

## PART 5 GENERAL REGULATIONS

### REGULATIONS RELATING TO USE

#### 501 Non-Conforming Use

- (1) The regulations governing non-conforming *use* are set out in the *Local Government Act*.
- (2) No *use* may be established so as to render any existing *use* on the same *lot* non-conforming as to regulations, for example, setbacks, *lot coverage*, floor space ratio.

#### 502 Uses Permitted in All Zones

- (1) Land in any zone may be used for highways, utility poles, transmission towers, wires, traffic controls, telephone booths, bus benches and shelters, directional signs and underground utility systems, except where prohibited by this or another bylaw.
- (2) Except where specifically permitted in a zone or permitted as a *public service use* in a zone, an underground utility system must not include *buildings* or *structures* for compressor stations or pumping stations.
- (3) Subject to section 520, one satellite dish and related equipment is permitted as an *accessory use* and *structure* in any zone.
- (4) *Residential sales centres* are permitted in all zones, except the A-3 Agricultural and Resource zone, subject to following conditions:
  - (a) must comply with the *building setback* and *building height* of the zone in which it is located;
  - (b) must provide a minimum of two *off-street parking spaces*;
  - (c) must be sited a minimum of 1.5 metres away from an any active construction area;
  - (d) are only permitted on a multi-family residential development site with an approved development permit or a one-family residential development site with final subdivision plan approval;
  - (e) must only be used to market the development approved for the site in which the *residential sales centre* is located; and
  - (f) must be removed once the development has received a full occupancy permit.
- (5) Advanced Light Rapid Transit (ALRT) stations and ALRT sub-stations are permitted in all zones.

#### 503 Uses Prohibited in All Zones

The following uses are prohibited in all zones, except where specifically permitted in this bylaw:

- (1) *residential use* of a *mobile home*, tent, *trailer* or *recreation vehicle*;
- (2) any portion of a *building* or *structure* for the purpose of *casino gaming*;
- (3) an *advertising use*;

- (4) a use of one *dwelling unit* or one *sleeping unit* by more than one *person* per 10 m<sup>2</sup> of *residential floor area*, or a use of one *dwelling unit* by more than one-*family* or three unrelated *persons*, except where permitted in this bylaw as a *boarding use*;
- (5) a use of a *lot* where the *General Manager Engineering and Public Works* has determined that, due to physical constraints, no access is available from a constructed and usable *street*;
- (6) a use of land, including an *advertising use* or *accessory advertising use* permitted by another bylaw:
  - (a) within 3.5 metres of an *arterial street* described in section 518 of this bylaw;
  - (b) within 6 metres of an *exterior lot corner*, as described in section 516 of this bylaw;
 except driveways, *landscape screens*, *fences* and landscaping approved by the *General Manager Engineering and Public Works*.
- (7) a use of land for an *accessory parking use*, *off-street parking use* or *storage use*, for a motor vehicle exceeding 4,500 kilograms *gross vehicle weight rating*, except that:
  - (a) *recreational vehicles* and passenger vehicles of any *gross vehicle weight rating* may be parked or stored on any lot, subject to other restrictions in this Bylaw;
  - (b) motor vehicles of up to 14,000 kilograms *gross vehicle weight rating* may be parked or stored on a *lot*:
    - (i) in an A-3 zone used for *resource* or *agricultural use*;
    - (ii) in an M-1, M-2 or B-1 zone;
    - (iii) used for *commercial* or *service station use*, or for *assembly use* for a church;
  - (c) where the *lot* is located on a municipal truck route designated by the *City of Coquitlam Street and Traffic Bylaw* currently in force, motor vehicles of any *gross vehicle weight rating* may be parked or stored on land:
    - (i) in an A-3 zone used for *resource* or *agricultural use*;
    - (ii) in an M-1, M-2 or B-1 zone;
    - (iii) used for *commercial* or *service station use*, or for *assembly use* for a church, and provided that the *lot* is not in the C-4 or C-5 zones.
- (8) any portion of land, a *building* or *structure* for purposes of *electronic gaming*, except as may be specifically permitted by this Bylaw at any time or from time to time.
- (9) *Pawnbrokers*, *Pawnshops*, *massage parlours*, *methadone clinics*, *escort services*, and *exotic dancing*.
- (10) The growth, cultivation, production, processing, storage, distribution, barter, or sale of cannabis, or any products containing or derived from cannabis, except *medical cannabis grow operations* where expressly permitted in this Bylaw.

#### 504 Temporary Building

Land may be used for a *temporary building* provided that the *temporary building*:

- (1) is not used as a *dwelling unit*;

- (2) does not:
  - (a) create or contribute to any public nuisance or public hazard;
  - (b) affect or obstruct any *street or lane*;
- (3) complies with the following provisions of the bylaw for the zone in which it is located:
  - (a) use and density;
  - (b) accessory *off-street parking*;
  - (c) *building setbacks and building height*;
- (4) Notwithstanding Sub-section (3) above, a *temporary building*:
  - (a) used as a newspaper distribution depot must be located within a C zone and shall not be required to comply with Sub-section (3) above;
  - (b) used for public school purposes on elementary or middle school sites shall not be required to comply with Sub-section (3)(b) above, provided that the placement of the *temporary building* does not result in a reduction to the number of accessory *off-street parking* spaces then existing on the lot, unless with the reduction the required parking under this bylaw for all permanent and *temporary buildings* is met;
  - (c) used as a construction trailer shall not be required to comply with Sub-section (3) above.

**505 Landscaping**

All portions of a *lot* not occupied by a *building or structure* or used for *off-street parking* or off-street loading must be landscaped and maintained.

**506 Landscaping Requirements for Development in Northeast Coquitlam**

- (1) Development occurring within the area of Northeast Coquitlam shown on the map illustrated in Schedule “H” shall provide landscaping in accordance with the specifications in the following table.
- (2) In addition to (1) above, all planted trees:
  - (a) shall be nursery grown stock; and
  - (b) must meet BCSLA/BCNTA standards as well as the tree planting standards included in the City of Coquitlam’s Supplementary Specifications and Detailed Drawings to the 2000 edition of the British Columbia Master Municipal Construction Document (BC MMCD).

Lot Size: in square metres (m <sup>2</sup> )	Retained Trees > 20 cm diameter	OR	Number of Trees retained or Trees planted greater than 10 cm diameter (see List A) <sup>1</sup>	OR	Number of Trees retained or Trees planted greater than 5 cm diameter (see List B) <sup>2</sup>	OR	Number of any other Trees retained or Trees planted (see List C) <sup>3</sup>
< 250	0		0		1		1
251-500	1		2		3		4
501-750	2		4		6		8
751-1000	3		6		9		12
1001- 1250	4		8		12		16
Over 1250	1 tree per 250 m <sup>2</sup> (*)		1 tree per 125 m <sup>2</sup> (*)		1 tree per 85 m <sup>2</sup> (*)		1 tree per 65 m <sup>2</sup> (*)

(\*) rounded to the nearest whole number

<sup>1, 2, & 3</sup> - for guidance refer to the City's applicable standards regarding Tree Retention and Replacement

### 507 Common Amenity Area Standards

*Common amenity areas* must be designed to attract residents to use the space.

- (1) Minimum area. The minimum size of any portion of a *common amenity area* shall be not less than a 1.8 metre x 1.8 metre area.
- (2) Surfacing materials. Outdoor *common amenity areas* must be surfaced with lawn, pavers, decking, sport court paving, or similar materials which allow the area to be used for active or passive recreational use.
- (3) Facilities and Landscaping. Tables, benches, trees, garden plots, children's play structures, fountains, pools, or similar features, may be incorporated into outdoor *common amenity areas*. An indoor *common amenity area* may include recreational facilities, guest rooms, and meeting rooms.

### 508 Accessory Uses

#### (1) Boarding Use

A *boarding use*:

- (a) must not accommodate more than two boarders per *dwelling unit*;
- (b) in the form of bed and breakfast accommodation, may provide accommodation for one family or two boarders; and
- (c) must be completely enclosed within a *building*.

#### (2) Secondary Suites

A *secondary suite* is permitted only where it complies with all of the following:

- (a) only one *secondary suite* is permitted in a *one-family residential dwelling*;
- (b) the *secondary suite* must be contained within the *principal building* and not in a detached *accessory building*;
- (c) the *secondary suite* is not subject to *subdivision* under the provisions of either the *Land Title Act* or the *Strata Property Act*;
- (d) the additional *secondary suite accessory off-street parking space* must be located on-site with a minimum space length of 5.0 metres;

- (e) is limited to a maximum size of 40% of the total *floor area* of the *principal building*;
- (f) where the *one-family residential use* is serviced by an on-site sewer system, confirmation in writing from the applicable licensing body that the capacity of the sewer system will not be compromised by the presence of the *secondary suite*; and,
- (g) A *secondary suite* is to be located on or below the first storey of a *building* or *structure* for *one-family residential use* and any *habitable room* of the *secondary suite* must be located below some portion of the main *one-family residential unit* (excluding *habitable* and *non-habitable rooms* contained in an attic).

**(3) Accessory Home Occupation**

An *accessory home occupation* use:

- (a) must be validly licenced;
- (b) must not involve the retail sale and delivery of goods on the premises unless the goods are produced on the premises;
- (c) must not involve the outdoor display or storage of goods and materials;
- (d) shall be conducted by at least one permanent resident *person* of the *residential use* to which it is accessory and shall employ no more than one non-resident *person*;
- (e) must not detract in any way from the residential character of the exterior of the *building* in which it is conducted nor indicate in any way from the exterior that the premises are being so used, except for non-illuminated fascia signage (0.2 square metres maximum) as permitted in the City of Coquitlam Sign Bylaw currently in force;
- (f) must not result in parking, pedestrian or vehicular traffic to the home, in excess of that which is characteristic of the zone within which it is located;
- (g) must not involve the storage of dangerous goods or discharge or emit odorous, toxic or noxious matters, heat, glare, radiation or noise except as characteristic of a residential *dwelling unit* nor produce solid or offensive waste not characteristic or in excess of volumes characteristic of a residential *dwelling unit* and as permitted under the City's Solid Waste Bylaw currently in force;
- (h) must not involve the keeping of animals for financial gain or breeding of any animals as an *accessory home occupation use*;
- (i) must be completely enclosed within a *building* used for *residential* or *accessory residential use*, except when the *accessory home occupation use* involves a day-care;
- (j) must not occupy more than 40% of the *residential floor area* of the *dwelling unit*;
- (k) must not carry on a business as an *adult entertainment use*, *adult video store*, *cheque cashing business*, *methadone dispensary*, *scrap metal dealer*, or *tattoo parlour*; and,
- (l) must not involve the repair, salvaging or maintenance of motor vehicles as an *accessory home occupation use*.

**(4) Building of Boats**

The building of any boat must:

- (a) take place within a *building* used for *accessory residential use, accessory off-street parking*; or
- (b) be completely screened so as not to be visible from outside the lot on which the boat is being built; and
- (c) not take place in the area between a *building* and the *front lot line* or between the *building* and an exterior side lot.

**(5) Accessory Off-Street Parking in Residential Zones**

This section applies to the following zones: RS-1, RS-2, RS-3, RS-4, RS-5, RS-6, RS-7, RS-8, RS-9, RS-10, RS-11, RTM-1, RT-1, RT-2, RT-3, RM-1 and RMH-1.

In the above zones, *accessory off-street parking* must not be used for the parking or storing of:

- (a) *contractor's equipment* unless completely enclosed within a *building*;
- (b) greater than two of any combination of *recreational vehicle* or boat trailers unless completely enclosed within a *building*;
- (c) *recreational vehicles* exceeding 3.7 metres in height, unless completely enclosed within a *building*;
- (d) *recreational vehicles* or boat trailers within an interior or exterior side yard setback unless:
  - (i) screened from the adjacent side lot line by a solid *fence* or landscaping not less than 1.8 metres in height; and
  - (ii) the use is not otherwise prohibited elsewhere in this Bylaw.
- (e) *recreational vehicles* or boat trailers which exceed 7.6 metres in length, unless:
  - (i) completely enclosed within a *building*; or
  - (ii) the length of the property's driveway (and contiguous parking pad if present) exceeds 7.6 metres, in which case the length of each *recreational vehicle* or boat trailer must not exceed the length of the driveway (and contiguous parking pad, if present), to a maximum length of 15.2 metres.
- (f) commercial vehicles unless:
  - (i) if less than or equal to 7.6 metres in length
    - (i.i) parked or stored within an interior or exterior side yard setback, screened from the adjacent side lot line by a solid *fence* or landscaping not less than 1.8 metres in height, and not otherwise prohibited elsewhere in this Bylaw; or
    - (i.ii) completely enclosed within a *building*; or
    - (i.iii) the length of the property's driveway (and contiguous parking pad if present) exceeds 7.6 metres.
  - (ii) if greater than 7.6 metres in length
    - (ii.i) completely enclosed within a *building*; or
    - (ii.ii) the length of the property's driveway (and contiguous parking pad if present) exceeds 7.6 metres, in which case the length of the commercial vehicle must not exceed the length of the driveway (and contiguous parking pad if present), to a maximum length of 15.2 metres.
  - (iii) if greater than 3.7 metres in height, it is completely enclosed within a *building*.
- (g) *recreational vehicles* or commercial vehicles not owned by the occupant or owner of the property.

**(6) Lock-off Units**

A *lock-off unit* is permitted only where it complies with all of the following:

- (a) only one *lock-off unit* is permitted in an *apartment dwelling unit*;
- (b) the *lock-off unit* is not subject to *subdivision* under the provisions of either the *Land Title Act* or the *Strata Property Act*; and
- (c) the additional amount of *off-street parking* required for *lock-off units* must be located on-site.

**509 Multi-Family Apartment and Commercial and Recycling Area Requirements**

- (d) All new *apartment* residential development shall provide an enclosed recycling room that meets the following:
  - (i) Minimum recycling area that is the greater of 7.5 m<sup>2</sup> or 0.29 m<sup>2</sup> per *dwelling unit* up to a maximum of 50 m<sup>2</sup>.
- (e) All new *commercial* development shall provide a recycling area that meets the following:
  - (i) Minimum recycling area that is the greater of 4 m<sup>2</sup> or 0.015 m<sup>2</sup> per square metre of *gross floor area* up to a maximum of 50 m<sup>2</sup>.

**Section 510** is intended for use at a future date.

**SIZE, SHAPE AND SITING OF BUILDINGS AND STRUCTURES**

**511 Non-Conforming Size, Shape or Siting**

- (1) No *building* or *structure* may be constructed, reconstructed, altered, moved or extended so as to cause any existing *building* or *structure* on the same *lot* to contravene the provisions of this bylaw.
- (2) A *one-family residential use* is not permitted on a *lot* less than the minimum *lot size* specified in the applicable zone unless:
  - (a) the *lot* (not including a *strata lot*) was registered before 1971 09 27 and is serviced by the municipal water supply system and the municipal sanitary sewer system;
  - (b) the *lot* (not including a *strata lot*) was registered before 1971 09 27 and:
    - (i) the *lot* is not serviced by the municipal water supply system and the *Medical Health Officer* has approved in writing an alternate source of water supply; and
    - (ii) the *lot* is not serviced by the municipal sanitary sewer system and the *Medical Health Officer* has approved, in writing, an on-site sewerage disposal system, or accepted for filing certification that such a system has been completed according to filed plans.
  - (c) the *strata lot* was registered before 1979 01 01 and is serviced by a water supply system and a sanitary sewer system.

**512 Buildings Per Lot**

One or more *principal buildings* may be located on a *lot*, except as otherwise limited in this bylaw.

**513 No Building Over Lot Line**

No *building* may be located over a *lot* line.

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514 Siting Exceptions

	Siting Exceptions	Exception Permitted	Additional Requirements
(1)	Chimneys, Bay windows, Heating or venting equipment, Ornamental features, Unglazed alcoves	The minimum setback may be reduced by 0.6 metres.	In all RS zones and RT zones, bay windows must not project into the interior side yard setback requirement of the zone; <b>except</b> when adjacent a lane.  All unglazed projections are limited to an aggregate maximum of 3.0m in length per wall face.
(2)	<i>Awning</i> Steps, Eaves, Sunlight control projections, Canopies, Balconies, Porches, Support columns that project beyond the face of the building	Setback to an interior <i>lot</i> line may be reduced by 0.6 metres.  Setbacks to all other <i>lot</i> lines may be reduced by 1.5 metres.	
(3)	<i>Underground structure</i>	May be sited on any portion of a <i>lot</i> except as restricted by section 518, 519 and 523.	Maximum projection 1.3m above <i>finished grade</i> (except driveway and stairwell entrances).  If projecting above <i>finished grade</i> , a minimum 1.5 metres landscaped setback area must be provided from any <i>lot</i> line.
(4)	Ancillary swimming pool heating and filtering equipment, Freestanding lighting poles, Freestanding signs, Warning devices, Antennas, Masts, Utility poles, Wires, Flagpoles, Air-conditioning equipment	May be sited at any portion of a <i>lot</i> , except as otherwise limited by this or another bylaw.	Ancillary swimming pool heating and filtering equipment are restricted to a maximum <i>height</i> of 1.3 metres above grade.
(5)	In-ground swimming pool	May be sited on any portion of a <i>lot</i> , except as restricted under sections 518, 519 and 523.	
(6)	Exterior cladding, pilasters, or belt courses	May project 0.165 metres maximum from the exterior sheathing of a building.	
(7)	Fences Mailboxes Trellises Benches Outdoor Amenity Areas Children’s Playground Areas	May be sited at any portion of a <i>lot</i> , except as otherwise limited by this or another bylaw.	

### 515 Height Exceptions

The maximum *heights* of *buildings* and *structures* established elsewhere in this bylaw may be exceeded for:

- (1) *industrial* cranes, grain elevators, towers, tanks and bunkers;
- (2) monuments, chimneys, smokestacks and flagpoles;
- (3) elevator shafts, mechanical equipment and stair towers;
- (4) radio, television and cellular antennas;
- (5) screening for mechanical equipment and antennas;
- (6) retaining walls, except as specified in Section 516;
- (7) scenery lofts, skylights and landscape entry features; and
- (8) church spires, belfries and domes.

### 516 Landscape Screens, Fences and Retaining Walls

	Landscaping Screens, Fences and Retaining Walls (Type)	Maximum Height	Additional Requirements
(1)	Landscape screen, retaining wall, or <i>fence</i> within 6 metres of an <i>exterior lot corner</i> .	1 metre maximum	Trees and other vegetation must be trimmed so that there is no visual obstruction between 1 and 2 metres above the adjoining pavement level.  No landscape, fences, or retaining walls are permitted within a 3 metre by 3 metre area adjacent a <i>lane</i> and <i>street</i> intersection.
(2)	Fence <i>height</i> for RS-1, RS-2, RS-3, RS-4, RS-5, RS-6, RS-7, RS-8, RS-9, RS-10, RS-11, RTM-1, RT-1, RT-2, RT-3, RM-1, RM-2, RM-3, RM-4, RM-5, RM-6, RMH, C-1, C-5 and P-4 zones.  Fence <i>height</i> for all other zones.	1.3 metres  3.1 metres	1.8 metres maximum <i>height</i> to the rear of the front face of a <i>building</i> on an interior <i>lot</i> or an exterior <i>lot</i> .
(3)	Fence <i>height</i> in a public park in a residential zone.	1.3 metres along the <i>front lot line</i> .  1.8 metres for all other <i>lot lines</i> .	
(4)	Retaining wall and fence (combined).	3 metres	

	Landscaping Screens, Fences and Retaining Walls (Type)	Maximum Height	Additional Requirements	Landscaping Screens, Fences and Retaining Walls (Type)
(5)	Retaining walls.	Individual retaining walls	1.2 metres except those required to be constructed as a condition of <i>subdivision</i> approval in which case the maximum height is 2.4 metres. The <i>building inspector</i> may also permit a higher retaining wall, up to a maximum of 2.4 metres under certain conditions.	Minimum 1.2 metres horizontal separation between any two retaining walls.  The <i>building inspector</i> must approve all stepped retaining walls that are spaced horizontally less than a minimum distance of two times the height of the immediate lower retaining wall.
		Stepped retaining walls situated between two one-family residential lots that share (either wholly or partially) a <i>rear lot line</i> or a <i>side lot line</i> or a combination of the two.	The <i>building inspector</i> may permit up to 4.8 metres combined height of two retaining walls, with 3.6 metres maximum height for any individual retaining walls.	Minimum 1.2 metres horizontal separation between any two retaining walls.  Only one retaining wall system comprised of two retaining walls is permitted between <i>lots</i> .
(6)	Barbed wire, razor wire and similar materials.			Prohibited in all zones on fences, buildings or structures, except barbed wire is permitted in the A-3 zone, all M-zones, and the P-3 zone where the wire is located on a <i>fence</i> above the <i>height</i> of 1.8 metres.

## 517 Future Streets

- (1) A *building* on a *lot* 1110 m<sup>2</sup> or over in area must be sited to accommodate future *streets* as they are shown in an Official Community Plan, or on a *subdivision* plan which has received preliminary approval.
- (2) *Lot area* for properties zoned or rezoning to RM-2, RM-3, RM-4, RM-5, RM-6, C-4, or C-7 and located within the Evergreen Core or Shoulder Area as identified in Schedule “O” of this Bylaw, is calculated as follows:
  - (a) If the *lot area* of a site is reduced due to road dedication, *lot area* for the purpose of calculating *density* will be calculated based on the *lot area* prior to the road dedication.

## 518 Building Line on Major Arterial Streets

All *buildings* and *structures* on *lots* abutting a major arterial *street* must be set back an additional 3.5 metres beyond the setback otherwise required; except that, the required additional setback shall be reduced by the distance the abutting road allowance has been widened, either by dedication and/or statutory right-of-way beyond 10.06 metres from the original centreline of the road allowance. The following are major arterial *streets*:

<u>Street</u>	<u>From</u>	<u>To</u>
Austin Ave.	North Rd.	Mariner Way
Barnet Highway	Port Moody Boundary	Pinetree Way
Bernatchey St.	Brunette Ave.	Lougheed Hwy.
Blue Mountain St.	Brunette Ave.	Como Lake Ave.
Brunette Ave.	Trans Canada Hwy.	Dawes Hill Rd.
Clarke Rd.	North Rd.	Ingersoll Ave.
Coast Meridian Rd.	Victoria Dr.	Harper Rd.
Como Lake Ave.	North Rd.	Mariner Way
David Ave.	Port Moody Boundary	Victoria Dr.
Dewdney Trunk Rd.	Mariner Way	Lougheed Hwy.
Freemont St.	Pt. Coquitlam Bdry.	David Avenue
Guildford Way	Port Moody Bdry.	Pipeline Rd.
Johnson St.	Barnet Hwy.	Panorama Drive
Lincoln Ave.	Pinetree Way	Oxford St.
Lougheed Highway	North Road	Myrnam Street
Lougheed Highway	Colony Farm Road	Barnet Highway
Lougheed Highway	Pinetree Way	Westwood Street
Mariner Way	United Blvd.	Barnet Hwy.
North Rd.	Brunette River	Como Lake Ave.
Ozada Ave.	Lincoln Ave.	Pipeline Rd.
Pinetree Way	Lougheed Hwy.	Robson Avenue
Pipeline Rd.	Lincoln Ave.	Galette Ave.
Schoolhouse St.	Trans Canada Hwy.	Brunette Ave.
United Blvd.	Braid St.	Trans Canada Hwy.
Victoria Dr.	Coast Meridian Rd.	Calgary Dr.
Westwood St.	Christmas Way	Guildford Way

## 519 Flood Protection and Slope Control Measures

(1) In this Section 519, unless the context otherwise requires:

*CREST* means the obvious change in grade which defines the top of a *slope*.

*DESIGNATED DESIGN FLOOD* means, with respect to all *watercourses* other than the Fraser River, a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year occurrence interval and, with respect to the Fraser River, a *Fraser River 1894 design flood*.

*DESIGNATED DESIGN FLOOD LEVEL* means the observed or calculated elevation of a *designated design flood* at any point within the *designated floodplain* which is used to calculate the *flood construction level*.

*DESIGNATED FLOODPLAIN* means the area designated by the City as having the potential to be submerged by a *designated design flood* as specified in Subsection 519(2)(a).

*FLOOD CONSTRUCTION LEVEL* means, at any point within the *designated floodplain*, the *designated design flood level* plus 1.0m for anticipated sea level rise plus *freeboard*, or such other level as specified in a restrictive covenant under Section 219 of the *Land Title Act* which has been registered against the land after December 21, 1989, specifying a *flood construction level* approved by the *Minister* and holding the *City* free of all claims for liability or damages in the event of flooding or erosion, or where a designated flood level cannot be determined, a specified height, accepted by the *City*, above a *natural boundary*, *natural ground elevation*, or any obstruction that could cause ponding.

*FLOOD MANAGEMENT GUIDELINES* means the Province of British Columbia “Flood Hazard Area Land Use Management Guidelines” dated May 2004, the Association of Professional Engineers and Geoscientists of British Columbia “Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC” dated June 2012, and the British Columbia Ministry of Environment “Sea Level Rise Adaptation Primer – A Toolkit to Build Adaptive Capacity on Canada’s South Coasts” dated January 2011, each as amended from time to time.

*FLOODPLAIN MAPS* means maps showing the floodplain extents and design flood levels for current and future climate change conditions as provided by the *City* and amended from time to time.

*FRASER RIVER 1894 DESIGN FLOOD* means the historic Fraser River flood magnitude that occurred in 1894 as selected by the Province of British Columbia for design of flood protection works along the Fraser River.

*FREEBOARD* means a vertical distance of 0.6 metres added to a daily peak *designated design flood level* or 0.3 metres added to an instantaneous peak *designated design flood level*, used to establish a *flood construction level*.

*HABITABLE AREA* means any space or room, including a manufactured home, that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater: and for certainty, *habitable area* includes any enclosed space within a *building* with headroom greater than 1.5 metres (4.92 ft.).

*MINISTER* means the appropriate Minister of the Province of British Columbia, or his or her designate.

*NATURAL BOUNDARY* means the visible high water mark of any lake or *watercourse*, where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake or *watercourse* a character distinct from that of the banks of the lake or *watercourse*, in respect to vegetation as well as in respect to the nature of the soil itself (*Land Act* Section 1) and also includes the edge of dormant side channels of any lake, river, stream, or other body of water.

*NATURAL GROUND ELEVATION* means the undisturbed ground elevation prior to site preparation.

*REGISTERED OWNER* means the *person* or *persons* registered in books of the Land Title Office as entitled to an estate in fee simple in the real property concerned.

*SLOPE* means a stretch of rising or falling ground or a portion of land surface marked by an ascent or descent.

*TOE* means the obvious change in grade which defines the foot of a *slope*.

*WATERCOURSE* means a stream or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or *wetland* that is integral to a *watercourse*.

- (2) (a) The following lands are designated as floodplain:
- (i) Those floodplain areas of the Brunette, Coquitlam, Fraser and Pitt Rivers shown on Schedule G of this bylaw.
  - (ii) Land within the floodplain setbacks specified in Subsection 519(2)(b); and
  - (iii) Land lower than either the *flood construction level* or the level specified in Subsection 519(2)(c).
- (b) No *building* or *structure* or part of any *building* or *structure*, except for *public service uses* providing for flood control, shall be located within
- 30 metres of the *natural boundary* of the DeBoville Slough, Brunette, Coquitlam, Fraser and Pitt Rivers; or
  - 15 metres of the *natural boundary* of any other *watercourse* having a drainage area of 2.0 square kilometres or more and having a *watercourse* bed at least 0.6 metres below the surrounding land.
- (c) No *building* or *structure* or part thereof shall be sited such that the elevation of the underside of any *habitable area* floor system is:
- (i) Lower than 1.5 metres above the *natural boundary* of any *watercourse* having a drainage area of 2.0 square kilometres or more and having a *watercourse* bed at least 0.6 metres below the surrounding land outside the *designated floodplain* shown on Schedule G;
  - (ii) lower than the *flood construction level* for that site, as determined on a site-specific basis by a licensed professional with appropriate training and experience using the guidance of the *floodplain* maps available from the *City*, and in a manner consistent with the *flood management guidelines* and other guidance from the Province of

- British Columbia, within the *designated floodplain* (approximate extents shown on Schedule G);
- (iii) lower than the *flood construction level* for that site as specified in a restrictive covenant under Section 219 of the Land Title Act registered against the land at any time after December 21, 1989 specifying a *flood construction level* approved by the *Minister*, and holding the *City* free of all claims for liability or damages in the event of flooding or erosion.
- (d) The elevation required by 519(2)(c) may be achieved by compacted landfill, structural means or a combination of the two, provided that:
- such a landfill or structural element is sited in accordance with the requirements of Subsection 519(2)(b);
  - the face of such landfill is adequately protected against erosion by floodwaters; and
  - such a landfill or structural element is designed, certified, and inspected by a licensed professional with appropriate training and experience.
- (e) Notwithstanding the flood elevation and setback standards in this bylaw, a site specific geotechnical study, pursuant to Section 56 of the Community Charter, may be required by the *building inspector* prior to building permit approval.
- (f) Subsection 519(2)(c) will not apply to:
- (i) renovation of an existing *building* or *structure* occupied as a residence that does not involve an addition to the *building* or *structure*;
  - (ii) an addition to a *building* or *structure* by less than 25 percent of the *floor area* existing at the date of adoption of Bylaw No. 3923, 2008;
  - (iii) that portion of a *building* or *structure* designed or intended for *residential use* that is comprised of essentially non-habitable areas such as carports or garages, utility areas or workshops;
  - (iv) that portion of a *building* for *apartment use* designated or intended for *accessory off-street parking use*;
  - (v) an addition to an existing *building* or *structure* occupied as a residence, to be created by raising the existing residence and creating non-habitable area underneath;
  - (vi) farm *buildings* in the Agricultural Land Reserve other than:
    - 1. *dwelling units*; and,
    - 2. Closed-sided livestock housing, unless such housing is behind standard dykes designated for the *designated design flood* and approved by the *Minister*;
  - (viii) *buildings* for *industrial use* insofar as being affected by their location in the floodplain of the Fraser River, where the underside of the floor system is not lower than the *designated design flood level* of the Fraser River; or

- (ix) heavy industry behind standard dykes designed for the *designated design flood* and approved by the Minister; heavy industry includes uses such as manufacturing or processing of wood and paper products, petroleum and coal products, *industrial* chemical and by-products and allied products.
- (g) Notwithstanding 519(2)(c), closed-sided livestock housing in the Agricultural Land Reserve not behind standard dykes designed for the *designated design flood* must be elevated 1.0 metre above the *natural ground elevation*;
- (h) Where a lot is of such a size, shape or condition or so located that because of Subsections 519(2)(b) or (c) of this bylaw, it is impracticable for a *building or structure* otherwise allowed to be built or renovated on the lot in accordance with all other bylaws, enactments of the Province, and all other rules of law, the Council may, under the provisions of Subsections 910(5) and (6) of the *Local Government Act*, permit an exemption, by resolution of Council, provided that:
  - (i) Council considers the proposed development to be consistent with the *flood management guidelines*;
  - (ii) Council has received a report prepared by a licensed professional with appropriate training and experience stating that the land may be safely used for the intended use; and
  - (iii) The owner of the land has had registered against the land in question, under Section 219 of the *Land Title Act*, in favour of the *City*, and with priority over any financial charges, a covenant waiving the *City* from all liability or damage in the event of flooding or erosion.
- (3) (a) No *building or structure* or any part of either may be constructed, reconstructed, moved, extended or located within:
  - (i) 8.0 metres of the *crest* and 10.0 metres of the *toe* of a *slope* of an angle of 20 to 30 degrees (36% to 58%); or
  - (ii) 15.0 metres of the *crest* and 15.0 metres of the *toe* of a *slope* of over 30 degrees, to 35 degrees (58% to 70%);
  - (iii) a distance of the *crest* or *toe* of a *slope* over 35 degrees (70%) equal to the vertical difference in elevations from the *toe* to the *crest*, measured from mid-point of the *slope* in plan, plus 8 metres at the *crest* and 10 metres at the *toe*; the *crest* or *toe* to be established by a British Columbia Land Surveyor and delineated on the ground by fencing, posting or survey markers;
  - (iv) or on a *slope* in excess of 20 degrees (36%).
- (b) Subsection 519(3)(a) will not apply to:
  - (i) *slopes* with a vertical difference in elevation of six metres or less from the *toe* to the *crest*;



- (ii) *slopes* created with the construction of highways or *slopes* constructed as a condition of *subdivision*, in accordance with plans approved by the *City* engineer;
- (iii) *buildings* and *structures* for *resource use*;
- (iv) portions of *buildings* cantilevered into the setback in Subsection 519(3)(a), where the portion is no closer than five metres to the *toe* or *crest* and where surface discharge on runoff therefrom is controlled to prevent concentrated flow.

**520 Satellite Dishes**

- (1) A satellite dish greater than 0.8 metres in diameter:
  - (a) must be located to the rear of the rear wall of the *principal building*, except as permitted by paragraph (d);
  - (b) must be located no less than 1.2 metres from the rear and *interior side lot lines* and no less than 3.8 metres from an *exterior side lot line*, to be measured from the *lot* line to the point where the dish is the widest; where the required setback from an interior or exterior *lot* line as it applies to an *accessory building* or *structure* is greater than 1.2 metres and 3.8 metres, respectively, the greater setback applies;
  - (c) located at ground level, must not exceed the maximum *height* for an *accessory building* in the applicable zone; where the zone contains no *height* limitations for an *accessory building* or *structure*, the maximum allowable *height* is 3.7 metres;
  - (d) is permitted on the rooftop of a *building* in all zones, as long as the base of the dish is not higher than 0.6 metres above the nearest point of the roof, except a satellite dish must not be located on the roof of a *building* which contains a *dwelling unit* if the *building* has less than 4 *storeys*;
  - (e) where it becomes necessary, may be mounted above ground level on a free standing *structure*, as long as:
    - (i) it meets the regulations set out in paragraphs (a) and (b);
    - (ii) the top of the dish does not project above the highest point of the *principal building*;
  - (f) and related equipment must not contain any *advertising* signs or devices or be illuminated.
- (2) Where a *person* can demonstrate to the satisfaction of *Council* that a satellite dish complying with these regulations is unable to receive reception, *Council* may, but is in no way obligated, to vary these requirements by way of a development variance permit.

**521 Conformance with the Sign Bylaw**

Any permitted advertising use or *accessory advertising* use must conform to the regulations in the City of Coquitlam Sign Bylaw currently in force.

**522 Minimum Dwelling Unit Size**

A *dwelling unit* must not be less than 29 m<sup>2</sup> in *gross floor area*.

## 523 Riparian Areas Regulation

(1) In this section 523, the following words have the meaning ascribed to them unless the context otherwise requires:

ACT means the *Fish Protection Act*, S.B.C. 1997, c. 21 as amended or superseded.

ACTIVE FLOODPLAIN means an area of land that supports floodplain plant species and is:

- (a) adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, or
- (b) within a boundary that is indicated by the visible high water mark.

ASSESSMENT METHODS means the methods set out in the Schedule to the Riparian Areas Regulation.

ASSESSMENT REPORT means a report prepared in accordance with the *assessment methods* to assess the potential impact of a proposed development in a *riparian assessment area* and which is certified for the purposes of this regulation by a *qualified environmental professional*.

DEVELOPMENT means any of the following associated with or resulting from the *City's* regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to the *City's* powers under Part 26 of the *Local Government Act*:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of non-structural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in Section 872 of the *Local Government Act*.

DEVELOPMENT PROPOSAL means any *development* that is proposed in a *riparian assessment area* that is within or partly within the boundaries of the *City*.

FISH means all life stages of:

- (a) salmonids,
- (b) game fish, and
- (c) regionally significant fish.

FLOODPLAIN PLANT SPECIES means plant species that are typical of an area of inundated or saturated soil conditions and that are distinct from plant species on freely drained adjacent upland sites.

HIGH WATER MARK means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

LOCAL GOVERNMENT ACT means the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended or superseded.

MINISTER means the Minister of Environment for the Province of British Columbia.

MINISTRY means the Ministry of Environment for the Province of British Columbia.

NATURAL FEATURES, FUNCTIONS AND CONDITIONS include but are not limited to the following:

- (a) large organic debris that falls into the stream or streamside area, including logs, snags and root wads;
- (b) areas for channel migration, including active floodplains;
- (c) side channels, intermittent streams, seasonally wetted contiguous areas and floodplains;
- (d) the multi-canopied forest and ground cover adjacent to streams that
  - (i) moderates water temperatures;
  - (ii) provides a source of food, nutrients and organic matter to streams;
  - (iii) establishes root matrices that stabilize soils and stream banks, thereby minimizing erosion; and
  - (iv) buffers streams from sedimentation and pollution in surface runoff;
- (e) a natural source of stream bed substrates;
- (f) permeable surfaces that permit infiltration to moderate water volume, timing and velocity and maintain sustained water flows in streams, especially during low flow periods.

PERMANENT STRUCTURE means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any of the *City's* bylaw or approval condition in effect at the time of construction, placement or erection.

QUALIFIED ENVIRONMENTAL PROFESSIONAL means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and
- (c) the individual is acting within that individual's area of expertise.

RAVINE means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

RIPARIAN AREA means a streamside protection and enhancement area.

RIPARIAN ASSESSMENT AREA means:

- (a) for a *stream*, the 30 metre strip on both sides of the *stream*, measured from the *high water mark*;
- (b) for a *ravine* less than 60 metres wide, a strip on both sides of the *stream* measured from the *high water mark* to a point that is 30 metres beyond the top of the *ravine* bank; and
- (c) for a *ravine* 60 metres wide or greater, a strip on both sides of the *stream* measured from the *high water mark* to a point that is 10 metres beyond the top of the *ravine* bank.

RIPARIAN AREAS REGULATION means B.C. Reg. 376/2004 as amended or superseded.

STREAM includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook;
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

STREAMSIDE PROTECTION AND ENHANCEMENT AREA means an area:

- (a) adjacent to a *stream* that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the *stream*; and

- (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a *qualified environmental professional* in respect of a development proposal.

For the purpose of this definition of *streamside protection and enhancement area*, vegetation must be considered to be “potential” if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, but an area covered by a *permanent structure* must be considered to be incapable of supporting potential vegetation.

TOP OF THE RAVINE BANK means the first significant break in a *ravine* slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

WETLAND means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a *stream*.

- (2) Subject to subsection (3), this section 523 applies to the exercise of local government powers by the *City* under Part 26 of the *Local Government Act*.
- (3) This section 523 does not apply to a development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a *permanent structure* described in section 911(8) of the *Local Government Act* if the structure remains on its existing foundation.
- (4) In respect of *development proposals* related wholly or partially to *riparian assessment areas* within the *City*, the *City* as a local government will not approve or allow *development* to proceed in those *riparian assessment areas* unless the *development* proceeds in accordance with subsections (5), (6) or (7).
- (5) The *City* may approve or allow *development* to proceed if it has developed a map by which the *streamside protection and enhancement areas* are delineated based on the Simple Assessment methodology provided for in the *Riparian Area Regulation* and the *development* is outside those areas.
- (6) The *City* may approve or allow *development* to proceed if the *City* is notified by the *Ministry* that Fisheries and Oceans Canada and the *Ministry* have been
  - (a) notified of the *development proposal*, and
  - (b) provided with a copy of the *assessment report*, prepared by a *qualified environmental professional* who has carried out an assessment, that
    - (i) certifies that the *qualified environmental professional* is qualified to carry out the assessment;
    - (ii) certifies that the *assessment methods* have been followed, and

- (iii) provides the professional opinion of the *qualified environmental professional* that
    1. if the *development* is implemented as proposed there will be no harmful alteration, disruption or destruction of *natural features, functions and conditions* that support fish life processes in the *riparian assessment area*, or
    2. if the *streamside protection and enhancement areas* identified in the report are protected from the *development*, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of *natural features, functions and conditions* that support fish life processes in the *riparian assessment area*.
- (7) In addition to subsections (5) and (6), the *City* may allow *development* to proceed if the Minister of Fisheries and Oceans Canada or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of *natural features, functions and conditions* that support *fish* life processes in the *riparian assessment area* that would result from the implementation of the *development proposal*.
- (8) In the event that the *Riparian Areas Regulation* made pursuant to the provisions of the Act should change, such changes are deemed to be incorporated by reference into the applicable provisions of this section 523.
- (9) The *City* may, before allowing a *development* to proceed, require a *qualified environmental professional* to ensure that the *streamside protection and enhancement area* specified in an assessment report satisfies the requirement for critical habitat protection of wildlife species under the federal Species at Risk Act including any order thereunder.

## PART 6 SUBDIVISION

### 601 Strata Lots

- (1) This bylaw does not apply to restrict the *subdivision of buildings* under the *Strata Property Act*.
- (2) Bare land strata *subdivision* is permitted only if a *roadway* providing vehicular access to each *strata lot* is provided.
- (3) A two-way *roadway* having less than an 8.5-metre pavement width and a one-way *roadway* having less than a 6-metre pavement width, must not be used for *off-street parking* or *accessory off-street parking*. Parking is permitted on one side of a one-way *roadway* having a pavement width between 6 and 8.5 metres. Signs clearly stating these parking prohibitions and restrictions must be erected and maintained in good condition on these *roadways* at all times.

### 602 Minimum Lot Area

- (1) The minimum *lot area* into which land may be subdivided is the area required for its intended *use*, as specified within a zone under this bylaw.
- (2) Despite subsection (1), the minimum *lot area* for *subdivision* in zones other than the A-3 and P-3 zones is:
  - (a) 1.25 hectares, where the *lot* is not connected to or served by the municipal water distribution system and municipal sewage collection and disposal system;
  - (b) 0.40 hectares where the *lot* is not connected to or served by the municipal sewage collection and disposal system, but is served by the municipal water distribution system.
- (3) The minimum area of a parcel created by *subdivision* under the appropriate sections of the *Local Government Act* to provide a residence for a relative is:
  - (a) 16.2 hectares in the A-3 zone;
  - (b) 2.5 hectares in all other zones.

### 603 Minimum Lot Width

- (1) The minimum *lot width* of a lot created by subdivision shall be not less than the *lot width* as specified within a zone under this bylaw.
- (2) Despite subsection (1), where the land being subdivided is such that the last *lot* being created does not meet the required *lot width* in a particular zone, the *Approving Officer* may reduce this minimum *lot width* requirement by not more than 10% of the minimum *lot width* specified within a zone under this bylaw.

**604 Minimum Lot Size**

- (1) Where *lots* are being created by *subdivision* through consolidation that would result in a *lot* not meeting the minimum *lot size* requirements specified under this bylaw, the *Approving Officer* may approve such a *subdivision*.
- (2) Where a *lot* being created as a result of a road or lane cancellation does not meet minimum *lot size* requirements specified under this bylaw, the *lot* may be created provided that the *lot* is for a *City* purpose and is owned by the *City* when created.

**605 Road Widening Impact on Existing Buildings and Lots**

- (1) Where the dedication of land for road widening purposes results in non-conforming setbacks to an existing *building* or *structure* relating to the setback requirements specified within the zone designated on the associated property, the said setbacks shall be deemed to be conforming to the setback requirements of that zone.
- (2) The minimum *lot* size provisions of this bylaw shall not apply where an existing *lot* is being reduced in size because of road dedication for road widening purposes, and such *lot* shall not be by reason of the road dedication be deemed to be non-conforming.