

This is the text referred to in the
“Regional District of Kitimat-Stikine Kispiox Valley Zoning Bylaw No. 53, 1976”
as the
KISPIOX VALLEY ZONING BYLAW

This Consolidated Version includes amendments to October 20, 2014, up to and including Bylaw No. 509

Amendment Bylaw No.	Adoption Date	Description
91	August 19, 1978	Text and Map
110	September 15, 1979	Map
127	November 24, 1979	Map
198	September 24, 1983	Map
261	October 15, 1988	Text and Map
509	October 23, 2004	Map

NOTE: This zoning bylaw is consolidated for convenience only

Where there is a discrepancy between the Consolidated Version and the Amending Bylaw, then the Amending Bylaw shall be deemed to be true and correct.

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**Regional District of Kitimat-Stikine
Bylaw No. 53**

A Bylaw to divide the Kispiox Valley into zones and to regulate the use of land, buildings, and structures within such zones, and the siting of buildings and structures within such zones.

The Board of the Regional District of Kitimat-Stikine in open meeting assembled, enacts as follows:

1.1.0 TITLE

This bylaw may be cited at “Kispiox Valley Zoning Bylaw No. 53, 1976”.

1.2.0 APPLICATION

This bylaw shall be applicable to that part of the Electoral Area B of the Regional District of Kitimat-Stikine as shown outlined on “Schedule A”, attached hereto and forming part of this bylaw.

1.3.0 RELATIONSHIP OF BYLAW TO AGRICULTURAL LAND RESERVES

1. Notwithstanding anything in this bylaw contained, land within the Regional District of Kitimat-Stikine designated as “Agricultural Land Reserve”, pursuant to the Land Commission Act, shall be subject to:

- i. the Land Commission Act; and,
- ii. regulations made under the Land Commission Act; and,
- iii. relevant orders of the Provincial Land Commission made under the Land Commission Act;

that is to say, without limiting the generality of the foregoing, where land within an “Agricultural Land Reserve” is also within a land zone established under this bylaw, the bylaw shall be binding only insofar as it is not contrary to, in conflict with, inconsistent with or repugnant to the Land Commission Act, regulations made thereunder and orders of the Provincial Land Commission.

2. a) Where land outside an “Agricultural Land Reserve” is zoned for an agricultural use, this bylaw shall be binding without qualification.
- b) Where land presently within an “Agricultural Land Reserve” is, pursuant to the Land Commission Act, regulations made thereunder, or orders of the Provincial Land Commission;
 - i. excluded from an Agricultural Land Reserve, or,
 - ii. exempted by the Land Commission Act; or,
 - iii. exempted by regulations made under the Land Commission Act or an order of the Provincial Land Commission;

the provisions of this bylaw shall be binding.

1.4.0 DEFINITIONS

“Animal” means horses, mules, swine, sheep, goats, or cattle;

“Campsite” means a site occupied and maintained or intended to be occupied and maintained for the temporary accommodation of travelers in travel trailers or tents, which is either operated for reward or is licensed accommodation under regulations made pursuant to the British Columbia Government Travel Bureau Act, but does not include a mobile home park or motel, hotel, and auto court, or a camp licenced under the Welfare Institutions Licensing Act;

“Gasoline Service Station” means a business selling by retail, motor fuels and lubricating oils and other goods and services essential to normal operation of automobiles and trucks but excluding body and fender work and painting;

“Lodge” means a place of accommodation for the travelling public where food may or may not be served;

“Natural Boundary” means a visible high water mark of any lake, river or stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed or the lake, river or stream or other body of water the character distinct from the banks thereof in respect to vegetation as well as in respect to the nature of the soil itself;

“Proprietor” means any holder or occupier of land under any form of tenure;

“Residence” means a place of dwelling used for accommodation and containing sleeping, cooking and toilet facilities;

“Restaurant” means any place where food or drink is served or provided, with or without charge, to the public, but does not include private homes;

“Run at Large” means in relation to animals without being under direct control of an owner or employee or agent of an owner;

Sawmill” means an operation consisting of facilities and equipment engaged solely for the purpose of processing and manufacturing of wood products and includes ancillary buildings and structures, but does not include residential dwellings or accommodations.

“Site” shall mean any lot or other registered parcel of land which is devoted to a certain use, or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

“Unit” means a self-contained cabin for rental purposes or a room in a hotel or motel accommodation;

“Watercourse” means a natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 250 hectares or more or as required by a designated Water Resources Official of the Province of British Columbia.

1.5.0 COMPLIANCE

No person shall erect, construct, or locate, any building or locate or carry on any industry, business, trade, or calling or use any land, or building or structure or surplus of water, or air space contrary to the provisions of this bylaw.

1.6.0 PROHIBITION

A lawful use of premises existing or lawfully under construction at the time of the adoption of the zoning bylaw, although such use does not conform to the provisions of this bylaw, may be continued, subject to the provision of Part XXI, of the Municipal Act, respecting non-conforming uses.

1.7.0 NON CONFORMING USES

A building existing prior to the date of this bylaw which fails to comply with the siting requirements herein, shall not by reason thereof, be deemed to be non-conforming. Any subsequent alterations or additions to such a building shall be permitted.

1.8.0 ADMINISTRATION

This bylaw shall be administrated by the Bylaw Enforcement Officer of the Regional District, or such other person as shall be appointed in place of the Bylaw Enforcement Officer by resolution of the Board of the Regional District.

1.9.0 RE-ZONING

Application for re-zoning shall be considered by the Regional District at its regular meetings.

1.10.0 ENFORCEMENT

The person charged with the administration of this bylaw is hereby authorized to enter, at all reasonable times, upon any property subject to the regulations of this bylaw, in order to ascertain whether such regulations or directions are being obeyed.

1.11.0 BOARD OF VARIANCE

A Board of Variance is hereby established pursuant to the provisions of section 708 of the Municipal Act.

- a) Appeals may be lodged with the Board of Variance by delivering the same to the Secretary-Treasurer of the Regional District.
- b) The applicant to the Board of Variance and the Secretary-Treasurer of the Regional District shall in addition to the notice required by section 709 (2) of the Municipal Act, each be given notice of the date, time and place of the Hearing as arranged by the Chairman of the Board of Variance.
- c) The Board of Variance shall allow the applicant, the Regional District, and any owner and occupier of real property located adjacent to the property that is the subject of the appeal to be heard.
- d) The Board of Variance shall render its decision in writing within seven days of its hearing.

1.12.0 VIOLATIONS

Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrains any act or thing which violates any of the provisions of this bylaw, shall be deemed to be liable to the penalties hereby imposed, and each day that such a violation is permitted to exist shall constitute a separate offence.

1.13.0 PENALTY

Any person who violates any of the provisions of this bylaw, shall, upon summary conviction thereof, be liable to a penalty of not less than \$100, and not more than \$1,000, and the cost of prosecution.

1.14.0 FLOOD DAMAGE PREVENTION

No residence, commercial structure, mobile home, or ancillary building, shall be constructed, moved, or located:

- a) Within 7.5 metres of the natural boundary of a lake,
- b) within 30 metres of the natural boundary of any other watercourse or source of water supply excluding wells;
- c) with the underside of the floor system of any area used for habitation, business, or storage or goods damageable by floodwaters, or in the case of a mobile home, the ground level on which it is located, lower than 0.6 metres above the two hundred year flood level where it can be determined, or if not, lower than 3.0 metres above the natural boundary of a watercourse or source of water supply and 1.5 metres above the natural boundary of a lake.

If landfill is used to achieve the required elevation, no portion of the fill slope shall be closer than the distance required in sub-section 1.14.0 (a) and 1.14.0 (b), from the natural boundary and the face of the fill slope must be adequately protected against erosion from floodwaters.

Provided, that with the approval of the Deputy Minister of Water Resources, these requirements may be reduced.

2.1.0 DESIGNATION ZONES

1. For the purpose of this bylaw, part of the area outlined in Schedule A is classified and divided into the following zones:
 - a) Rangeland Grazing – RG
 - b) Rangeland Commercial – RC
 - c) Rangeland Industrial – RI
2. Extent of each zone is shown on Schedule A zoning map, and detail maps, 1, 2, and 3, which are attached to, and form part of this bylaw, and which bear the words Schedule A. This is the Zoning Map referred to in section 2.1.0, part of Electoral Area B Zoning Bylaw No. 53, and signed and dated by the Chairman and the Secretary-Treasurer.
3. When the zone boundary is designated as following a road allowance or creek, the centre line of such road allowance or creek, shall be the zone boundary.
4. Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, location of the boundary shall be determined by scaling from the Zoning Map referred to in subsection 2.

2.2.0 PERMITTED USES

The use of land, buildings, and structures, including the surface of water, is restricted to the following:

1. RG – Rangeland Grazing Zone
 - a) Cultivation of soil for agricultural use,
 - b) Animal husbandry and the raising of crops for the feeding of livestock,
 - c) Market gardening,
 - d) Residential,
 - e) Timber harvesting and woodworking,
 - f) Resource extraction,
 - g) Home Occupation,
 - h) Schools,
 - i) Churches,
 - j) Community Halls,
 - k) Playgrounds
 - l) Public Utility Buildings,
 - m) Airfields,
 - n) Cemeteries,
 - o) Garbage Dumps,
 - p) Gravel Pits,
 - q) Public Campsites.

2. RC – Rangeland Commercial Zone

- a) All uses in Rangeland Grazing zones, except items f, m, and o, above,
- b) Gasoline service stations,
- c) General Store,
- d) Restaurant,
- e) Commercial Campsite,
- f) Fishing Lodge,
- g) Units for rental accommodation.

3. RI – Rangeland Industrial

- a) Sawmill
- b) Agricultural uses

2.3.0 SETBACKS

No building or structure, or mobile home, or part thereof, except accessory buildings, or a fence shall be located in:

1. RG – Rangeland Grazing Zone

- a. Within 7.5 metres of any property line,
- b. Within 30 metres of all highways.

2. RC – Rangeland Commercial Zone

- a. Within 3.0 metres of any side lot line,
- b. Within 7.5 metres of a front or rear lot line.

3. RI – Rangeland Industrial Zone

- a. In the Rangeland Industrial zone no building or structure, except a fence, shall be located within 7.5 meters of any lot line.

2.4.0 NUISANCES

All structures, pens, runs, closures and manure piles, all of which are related to the keeping of livestock, shall be located in compliance with the regulations made pursuant to the Health Act.

2.5.0. SITE AREA

The minimum site area shall be as follows:

1. Rangeland Grazing Zone – 40 hectares
 - a. Notwithstanding section 2.5.0 subsection 1, where a parcel is divided by a river, such a parcel may be subdivided subject to the approval of the B.C. Land Commission where applicable, and the Regional District Board.
 - b. Notwithstanding section 2.5.0, the minimum site area may be reduced for the uses permitted in the range land grazing zone listed under section 2.2.0, subsections H to Q inclusive, subject to approval of:
 - i. Where land is classified Agricultural Land Reserve, the B.C. Land Commission, and the Regional District Board.
 - ii. By the Regional District Board only for all other classifications.
2. Rangeland Commercial Zone.
 - a. The minimum site area in the Rangeland Commercial Zone shall be 6.0 hectares.
3. Rangeland Industrial Zone
 - a. The minimum site area in the Rangeland Industrial zone shall be 4.0 hectares.