or major road network in the New Westminster Master Transportation Plan unless:
 - i) a dedication of land for the purpose of providing a lane of a width not less than 6.1 metres (20 feet) is provided; and
 - ii) an on-site vehicle turnaround is provided in accordance with the Laneway and Carriage House Design Guidelines within the City of New Westminster Official Community Plan.
- d) shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;
- e) shall not be located, nor have access taken from a point closer than a distance of 4.57 metres (15 feet) from the corner of the site at an intersection of two streets, the intersection of two lanes or at an intersection of a street and lane; and
- f) shall not be permitted to include more than 21 square metres (226 square feet) for an enclosed garage within the detached accessory dwelling unit.

Detached Accessory Buildings without a Detached Accessory Dwelling Unit Regulations

- 301.46 Detached accessory buildings, which are not used as a detached accessory dwelling unit shall comply with the following:
- a) shall not exceed one storey, and:
 - i) in the case of a peaked roof, no portion of the roof shall exceed 4.57 metres (15 feet), or
 - ii) in the case of a roof having a pitch of 4:12 or less, no part of the roof shall exceed 3.6 metres (12 feet);
 in each case measured from the finished floor of the detached accessory building.
 - b) shall not be located in the required front yard;
 - c) shall not be located closer than twice the width of the required side yard from the window of a habitable room on an adjoining site unless such window is above the roof line of such accessory building;
 - d) if the detached structure is a garage or carport then it shall not be located closer to a lane than 6.71 metres (22 feet), less the width of such lane;
 - e) shall not be closer than 1.52 metres (5 feet) from side and rear site lines where such accessory building or use is a swimming pool or an enclosure of a swimming pool;
 - f) shall be located not closer than a distance of 4.57 metres (15 feet) from the corner of the site at an intersection of a street and lane;

- g) shall be located not closer than 1.52 metres (5 feet) from any rear or side site line bounded by a street;
- h) shall not have dormers; and
- i) shall be limited to one toilet fixture and one sink fixture and no other plumbing fixtures.

Off-Street Parking

301.47 Off-Street parking shall be provided in accordance with the provisions of Section 150 of this Bylaw.

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