

Subdivision 1 - General

9.2.1. Purpose

1. The zoning regulations adopted in the District of Kitimat are primarily for the following purposes:
 - a. to create conditions for integrated development of land, water, buildings and structures to enable the citizens to live, work and seek leisure effectively;
 - b. to ensure safe and efficient movement of people and goods;
 - c. to achieve a well balanced and harmonious development within the lower Kitimat Valley.

Basic Provision

2. No building or structure shall be constructed, erected, altered, or moved and no building, structure, land or water shall be used in the District of Kitimat except as laid down in this Code.
3. Any business, holding a valid business licence, may apply for a liquor primary licence in accordance with the *Liquor Control & Licensing Act* and successor regulations; any licence issued is subject to restrictions and provisions established by the *Liquor Control and Licensing Act* and the *Kitimat Municipal Code*.
4. No person shall use any land or building for the use of Cannabis Retail, and except as specifically permitted by this Bylaw no person shall use any land or building for the use of Cannabis Production.

Use Zones

5. The area incorporated into the District of Kitimat is hereby divided into the following Use Zones:
 - a. Residential Zones as in Division 4;
 - b. Commercial Zones as in Division 5;
 - c. Industrial Zones as in Division 6;
 - d. Greenbelt Zones as in Division 7.

Subdivision 1 - General (Continued)

Zoning Map

- 9.2.1. 6. The various use zones established by this Division are bounded and described on the plans entitled "Zoning Map of the District" which, with all explanatory matters thereon, accompanies and is part of this Division.

Zoning Inspection

7. The Planning Officer and the Building Inspector are hereby authorized to enter, at all reasonable times, upon any property to inspect or check that all buildings, structures and uses conform to this Division.

Non-Conforming Lots, Structures

8. Notwithstanding the provisions of this Code, any lot which conformed to the minimum lot frontage and lot area requirements in force at the time of subdivision registration of this lot, shall be considered to conform to the provisions of this Code.
9. Notwithstanding the provisions of this Code, any building or structure which was erected, constructed, located, altered or reconstructed in accordance with the provisions of this Code in force at the time of issuance of the Building Permit for that building or structure, shall be deemed to conform to the provisions of this Code; but all extensions or modifications to such building or structure shall conform to the current provisions of this Code.

New Construction

10. In addition to all other regulations in the Code, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged except in accordance with the provisions of PART 9.

Camping

11. Camping is permitted in Designated Campgrounds and on un-alienated provincial crown land which is in the G5 Forestry Zone; or in the G2 Local Park Zone and:
- a. 500 metres or more East of Highway 37; or
 - b. West of CN rail track and North of District Lot 6071 Range 5 Coast District.

Subdivision 1 - General (Continued)

12. Camping is permitted on private land which is zoned to allow a Designated Campground; or where express written permission from the owner or occupier of that property is available for inspection by any official named in Part 1, Subdivision 2 for infractions under Part 9 of the *Kitimat Municipal Code*.

Bed and Breakfast (B&B)

Added by Bylaw No. 2041, 2023

13. Where permitted in applicable Zones, a Bed and Breakfast shall comply with the following conditions:
- a. Maximum two bedrooms per property in the R1-A, R1-C and R6-A Zones.
 - b. Maximum two bedrooms per Dwelling in the R6-B Zone.
 - c. Maximum three bedrooms per property in one- and two-family residential Zones (other than R1-A, R1-C, R6-A, and R6-B),
 - d. Maximum six bedrooms per lot in the G3, G3-A, G3-B, G3-C, G5, and G5-A Zones.
 - 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. Business shall have a valid business license.

Bed and Breakfast Inn

14. Where permitted in applicable Zones, a Bed and Breakfast Inn shall comply with the following conditions:
- 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.

- 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. Business shall have a valid business license.

Accessory Dwelling Unit (Detached)

Added by Bylaw No. 2041, 2023

15. Where permitted in applicable Zones, an Accessory Dwelling Unit (Detached) shall comply with the following conditions:
- a. Accessory Dwelling Unit (Detached) must be Accessory to the principal residence or, when permitted in a commercial Zone, be Accessory to the residence of the store operator.
 - b. Accessory Dwelling Unit (Detached) must be in lieu of the second Dwelling Unit permitted in the principal residence (where permitted).
 - c. Accessory Dwelling Unit (Detached) must be located in whole or part of a detached Dwelling,
 - d. A Landscape Screen must be included between any Accessory Dwelling Unit (Detached) and residence(s) on abutting parcels.
 - e. An Accessory Dwelling Unit (Detached) shall not exceed 100 square metres in floor area.
 - f. Subdivision or stratification of an Accessory Dwelling Unit (Detached) is not permitted.
 - g. Accessory Dwelling Unit (Detached) shall not include Guest or tourist accommodation use, except in conjunction with one Bed and Breakfast operation licenced for the same parcel (where permitted).
 - h. Accessory Dwelling Unit (Detached) shall not be used for other Principal or Accessory Uses permitted in the Zone, except Home Occupation and Home Business Address (where permitted).

Hobby Farm

Added by Bylaw No. 2041, 2023

16. Where permitted in applicable Zones, a Hobby Farm shall comply with the following conditions:
- a. Hobby Farm property(ies) and the adjacent property with the residence must either:
 - i. be under the same ownership as registered in the

- Land Title Office; or
 - ii. have a covenant registered under section 219(2)(d) of the *Land Title Act* linking the properties, such that one property cannot be sold or otherwise transferred separately from the other property(ies).
- b. Adjacent properties must respectively share a full rear or side Lot line, greater than 20 percent of the total Lot perimeter.
- c. Adjacent properties must not be separated by a Street, watercourse, right-of-way or other physical barrier, and must appear to be a contiguous lot despite having more than one land title registration.
- d. Minimum Lot size for a Hobby Farm property that proposes to keep animals (other than poultry) is 0.5 ha.
- e. Keeping of animals is limited to:
 - i. maximum 3 sheep per hectare;
 - ii. maximum 12 poultry (up to 1 rooster) per hobby farm;
 - iii. maximum 1 swine per hectare with minimum setback of 9m for piggery;
 - iii. maximum 2 per hectare of any combination of livestock, horses, mules, asses, cows, or other birds or animals.
- f. Any Building or Structure for, and on, the Hobby Farm property(ies) must be sited:
 - i. in accordance with Yard requirements for the Zone;
 - ii. to maintain a minimum contiguous 175 square metre Building envelope for a future principal residence to be eventually established; and
 - iii. so as to not hinder the establishment of a principal residence on the Hobby Farm property(ies).
- g. Any Yard which is either opposite to or abutting a residential Zone (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, R4-A, R5-A, R6-A, R6-B) or park shall be 9 metres or more and shall include a 2 metre wide Landscaped Buffer.
- h. Hobby Farm use shall not create a fire hazard, electrical interference, or vehicle traffic. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with a Hobby Farm shall not impair quiet enjoyment of neighbourhood properties.

- i. Despite the non-commercial nature of Hobby Farm use, small-scale farm gate sales of eggs, produce, or hand-crafted items grown or produced within Kitimat are permitted as part of the operation of a Hobby Farm, subject to compliance with the following conditions:
 - i. maximum height: 2.5 metres;
 - ii. maximum sale area: 4.5 square metres;
 - iii. eggs and produce must only be kept in sale area between dawn and dusk;
 - iv. location in Front Yard is permitted only during growing season;
 - v. valid business licence;
 - vi. production and sale of Cannabis is prohibited.
- j. More than one property may be used for Hobby Farm use provided the total Lot area of the adjacent properties, including the property with the residence, must not exceed 2.5 hectares, and all other provisions are satisfied.

Home Business Address

Added by Bylaw No. 2041, 2023

17. Where permitted in applicable Zones, 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 plus one individual—at a time—who resides off the premise.
 - 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. Business shall have a valid business license.
 - 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

Added by Bylaw No. 2041, 2023

18. Where permitted in applicable Zones, 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 at the Dwelling shall be performed only by person(s) resident in the Dwelling plus one individual— at a time—who resides off the premise.
 - 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 *Kitimat Municipal Code* Sign regulations for details.
 - f. Property owner must provide off-street parking for all vehicles associated with either Dwelling or business;
 - g. Business shall have a valid business 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.

Added by Bylaw No. 2041, 2023

Inn

19. Where permitted in applicable Zones, an Inn shall comply with the following conditions:
- a. Rural character of the resort Site and neighbourhood is preserved, and enjoyment of neighbourhood properties by the occupants is not impaired.
 - b. Business operator resides in the premises, and number of residents and Guests does not exceed capacity per occupancy permit.
 - c. Dining room is used exclusively by Guests and residents.
 - d. Public assembly events are permitted outdoors and in purpose-built Buildings approved for such Use.

Lodge

Added by Bylaw No. 2041, 2023

20. Where permitted in applicable Zones, a Lodge shall comply with the following conditions:
- a. Rural character of the resort Site and neighbourhood is preserved and enjoyment of neighbourhood properties by the occupants is not impaired.
 - b. Business operator resides in the premises, and number of residents and Guests does not exceed capacity per occupancy permit.
 - c. Dining room, lounge and other Lodge facilities may be open to the general public.
 - d. Public Assembly events are permitted outdoors and in purpose-built spaces or Buildings approved for such Use.

Added by Bylaw No. 2041, 2023

Shipping Containers

21. The use of a Shipping Container as an Accessory Building or Structure shall comply with the following conditions:
- a. Shall not be located over septic tanks, nor obstruct any required accesses, including accesses to parking spaces, loading areas or underground services and utilities.
 - b. Shall satisfy existing siting regulation for Accessory Buildings and Accessory Structures, with the exception of Temporary Shipping Containers in residential Zones (i.e., located on a driveway).
 - c. Shall not be used for fencing or screening on any Lot containing a Single Family or Semi-Detached Dwelling.
 - d. Shall require a seasonal storage building permit for temporary use up to 6 months, and eligible for one renewal. A bond of \$1000 will also be required for use of a Temporary Shipping Container.
 - e. Shall require stamped engineering drawings for shipping containers that are visibly corroded or that will require significant alterations to exterior shell or structure.
 - f. Shall conform to conditions of the *BC Building Code*, *BC Fire Code*, *Environmental Management Act*, and any other relevant acts or statutes and regulations.

Subdivision 2 - Development Applications - Review Process and Fees

9.2.2. Official Community Plan Amendments

1. When a proposed development would not correspond with the general land use guidelines of the Official Community Plan, Council shall consider an application for amendment of the Official

Community Plan.

Zoning Amendments

2. When a proposed development would not correspond with the zoning provisions of the Kitimat Municipal Code, Council shall consider an application for rezoning or development variance.

Board of Variance Hearings

3. a. When a proponent alleges (a) compliance with regulations, as specified by the Local Government Act, will cause undue hardship; or (b) the Building Inspector has made an error in determining amount of damage, as specified by the Local Government Act; the Board of Variance shall consider an application for a hearing.
- b. PART 1, Division 9 of the Kitimat Municipal Code describes both application and appeal processes; see 9.2.2.11. for application fee.

Permits to Manage Development

4. When a proposed development would not correspond with the Kitimat Municipal Code, regulations or standards for constructing and installing works and services, and where permitted by the Local Government Act, Council shall consider an application for a development variance permit.
5. When a proposed development would not correspond with the terms of land use contract, Council shall consider an application for amendment of the land use contract.
6. When development is proposed for a site designated, by the Official Community Plan, as a Development Permit area, Council shall consider an application for a development permit.

Temporary Use Permits

7. When a temporary use is proposed for a site designated, by the Official Community Plan or Kitimat Municipal Code, as an area where temporary uses may occur, Council or the Planning Officer, shall consider an application for a temporary use permit.
8. Prior to expiry of a temporary use permit Council, or the Planning Officer, may consider one application for renewal.
9. Any business requiring a Temporary Use Permit is not eligible for a liquor primary license.

Application Forms

10. Any development application shall be submitted in writing; by the property owner, or an authorized agent of the owner; on the form prescribed by the District of Kitimat, or in a letter providing the same information and level of detail as the prescribed form.

Application Fees

11. Any development application shall be accompanied by processing, inspection and advertising fee payments specified below:

TYPE OF APPLICATION	PROCESSING AND INSPECTION FEE	ADVERTISING FEE	TOTAL FEE
Board of Variance Hearing	\$300.00	no charge	\$300.00
Development Permit	\$700.00	no charge	\$700.00
Development Permit - DRA	\$50.00	no charge	\$50.00
Development Permit Amendment (Outside DRA)	\$250.00	no charge	\$250.00
Development Variance Permit	\$350.00	no charge	\$350.00
Land Use Contract Amendment	\$400.00	no charge	\$400.00
Official Community Plan Amendment	\$700.00	\$1,000.00	\$1,700.00
Official Community Plan Amendment and Rezoning	\$700.00	\$1,000.00	\$1,700.00
Rezoning	\$700.00	\$800.00	\$1,500.00
Temporary Use Permit	\$250.00	\$250.00	\$500.00
Temporary Use Permit Renewal	\$100.00	\$250.00	\$350.00
Comfort Letter	\$200.00	no charge	\$200.00
License of Occupation	\$500.00	\$500.00	\$1,000.00

12. If a development application is withdrawn or denied before Council has (a) set a date for the public hearing; or (b) contracted for advertising; the advertising fee shall be refunded.

Subdivision 2 - Development Applications - Review Process and Fees (Continued)

- 9.2.2. 13. If Council, or the Planning Officer, deems it is not necessary to advertise an application to renew a temporary use permit, the advertising fee shall be refunded.

REVIEW AND DECISION PROCESS

Staff Review

14. Every complete development application shall be received and reviewed by the Municipal Administration, and may be circulated to outside agencies and interest groups. Applications for development permits within the DRA shall be referred to a Design Panel which may prepare a report for consideration by Council. Members of municipal staff and the applicant may be consulted by Panel members during the course of deliberations. To address concerns raised during this review process and expedite processing, further information may be required from the applicant.
15. After reviewing the development application and comments received from other departments, outside agencies and interest groups, the Chief Administrative Officer, or designate, may prepare a report for consideration by Council.
16. A report to Council may contain information about the development application and the subject property; and recommendations on amendment bylaw text, land use contract text, permit terms and conditions, undertakings, performance standards, and amount and means of security to be posted by the applicant.
17. A report to the Planning Officer regarding any Temporary Use Permit application must contain a summary of staff and community comment; and may contain recommendations regarding permit terms and conditions, performance standards, and amount and means of security to be posted by the applicant.
18. Where an application for a development permit is in relation to the Downtown revitalization Area (DRA) and costs related to the application are below \$50,000; the director of community Planning & Development may, upon receipt of the fees and accompanying information, grant a development permit. Council would be notified of staff decisions and would remain an appeal body.

Subdivision 2 - Development Applications - Review Process and Fees (Continued)

9.2.2 Consideration

19. Planning Officer may, upon receipt of a Temporary Use Permit application: (a) complete Public Review as outlined in Sections 19 and 20(a); and (b) approve the application, refer the application to Council, or deny the application.
20. Any applicant for a temporary use permit may appeal a decision of the Planning Officer to Council.

Council Consideration

21. Council may, upon receipt of a development application and a staff report:
 - a. deny the application; or
 - b. proceed with the application, as written or as amended by resolution.

Public Review

22. When Council decides to proceed with a development application, Council shall authorize the Municipal Administration to issue notice and/or advertise the application in conformance with Local Government Act requirements.
23.
 - a. Notwithstanding 9.2.2.18., all notices shall be mailed, or otherwise delivered, at least ten days prior to the Council meeting at which the development application will be considered.
 - b. Notice of development permit applications at sites in the DRA may also be given to the Kitimat Downtown Revitalization Association.
 - c. Notice of development variance permit applications shall be given to owners and tenants of property 30 metres or less from the subject property; notice of all other types of development applications shall be given to owners and tenants of property 90 metres or less from the subject property.

Subdivision 2 - Development Applications - Review Process and Fees (Continued)

- 9.2.2. 24. Notwithstanding 9.2.2.18., a sign advising of a pending application may be posted at the subject site; and newspaper advertisements may be run to announce intention to issue a development permit for lands outside the DRA.
25. Persons wishing to register an opinion on a development application, may make a written submission to Council or may appear before Council.

Council Decision

26. After hearing public comment, Council may:
- a. deny the application or authorize the application as written or as amended by resolution; or
 - b. adopt the bylaw as written or as amended by resolution.
27. The Municipal Administration shall inform applicants of permit status, in writing, within fifteen days of Council's decision.

Authorized Development Applications

28. The Municipal Administration shall complete and issue authorized permits.
29. The Municipal Administration shall notify the Land Title Office of development permits, development variance permits, and temporary use permits issued by the District of Kitimat.

Denied Development Applications

30. Subject to Local Government Act requirements, applications denied by Council may be submitted again six months or more from the date of denial.