

DISTRICT OF KITIMAT

BYLAW NO. 1942

A BYLAW TO AMEND KITIMAT OFFICIAL COMMUNITY PLAN AND KITIMAT MUNICIPAL CODE WITH RESPECT TO CONSIDERATION OF HOBBY FARMS AND AGRICULTURE AS A PRIMARY USE IN SELECTED SMALL HOLDING AREAS.

WHEREAS THE *BC Local Government Act* specifies an *Official Community Plan* (OCP) is a statement of objectives and policies to guide decisions on planning and land use management;

AND WHEREAS THE *BC Local Government Act* allows a local government to divide portions of a municipality into zones and regulate land, buildings and other structures, including with respect to use, density, siting, size and dimensions and subdivision;

AND WHEREAS Kitimat Council deems it is in the public interest to amend zoning to permit hobby farms at 5, 13, and 23 Elderberry Street;

NOW THEREFORE the Council of the District of Kitimat, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as "*Hobby Farms in G3-B Zone and Official Community Plan Amendment Bylaw No. 1942, 2019*".
2. *Kitimat Official Community Plan* is hereby amended by:

- a. Amending the text of 5.1 Land Use Designations as follows:

Residential Small Holdings

Areas designated Residential (Small Holdings) are rural residential subdivisions, generally on lots of 3000-4500 square metres or more. Agriculture and home-based business use is generally permitted as an accessory use.

Exceptions may be granted by bylaw to allow limited agriculture uses and buildings or structures, such as a hobby farm, as a principal use on vacant lot(s) when the abutting lot has an established residential use and is under the same ownership or otherwise linked by covenant.

3. *Kitimat Municipal Code* is hereby amended by:

- a. Amend Part 9 – PLANNING, Division 1 – GENERAL Subdivision 1 Interpretation, section – 1 by adding the following definition:

"Hobby Farm" means the non-commercial agricultural use of lands exclusively associated with, and operated by person(s) resident on, an adjacent property that contains an established residence, subject to compliance with the following conditions:

- a. the 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. the adjacent properties must respectively share a full rear or side lot line, greater than 20 percent of the total lot perimeter;

- c. the 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. the minimum lot size for a Hobby Farm property that proposes to keep animals (other than poultry) is 0.5 ha;
- e. the keeping of animals is limited to:
 - i. maximum 3 sheep per ha; plus
 - ii. maximum 12 poultry (up to 1 rooster) per hobby farm;
 - iii. maximum 1 swine per ha with minimum setback of 9m for piggery; plus
 - iii. maximum 2 per ha 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. the Hobby Farm shall not create a fire hazard, electrical interference, or vehicle traffic. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with the Hobby Farm shall not impair quiet enjoyment of neighbourhood properties; and
- i. despite the non-commercial use of the properties, small-scale farm gate sales of eggs, produce, or hand-crafted items grown or produced within Kitimat are permitted, 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; and
 - 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 ha., and all other provisions are satisfied.


- b. Amend Part 9 – PLANNING, Division 7 – GREENBELT ZONING Subdivision 6, section – 1 by re-formatting and adding a new principal use only for certain properties, as follows:

9.7.6. Permitted and Accessory Uses

1. The following principal uses are permitted in the G3-B Strawberry Meadows Zone:
 - a. Detached residence with not more than two dwelling units.
 - b. Hobby Farm, at:
 - i. Lot 1 District Lot 307 Range 5 Coast Plan EPP40842 (5 Elderberry Street)
 - ii. Lot 2 District Lot 307 Range 5 Coast Plan EPP40842 (13 Elderberry Street)
 - iii. Lot 3 District Lot 307 Range 5 Coast Plan EPP40842 (23 Elderberry Street)
4. Re-numbering of Division 7 – Greenbelt Zone as required to update affected references.
5. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this	10	day of June	, 2019.
READ a second time this	10	day of June	, 2019.
A PUBLIC HEARING was held this	2	day of July	, 2019.
READ a third time this	2	day of July	, 2019.
Third Reading RESCINDED this	15	day of July	, 2019.
A PUBLIC HEARING was held this	6	day of August	, 2019.
READ a third time this	6	day of August	, 2019.
FINALLY ADOPTED this	6	day of August	, 2019.

MAYOR


Philip Germuth

CORPORATE OFFICER


Ethan Anderson