



PART 9 - PLANNING
Division 1 - General

Subdivision 1 - Interpretation

9.1.1. 1. In this Code, unless the context otherwise requires:

"Access" means the width of public boulevard that can be used for ingress and egress to a property, driveway width where curb and gutter is installed, culvert length where roadside ditch must be crossed, or driving surface where there is neither curb and gutter nor ditch;

"Accessory" is a term used to denote a building, structure or use which:

- a. is subordinate and incidental to the principal building, structure or use; and
- b. is situated on the same site as the principal building, structure or use; and
- c. contributes to the comfort, convenience or better enjoyment of the principal building, structure or use;

"Agriculture" means use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry;

"Attic or Roof Space" means the space which is between the top floor ceiling and the roof and between a dwarf wall and the sloping roof;

"Automobile Wrecking Yard" means a place where two or more motor vehicles not in running condition, or parts thereof, are stored for junking, dismantling or wrecking but not for repair or restoration;

"Basement" means that portion of a building between two floor levels which is partly underground but which has more than one half of its height from finished floor to finished ceiling above natural grade;

"Bed and Breakfast" or "B&B" means a home-based business providing overnight accommodation and a morning meal to transient guests in return for remuneration. This business use is permitted in one- and two-Family residential and greenbelt zones as follows:

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- 9.1.1. 1. Maximum:
- a. two bedrooms per property in the R1-A, R1-C and R6-A zones;
 - b. two bedrooms per dwelling in the R6-B Mobile Home Park zone;
 - c. three bedrooms per property in one- and two-family residential zones (other than R1-A, R1-C, R6-A, and R6-B);
 - d. six bedrooms per lot in the G3, G3-A, G3-B, G3-C, G5, and G5-A greenbelt zones

Conditional on:

- e. Residential character of the dwelling, accessory buildings, site, and neighbourhood is not altered; traffic congestion is not created; and quiet enjoyment of neighbourhood properties is not impaired;
- f. Number of residents - including lodgers, where permitted - and guests does not exceed eight;
- g. Property owner/business operator and all persons employed by the B&B reside in the dwelling;
- h. B&B use is contained within the dwelling;
- i. Business operator provides off-street parking for all residents and guests;
- j. Exterior indication of B&B business is limited to a single unilluminated sign. See *Kitimat Municipal Code* sign regulations for details;
- k. Valid business license.

“Bed & Breakfast Inn” means a commercial business providing overnight accommodation and meals to guests in return for remuneration, where:

- a. Residential or rural character of the dwelling, accessory buildings, site and neighbourhood is not altered, traffic congestion is not created, and quiet enjoyment of neighbourhood properties is not impaired;
- b. Business operator resides on the premises, no more than two persons who do not reside on the premises may be employed by or otherwise work at the Inn, and number of residents and guests does not exceed twenty;

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- 9.1.1. 1. c. Use is contained within the dwelling;
d. Communal dining room is used exclusively by guests and residents;
e. Business operator provides off-street parking for all residents, employees, and guests;
f. Exterior indication of business is limited to a single unilluminated sign, see *Kitimat Municipal Code* sign regulations for details;
g. Valid business license.

"Boarding House" means an establishment other than a hotel, motel or tourist court in which sleeping accommodation and meals are provided for remuneration to not less than three persons;

"Building" means any structure or construction for any use or occupancy but does not include mobile homes located in Mobile Home Parks.

"Building, Apartment" means a multi-family dwelling;

"Building Face" means the exterior wall of a building upon which a sign may be placed;

"Building Height" means the vertical distance from the natural grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height level between the eaves and ridge of a gable, hip, or gambrel roof;

"Canopy" means a free standing or projecting roof structure no part of which may be enclosed by walls;

"Caretaker Dwelling" means a temporary or permanent self-contained suite within or attached to the principal building; area 55 square metres or less; to accommodate proprietor or employee or caretaker of principal use on the same site for purpose of improved customer service or site security.

"Carport" means a roofed structure used for storing or parking of a car or cars which has more than 40 percent of its total perimeter open and unobstructed;

"Carwash" means a building or portion thereof containing facilities for washing automobiles on a commercial basis;

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- 9.1.1. 1. "Cellar" means that portion of a building between two floor levels which is partly underground but which has less than one half of its height from finished floor to finished ceiling above the natural grade;
- "Changeable Copy Sign" means a sign on which copy can be changed manually through the use of attachable letters, numerals and pictorial panels, or automatically by electronic switching of lamps or illuminated tubes;
- "Clearance" means the vertical distance between the lowest limit of a sign or canopy and finished grade immediately below;
- "Club or Lodge" means a building or establishment used by an association or organization for fraternal, social or recreational purposes;
- "Community Care Facility" means any facility which provides accommodation and is defined and licensed under the Community Care Facility Act;
- "Copy" means the message on a sign surface in permanent or removable form, including letters, figures and symbols;
- "Corner Lot or Site" means a lot or site abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or part of the same street forming an interior angle of less than 135 degrees;
- "Day Care (Adult)" means a home or other building or part thereof which is operated under the *BC Community Care Facilities Act* to receive for temporary custody, of a continuous period not exceeding twenty-four hours, more than three adults who require care, support or assistance with daily activities due to age or mental or physical health; where this use is listed as a permitted use of a single-family or two-family dwelling, or a ground level dwelling unit on property zoned R3-A or R3-A1 Multi family, the number of adults in care is limited to eight;

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- 9.1.1. 1. "Day Care (Child)" means a home or other building or part thereof which is operated under the *BC Community Care Facilities Act* to receive for temporary custody, of a continuous period not exceeding twenty-four hours, more than three children under age twelve and not of common parentage; where this use is listed as a permitted use of a single-family or two-family dwelling, or a ground-level dwelling unit on property zoned R3-A or R3-A1 Multi-family, the number of children in care is limited to eight;
- "Development Applications" means all applications for bylaw amendments or permits governed by Part 29 of the Local Government Act;
- "Development Area" means a site or zone so designated in the Code and which allows for special conditions and regulations for development;
- "Dormitory" means a building or part of a building operated by an institution and containing a room or rooms with bathroom facilities used or intended to be used by residents of the institution for living but not for cooking purposes;
- "DRA" means downtown revitalization area;
- "Drive-in" is a term used to denote the type of establishment where patrons are encouraged to receive services while seated in their cars, parking for which is provided on the site;
- "Dwelling" means a building used for residential purposes but does not include hotel, motel, boarding house, rooming house, hospital or trailer;
- "Dwelling, Detached" means a dwelling which is surrounded entirely by open space on its own lot;
- "Dwelling, Multi-Family" means a dwelling containing three or more dwelling units;
- "Dwelling, Single Family" means a dwelling containing only one dwelling unit;
- "Dwelling, Semi-Detached" means a dwelling containing two dwelling units joined to each other on one or more sides by party wall or walls;

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- 9.1.1. 1. "Dwelling, Terrace" means a dwelling containing three or more dwelling units joined to one another on one or more sides by party walls and having separate entrances for each dwelling unit at ground floor level. Terrace dwelling includes row houses or townhouses but does not include dormitory or apartment buildings;

Dwelling, Two-Family" means a dwelling containing two dwelling units on one lot;

"Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities;

"Family" means:

- a. the head of a household, his or her spouse and their unmarried children; or
- b. the head of a household, his or her spouse, their unmarried children and other blood relations provided the total number does not exceed eight; or
- c. eight or fewer persons who are unrelated by bonds of blood, marriage or legal adoption;

"Fence" means a tangible barrier constructed of any material with the intent, or having the effect, of preventing passage or view. Fence includes wall, gate, trellis, louvre, or other means of enclosure. For purposes of regulating fence height in Greenbelt Zones where agricultural uses may occur: a "rail fence" may be constructed of posts and poles or boards where openings comprise the majority of structure, and a "wire fence" may be electrified, include barbed wire or wire mesh other than chain link.;

"Floor Area, Gross" means the total area of all floors with ceilings of more than 1.98 m, both above and below ground, measured to the extreme outer limits of all buildings but shall not include:

- a. carports or garages; and
- b. elevator shafts and stairwells at each floor, heating equipment rooms, air conditioning and ventilation equipment rooms, electrical sub-station rooms, laundry equipment rooms; and

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- 9.1.1. 1. c. areas devoted to communal recreation including their ancillary requirements;

"Floor Area Ratio" is the figure obtained when the gross floor area of all buildings on a site is divided by the area of the site;

"Frontage" means the length of street line providing principal access, measured parallel to the front property line along the required building setback line, and where it is deemed that there are two principal accesses, the shortest of these accesses will be considered as frontage;

"Garage" means any building or part of a building, other than a carport, used for vehicle storage or parking;

"GLA" means gross leasable area;

"Grade" for purposes of 9.3. means the average ground surface directly underneath a sign;

"Grade, Established" means the average level officially established by the Municipal Engineer of that portion of the street upon which any site fronts;

"Grade, Natural" means the average level of the finished surface of the ground adjacent to the exterior face of the building or structure measured at its four corners;

"Gross Leasable Area" means the total floor area designed for tenant occupancy and exclusive use. The term includes corridors, staircases, washrooms and utility rooms used exclusively by one concern, and also areas occupied by non-load-bearing partitions. Measurements are made from inside walls;

"Guest Cabin" means a detached building of 50m² or less which provides temporary tourist accommodation and which may contain sleeping facilities, cooking and sanitary facilities, and where maximum length of stay is 200 days in any given year.

"Habitable Room" means a living room, bedroom, dining room or kitchen but does not include bathrooms, toilets, laundries, corridors, or recreation rooms, or rooms used for commercial or business purposes or any other room less than 6 m²;

Subdivision 1 - Interpretation (Continued)

9.1.1. 1. "Height of Sign" means the vertical distance measured from the highest point of the sign to grade;

"Highway, Limited Access" means a road so designated in the Code and intended to carry uninterrupted through traffic:

- a. to and from other communities; or
- b. between the various districts in Kitimat; or
- c. around the neighbourhood districts of Kitimat;

"Highway, Local Access" means a road intended:

- a. to collect and carry local traffic; and
- b. to provide access to and frontage for the development of land;

"Home Business Address" - Use of a dwelling as a business address to oversee a trade, business, profession, or other occupation carried on for remuneration or profit. A home business address shall comply with the following conditions:

- a. residential character of the dwelling, accessory buildings, site, and neighbourhood shall not be altered;
- b. communication or contact between a business and any suppliers, employees, customers or clients, shall be limited to mail, telephone, computer and facsimile machine;
- c. no goods--including wares, merchandise and foodstuffs--associated with a business may be produced, displayed or sold in the dwelling or a building accessory to the dwelling;
- d. goods associated with the business may be stored in the dwelling or a building accessory to the dwelling, provided storage area does not exceed 25 m²;
- e. there shall be no exterior indication of business;
- f. business activity at the dwelling shall be performed only by person(s) resident in the dwelling;

Subdivision 1 - Interpretation (Continued)

- 9.1.1. 1. g. business activity shall be completely enclosed in the dwelling or a building accessory to the dwelling;
- h. property owner must provide off-street parking for all vehicles associated with the business;
- i. valid trade licence;
- j. business shall not create a fire hazard, electrical interference, or vehicle traffic. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with the business, shall not impair quiet enjoyment of neighbourhood properties;

"Home Occupation" means a trade, business, profession, or other occupation carried on for remuneration or profit in a dwelling or a building accessory to a dwelling. A home occupation shall comply with the following conditions:

- a. residential character of the dwelling, accessory buildings, site, and neighbourhood shall not be altered;
- b. business activity shall be performed only by person(s) resident in the dwelling;
- c. unless related to horticulture or agriculture, business shall be completely enclosed in the dwelling or a building accessory to the dwelling;
- d. only goods--including wares, merchandise, and foodstuffs--produced on the premises may be displayed or sold by a home occupation business;
- e. exterior indication of business shall be limited to a single unilluminated sign. See Municipal Code sign regulations for details;
- f. property owner must provide off-street parking for all vehicles associated with either dwelling or business;
- g. valid trade licence;
- h. business shall not create a fire hazard, electrical interference, or traffic congestion. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with the business, shall not impair quiet enjoyment of neighbourhood properties;

Subdivision 1 - Interpretation (Continued)

9.1.1. 1. "Hotel" means a building or portion of a building in which transients are provided for consideration, with:

- a. lodging facilities; and
- b. a public dining room or restaurant;

"Landscape Screen" means a solid fence or dense planting of trees or shrubs designed to restrict the view from one property to another. Height will be according to maximum allowed for fences in the zone, or 2 metres if no fence height is specified;

"Landscaped Buffer" open space at ground level used for cultivating and maintaining grass, flowers or other growth and landscaping; not for vehicle traffic or parking;

"Local Store" means a general store of limited floor area which serves the day to day needs of residents of a neighbourhood or part thereof;

"Lodger" means any person who lives within the dwelling unit occupied by a family as defined in Clause a. of the definition of "family" but is not a member of such a family;

"Lot" means a parcel of land, which may be legally described as such and is shown on a plan of subdivision registered at the Land Title Office;

"Mobile Home" means a vehicular portable structure built on a chassis. Designed to be used with or without a permanent foundation as a dwelling when connected to indicated utilities;

"Mobile Home Park" means land used for the accommodation of two or more mobile homes;

"Motel" means an establishment consisting of living accommodation primarily for transients travelling by automobile;

"Natural Open Space" means land which is predominately in a wild or natural state;

"Non-Conforming" is a term applied to a building, structure or use which is not permissible in the zone in which it is located but was lawfully in existence prior to the passage of the zoning bylaw;

Subdivision 1 - Interpretation (Continued)

- 9.1.1. 1. "Owner" means any person, corporation or agent controlling property;
- "Parapet Wall" means an extension of a vertical wall above the roof line;
- "Parking Stall" means an accessible and unobstructed space for temporary off-street storage of one motor vehicle, excludes driveways and manoeuvring areas. Stall dimensions shall meet current District of Kitimat design standards;
- "Patio" means a roofed or partly roofed structure open on one or more sides which is designed to be used for recreation;
- "Performance Standard" means a criterion established for making judgements in the control of noise, odour, smoke, toxic matter, vibration, fire and explosive hazards, glare or heat generated or inherent in uses of buildings or land including water bodies;
- "Permissible Building Area" means that area of a site excluding its minimum required yards on which a building or structure could be constructed;
- "Public Recreation" means a facility or area provided by a municipal or other government agency which is available for community activities and recreational enjoyment of the general public;
- "Public Utility" means a company and its required equipment which provides services and facilities including production, transmission, delivery or furnishing of water, gas, electricity, or communication to the public at large;
- "Religion" means a place of religious worship and associated assembly halls;
- "Rest Home" means an establishment for the non-medical care of the aged or infirm;
- "Roof Line" means the horizontal line made by the intersection of the wall of the building with the roof of the building. In the case of a building with a pitched roof, the roof line shall be at the eaves level;

Subdivision 1 - Interpretation (Continued)

9.1.1. 1. "Rooming House" means an establishment other than a hotel, motel or tourist court, where sleeping accommodation only is provided for remuneration to not less than three persons;

"Row Housing" means "Dwelling, Terrace";

"Rural Resort" means a commercial business providing accommodation to paying guests in a central lodge, campsite and/or guest cabins; and which may provide communal assembly hall, dining, laundry, sanitation and recreation facilities for exclusive use of guests and residents, staff dormitory, and one detached single-family dwelling for property owner or business operator.

"Salvage Yard" includes any land or building used for the storage, processing or conversion of any worn out or discarded metal, paper, glass or other material to some use;

"Service Station" means any building or land used for the retail sale of petroleum fuels, liquefied petroleum gas and compressed natural gas and oils, the sale of automobile accessories, and repairs to motor vehicles;

"Sign" means an exterior painting, illustration or description used to:

- a. identify an institutional, industrial, commercial, residential, professional or recreational use or product;
- b. identify a building, structure or occupants;
- c. indicate a hazard;
- d. give notice of prohibitions and penalties;
- e. promote the sale or lease of real estate;
- f. indicate a direction; and

includes any structure the prime purpose of which is to support, border, illuminate, animate, or protect a sign;

"Sign, Advertising" means a sign which identifies or directs attention to a business, profession, commodity or place of entertainment upon the site at which the sign is located. Advertising signs may also refer to the goods or services produced, offered for sale or obtainable at the site;

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- 9.1.1. 1. "Sign, Animated" means any sign which includes action or motion at a constant intensity of illumination but does not include revolving or rotating signs. Animated signs may refer to signs with moving letters, symbols or changing messages;

"Sign, Area" means the entire area of a sign on which copy could be placed and includes any frame or embellishment which forms an integral part of the display but does not include landscaping or support structure:

- a. for double-faced or multi-faced signs, the average of the area of all sign faces will be counted in sign area calculations;
- b. where a sign has no easily measurable faces, the area shall be the area enclosed within the outer perimeter of a sign measured at its orthographic projection;
- c. where a sign has no frame, border, or background, the area of a sign shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters, figures or symbols of the sign;

"Sign, Billboard" means a sign which directs attention to a business, commodity, service or entertainment which is sold or offered elsewhere than on the site at which the billboard is located;

"Sign, Canopy" means a sign attached to or constructed in or on the face of a canopy and which does not extend horizontally beyond the limits of the canopy;

"Sign, Community Activity" means a sign or banner indicating a community cause, festivity or event including charitable fund raising campaigns;

"Sign, Contractor" means a sign erected on the site of the building or structure under construction displaying the name of the building, owners, architects, consultants and contractors;

"Sign, Directional" means a non-advertising sign designed to direct pedestrian or vehicular traffic;

"Sign, Election" means a sign erected to promote the election of a particular candidate or the voting or support of a particular cause at an election;

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9.1.1. 1. "Sign, Fascia" means a flat sign which is affixed, painted or attached to the face of a wall, the sign running parallel for its whole length, and which does not project more than 0.3 metres from the face of the wall. For purposes of regulation "Fascia Sign" will include "window sign" when such sign is of a permanent nature;

"Sign, Flashing" means an illuminated sign which contains an intermittent or flashing light source or which exhibits noticeable changes in light intensity. Signs which produce the effect of sudden change in light or colour by means of revolution only shall also be deemed to be flashing signs;

"Sign, Free Standing" means a sign, independently supported and visibly separated from a building or other structure and permanently fixed to the ground;

"Sign Identification" means a sign which is limited to the name, address and number of a building, institution or person, and to the activity carried on in the building or institution, or the occupation of the person;

"Sign, Illuminated" means a sign fitted with a source of artificial light which may be internal or external to the sign;

"Sign, Projecting" means a sign which projects more than 0.3 metres from the face or wall of a building, but does not include a canopy sign or fascia sign;

"Sign, Real Estate" means a sign which indicates that a building or property on which the sign is located is for sale, rent or lease;

"Sign, Revolving" means a sign, all or part of which revolves or rotates, or partly revolves or rotates, but does not include animated signs;

"Sign, Roof" means a sign erected upon the roof or above the eaves or the parapet of a building, the entire face of which is situated above the roof line of the building to which it is attached. Roof signs shall exclude fascia signs which are affixed to elevator or ventilating machines on the roof of a building;

"Sign, Subdivision" means a sign which identifies the subdivision of lots or which advertises lots for sale within the subdivision;

Subdivision 1 - Interpretation (Continued)

9.1.1. 1. "Sign, Temporary" means a sign which is not permanently installed or affixed to any sign structure or building;

"Sign, Window" means a sign either painted on or attached to or installed inside a window for purposes of viewing from outside the premises. Window signs do not include merchandise located in a window;

"Site" means an area of land occupied or capable of being occupied by buildings or structures and consisting of one registered lot;

"Site Coverage" means a portion of the site area expressed as a percentage that is covered above ground by a building or buildings;

"Site Line" means a boundary of a site;

"Staff Residence" is a detached dwelling or dormitory residence occupied by staff member(s) of an institution located on the same property;

"Storey" means that portion of a building between the top surface of a floor and the top surface of the next floor or roof above, except that a space used exclusively for the housing of mechanical services of the building shall not be considered a storey;

"Street" means a public or private right-of-way which affords principal means of access to abutting properties;

"Street Line" means the boundary between the street and site;

"Structure" means a construction of any kind whether fixed or placed on land or water. Structure includes stairs, platforms, poles, towers, sheds, bins, fences, signs, tanks, pools, piers and floats but does not include clothes lines or radio and television antennas;

"Structural Alterations" means any change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, ridges, girders, floor joists and roof joists;

"Tourist Lodge", see "Rural Resort"

Subdivision 1 - Interpretation (Continued)

- 9.1.1. 1. "Trade, Retail" means sale of commodities directly to the ultimate consumer;
- "Trade, Wholesale" means sale of commodities to retail establishments and not for direct consumption;
- "Trailer" means a structure intended to provide accommodation to the travelling public and which is capable of being towed by a motor vehicle. Trailer includes a holiday camper and recreation vehicle but does not include a mobile home;
- "Trailer Camp" means a parcel of land which is developed to allow location of two or more trailers;
- "Yard" means an open space within a site unoccupied from the ground to the sky;
- "Yard, Front" means a yard extending across the full width of the site and measured as to depth at the least horizontal distance between the street line and the building;
- "Yard, Rear" means a yard extending across the full width of the site and measured as to depth at the least horizontal distance between the rear site line and the building;
- "Yard, Side" means a yard which extends from the front yard or the front lot line where no front yard is required, to the rear yard and measured as to width at the least horizontal distance between the side site line and the building.