

DISTRICT OF KITIMAT

BYLAW NO. 1969

A BYLAW TO AMEND THE KITIMAT MUNICIPAL CODE WITH RESPECT TO DETACHED ACCESSORY DWELLING UNITS IN SELECTED ZONES AND PROPERTIES

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 Selected Zones and Properties Bylaw No. 1969, 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 6 – G3-B Strawberry Meadows Zone is amended to include Accessory Dwelling Unit (Detached) as a permitted accessory use and to add related Conditions of Use, such that Sections 9.7.6.1 – 9.7.6.8 read as follows:

Subdivision 6 – G3-B Strawberry Meadows Zone

9.7.6. Permitted and Accessory Uses

1. *The following principal uses are permitted in 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)

- 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. Lot Area (Minimum): 0.4 ha
- 5. Lot Frontage (Minimum): 40m
- 6. Lot Coverage (Maximum): 15%
- 7. Floor Area Ratio (Maximum): 0.15
- 8. Building Height (Maximum): 9m

- c. Part 9 - PLANNING, Division 7 - Greenbelt Zoning, Subdivision 7 – G3-C Residential Zone is amended to include Accessory Dwelling Units (Detached) as a permitted accessory use and to add related Conditions of Use, such that Sections 9.7.7.1 – 9.7.7.3 read as follows:

Subdivision 7 – G3-C Residential Zone

9.7.7. Permitted and Accessory Uses

- 1. The following principal uses are permitted in G3-C Residential 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

- d. Part 9 - PLANNING, Division 7 - Greenbelt Zoning, Subdivision 11 – G5-A Forestry Transition Zone is amended to include Accessory Dwelling Units (Detached) as a permitted accessory use and to add related Conditions of Use, such that Sections 9.7.11.1 – 9.7.11.3 read as follows:

Subdivision 11 – G5-A Forestry Transition Zone

9.7.11. Permitted and Accessory Uses

- 1. The following principal uses are permitted in G5-A Forestry Transition Zone:
 - a. Agriculture
 - b. Silviculture, including harvesting and tree planting
 - c. Detached residence with not more than two dwelling units
- 2. The following accessory uses are permitted:
 - a. Accessory Dwelling Unit (Detached) at:
 - i. PID 013-868-101, E 1/2 of DL 6005 R5C

