

DISTRICT OF KITIMAT

BYLAW NO. 1963

A BYLAW TO AMEND THE KITIMAT MUNICIPAL CODE WITH RESPECT TO DETACHED ACCESSORY DWELLING UNITS IN CABLE CAR NEIGHBOURHOOD

WHEREAS the *Local Government Act* allows a local government to divide portions of the municipality into zones and regulate permitted land uses within zones,

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;

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

1. This bylaw may be cited as “Accessory Dwelling Units for Cable Car Neighbourhood Bylaw No. 1963, 2020”
2. Kitimat Municipal Code is hereby amended by adding and amending text further to provisions outlined as follows, including updating related section numbers and cross-references accordingly:

- a. Part 9 – PLANNING, Division 1 – General. Subdivision 1 – Interpretation is amended to include the following definition of Accessory Dwelling Unit (Detached):

“Dwelling Unit (Detached), Accessory” means a second dwelling unit on a parcel, which dwelling unit:

- a. *is accessory to the principal residence or, when permitted in a commercial zone, is accessory to the residence of the store operator;*
- b. *is in lieu of the second dwelling unit permitted in the principal residence (where permitted);*
- c. *is located in whole or part of a detached dwelling;*
- d. *includes a Landscape Screen between Dwelling Unit (Detached), Accessory and residence(s) on abutting parcels;*
- e. *does not exceed 100 square metres in floor area;*
- f. *is not subdivided or stratified;*
- g. *is not used for guest or tourist accommodation use, except in conjunction with one Bed and Breakfast operation licenced for the same parcel (where permitted); and*
- h. *is not used for other Principal or Accessory Uses permitted in the Zone, except Home Occupation and Home Business Address (where permitted).*

- b. Part 9 - PLANNING, Division 7 - Greenbelt Zoning, Subdivision 5 – G3-A Cable Car Zone is amended to include Accessory Dwelling Unit (Detached) as a permitted accessory use, and to add related Conditions of Use, such that Sections 9.7.5.1 - 9.7.5.4 read as follows:

Subdivision 5 – G3-A Cable Car Zone

9.7.5. Permitted and Accessory Uses

1. *The following principal uses are permitted in G3-A Cable Car Zone:*
 - a. *Detached residence with not more than two dwelling units.*
2. *The following accessory uses are permitted:*
 - a. *Accessory Dwelling Unit (Detached)*

- b. Agriculture
- c. Bed and Breakfast
- d. Day Care (Adult)
- e. Day Care (Child)
- f. Home Business Address
- g. Home Occupation

Conditions of Use

- 3. Dwelling Units (Maximum): 2 per parcel
 - 4. Accessory Dwelling Unit (Detached) use is not permitted unless a contiguous clear land area sufficient for a sewerage reserve disposal field is available on the parcel, as confirmed by a certified professional and Northern Health Authority;
- c. Part 9 - PLANNING, Division 5 - Commercial Zoning, Subdivision 5 – C4 Local Store Zone is amended to include Accessory Dwelling Unit (Detached) as a permitted accessory use for certain properties only, and to add related Conditions of Use, such that Sections 9.5.5.1 - 9.5.5.4 read as follows:

Subdivision 5 – C4 Local Store Zone

9.5.5. Permitted Uses

- 1. The following uses are permitted in C4 Local Store Zone:
 - a. Coffee Shop
 - b. Day Care (Child)
 - c. Day Care (Adult)
 - d. Local Retail Trade
 - e. Residence of Store Operator
 - f. Accessory Dwelling Unit (Detached), at:
 - i. L 1 DL 6188 R5C PL 8017 (49 Oolichan Avenue)
 - ii. L 2 DL 6188 R5C PL 8017 (39 Oolichan Avenue)
 - iii. L 3 DL 6188 R5C PL 8017 (29 Oolichan Avenue)
 - g. Temporary Uses: in accordance with Part 9, Division 8

Conditions of Use

- 2. Permitted buildings and structures per lot:
 - a. One local store G.L.A. 225 m² or less;
 - b. One dwelling unit for Store Operator
 - c. Accessory Dwelling Unit (Detached) use is not permitted unless a contiguous clear land area sufficient for a sewerage reserve disposal field is available on the parcel, as confirmed by a certified professional and Northern Health Authority,

3. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this _____ day of _____, 2020.
 READ a second time this _____ day of _____, 2020.
 A PUBLIC HEARING was held this _____ day of _____, 2020.
 READ a third time this _____ day of _____, 2020.
 FINALLY ADOPTED this _____ day of _____, 2020.

MAYOR

Philip Germuth

CORPORATE OFFICER