

CORPORATION OF THE CITY OF NEW WESTMINSTER

ZONING BYLAW No. 6680, 2001

ADOPTED _____

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Zoning Bylaw No. 1743, 1940 Repealed

The City of New Westminster Zoning Bylaw, 1940 is hereby repealed.

Effective Date of Bylaw

GIVEN TWO READINGS this _____ day of _____, 2001.

PUBLIC HEARING held this _____ day of _____, 2001.

GIVEN THIRD READING this _____ day of _____, 2001.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this _____ day of _____, 2001.

MAYOR

CITY CLERK

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 *principle building* situated on the same site; or a building or portion of a building which is ancillary to the *principle use* made of the site upon which the *accessory building* is located.
- 120.3 **ACCESSORY USE** means a use which is ancillary to the *principle building* or to the use of the *principle building* on the same site; or a use which is ancillary to the *principle 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.
- 120.4 **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.
- 120.5 **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.
- 120.6 **ADULT MOTION PICTURE STUDIO** means the use of any building, or portion of a building, for the production or reproduction of *adult motion pictures*.
- 120.7 **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.
- 120.8 **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.
- 120.9 **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.
- 120.10 **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. **(B/L 7058, 2005)**
- 120.11 **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. **(B/L 7058, 2005)**
- 120.12 **ANTIQUe 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
- 120.13 **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.
- 120.14 **BACHELOR UNIT** means a *dwelling unit*, which does not contain a bedroom separated from other *habitable rooms or spaces*.
- 120.15 **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.
- 120.16 **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*.
- 120.17 **BATHROOM** means a room consisting of not less than one toilet, one wash basin, and one bathtub or shower.
- 120.18 **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.
- 120.19 **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.

- 120.20 **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.
- 120.21 **BICYCLE LOCKER** means a fully enclosed space designed for the storage of one bicycle and accessible only to the operator of the bicycle. **(B/L 7272, 2008)**
- 120.22 **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. **(B/L 7272, 2008)**
- 120.23 **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. **(B/L 7272, 2008)**
- 120.24 **BICYCLE STORAGE FACILITY** means an area providing two or more long term bicycle parking spaces. **(B/L 7272, 2008)**
- 120.25 **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.
- 120.26 **BOARDING HOUSE** means a *lodging house* wherein meals are provided for the persons living therein.
- 120.27 **BUILDING** means any structure designed or intended for the support, enclosure, shelter or protection of persons or property.
- 120.28 **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 **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.
- 120.30 **CELLAR** means a *storey* the floor of which is more than 5 feet (1.52 metres) below the *height datum*.
- 120.31 **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.

- 120.32 **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*.
- 120.33 **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.
- 120.34 **CHILD CARE CHILD** means a child in the care of an adult during the portion of a day.
- 120.35 **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 Facility Act R.S.B.C. 1996, c. 60, as amended or replaced from time to time, and regulations thereto.
- 120.36 **CHILD WELFARE FACILITY** means any facility that provides accommodation for children by the province but not a use included in a *community care facility*.
- 120.37 **CHURCH** means a building, or portion of a building, or structure designed and constructed or erected for the principle purpose of public or private worship.
- 120.38 **CLOSED FENCE** shall be defined as one that has more than fifty percent (50%) of its area closed.
- 120.39 **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.
- 120.40 **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.
- 120.41 **CLUSTER HOUSE** shall mean a single detached dwelling located on one registered parcel of land. **(B/L 6717, 2002)**
- 120.42 **COLLECTIBLES** means used goods which have a higher value than when originally manufactured including, but not limited to, stamps, coins and ceramic dolls.
- 120.43 **COMMERCIAL SCHOOL** means the use of a building, or portion of a building, for the training and or instruction of students in business skills, including secretarial, accounting and bookkeeping, sales and marketing, computer programming, small business machine operating, language instruction, and similar office and commercial use functions. *Commercial School* also includes *Self-Improvement School*.
- 120.44 **COMMUNITY CARE FACILITY** means any facility that provides accommodation and is defined and licensed under the Community Care Facility Act R.S.B.C. 1996, c. 60, as amended or replaced from time to time.

- 120.45 **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.
- 120.46 **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.
- 120.47 **CO-OPERATIVE VEHICLE** means a four-wheeled passenger automobile, van, or pick-up truck, owned and operated by an organization that permits scheduled, temporary use of the vehicle by its members, in accordance with the terms of a statutory covenant in favour of the City dealing with the continued availability of co-operative vehicles in relation to particular premises and the parking of such vehicles on the premises. **(B/L 7272, 2008)**
- 120.48 **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.
- 120.49 **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.
- 120.50 **CONVERSION** means a *house* or *duplex* structurally altered to contain one or more additional *sleeping, housekeeping or dwelling units*.
- 120.51 **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. **(B/L 6725, 2002)**
- 120.52 **COUNCIL** means the Municipal Council of the Corporation of the City of New Westminster.
- 120.53 **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.
- 120.54 **DENSITY TRANSFER SYSTEM** means the system of density transfer described in Section 170.16 of this Bylaw.

- 120.55 **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. (B/L 6827, 2003)
- 120.56 **DESTINATION CASINO – QUEENSBOROUGH** means a land based structure containing a casino that is operated by a provincially licensed destination management company. The Destination Casino may also include eating, drinking and entertainment facilities including a lounge, neighbourhood pub, or nightclub, and office facilities that are an integral part of the casino operation. (B/L 6921, 2004)
- 120.57 **DETACHED ROW HOUSE OR TOWNHOUSE** means a *house* within a compact, purpose-designed fee simple subdivision of 10 or more units.
- 120.58 **DETENTION HOME** means a dwelling designated or approved under the Correction Act, R.S.B.C. 1996, c.73, as amended or replaced from time to time.
- 120.59 **DETOXIFICATION CENTRE** means the use of a building, or portion of a building, as a clinic or *hospital* for drug or alcohol detoxification or rehabilitation.
- 120.60 **DORMER** means a roofed projection in which a window is set upright in a sloping roof and which does not occupy, either individually or in total, more than fifty percent (50%) of the projected length of the roof.
- 120.61 **DORMITORY UNIT** means one or more *habitable rooms* equipped to be used for sleeping and sitting purposes only (see *sleeping unit*).
- 120.62 **DRUG STORE** means a type of *retail store* which sells over-the-counter drugs, health and beauty products and includes a pharmacy for the dispensing of prescription drugs and may serve up to 30 person registered in the B.C. Methadone Maintenance Program or its successors for the purpose of filling methadone prescriptions but does not mean or include a *methadone clinic or dispensary*. (B/L 6960, 2004)
- 120.63 **DUPLEX** means a building consisting of two *dwelling units*, neither of which is a *secondary suite*.
- 120.64 **DUPLEX CLUSTER HOUSE** shall mean a detached dwelling with two side by side dwelling units located on one registered parcel of land. (B/L 6717, 2002)
- 120.65 **DWELLING** means a building, shelter or structure or portion thereof used or intended to be used primarily for *housing*.
- 120.66 **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.

- 120.67 **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 *church*, a *hospital*, a *community care facility*, a *child welfare facility*, a *group living facility* or a corrections facility.
- 120.68 **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 **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.
- 120.70 **ENGINEER** or **DIRECTOR OF ENGINEERING** means the Director of Engineering for the time being of the City of New Westminster.
- 120.71 **ESCORT SERVICE** means any person carrying on the business of providing or furnishing escorts or partners for social occasions.
- 120.72 **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.
- 120.73 **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.
- 120.74 **FACILITY, CHILD WELFARE** see *Child Welfare Facility*.
- 120.75 **FACILITY, COMMUNITY CARE** see *Community Care Facility*.
- 120.76 **FACILITY, GROUP LIVING** see *Group Living Facility*.
- 120.77 **FACILITY, MENTAL HEALTH** see *Mental Health Facility*.
- 120.78 **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.
- 120.79 **FLOAT HOME** means a structure built on a flotation system and intended for use as a *dwelling unit* and not primarily for navigation.
- 120.80 **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 by the site area except the following shall not be included:

- a) The floor space located below the *height datum* or the natural grade of the site used for automobile parking, vehicular access, manoeuvring aisles, elevators or stairs;
- 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, and elevator or stairs providing access exclusively thereto;
- 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 *dwellings* 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.

- 120.81 **FOSTER CHILD** means a child in the full custody of adults unrelated to the child by blood not as an adopted child.
- 120.82 **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.
- 120.83 **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.
- 120.84 **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.
- 120.85 **GARDEN APARTMENT** means a purpose-designed apartment with housing accommodation in two or less *storeys*.

- 120.86 **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.
- 120.87 **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.
- 120.88 **HABITABLE ROOMS OR SPACE** means a room or space intended primarily for *housing*; excludes *bathroom*, utility room, workroom, furnace room and storage room.
- 120.89 **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). **(B/L 7334, 2009)**
- 120.90 **HEIGHT OF BUILDING** means the vertical distance from the Height Datum to the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and the average distance between a point on the eaves no further than 2 feet from the adjacent wall of the building, and the ridge level for a gable, hip or gambrel roof. A dormer shall not affect the calculation of the height of the building. **(B/L 7334, 2009)**
- 120.91 **HIGH RISE APARTMENT** means a purpose-designed apartment containing housing accommodation in four or more *storeys*.
- 120.92 **HOME, DETENTION** see *Detention Home*.
- 120.93 **HOME, ELDERLY CITIZEN'S** see *Elderly Citizen's Home*.
- 120.94 **HOME, FLOAT** see *Float Home*.
- 120.95 **HOME, FOSTER** see *Foster Home*.
- 120.96 **HOME, GROUP** see *Group Home*.
- 120.97 **HOME BASED BUSINESS** means an *accessory use* to an authorised residential use in which one or more residents carry on a business, and for greater certainty, includes a *bed and breakfast*, but does not include *child care*.

- 120.98 **HOSPITAL** means a non-profit institution operated for the reception and treatment of persons suffering from physical illness or disability and in accordance with the definition of hospital contained in the Hospital Act R.S.B.C. 1996, c.200, as amended or replaced from time to time, but does not include *private hospitals*, nursing or convalescent homes, or *mental health facilities*.
- 120.99 **HOSPITAL, ANIMAL** see *Animal Hospital*.
- 120.100 **HOSPITAL, PRIVATE** see *Private Hospital*.
- 120.101 Deleted. (B/L 6723, 2002)
- 120.102 **HOTEL** means a permanent building which provides temporary accommodation to tourists and other guests on not less than a daily basis and provides a place for registration of guests and management on the premises and which may or may not include a restaurant, but is not a *bed and breakfast*.
- 120.103 **HOUSE** means a building other than a *duplex* that contains one or more *dwelling units* each with a separate and independent entrance from the outside.
- 120.104 **HOUSE, BOARDING** see *Boarding House*.
- 120.105 **HOUSE, FRATERNITY OR SORORITY** see *Fraternity or Sorority House*.
- 120.106 **HOUSE, LODGING** see *Lodging House*.
- 120.107 **HOUSE, PIER** see *Pier House*.
- 120.108 **HOUSE, ROW** see *Row House*.
- 120.109 **HOUSE, WOMEN'S TRANSITION** see *Women's Transition House*.
- 120.110 **HOUSEBOAT** means a powered *vessel* containing living accommodation, usually flat-bottomed and used in navigation.
- 120.111 **HOUSEKEEPING UNIT** means one or more *habitable rooms* containing therein facilities for cooking and a sink but no other sanitary facilities.
- 120.112 **HOUSING** means provision of accommodation for people for domestic purposes.
- 120.113 **HOUSING UNIT** includes any or all of the following: *bachelor unit, housekeeping unit, dwelling unit, sleeping unit, dormitory unit or secondary suite*.
- 120.114 **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.
- 120.115 **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.
- 120.116 **INTERIOR SITE** means a site other than a corner site.

- 120.117 **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.
- 120.118 **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*. **(B/L 7273, 2009)**
- 120.119 **LIVEABOARD** means a powered or sail *vessel* primarily used for navigation and incidentally used for living accommodation.
- 120.120 **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. **(B/L 6931, 2004)**
- 120.121 **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.
- 120.122 **LODGER** means a person occupying a *sleeping unit* or *dormitory unit* obtaining meals outside the building containing the *sleeping unit*.
- 120.123 **LODGING HOUSE** means a building, or portion of a building, containing not less than three nor more than 15 rooms used as *sleeping units*.
- 120.124 **LOW RISE APARTMENT** means a purpose-designed apartment containing housing accommodation in three or less *storeys*.
- 120.125 **MARINA CLASS A** means a *marina* providing moorage space for *watercraft*.
- 120.126 **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.

- 120.127 **MARINA** means any installation, which provides moorage space for *vessels*, or *float homes*.
- 120.128 **MASSAGE PROVIDER** means a person who is a member in good standing in the Association of Massage Therapists and Wholistic Practitioners and who practices, instructs or demonstrates therapeutic or relaxation massage and operates in a business and professional service establishment only. **(B/L 7232, 2008)**
- 120.129 **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. **(B/L 7232, 2008)**
- 120.130 **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. **(B/L 7232, 2008)**
- 120.131 **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.
- 120.132 **METHADONE CLINIC OR DISPENSARY** means a business where the principal purpose is the filling of methadone prescriptions. **(B/L 6960, 2004)**
- 120.133 **MIDDLE SCHOOL** means a *public school* providing instruction for students in grades six to eight inclusive.
- 120.134 **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*.
- 120.135 **ONE FAMILY UNIT** means one person or two or more persons who are related by blood, marriage (including common law marriages) or adoption.
- 120.136 **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*.
- 120.137 **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.
- 120.138 **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.
- 120.139 **PARKING SPACE** means an accessible space within a *parking garage* or *parking area* designated for the parking or storage of one automobile, exclusive of driveways and manoeuvring areas and unobstructed by columns, walls or other structural features.
- 120.140 **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. **(B/L 7276, 2008)**

- 120.141 **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, launderettes (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. **(B/L 7232, 2008)**
- 120.142 **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).
- 120.143 **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.
- 120.144 **PRINCIPAL USE** means a use, which is the main use of the site or of the *principle building* on the site.
- 120.145 **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.
- 120.146 **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.
- 120.147 **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*. **(B/L 7273, 2009)**
- 120.148 **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.
- 120.149 **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.
- 120.150 **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.

- 120.151 **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.
- 120.152 **PURPOSE DESIGNED APARTMENT** means a building, or portion of a building, designed and built as an apartment, and excludes a *conversion*.
- 120.153 **RAMP** means an inclined plane or sloping passageway for mounting or descending from one level to another.
- 120.154 **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.
- 120.155 **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.
- 120.156 **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*.
- 120.157 **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. **(B/L 7276, 2008)**
- 120.158 **RETAIL LIQUOR STORE** means a **RETAIL STORE** of not more than 2,000 gross square feet of floor space (excluding refrigerated space) which is owned by and 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. **(B/L 6895, 2003)**
- 120.159 **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*.
- 120.160 **SCHOOL, MIDDLE** see *middle school*.
- 120.161 **SCHOOL, PRIVATE** see *private school*.
- 120.162 **SCHOOL, PUBLIC** see *public school*.
- 120.163 **SCHOOL, SELF-IMPROVEMENT** see *self-improvement school*.

- 120.164 **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. **(B/L 7272, 2008)**
- 120.165 **SCHOOL, TRADE** see *trade school*.
- 120.166 **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; **(B/L 7203, 2007)**
- 120.167 **SCRAP METAL DEALER** means any person carrying on the business of buying and selling Scrap Metal. **(B/L 7203, 2007)**
- 120.168 **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.
- 120.169 **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*.
- 120.170 **SECONDARY SUITES CO-ORDINATOR** means the person appointed from time to time by *Council* for the purpose of enforcing this Bylaw.
- 120.171 **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*.
- 120.172 **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*.

- 120.173 **SHIPPING CONTAINER** means a rectangular metal container customarily used for the transport of freight or for storage. **(B/L 7084, 2006)**
- 120.174 **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.
- 120.175 **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.
- 120.176 **SINGLE DETACHED DWELLING** means a house consisting of one *dwelling unit* only, and may include a *secondary suite*.
- 120.177 **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.
- 120.178 **SITE, CORNER** see *Corner Site*.
- 120.179 **SITE, INTERIOR** see *Interior Site*.
- 120.180 **SITE, THROUGH** see *Through Site*.
- 120.181 **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.
- 120.182 **SITE LINES** means the lines bounding the *site*.
- 120.183 **SLEEPING UNIT** means one or more *habitable rooms* equipped to be used for sleeping and sitting purposes only (see *dormitory unit*).
- 120.184 **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.
- 120.185 **STAIRWELL** means a *staircase* enclosed within a vertical shaft of surrounding walls or partitions.
- 120.186 **STORE, ADULT VIDEO** see *Adult Video Store*.
- 120.187 **STORE, ANTIQUE** see *Antique Store*.
- 120.188 **STORE, CHARITY THRIFT** see *Charity Thrift Store*.
- 120.189 **STORE, CLOTHING CONSIGNMENT** see *Clothing Consignment Store*.
- 120.190 **STORE, RECONDITIONED GOODS** see *Reconditioned Goods Store*.
- 120.191 **STORE, RETAIL** see *Retail Store*.

- 120.192 **STORE, SECOND HAND SPECIALTY** see *Second Hand Specialty Store*.
- 120.193 **STORE, SECOND HAND** see *Second Hand Store*.
- 120.194 **STORE, USED MUSIC** see *Used Music Store*.
- 120.195 **STORE, USED TOOL** see *Used Tool Store*.
- 120.196 **STORE, VIDEO** see *Video Store*.
- 120.197 **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*
- 120.198 **STREET** means a public thoroughfare, which affords principal means of access to abutting property.
- 120.199 **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.
- 120.200 **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.
- 120.201 **STUDENT HOUSING** means the use of a building, or portion of a building, for the domestic purposes of students attending an educational facility.
- 120.202 **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.
(B/L 7201, 2007)
- 120.203 **THROUGH SITE** means a *site* having a frontage on two parallel or approximately parallel *streets*.
- 120.204 **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.

(B/L 7201, 2007)

- 120.205 **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.
- 120.206 **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*.
- 120.207 **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.
- 120.208 **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.
- 120.209 **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.
- 120.210 **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.
- 120.211 **VESSEL** means any ship or boat or any other description of vessel used or designed to be used in navigation.
- 120.212 Deleted. (B/L 7058, 2005)
- 120.213 **VIDEO STORE** means a building, or portion of a building, where motion pictures are available for distribution, sale or rental.
- 120.214 **WATERCRAFT** means any ship, boat, hull, house, raft, etc. which is afloat and used for residential purposes.
- 120.215 **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.
- 120.216 **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)

140. Establishment of Districts

140.1 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

Zoning Map

140.2 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.

Zone Boundary

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

150. Off-Street Parking

Interpretation

- 150.1 For the purposes of this section of the Bylaw only, class of building means any and all uses of buildings or sites more particularly set out in subsections 150.7 to 150.31 of this section (see below).
- 150.2 The owners or occupiers of any building or site in any Zoning District described in the Bylaw shall provide Off-Street parking space in accordance with the requirements of this Section, except where otherwise indicated in this Bylaw.

General Requirements

- 150.3 In the case of there being more than one different use in a building or on a site, the total requirements for Off-Street parking spaces shall be the sum of the requirements for the various uses computed separately.
- 150.4 Where a co-operative Off-Street parking project, satisfactory to the City, has been completed by a group of building or site owners, then the parking so provided may qualify in whole or in part as required Off-Street parking for the building or site to the extent of the owner's share of the total number of parking spaces provided in the co-operative project.
- 150.5 If Off-Street parking has been provided for any building or use, the number of parking spaces initially provided shall be continued undiminished in number so long as the building or uses continue unchanged, provided that if the number of parking spaces is in excess of the number from time to time required for the building or use, the amount may be reduced to the number so required.
- 150.6 An owner or occupier of a building any part of which is within 1,500 feet (457.20 metres) 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, for use by the City in accordance with the Local Government Act. **(B/L 7272, 2008)**

Number of Parking Spaces

- 150.7 For single detached dwellings, duplexes, secondary suites, float homes, houseboats, liveaboards and pier houses, one parking space shall be provided for each dwelling unit, bachelor unit or housekeeping unit.
- 150.8 For townhouses, row houses, multiple dwellings in commercial Districts, and apartment buildings, the following Off-Street parking spaces shall be provided:
- a) 1.0 parking space for each bachelor unit;
 - b) 1.2 parking spaces for each one-bedroom dwelling unit;
 - c) 1.5 parking spaces for each two-bedroom dwelling unit;
 - d) 2.0 parking spaces for each dwelling unit with three or more bedrooms;

- e) For the purposes of this section only, a den or alcove which might be used for sleeping purposes shall be deemed to be a bedroom and the total parking requirement for any project will be calculated to the nearest whole number.
- 150.9 For sleeping units or dormitory units, one parking space shall be provided for each 350 square feet (32.52 square metres) of floor space or portion thereof used for habitable rooms or space.
- 150.10 For elderly citizens' homes, the following Off-Street parking spaces shall be provided:
- a) one parking space for each five bachelor units or portion thereof;
- b) two parking spaces for each five one-bedroom units or portion thereof.
- 150.11 For youth hostels, one parking space shall be provided for each eight dwelling units, bachelor units, housekeeping units or sleeping units and, in the case of dormitory units, one parking space shall be provided for each 1,500 square feet (139.35 square metres) used for habitable rooms or space.
- 150.12 For hotels, one parking space shall be provided for each rental unit.
- 150.13 For churches and similar places of public assembly, one parking space shall be provided for every 100 square feet (9.29 square metres) of floor space in the rooms or portions thereof within the building accessible to the congregation or to the public. Where the building contains more than one such accessible room and the incidence of proposed use is such that concurrent use is not made of all the said rooms, then the parking requirements shall be based upon the floor area of the room or rooms actually used.
- 150.14 For schools, 0.7 parking spaces shall be provided in respect of each school staff member unless the school is 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, in which case 0.5 spaces are required in respect of each school staff member. In calculating the number of required spaces for a school not yet in existence, the number of school staff members shall be calculated on the basis of the planned enrolment and current average staff-to-student ratios in School District # 40 for elementary schools, middle schools or secondary schools, as the case may be. **(B/L 7272, 2008)**
- 150.15 For schools, public and private, two parking spaces shall be provided for every three teaching areas or classrooms in elementary schools and one and one-quarter parking spaces for every other classroom or teaching area.
- 150.16 For *liquor primary licensed premises*, one parking space shall be provided for every 60 square feet (5.57 square metres) of floor area of the public rooms, exclusive of service areas and washrooms.
- 150.17 For community centres and components thereof, unless otherwise herein specifically designated, one parking space shall be provided for each 200 square feet (18.58 square metres) of net floor area.
- 150.18 For curling rinks, eight parking spaces shall be provided for each ice sheet or curling lane.

- 150.19 For offices, banks, businesses, retail stores, restaurants and personal service establishments, two parking spaces per 1,000 square feet (92.9 square metres) shall be provided for the first 3,000 square feet (278.70 square metres) or portion thereof of gross floor area of any building, plus three parking spaces per 1,000 square feet (92.9 square metres) or portion thereof of gross floor area over 3,000 square feet (278.70 square metres).
- 150.20 For public libraries, one parking space shall be provided for each 800 square feet (74.32 square metres) of gross floor area of the building, including basement areas.
- 150.21 For gasoline service stations and automotive repair shops, one parking space shall be provided for each two gasoline pumps, one parking space for each service bay, one parking space for each 500 square feet (46.45 square metres) of office space and one parking space for each 1,000 square feet (92.9 square metres) of shop or storage area.
- 150.22 For manufacturing, industrial, warehouse, storage, service and repair buildings and uses, or other similar uses, one parking space shall be provided for each 1,000 square feet (92.9 square metres) of gross floor area of a building used for such purposes. For that portion of warehouse and storage buildings in excess of 200,000 square feet (18,580 square metres), one parking space for each 3,000 square feet (278.70 square metres) or portion thereof shall be provided.
- 150.23 For storage yards, display yards and other similar uses, based on the gross site area used for such purposes, the following Off-Street parking spaces shall be provided:
- a) for the first 15,000 square feet (1,393.50 square metres) -- one parking space per 3,000 square feet (278.70 square metres) or portion thereof;
 - b) for the next 25,000 square feet (2,322.50 square metres) -- one parking space per 5,000 square feet (464.5 square metres) or portion thereof;
 - c) over 40,000 square feet (3,716 square metres) -- one parking space per 15,000 square feet (1,393.50 square metres) or portion thereof.
- 150.24 For each building used to house automated communications equipment, one parking space shall be provided for each 3,000 square feet (278.70 square metres) of gross floor area of the building.
- 150.25 For marinas, the following Off-Street parking spaces on upland property shall be provided:
- a) parking space for each moorage space for float home and liveaboard vessel moorage in the marina;
 - b) parking space for every recreational vessel moorage space.
- 150.26 For dry storage facilities, 0.6 parking space shall be provided for each vessel storage space in the vicinity.
- 150.27 For mini storage buildings, one parking space shall be provided for each 3,500 square feet (325.15 square metres) of gross floor area.
- 150.28 For any child care facility in a non-residential building or a portion of a non-residential building three spaces shall be provided for each 1,000 square feet (92.9 square metres) of gross floor area.

- 150.29 For any group child care facility in a residential building or portion thereof two parking spaces shall be provided for staff.
- 150.30 For firehalls, two parking spaces shall be provided for each 1,000 square feet (92.9 square metres) or portion thereof of gross floor area of the building.
- 150.31 For beverage container return depots, six parking spaces shall be provided.
- 150.32 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%. **(B/L 7272, 2008)**

Size of Parking Spaces and Aisle Widths

- 150.33 The required spaces for Off-Street parking shall be used exclusively for the parking of motor vehicles of less than 10,000 pounds (4,536 kilograms) gross vehicle weight.
- 150.34 Minimum overhead clearance for parking spaces, manoeuvring aisles and driveways shall be not less than 6 feet 7 inches (2.01 metres).
- 150.35 Lengths and widths of parking spaces and manoeuvring aisles shall be not less than those shown in the following table:

Standard Size Parking Spaces

Parking Angle in Degrees	Width of Parking Space		Length of Parking Space		Width of Aisle		
	In Feet	In Metres	In Feet	In Metres	In Feet	In Metres	
90	9	2.74	17.33	5.3	21.58	6.58	(two-way traffic)
90	8.5	2.59	17.33	5.3	23	7.01	(two-way traffic)
60	8.5	2.59	17.33	5.3	18	5.49	(one-way traffic)
45	8.5	2.59	17.33	5.3	13	3.96	(one-way traffic)
30	8.5	2.59	17.33	5.3	11	3.35	(one-way traffic)
Parallel	8.5	2.59	22	6.7	12	3.66	(one-way traffic)

(B/L 7272, 2008)

150.36 When the side of a parking space adjoins a fence or other structure more than 1 foot (.30 metres) in height, the width of the parking space shall be increased by 1 foot (.30 metres) for its entire length except for 4 feet (1.22 metres) at each end of the space on the side or sides which abuts such fence or other structure. Where a column, buttress, pilaster or similar structural support adjoins a parking space, no portion of the supporting member shall protrude into the required area for the parking space.

150.37 Lengths and widths of compact parking spaces and manoeuvring aisles shall be not less than those shown in the following table:

Compact Parking Spaces

Parking Angle in Degrees	Width of Parking Space		Length of Parking Space		Width of Aisle		
	In Feet	In Metres	In Feet	In Metres	In Feet	In Metres	
90	8	2.44	15	4.57	22	6.7	(two-way traffic)
60	8	2.44	15	4.57	16	4.88	(one-way traffic)
45	8	2.44	15	4.57	12	3.66	(one-way traffic)
30	8	2.44	15	4.57	10	3.05	(one-way traffic)
Parallel	8	2.44	18	5.49	11	3.35	(one-way traffic)

(B/L 7272, 2008)

150.38 The total number of compact parking spaces shall not be greater than thirty percent (30%) of the total number of required parking spaces.

150.39 All compact vehicle parking spaces shall be marked with appropriate signage indicating that the parking spaces are for “compact vehicles only”.

150.40 Where there are no parking spaces off a driving aisle, the minimum width of that portion of the driving aisle shall be 20 feet (6.10 metres) for two-way traffic and 12 feet (3.66 metres) for one-way traffic.

Location of Off-Street Parking

150.41 All required Off-Street parking shall be provided on the same site as the building or portion of the building it is intended to serve, except:

- a) In the (RW-1) District, an owner may elect to provide some or all of the required Off-Street parking for residential buildings on another site and in all other Districts, except (C-4) Districts, an owner may elect to provide some or all of the required Off-Street parking for non-residential buildings or uses on another site provided that:
 - (1) such alternative parking site is situated not more than 300 feet (91.44 metres) from the building, or portion of a building, or use it is intended to serve; and
 - (2) such alternative site is used solely for automobile parking purposes; and
 - (3) such alternative site is zoned as a (CP-1) or (CP-2) District; and

- (4) a restrictive covenant be registered against the title of the alternative parking site in favour of the City to ensure that the alternative site provides the required parking spaces; and
 - (5) a parking space provided for a building or a site by the restrictive covenant for an alternative parking site shall not serve as the required parking for any other building or site.
- b) In (C-4) Districts, an owner may elect to provide some or all of the required parking for residential or non-residential buildings or uses on another site owned by him, or by another owner including a civic parking authority, provided that:
- (1) such alternative parking is situated not more than 1,500 feet (457.20 metres) distance from the building, or portion of a building, or use it is intended to serve; and
 - (2) the owner of the building, or portion of a building, or use and the owner of the alternative parking site enter into an agreement satisfactory to the City and a copy of which is upon demand filed with the City Clerk.
- c) For residential uses, in Section 400, multi-unit residential districts, or Section 500, commercial districts other than in an (RW-1) or (C-4) districts, an owner may elect to provide some or all of the required off-street parking for residential buildings on another site owned by him or by another owner, provided that:
- (1) such alternative parking area is clearly signed as being the off-street parking use of the residential buildings on the other site;
 - (2) such alternative parking area is located not more than 300 feet distance from the building(s) it is intended to serve;
 - (3) such alternative parking space is designed in accordance with the recommendations of a report incorporating CPTED principles;
 - (4) the owner of the building(s) and the owner of the alternative parking site enter into an agreement satisfactory to the City and which agreement is registered in the Land Title Office;
 - (5) such alternative parking area is underground if in an (R) Districts or underground or in a garage if in a (C) Districts. **(B/L 6721, 2002)**

- 150.42 No parking shall be located immediately adjacent to any door or passageway to or from a building, or portion of a building, nor be within 10 feet (3.05 metres) of a window of a room used for residential purposes of which the sill is less than 6 feet (1.83 metres) above the level of the parking space.
- 150.43 No driving or manoeuvring aisle shall be within 1 foot (.30 metres) of a wall of a building, or portion of a building,.
- 150.44 In (RS-1), (RS-2), ((RS-3), (RS-5), (RS-6), (NR-1), (NR-2), (NR-3), (NR-5), (RQ-1), (RQ-5) and (RT-1) districts,
- a) No parking shall be permitted in the required front yard.

- b) No Off-Street parking or storage of buses, mobile homes, recreation vehicles, commercial trucks, boats, trailers, contractors' equipment or other commercial or industrial vehicles shall be allowed except for the following:
 - (1) one truck or commercial vehicle not exceeding 10,000 pounds (4,536 kilograms) gross vehicle weight;
 - (2) one temporary parking of commercial vehicles or equipment while servicing or repairing a building, portion of a building or structure;
 - (3) recreational boats or recreational vehicles belonging to the occupants of the premises.
- c) No parking space shall be located closer to a lane than 22 feet (6.71 metres) less the width of such lane where access to such parking space is obtained directly from such lane.
- d) No parking shall be permitted within 5 feet (1.52 metres) of any rear or side site line bounded by a street.
- e) Vehicular access shall be provided from an abutting lane if such lane is not less than 12 feet (3.66 metres) in width.
- f) No vehicular access shall be provided in the front yard of any corner site.

150.45 In (RT-2), (RT-2A), (RT-2B), (RT-2D), (RM-1), (RM-1A), (RM-1B), (RM-2), (RM-2A), (RM-3), (RM-4), (RM-5), (RM-5A), (RM-6) and (RC-1) Districts,

- a) No parking shall be permitted in the required front yard;
- b) No parking or manoeuvring aisle shall be permitted within 5 feet (1.52 metres) of any side or rear site line;
- c) No Off-Street parking or storage of buses, mobile homes, recreation vehicles, commercial trucks, boats, trailers, contractors' equipment or other commercial or industrial vehicles shall be allowed except for the following:
 - (1) one truck or commercial vehicle not exceeding 10,000 pounds (45,36 kilograms) gross vehicle weight;
 - (2) temporary parking of commercial vehicles or equipment belonging to the occupants of the premises.

150.46 In (A), (P), (M) and (C) Districts, excluding (CW) Districts,

- a) No parking shall be permitted in the required front yard;
- b) No parking shall be permitted within 5 feet (1.52 metres) of any site line bounded by a street nor within 5 feet (1.52 metres) of any rear or interior side site line adjoining or abutting an (R) District where no lane intervenes;
- c) No driveway shall be located within 5 feet (1.52 metres) of any rear or interior side site line adjoining or abutting an (R) District where no lane intervenes.

- 150.47 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 5 feet (1.52 metres) from any building line or property line bounded by a street or lane.
- 150.48 In the (C-1), (C-1A), (C-2), (C-2A), (C-3), (C-3A), (C-4), (C4-B), (C-5), (C-7) and (C-8) Districts:
- a) If a front yard is provided, no parking is permitted thereon;
 - b) If on a corner site a side yard is provided, no parking is permitted between the side property line and a building built thereon.

Access to Parking Spaces

- 150.49 Access from streets or lanes to all parking spaces shall be by a driveway of not less than 9 feet (2.74 metres) nor more than 18 feet (5.49 metres) in width for parking areas of not more than 10 parking spaces, except for buildings or structures in existence prior to January 30, 1967, in which case such driveways may be reduced to a width of 7 feet (2.13 metres). Two such driveways or a two-way driveway of not less than 18 feet (5.49 metres) nor more than 25 feet (7.62 metres) in width shall be provided for any parking area for more than 10 parking spaces. One additional driveway may be provided for each ten additional parking spaces in excess of 20 parking spaces.
- 150.50 In (C) and (M) Districts, parking is permitted directly off a lane and the lane may be considered as all or part of the required manoeuvring aisle for the parking spaces provided that no part of the lane shall be used as part of any parking space. No parking is permitted in the portion of the lane required as a manoeuvring aisle.
- 150.51 The location and gradient of all points of vehicular ingress and egress to a parking garage or parking area shall be subject to the approval of the Director of Engineering.
- 150.52 In all parking structures and at grade parking lots:
- a) The geometrics for one-way vehicle travel at all types of intersections including driveways, ramps or manoeuvring aisles shall be in accordance with Appendix D;
 - b) The geometrics for two-way vehicle travel at all types of intersections including driveways, ramps or manoeuvring aisles shall be in accordance with Appendix D.
- 150.53 In parking layouts utilizing a one-way circulation pattern, signage and/or barriers shall be installed to eliminate shortcutting to the satisfaction of the Director of Engineering.
- 150.54 For sloped driveways or ramps, the first 20 feet (6.10 metres) from the property line shall have a slope not greater than ten percent (10%), with the remainder having a slope not greater than fifteen percent (15%).

- 150.55 Where a key lock or magnetic card security system is used on a two way driveway, the activation unit must be placed in the middle of the aisle or ramp on an island with a maximum width of 3 feet (.91 metres) and the aisle or ramp must be 24 feet (7.32 metres) in width for a distance of not less than 20 feet (6.10 metres) in front of and to the rear of the island. Where a two-way driveway has a width of less than 24 feet (7.32 metres), security doors shall be activated by a remote control unit in the vehicle. Access to a secured parking lot shall permit vehicles entering the facility to be off the travelled portion of the street when stopped to activate the door.
- 150.56 No parking layout shall require that a vehicle back up for more than 33 feet (10.06 metres) when exiting a parking space.
- 150.57 Requirements for both one and two-way vehicle travel shall apply to all types of intersections including driveways, ramps and manoeuvring aisles, within parking structures and for at grade parking spaces located on a site.

Landscaping and Screening

- 150.58 All required setbacks in all Districts shall be adequately landscaped.
- 150.59 In (R) Districts, parking areas and driveways 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 4 feet (1.22 metres) in height which shall be maintained in good condition at all times.
- 150.60 In (A), (P), (C) and (M) Districts, where a rear or interior side site line adjoins or abuts a lot 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 2 feet (.61 metres) nor more than 3.5 feet (1.07 metres) in height. All fences, walls and hedges shall be maintained in good condition at all times.
- 150.61 Where an owner elects to provide compact parking stalls on an exposed or open area, for each such compact parking stall 50 square feet (4.65 square metres) of the interior of the parking area shall be landscaped and such landscaping shall be in addition to that required elsewhere in this Bylaw.

Surfacing, Painting, Curbs, Signs, Lighting

- 150.62 Every Off-Street parking area required or used for the storage or parking of vehicles shall be surfaced with an asphaltic pavement or with a similar type of surfacing which is equally durable for the purpose and dust free.
- 150.63 The parking spaces in a parking area shall be marked on the ground by painted white or yellow lines not less than 3 inches (7.62 centimetres) in width.
- 150.64 All parking areas shall be provided with adequate curbs to ensure that the required fences, walls, hedges, landscaping and restricted areas are protected from damage or encroachment of vehicles.
- 150.65 If identification or directional signs are required in connection with a public parking area in a residential district, the surface of the message space shall not exceed 2 square feet (.19 square metres) in area.

150.66 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.

Car and Van Pools

150.67 Five per cent of required parking spaces for 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”. **(B/L 7272, 2008)**

Availability of Parking

150.68 In all Districts, required parking for building, or portion of a buildings used by the public shall be accessible for patron use during hours of business.

Parking Provisions for Independent Living

150.69 All multiple dwellings, hospitals other than animal hospitals, seniors’ centres, elderly citizens homes and congregate housing shall provide for a scooter plug and charging area in a minimum 10 square metre secure area. **(B/L 7272, 2008)**

150.70 All hospitals other than animal hospitals, seniors’ centres, elderly citizens homes and congregate housing shall provide on-site lay-bys for custom transit vehicles such as HandyDART vehicles, as near the main entrance as possible, of at least the following dimensions:

Lay-By Dimensions

Length		Width	Height	
in Feet	in Metres	in Feet (in Metres)	in Feet	in Metres
26.25	8	9.84 feet (3 metres) if there is at least 6.56 feet (2 metres) of at-grade space, clear of all obstructions adjacent the lay-by, otherwise, 15.75 feet (4.8 meters).	8.20	2.5

(B/L 7272, 2008)

150.71 All parking spaces for disabled persons shall be located as near the entrance of a building as possible and shall be identified with appropriate signage. **(B/L 7272, 2008)**

150.72 Car and van parking and lay-bys for use by disabled persons shall be provided in accordance with the following table:

Parking Requirements for Disabled Persons

	Multi-Family, Retail, Restaurants	Medical Office/ Hospital	General Use and Office (excluding medical)	Senior care and Assisted Living Facilities	SkyTrain stations
Car Spaces	1 parking space for every 15 spaces provided.	10% of all spaces provided must be provided for disabled persons .	1 parking space for every 25 spaces provided.	1 parking space for every 15 spaces provided.	1 parking spaces for every 25 spaced provided.
	2 parking spaces for every 40 parking spaces provided.		1 parking space for every 50 parking spaces after 100 regular spaces are provided.	2 parking spaces for every 30 spaces provided.	1 parking space for every 50 parking spaces after 100 regular spaces are provided.
	3 parking spaces for every 70 parking spaces provided.			3 parking spaces for every 45 spaces provided.	
	1 parking space for every 30 parking spaces after 70 regular spaces are provided.			1 parking space for every 30 parking spaces after 45 regular spaces are provided.	
Van Spaces	No Requirement.	1 van lay-by or parking space when more than 60 parking spaces are required.	No Requirement.	1 parking space when more than 30 parking spaces are required. 1 dedicated Van Lay-by when more than 45 parking spaces are requires.	1 van lay-by for every station.

(B/L 7272, 2008)

150.73 Parking spaces for cars and vans for disabled persons shall be of the following minimum dimensions:

Size of Parking Spaces for Cars and Vans for Disabled Persons

	Length		Width		Overhead Clearance	
	In Feet	In Metres	In Feet	In Metres	In Feet	In Metres
Car	18.04	5.5	12.80	3.9	7.55	2.3
Van	24.93	7.6	15.75	4.8	7.55	2.3

(B/L 7272, 2008)

Cooperative Vehicles and Parking Spaces

150.74 If 1 co-operative vehicle and 1 off-street co-operative vehicle parking space are provided for any multiple dwelling, commercial or industrial use then parking requirements are reduced by 3 parking spaces. (B/L 7272, 2008)

Shared Off-Street Parking Spaces

150.75 Shared use of off-street parking spaces is permitted under the following conditions:

- a) Despite section 150.3 shared off-street parking areas for two or more uses in a building or on a parcel may be permitted when the maximum parking demand of such uses occurs at different periods of the day, to the extent justified by a parking demand study based on the ULI Shared Parking model, prepared by a professional planning or engineering firm to the satisfaction of the Director of Development Services.
- b) A statutory covenant must be registered in favour of the City of New Westminster against the title to any parcel for which parking spaces are provided under this Section, requiring that such parking spaces be permanently reserved and maintained for the uses for which they are required and providing that upon the cessation of any of the uses on the basis of which the parking demand study was based, section 150.3 shall be applicable to the parcel unless a further parking demand study is provided to the City in respect of any replacement uses, in which case the cumulative parking requirement shall be reduced to the extent justified by the study. (B/L 7272, 2008)

155. Bicycle Parking

155.1 The owners or occupiers of any building, or portion of building, required by this bylaw to provide motor vehicle parking spaces shall also provide bicycle parking spaces in accordance with this section.

Bicycle Parking Requirements

155.2 Bicycle parking shall be provided in accordance with the following table:

Building Classification		Required Bicycle Parking Spaces	
1.0 Dwelling		Long Term Bicycle Parking	Short Term Bicycle Parking
1.1	Multiple Dwellings, or three or more dwelling units in conjunction with another use.	A minimum of 1.25 spaces for every dwelling unit.	A minimum of 6 spaces for any development containing 20 dwelling units or more.
1.2	Three or more dwelling units designated solely for senior citizens' housing.	A minimum of 0.25 spaces for every dwelling unit.	A minimum of 6 spaces for any development containing 20 dwelling units or more.
1.3	Seniors Supportive or Assisted Housing for residential units less than 50 square metres (164 square feet) in size.	A minimum of 0.10 spaces for every residential unit.	No requirement.
	For residential units 50 square metres in size or greater.	A minimum of 0.25 spaces for every residential unit.	
2.0 Institutional		Long Term Bicycle Parking	Short Term Bicycle Parking
2.1	Hospital	A minimum of 1 space for every 25 employees on a work shift employing the maximum number of employees.	A minimum of 6 spaces at each public entrance.
2.2	Schools	A minimum of 1 space for every 25 school staff members. Elementary School – A minimum of 1 space for every 20 students. Middle School, Secondary School, University, College, Technical or Vocational School, Commercial School or Self-Improvement School –	Universities and colleges— A minimum of 1 space for each 700 square metres of gross floor area, or portion thereof.

		A minimum of 1 space for every 10 students in attendance during a period of maximum attendance, based on seating capacity.	
2.3	Churches.	No requirement.	A minimum of 6 spaces.
3.0 Cultural & Recreational		Long Term Bicycle Parking	Short Term Bicycle Parking
3.1	Casino, Library, Gallery or Museum, Community Centre, Hall, Club or Lodge, Bingo Hall, Activity Centre, or similar place of assembly.	A minimum of 1 space for each 500 square metres (5,381.96 square feet) of floor area used for assembly purposes.	A minimum of 6 spaces for each 1,500 square metres (16,145.87 square feet) of floor area used for assembly purposes or portion thereof.
3.2	Theatre, Auditorium, Gymnasium or similar premises with spectator facilities.	No requirement.	A minimum of 6 spaces for every 300 persons of seating capacity or portion thereof.
3.3	Fitness and Weight Reduction Centres.	A minimum of 1 space for each 250 square metres (2,690.98 square feet) of gross floor area.	A minimum of 6 spaces for each 500 square metres (5,381.96 square feet) of gross floor area or portion thereof.
3.4	Billiard Hall, Arcade, Bowling Alley, Curling Rink.	No requirement.	A minimum of 6 spaces for each 40 tables or, games, and each alley or ice sheet
3.5	Live-Work Unit.	A minimum of 1.25 spaces for every live-work unit.	A minimum of 6 spaces for any building or group of buildings containing 20 or more live-work units.
4.0 Office		Long Term Bicycle Parking	Short Term Bicycle Parking
4.1	Business and Professional Office Use.	A minimum of 1 space for each 750 square metres (8,072.95 square feet) of gross floor area.	A minimum of 6 spaces for any building or group of buildings containing at least 2,000 square metres (21,527.82 square feet) of gross floor area.
5.0 Commercial		Long Term Bicycle Parking	Short Term Bicycle Parking
5.1	Commercial uses other than offices, hotels, cafes, restaurants and liquor primary licensed premises.	A minimum of 1 space for each 750 square metres (8,072.95 square feet) of gross floor area.	A minimum of 6 spaces for any building or group of buildings containing at least 1,000 square metres (10,763.91 square feet) of gross

			floor area.
5.2	Hotel.	A minimum of 1 space for every 30 dwelling, housekeeping or sleeping units, or any combination thereof.	A minimum of 6 spaces for any building or group of buildings containing 75 or more dwelling, housekeeping or sleeping units, or any combination thereof.
5.3	Cafes, Restaurants and Liquor Primary Licensed Premises	No Requirement.	A minimum of 3 spaces for each 500 square metres (5,382.13 square feet) of gross floor area.

6.0 Industrial		Long Term Bicycle Parking	Short Term Bicycle Parking
6.1	Manufacturing Uses, Wholesale Uses or other light and heavy industrial uses as listed in the Zoning Bylaw.	A minimum of 1 space for each 1,000 square metres (10,763.91 square feet) of gross floor area in the building or 1 space for every 25 employees on a work shift employing the maximum number of workers, whichever is the greater.	No requirement.

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

155.4 No bicycle parking space shall be required when the calculation results in a requirement of less than one bicycle parking space.

Long Term Bicycle Parking Standards

155.5 *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 a compound enclosed by 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.
(B/L 7334, 2009)
- g) A minimum of 20% of the *long term bicycle parking* spaces bicycles shall be bicycle lockers.
- h) Each *long term bicycle parking* space shall be independently accessible from an aisle having a minimum width of 1.2 meters.
- i) 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.
- j) Each *long term bicycle parking* space shall have at least 1.9 metres vertical clearance, and be at least 0.6 metres in width and 1.8 metres in length if the bicycles are to be placed horizontally, and 1.0 metre in length if the bicycles are to be placed vertically.
- k) All *bicycle storage facilities* shall be painted white.
- l) Electric outlets shall be provided in all *bicycle storage facilities* such that no parking space is more than 5 metres from an outlet.

Bicycle Lockers

- a) The minimum inside dimension of a *bicycle locker* shall be 0.6 metres in width at the door end, 0.2 metres in width at the opposite door, 1.8 metres in length and 1.2 metres in height.
- b) Each *bicycle locker* shall be at least 2 metres away from the edge of the nearest bicycle parking space.
- c) *Bicycle lockers* shall be constructed of solid, opaque, and theft resistant material with a lockable door which opens to full width and height of the locker.

Short Term Bicycle Parking Standards

155.6 Each *short term bicycle parking* space shall be in compliance with the following:

- a) Each *short term bicycle parking* space shall be provided in the form of racks which provide minimum measurements of 0.6m (2 feet)in width and 1.8m in length (6 feet)

- b) Each *short term bicycle parking* space shall be independently accessible by means of an aisle with a minimum width of 4 feet (1.2m) which is separate from pedestrian access to the premises for which the parking space is required.
- c) Racks providing two or more *short term bicycle parking* spaces shall be constructed of solid, opaque 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.
- d) Each short term bicycle parking space shall be provided in a convenient, well-lit location. If the *short term bicycle parking* spaces are not readily visible from the principal entrance to the premises for which the spaces are required, appropriate directional signage shall be provided.

160. Off-Street Loading

160.1 The owners or occupiers of any building, or portion of a building, in any Zoning District described in this Bylaw shall provide Off-Street loading space in accordance with the requirements of this section.

General Requirements

- 160.2 In the case of there being more than one different 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.
- 160.3 The regulations herein contained setting out the number of loading spaces to be provided for any specific class of building, or portion of a building, or use shall not be deemed to refer to those buildings, or portion of buildings, or uses existing on the 15th day of September 1966 and thereafter continuing without alteration of the building, or portion of a building, or use, provided that if the building, or portion of a building, or use is altered after the 15th day of September 1966 and the number of loading spaces then required is more than ten percent (10%) in excess of the number that was required for such class of building, or portion of a building, or use immediately prior to the alteration, then the number of loading spaces required shall be that required for a new building, or portion of a building, or use of the same class.

Number of Loading Spaces

- 160.4 For every site used as a retail store, office building, business, hotel, industry, warehouse or other similar use, based on the gross floor area of any building, or portion of a building, or buildings the following Off-Street loading spaces shall be provided:
- a) for the first 3,000 square feet (278.70 square metres) -- no Off-Street loading space;
 - b) for the next 15,000 square feet (1,393.50 square metres) or portion thereof -- one loading space;
 - c) for the next 100,000 square feet (9,290 square metres) -- one loading space for each 25,000 square feet (2,322.50 square metres) or portion thereof;
 - d) over 118,000 square feet (10,962.20 square metres) -- one loading space for each 50,000 square feet (4645 square metres) or portion thereof.
- 160.5 For every site used as a space of public assembly, hospital, institution, club or lodge, auditorium, public utility, school or other similar use, one loading space shall be provided for the first 30,000 square feet (2,787 square metres) or less of gross floor area of the building, or portion of a building, or buildings plus one space for each additional 50,000 square feet (4,645 square metres) or portion thereof of gross floor area over 30,000 square feet (2,787 square metres).

- 160.6 In addition to the loading spaces required under Section 160.5, for every school building not in existence upon the adoption of this bylaw, including any school building replacing a school building in existence on that date and for every school addition constructed after that date, off-street passenger loading and unloading spaces shall be provided in the number recommended by a professional engineer with experience in traffic engineering, 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. **(B/L 7272, 2008)**

Size of Loading Spaces

- 160.7 The required spaces for Off-Street loading shall be of sufficient size to accommodate the type of vehicles which will customarily be loading or unloading but in no case shall be less than 25 feet (7.62 metres) in length, 10 feet (3.05 metres) in width and 12 feet (3.66 metres) in height.

Access to Loading Spaces

- 160.8 Adequate driveway and manoeuvring space shall be available at all times permitting direct unobstructed access to each loading space from the street or lane entrance to the loading area.

Location of Off-Street Loading

- 160.9 All required 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 10 feet (3.05 metres) of any site line bounded by a street.

Landscaping and Screening

- 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 10 feet (3.05 metres) from the side property boundary of such site in an (R) District.

Surfacing, Drainage

- 160.11 Every Off-Street loading space and access thereto shall be surfaced with an asphaltic pavement or with a similar type of surface which is equally durable for the purpose and dust free and shall be so graded and drained as to properly dispose of 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.

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.

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 a gross floor area of greater than 1,000 square feet (92.9 square metres) per buildings or 0.05 of the site area, whichever is less;
 - c) Shall not exceed 25 children in any one facility;

- d) Shall not be located in any amenity space provided for the residents of the building, or portion of a building, nor cause the loss of any such space;
- e) Need not provide any Off-Street parking spaces.

Beverage Container Return Depots

170.14 Any beverage container return depot located in a (C) District shall meet the following conditions:

- 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.

Density Transfer System

170.16 Any transfer of density between one property and another shall meet the following conditions:

For a Donor Site:

- a) must be for a municipally designated heritage site and or building;
- b) must be within the Columbia Street historic area, as shown on Supplementary Plan No. 2 attached to this Section and forming part of this Bylaw;
- c) must calculate the density to transfer on the basis of the difference between maximum allowed and the actual number of housing units, in terms of residential density on the site, or the difference between the maximum allowed and gross floor space, in terms of non-residential density;
- d) must deposit any unused density to transfer into the density bank administered by the City;

- e) must, upon acceptance by a recipient, enter into a three-way covenant with the recipient site and the City, stating the amount of the density transfer, acknowledging the voluntary nature of the transaction, including the agreed upon price and conditions for the sale of donor density and releasing the City from all liability from the transaction;
- f) must enter into a Heritage Revitalization Agreement with the City respecting the site and providing the application of funds towards restoration of the building and the disposition of any unused density.

For a Recipient Site:

- g) must be within the area indicated on as shown on Supplementary Plan No. 3 attached to this Section and forming part of this Bylaw;
- h) must make the withdrawal of the density from the density bank;
- i) must not, for any site, make a withdrawal greater than the amount allowed by the zoning schedule for that site;
- j) must enter into a three-way covenant with the donor site and the City stating the terms of the transfer of density, acknowledging the voluntary nature of the transaction, including the price and conditions and releasing the City from any liability as a result of this transaction;
- k) must follow the conditions of the zoning schedule governing the site;
- l) must enter into an agreement with the donor of the density, stating the amount of density transferred and releasing the City from any liability as a result of the transaction.

Cottage Breweries

170.17 Any cottage brewery in a (C) District shall meet the following conditions: **(B/L 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

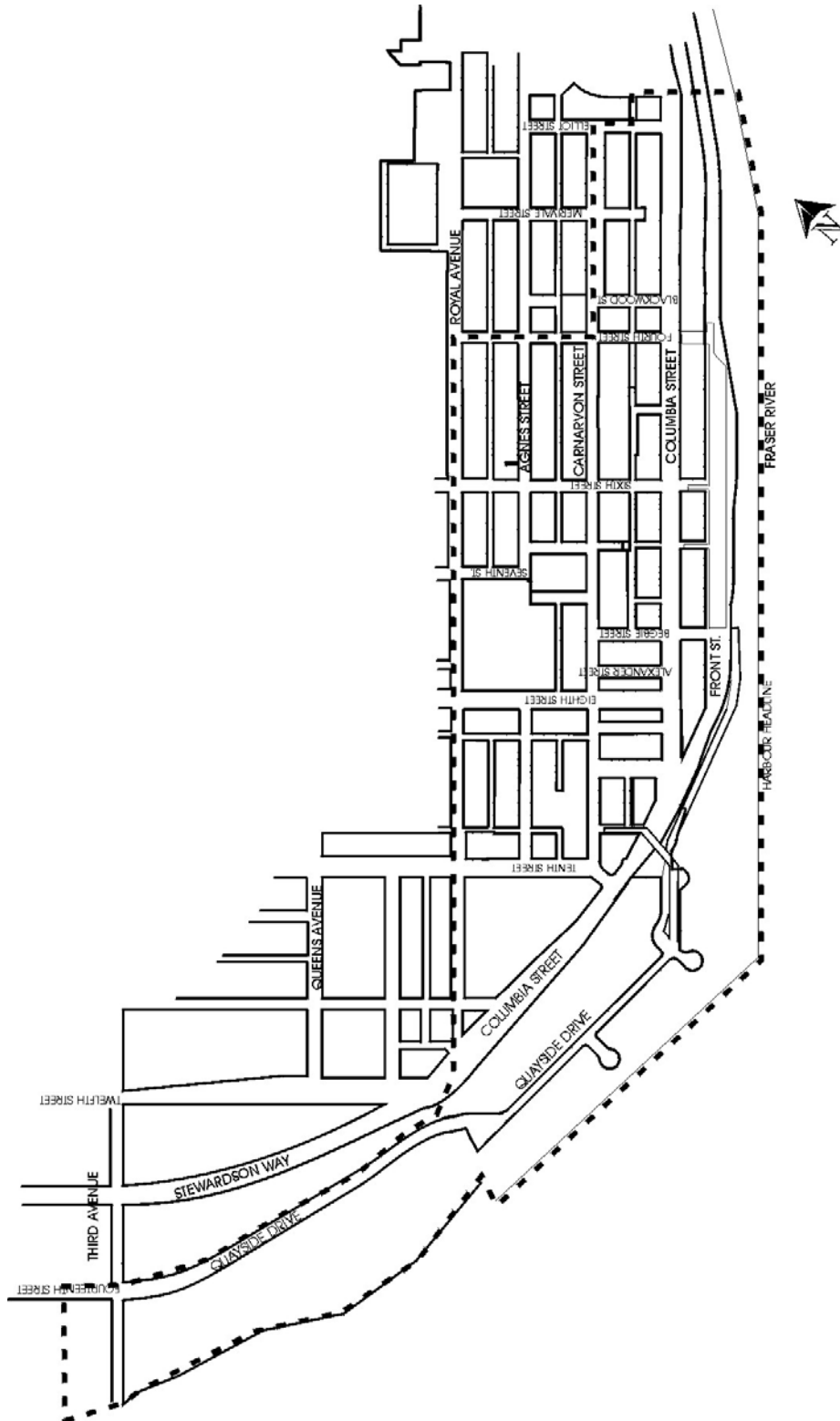
170.18 Any live-work unit shall meet the following conditions: **(B/L 6772, 2002)**

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

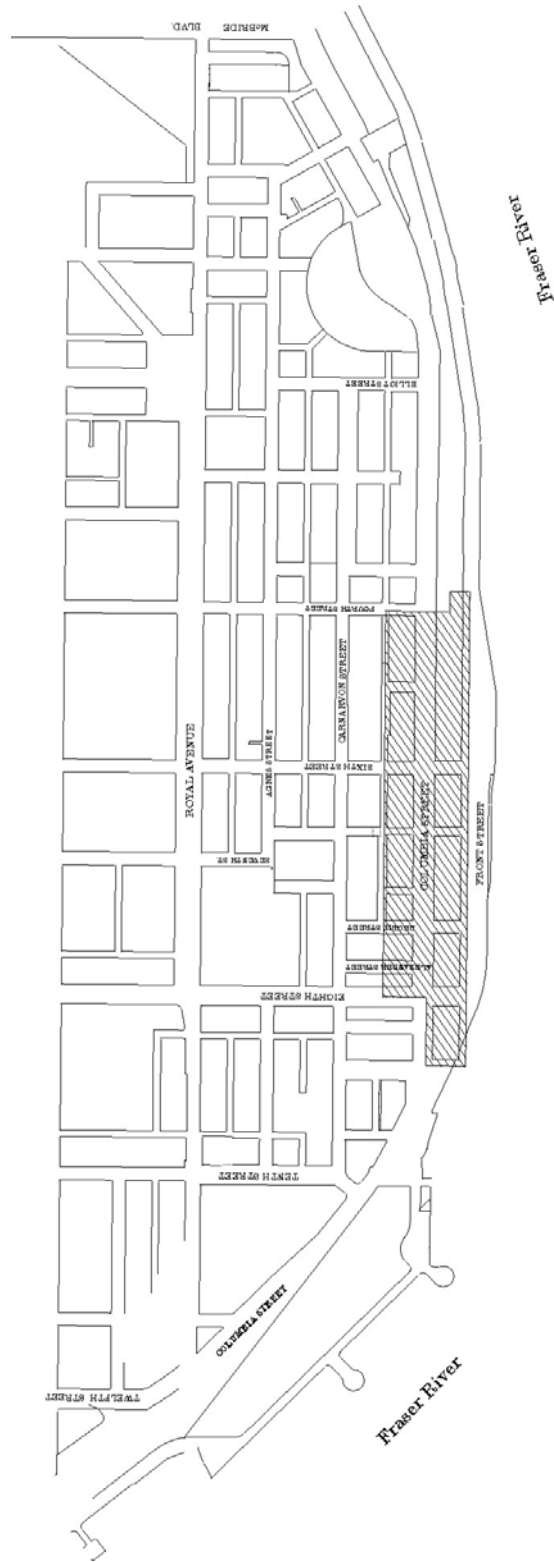
- b) shall provide to the City a covenant stipulating that the ground floor space remain in commercial use at all times;
- c) shall provide to the City a covenant stipulating that the live-work unit shall remain as on unit of ownership as long as one dwelling unit is allowed within the live-work unit;
- 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 **(B/L 6931, 2004)**

New Westminster Redevelopment Act
Site Plan

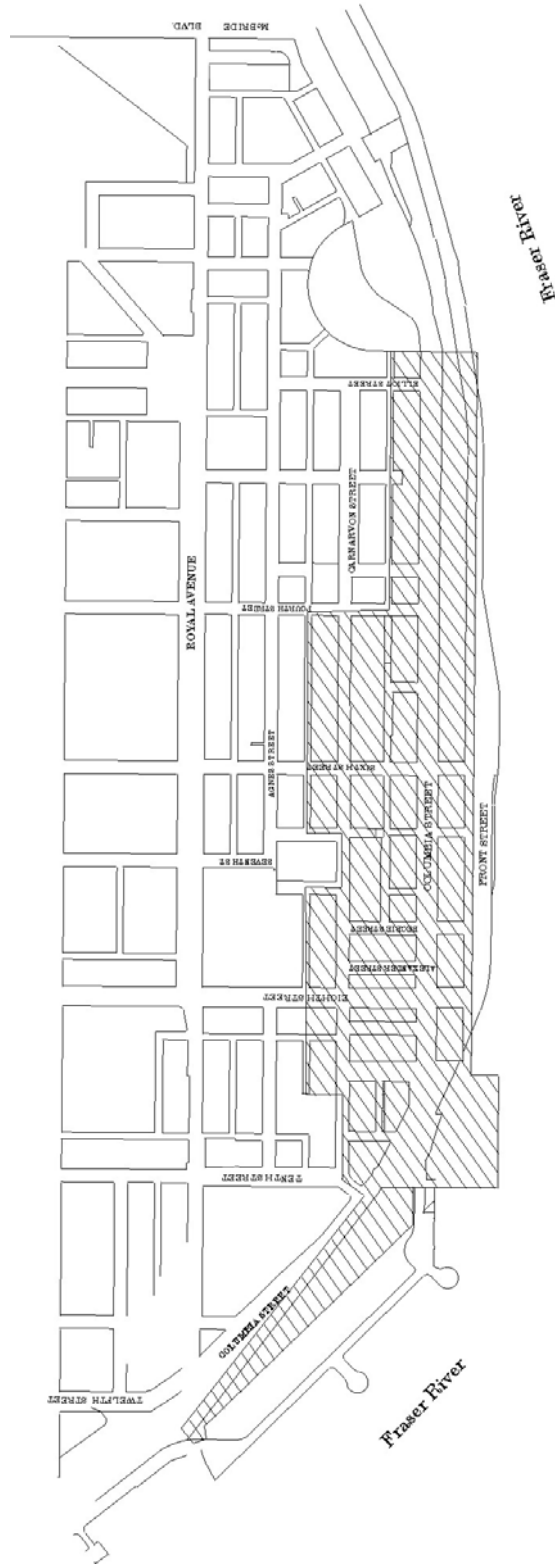
Zoning Bylaw Supplementary Plan No. 1



Area In Which Properties
May Be Donor Sites (indicated by shaded area)
Zoning Bylaw Supplementary Plan No. 2



Area In Which Properties
May Be Recipient Sites (indicated by shaded area)
Zoning Bylaw Supplementary Plan No. 3



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

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 42 feet (12.80 metres) from the property line or lines as hereinafter more particularly set forth:

South Side of Duncan Street

From Stanley Street to Beach Street
From Mercer Street to Blackley Street

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 Where a child care facility is created or added to in any non-residential building or portion of a non-residential building 75 square feet (6.97 square metres) of suitably landscaped outdoor space shall be provided for each child in addition to any requirements specified in the Off-Street Parking Section (Section 150) of this Bylaw.

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.

Storage Yards or Areas

- 190.8 No storage yards shall be permitted in (R) or (P) Districts.
- 190.9 Screening consisting of a solid 6 foot (1.83 metre) fence or wall which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of signs or notices, or a compact evergreen hedge not less than 6 feet (1.83 square metres) in height, which shall be maintained in good condition at all times, shall be provided in (C) and (M) Districts, as follows:

- a) On any side of the storage area which abuts a street, lane, or site in an (R), (P) or (C) District or is visible from such street, lane or site;
- b) Where screening is required, no material located within 50 feet (15.24 metres) of the screening shall be piled to extend above the screening;
- c) Any storage yard or area abutting a street shall be set back not less than 5 feet (1.52 metres) from the property line and such setback shall be suitably landscaped and the required screening, fence or hedge shall be located on such setback line.

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. **(B/L 6740, 2002)**

Fences

- 190.12 Any fence, wall, hedge 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.
- 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 or hedge or other vegetation shall be allowed at a greater height than 3 feet (.91 metres) 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.
- 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 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).

- 190.17 Despite the above regulations, in (C) and (M) Districts, a fence or other structure of whatever nature 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).
- 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

Housing Accommodation in Basements and Cellars

- 190.21 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.

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 house containing a secondary suite where both dwelling units in the house contain one or more home based businesses, only one of the two dwelling units may have a non-residential person who is engaged in the home based business at the home;
- 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) a home based business shall not have any external displays, advertisements or signage, except for one non-illuminated identification sign not to exceed 2.2 square feet (0.2 square metres) indicating the name of the business;
- 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
 - (1) 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;
 - (2) 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
 - (3) 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.

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:
 - (1) exceed forty percent (40%) of the total cross sectional area of the house containing the Secondary Suite;
 - (2) 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. **(B/L 7106, 2006)**
- h) Deleted. **(B/L 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:
 - (1) 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;
 - (2) no Women's Transition House may be stratified, subdivided or otherwise separated into parts;
 - (3) 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);
 - (4) the outdoor space shall be landscaped with planted areas, raised beds, lawn, shrubs and trees, and shall be easily accessible from the house;
 - (5) 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
 - (6) 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 enter 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.
- 190.46 In areas designated in this Bylaw for temporary commercial or industrial use, the City may consider applications for temporary commercial and industrial use permits using criteria it deems reasonable, including:
- a) whether the temporary use will operate at an intensity of use suitable to the surrounding area
 - b) whether the temporary use will operate on a temporary basis only and has demonstrated plans to relocate before the stated expiry date of the permit
 - c) whether the temporary use will be compatible with regard to use, design and operation with other uses in the vicinity
 - d) the design, servicing, access, screening and landscaping to be provided in connection with the temporary use **(B/L 6850, 2003)**
- 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. **(B/L 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”. **(B/L 7273, 2008)**