

DISTRICT OF KITIMAT

BYLAW NO. 1956

A BYLAW TO AMEND KITIMAT OFFICIAL COMMUNITY PLAN AND KITIMAT MUNICIPAL  
CODE WITH RESPECT TO CONSIDERATION OF TEMPORARY USE PERMITS

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 OCP and zoning to permit temporary use permits in additional zones;

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

1. This bylaw may be cited as "*Temporary Use Permit Zoning and Official Community Plan Amendment Bylaw No. 1956, 2019*".
2. *Kitimat Official Community Plan* is hereby amended by:

- a. Amending the text of 5.3 Temporary Use Permits as follows:

Strike "commercial and industrial" from 5.3.1 paragraph 1.

Insert the following in alphabetical order under 5.3.1

Industrial (all M-Zones),  
Commercial (all C-Zones),  
Local Park (G2),  
Small Holding Zone (G3),  
Cable Car (G3-A),  
Strawberry Meadows (G3-B),  
Residential (G3-C),  
Welfare or Rest Home Residential Zone (R5-A)

Insert the following under 5.3.7:

*Temporary Uses in G3-A, G3-B, or G3-C Zone*

- Restrict number of employees that do not reside on subject property to one;
- Noise mitigation including: limit hours of operation to 700 to 1900 daily or in accordance with *Kitimat Municipal Code* noise regulations;
- Nuisance mitigation including: screening requirements, and requiring storage of business-related goods in an enclosed structure or out of sightlines of neighbors and street view;
- All vehicle associated with home and business must be parked on-site;
- Landscape buffer to minimize impacts on adjacent properties and street view; and
- Structures supporting business operations are constructed within building envelope.

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

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

“Home Business Address”

- 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;

“Home Occupation”

- 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;

- b. Amend Part 9 – PLANNING, Division 4 – RESIDENTIAL ZONING Subdivision 15, section – 1 by adding “Temporary Uses in accordance with Part 9, Division 8” as a permitted use.
- c. Amend Part 9 – PLANNING, Division 5 – COMMERCIAL ZONING Subdivision 6, section – 1 by adding “Temporary Uses in accordance with Part 9, Division 8” as a permitted use.
- d. Amend Part 9 – PLANNING, Division 5 – COMMERCIAL ZONING Subdivision 12, section – 1 by adding “Temporary Uses in accordance with Part 9, Division 8” as a permitted use.
- e. Amend Part 9 – PLANNING, Division 5 – COMMERCIAL ZONING Subdivision 13, section – 1 by adding “Temporary Uses in accordance with Part 9, Division 8” as a permitted use.
- f. Amend Part 9 – PLANNING, Division 7 – GREENBELT ZONING be amended as follows:

Insert 9.7.3.3:

Temporary Use must be in accordance with Part 9, Division 8. Uses are limited to: coffee shop, retail trade, and outdoor recreation equipment rental.

Insert “Temporary Uses in accordance with Part 9, Division 8” as a permitted use under 9.7.4.1

Insert 9.7.5.9:

Temporary Uses

Temporary Uses in accordance with Part, 9 Division 8; limited to:

(a) Brewery, Cidery, Meadery, Winery

(b) Coffee Shop

(c) Local Store

(d) Personal Service Shop

(e) Recreation

(f) Cultural Activity

(g) Animal Grooming;

(h) No activity listed in *BC Contaminated Sites Regulation, Schedule 2*, unless environmental professional engaged at applicant expense and approved by District of Kitimat; or Ministry of Environment; has identified appropriate mitigation measures to be included as conditions of use and performance bonding in a form satisfactory to District of

Kitimat and sufficient to complete mitigation is posted by business operator.

Insert 9.7.6.11:

Temporary Uses

Temporary Uses in accordance with Part, 9 Division 8; limited to:

- (a) Brewery, Cidery, Meadery, Winery
- (b) Coffee Shop
- (c) Local Store
- (d) Personal Service Shop
- (e) Recreation
- (f) Cultural Activity
- (g) Animal Grooming;
- (h) No activity listed in *BC Contaminated Sites Regulation, Schedule 2*, unless environmental professional engaged at applicant expense and approved by District of Kitimat; or Ministry of Environment; has identified appropriate mitigation measures to be included as conditions of use and performance bonding in a form satisfactory to District of Kitimat and sufficient to complete mitigation is posted by business operator.

Insert 9.7.7.13:

Temporary Uses

Temporary Uses in accordance with Part, 9 Division 8; limited to:

- (a) Brewery, Cidery, Meadery, Winery
- (b) Coffee Shop
- (c) Personal Service Shop
- (d) Recreation
- (e) Cultural Activity
- (f) Animal Grooming;
- (g) No activity listed in *BC Contaminated Sites Regulation, Schedule 2*, unless environmental professional engaged at applicant expense and approved by District of Kitimat; or Ministry of Environment; has identified appropriate mitigation measures to be included as conditions of use and performance bonding in a form satisfactory to District of Kitimat and sufficient to complete mitigation is posted by business operator.

4. Amend Part 9 – PLANNING, Division 8 – TEMPORARY USES Subdivision 2 be amended as follows:

Replace 9.8.2.2(b) reference to "commercial zone" with "C12 zone"


Insert 9.8.2.2(d):

Only short-term commercial uses may permitted in commercial zones, excluding C12 where commercial and industrial uses may be permitted.

5. Re-numbering as required.
6. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this 16 day of September, 2019.  
READ a second time this 16 day of September, 2019.  
A PUBLIC HEARING was held this 21 day of October, 2019.  
READ a third time this 21 day of October, 2019.  
FINALLY ADOPTED this 21 day of October, 2019.

MAYOR



Philip Getmuth

CORPORATE OFFICER



Ethan Anderson