

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.

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.

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

Zoning Amendments

9.2.2.

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.

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

9.2.2. 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.