

REPORT

Planning and Development

To: Mayor Johnstone and Members of Council
Date: March 24, 2025

From: Jackie Teed, Director
Planning and Development
File: #2616804
13.2680.20

Item #: 2025-95

Subject: **Zoning Amendment Bylaw (Miscellaneous Zoning Bylaw Amendments) No. 8495, 2025: For Consideration**

RECOMMENDATION

1. *THAT Zoning Bylaw No. 6680, 2001, Miscellaneous Amendments Bylaw No. 8495, 2025 be forwarded to the April 7, 2025 Regular Meeting of Council for first, second and third readings.*
 2. *THAT no Public Hearing be held for Zoning Bylaw No. 6680, 2001, Miscellaneous Amendments Bylaw No. 8495, 2025 following circulation of notice, in accordance with the Local Government Act.*
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PURPOSE

To present the proposed Zoning Amendment Bylaw which proposes miscellaneous amendments; to request that Council forward the proposed Zoning Amendment Bylaw for consideration; and request Council endorsement for no Public Hearing to be held following circulation of notice in accordance with the Local Government Act.

EXECUTIVE SUMMARY

In the course of day-to-day administration, staff identifies necessary miscellaneous amendments to the Zoning Bylaw which are brought forward in a single amendment bylaw on regularly occurring basis. Zoning Amendment Bylaw No. 8495, 2025 includes a series of such miscellaneous amendments which would address inconsistencies, provide clarification, correct administrative errors and provide minor updates.

Staff recommends consideration of Zoning Amendment Bylaw No. 8495, 2025 and that no public hearing held, in accordance with the Local Government Act, as the bylaw is consistent with the Official Community Plan.

DISCUSSION

Through the course of day-to-day work, necessary miscellaneous minor amendments to the Zoning Bylaw are compiled by staff and brought forward to Council on a regular basis in an amending bylaw. The changes included in this amending bylaw are summarized as follows:

- Updates to reflect changes to the Business License, Bylaw No. 8473, 2024, effective January 1, 2025;
- Clarification on measuring the height for detached accessory buildings that do not contain a detached accessory dwelling unit in Single Detached Residential Districts;
- Clarification on window well requirements for habitable rooms within a secondary suite;
- Clarification of additional BC Energy Step Code floor area for Infill Townhouse and Rowhouse Residential Districts (RT);
- Clarification on how storeys are counted, based on recent feedback;
- Adds the definition of “Wholesale” and designates this use as a permitted use in Industrial zones, while removing it as a permitted use in Downtown Mixed-Use Districts (High Density) (C-4); and
- Adds clarity and addresses grammatical, numbering and referencing inconsistencies and errors.

A list of all the proposed changes is included as Zoning Amendment Bylaw No. 8495, 2025, which forms Attachment 1 to this report along with a detailed summary of proposed Zoning Bylaw amendment, which forms Attachment 2 to this report.

FINANCIAL IMPLICATIONS

On-going amendments and refinements to the Zoning Bylaw is a standard task within the department’s annual work plan and operating budget.

INTERDEPARTMENTAL LIAISON

This report was prepared with input from the Planning and Building Divisions in the Planning and Development Department, as well as the Economic Development Division within the Community Services Department.

NEXT STEPS

Should Council consider this miscellaneous Zoning Amendment Bylaw, the next steps in the process include:

1. Council consideration of the proposed Miscellaneous Zoning Bylaw Amendment Bylaw and not holding a Public Hearing as the Zoning Amendment Bylaw is consistent with the Official Community Plan (**WE ARE HERE**);
2. Issuance of Notice of Public Hearing Not Held;
3. Council consideration of First, Second and Third readings of the bylaw;
4. Council consideration of adoption of the Miscellaneous Zoning Amendment Bylaw.

OPTIONS

The following options are available for Council's consideration:

1. *That Zoning Bylaw No. 6680, 2001, Miscellaneous Amendments Bylaw No. 8495, 2025 be forwarded to the April 7, 2025 Regular Meeting of Council for first, second and third readings.*
2. *That no Public Hearing be held for Zoning Bylaw No. 6680, 2001, Miscellaneous Amendments Bylaw No. 8495, 2025 following circulation of notice, in accordance with the Local Government Act.*
3. *That alternative direction be provided.*

Staff recommends option 1 and 2.

ATTACHMENTS

Attachment 1: Miscellaneous Amendments Bylaw No. 8495, 2025

Attachment 2: Detailed Summary of Proposed Zoning Bylaw Amendment

APPROVALS

This report was prepared by:
Nazanin Esmaeili, Planning Technician

This report was reviewed by:
Mike Watson, Supervisor, Development Planning
Demian Rueter, Manager, Development Planning
Rupinder Basi, Deputy Director, Planning and Development

This report was approved by:
Jackie Teed, Director of Planning & Development
Lisa Spitale, Chief Administrative Officer

Attachment 1

Miscellaneous Amendments Bylaw No. 8495, 2025

CORPORATION OF THE CITY OF NEW WESTMINSTER

Zoning Bylaw No. 6680, 2001, Miscellaneous Amendments Bylaw No. 8495, 2025

A Bylaw to amend Zoning Bylaw No. 6680, 2001

WHEREAS the Local government Act authorizes a municipality to zone areas of land and to make regulations pursuant to zoning,

WHEREAS the Council has adopted a zoning bylaw under Part 14 of the Local Government Act, and wishes to amend the bylaw,

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Bylaw No. 6680, 2001, Miscellaneous Amendments Bylaw No. 8495, 2025”.
2. Zoning Bylaw No. 6680, 2001 is hereby amended as follows:
 - a) Delete and replace section 310.21 (a) and section 320.31 (a) with:

“shall not exceed one *storey*, nor the following maximum *building heights*, as measured from the finished floor of the detached accessory building:”
 - b) Delete and replace section 310.19 (a) with:

“shall not exceed a *detached accessory area* of 89 square metres (958 square feet) in area plus any increases in area permitted in section 310.19.1;”
 - c) Delete and replace section 320.29 (a) with:

“shall not exceed a *detached accessory area* of 89 square metres (958 square feet) in area plus any increases in area permitted in section 320.29.1;”
 - d) Delete and replace the definition of “microbrewery, winery, and distillery” in section 1052.9 with:

“microbrewery, winery, and distillery” means a premises, licensed under the *Liquor Control and Licensing Act*, on which there is manufacturing of beer, ale, cider, wine, or spirits for the sale of business customers and shall include ancillary retail sale of these liquor products and related non-liquor products to the public within the manufacturer’s store and lounge provided that their combined floor area and any outdoor lounge patio area do not exceed the manufacturing floor area;”

- e) Delete and replace section 190.29 n) ii. with

“provide a window well or a localized depression with a width (horizontal distance perpendicular away from the exterior edge of a building wall) of at least 1.22 metres (4 feet) and which is open to above and not covered by other *structures* such as decks or grates.”

- f) Replace subsection number “120.82 j)” with “120.82 i)”

- g) Add sub-section number 190.25.1, following the header “Requirements for Transitional and Supportive Housing”, to state:

“190.25.1 all *transitional* and *supportive housing units* shall comply with the following:”

- h) Add section 405.4.1 with the following:

“Despite section 405.4, the total *floor space ratio* inclusive of *basement* may be increased by:

- (a) 0.03 if the *principal building(s)* meet Step 4 of the *Energy Step Code*; or
- (b) 0.05 if the *principal building(s)* meet Step 5 of the *Energy Step Code*, or is a *Passive House*.”

- i) Add section 120.217.1 with the following:

“**WHOLESALE** means the use of a *building* where goods, wares, merchandise, substances, articles or things are sold in bulk to retailers or to businesses, institutions or government agencies for their own use or for resale and does not include the sale of goods directly to the consumer.”

- j) Delete and replace section 417.19 with:

“Despite Section 120.82, for the purpose of this Schedule, *floor space ratio* shall mean the numerical factor determined by measuring the horizontal cross-sectional area of the *principal building(s)* to the outside of the outer walls of the *building* at each *storey* and determining the total of all such areas, excluding any flood control area which consists of areas located at grade that are used solely for the purpose of the parking of automobiles and the provision of access to the residential unit.”

- k) Delete and replace section 418.20 with:

“Despite Section 120.82, for the purpose of this Schedule, *floor space ratio* shall mean the numerical factor determined by measuring the horizontal cross-sectional area of the *principal building(s)* to the outside of the outer walls of the *building* at

each *storey* and determining the total of all such areas, excluding any flood control area which consists of areas located at grade that are used solely for the purpose of the parking of automobiles and the provision of access to the residential unit.”

- l) Delete and replace section 419.20 with:

“Despite Section 120.82, for the purpose of this Schedule, *floor space ratio* shall mean the numerical factor determined by measuring the horizontal cross-sectional area of the *principal building(s)* to the outside of the outer walls of the *building* at each *storey* and determining the total of all such areas, excluding any flood control area which consists of areas located at grade that are used solely for the purpose of the parking of automobiles and the provision of access to the residential unit.”

- m) In section 190.28, delete subsections b), d), j), l), o), and p) i).

- n) Delete and replace section 170.14, including subsections a) through d), with:

“An *Accessory Recycling Return Centre* shall be permitted in all zones which allow *retail stores* as a permitted use and shall not exceed 278.70 square metres (3,000 square feet) in *net floor area*.”

- o) Delete and replace section 190.54.2 with:

“The following uses are permitted as *accessory uses* to a *non-profit housing development* if they meet the Conditions of Use outlined in Sections 190.54.3 to 190.54.5 of this Zoning Bylaw:

- a) *Child Care* in accordance with Section 170.13 of this Zoning Bylaw;
- b) *Home based businesses*; and,
- c) *Place of Worship*.”

- p) Delete and replace section 710.73, 720.37, 740.21 with:

“Warehousing, *wholesaling* and indoor storage”

- q) In section 520.2, delete “wholesaling” from the “Permitted Principal Uses” table.

- r) Delete and replace section 120.200 with:

“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 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”

Public Hearing not held, notice published this _____ day of _____, 2025 and _____ day of _____, 2025.

GIVEN FIRST READING this _____ day of _____, 2025.

GIVEN SECOND READING this _____ day of _____, 2025.

GIVEN THIRD READING this _____ day of _____, 2025.

ADOPTED this _____ day of _____, 2025.

Mayor Patrick Johnstone

Hanieh Berg, Corporate Officer

Attachment 2

Detailed Summary of Proposed Zoning Bylaw Amendment

Attachment 2: Detailed Summary of Proposed Zoning Bylaw Amendments

1) Update the Home Based Businesses and Accessory Recycling Return Centre regulations

These two sections of the Zoning Bylaw have been incorporated into the Business Licence Bylaw No. 8473, 2024, adopted on November 4, 2024. The proposed amendment updates the Zoning Bylaw to align with these changes by removing sections now covered under the Business Licence Bylaw. However, certain sections that impact both bylaws will remain unchanged to ensure consistency and regulatory clarity.

2) Clarification of Additional BC Energy Step Code Floor Area for Infill Townhouse and Rowhouse Residential Districts (RT)

The change aligns the maximum permitted Floor Space Ratio (FSR) for Infill Townhouse and Rowhouse Residential Districts (RT) with updated infill housing districts, allowing additional FSR to account for the increased building area to accommodate area required for building performance technology (e.g., additional wall thickness) necessitated by higher BC Energy Step Code levels.

3) Clarify Window Well Requirements for Secondary Suites

Section 190.29 n) of the Zoning Bylaw regulates the requirements for window wells for habitable rooms within a secondary suite. The amended bylaw would clarify that window wells cannot be covered by any structures such as decks or grates, to ensure the adequate lighting into the secondary suites.

4) Clarify Building Height Calculation for Detached Accessory Buildings

Section 310.21 (a) and 320.31 (a) of the Zoning Bylaw regulates the maximum height of detached accessory buildings that do not contain a dwelling unit. The amended bylaw would clarify that building height is to be measured from the finished floor of the detached accessory building for consistency between Single Detached Residential Districts.

5) Adding the definition of “Wholesale” and designate it as a permitted use in Industrial zones, while removing it as a permitted use in Downtown Mixed-Use Districts (High Density) (C-4)

Wholesaling is currently encompassed within the warehousing definition; however, explicitly listing **wholesale** as part of this use category and providing a clear

definition will enhance clarity for both the public and staff reviewing the bylaw. Additionally, wholesaling has been removed from C-4 to prioritize active retail uses, aligning with key policies such as the Downtown Community Plan and Retail Strategy.

6) Adding Clarity and Addressing Grammatical, Numbering And Referencing Inconsistencies and Errors

- a) Section 310.19 (a) – Regarding increase of the maximum detached accessory area, the referencing should be updated to properly address the correct section of the Zoning Bylaw regulating the Energy Step Code incentives.
- b) Section 320.29 (a) – Regarding increase of the maximum detached accessory area, the referencing should be updated to properly address the correct section of the Zoning Bylaw regulating the Energy Step Code incentives.
- c) Section 1052.9 – This amendment would correct use of “spirits” with “spirits” in the definition of the “microbrewery, winery, and distillery”.
- d) Section 120.82 j) – This amendment would replace subsection number 120.82 j) with 120.82 i) to correct the numbering orders.
- e) Section 190.25.1 – This amendment would add section number 190.25.1 following the header “Requirements for Transitional and Supportive Housing”.
- f) Sections 417.19, 418.20, 419.20 - This amendment would correct reference to “120.80” with “120.82” in the definition of the “Density” for RT3, RT-3A and RT-3B zones.
- g) Section 190.54.2 - This amendment would correct reference to “Sections 190.56 and 190.57” with “Sections 190.54.3 to 190.54.5” in the permitted uses section for the Non-Profit Housing Development.

7) Clarify Definition of Storey

Section 120.200 contains a definition of Storey. The amendment would remove the phrase “for the purposes of calculating floor space ratio” from the definition as there are a number of Districts within the Zoning Bylaw that do not include floor space ratio. As such the amended definition would clarify and reduce ambiguity.