

REGIONAL DISTRICT OF KITIMAT-STIKINE

BYLAW NO. 73

SKEENA VALLEY ZONING BYLAW

This Consolidated Version includes amendments to January 27, 2014, up to and including Bylaw No. 602

Amendment Bylaw No.	Adoption Date	Description
216	November 3, 1984	Map
328	December 12, 1992	Text & Map
411	April 26, 1997	Text & Map
412	April 26, 1997	Text & Map
492	April 26, 2003	Text & Map
493	April 26, 2003	Map
539	September 21, 2007	Map
602	October 21, 2011	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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INTERPRETATION AND ADMINISTRATION

1.1.0 TITLE

This bylaw may be cited as the “Skeena Valley Zoning Bylaw No. 73, 1976.”

1.2.0 APPLICATION

This bylaw shall be applicable to parts of Electoral Areas B and C of the Kitimat-Stikine Regional District as outlined on Schedule “A” which is attached to and forms part of the this bylaw.

1.3.0 DEFINITIONS

In this bylaw, unless the context otherwise requires:

“Accessory to” means customarily incidental to the permitted use of land, buildings, or structures located on the same lot;

“Auto Court or Motel” means a building or group of buildings containing sleeping units, occupied or intended to be occupied temporarily by automobile tourists or transients, with each unit having its own individual outside access and parking space located adjacent thereto and each dwelling unit being self-contained with or without cooking facilities having its own bathroom with a water closet, wash basin, and bath or shower;

“Boarder or Lodger” means a person who for hire occupies a sleeping room with or without individual toilet facilities in a dwelling unit occupied by a family to which he is not closely related by blood or marriage;

“Buffer Area” means an area, acting as a screen, natural or man made, the purpose of which is to eliminate distraction and, or conflicts in areas abutting Highway 16. The buffer area shall be located in such a way that it conceals derelict machinery, vehicles, junk and similar objects from the vision of a passing motorist;

“Church” means any place of worship;

“Dwelling Unit” means one or more rooms, used for the resident accommodation of one household and containing sleeping cooking, and toilet facilities’

“Dwelling, Single Family” means any detached building consisting of one dwelling unit which is occupied or intended to be occupied as the permanent home or residence of one family;

“Frontage” means that length of a parcel which immediately adjoins a highway or a waterbody where access is via water. In the case of a parcel fronting on more than one highway, the narrower side of the parcel abutting a highway shall be its frontage;

“Height” means the vertical distance from the average finished ground level at perimeter of the building structure to the highest point of the roof surface of a flat roof, to the decline of a mansard roof, and to the mean level between the eaves and the ridge of the table hip, gambrel, or other sloping roof, and in the case of a structure without a roof to the highest point of the structure;

“Highway” means a highway as defined by the Municipal Act;

“Mobile Home” means a single family dwelling unit suitable for year round occupancy, specially designed to be moved along the highway from time to time, and which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connection of utilities, and some incidental assembly;

“Service Station” shall mean a business for the retail sale of motor fuels or lubricating oils, including the servicing or repair of motor vehicles, the sale of automobile accessories and the rental of trailers and motor vehicles, and shall not include any other sales and services;

“Site” shall mean an area of land considered as a unit devoted to certain use, or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same;

1.4.0 PROHIBITION

- 1) Subject to the provision of the Municipal Act (*see Local Government Act*) respecting non-conforming uses, no person shall erect, construct; locate, alter, reconstruct or maintain any building, or locate or carry on any industrial, business trade or calling or use any land or building or structure or surface of water or air space contrary to the provisions of this bylaw.

1.5.0 NON CONFORMING USES

- 1) 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 provisions of section 705 of the Municipal Act (*see Local Government Act Section 911*) respecting non—conforming uses.
- 2) A building existing prior to the date of this bylaw which fails to comply with the siting requirements herein shall not by reasons thereof be deemed to be non-conforming. Any subsequent alterations or additions to such buildings shall be permitted only in accordance with the siting requirements of this bylaw.

1.6.0 ADMINISTRATION

- 1) The Building Inspector or such other person appointed by the Board of the Kitimat-Stikine Regional District shall administer this bylaw.
- 2) The Officers appointed under subsection (1) above, may enter at all reasonable times, upon any property subject to the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.

1.7.0 BOARD OF VARIANCE

A Board of Variance shall be established in accordance with the provisions of the Municipal Act RSBC Section 708, 709, and 710, (see *Local Government Act Section 899*) and amendments thereto.

1.8.0 PENALTY

- 1) Any person who violates the provisions of this bylaw is liable on summary conviction to a penalty not exceeding five hundred dollars (\$500.00) and not less than one hundred dollars (\$100.00) and also the cost of prosecution.
- 2) Each day during which such violation in continued shall be deemed to constitute a new and separate offence.
- 3) Upon conviction, the magistrate may direct that no prosecution under Subsection (2) may be made, with respect to the continuance of the violation for such a period of time as he directs.

1.9.0 OTHER REGULATIONS

Nothing contained in the regulations contained in this bylaw shall relieve the owner or developer of any land from the responsibility to seek out and comply with the legislation or regulation applicable to his undertaking.

1.10.0 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

1.11.0 FLOOD DAMAGE PREVENTION

For the purpose of this section, the following definitions shall apply:

“Natural Boundary” means the visible high water mark of any lake, river, 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 of the lake, river, stream or other body of water, a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;

“Watercourse” is any natural or man-made depression with well defined banks and a bed two feet or more below the surrounding land servicing to give direction to a current of water at least six months of the year or having a drainage area of one square mile or more or as required by a designated Water Resources official of the Province of British Columbia.

Notwithstanding any other provisions of this bylaw, no residence, commercial structure, mobile home or ancillary building, shall be constructed, moved, or located;

- a) within twenty-five (25) feet of the natural boundary of a lake;
- b) within two hundred (200) feet of the natural boundary of the Skeena River or within one hundred (100) feet 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 of goods damageable by floodwater, or in the case of a mobile home, the ground level on which it is located, lower than two (2) feet above the two hundred year flood level where it can be determined, or if not, lower than twenty (20) feet above the natural boundary of the Skeena River, and ten (10) feet above the natural boundary of any other watercourse or source of water supply and five (5) feet above the natural boundary of a lake.

If landfill is used to achieve the required elevation, no portion of the fill slope be closer than the distances required in subsections 1.11.0 (a) and 1.11.0 (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 the Environment or his designate these requirements may be reduced.

1.12.0 AGRICULTURE

Notwithstanding anything in this bylaw contained, land with 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 repugn to the Land Commission Act, regulations made thereunder and orders of the Provincial Land Commission.

- 1) Where land outside an “Agricultural Land Reserve” is zoned for an agricultural use, this bylaw shall be binding without qualification.
- 2) 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.

2.1.0 ZONE DESIGNATIONS

- 1) For the purpose of this bylaw, part of the area outlined in Schedule A is classified and divided into the following zones:

a) Rural	R1
b) Highway Commercial	HC
c) Rural Resort	RC
d) Destination Resort	RC2
e) Destination Resort Staging area	RC3
f) Public Highway Maintenance Yard	M-1
- 2) The extent of each zone is shown on the Schedule A Zoning Map, which is attached to and forms part of this bylaw; and which bears the words: “Schedule A in section 2.1.0 of Zoning Bylaw No. 73”, and signed and dated by the Chairman and the Secretary Treasures.
- 3) For clarification, the Highway Commercial Zone is shown, in larger scale, on a detailed map which is “Schedule B in section 2.1.0 of Zoning Bylaw No. 73”.
- 4) When a 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.

- 5) 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 maps referred to in subsection (2) and (3).

2.1.1 OTHER REGULATIONS

On a lot which abuts a Trans Provincial or Provincial Highway Right-of-Way and is not concealed from said highways, such lot shall not be used for the storage of derelict machinery, vehicles, junk or similar objects unless storage occurs either behind a "Buffer Area" or on the off highway side of all residences or ancillary buildings so as to be out of the line of vision of passing motorists.

2.1.2 CODE REQUIREMENTS

Every building or structure, or part thereof shall be constructed in compliance with the requirements of the National Building Code and Fire Marshall's Act.

2.2.0 HIGHWAY COMMERCIAL (HC) ZONE

2.2.1 PERMITTED USES

In a Highway Commercial Zone, the use of land, buildings and structures is restricted to the following:

- a) General Store,
- b) Gasoline Service Station where no disabled vehicles shall be permanently stored outside the building in open view of highway traffic,
- c) Restaurant,
- d) Motels, auto courts, private campsites,
- e) One single family residence in conjunction with a commercial use.
- f) Uses a), d), g), h), i), j), and k) of section 3.3.1.

2.2.2 SITE AREA

- 1) The minimum site area required shall be 2 acres, provided there is sufficient area in the parcel to dispose of human and other wastes in accordance with the Sewage Disposal Regulations adopted pursuant to the Health Act (*see Public Health Act*).

2.2.3 SETBACK & HEIGHT

- 1) No building or structure or mobile home or part thereof, except accessory buildings or a fence shall be located within the setback distances described below.
 - a) Front: fifty (50) feet from a front lot line or from any highway right-of-way which the parcel abuts,
 - b) Rear and Side: ten (10) feet from any side or rear lot line,
- 2) Notwithstanding the provisions of subsection (1) a gasoline service station pump, or pump island shall not be located closer than fifteen (15) feet from any property line.
- 3) No building or structure, or part thereof, shall exceed twenty-five (25) feet or two stories in height.

2.2.4 PARKING

Off street parking shall be provided in accordance with the provisions of section 4.1.0

2.2.5 SIGNS & NOTICES

Subject to the Motor Vehicles Act and the Highways Act (*see Transportation Act, Provincial Public Undertakings Regulation, BC Reg. 513/2004*), a sign or signs not exceeding fifty (50) square feet in total on any one site are permitted.

2.4.0 RURAL RESORT (RC) ZONE *(see amendment Bylaw No. 328)*

2.4.1 PERMITTED USES

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

- a) lodge facility and permanent structures to accommodate up to a maximum of 30 persons,
- b) facilities for indoor recreation activities,
- c) facilities for outdoor recreation activities, and
- d) camping area for a maximum of 20 recreation vehicles;

2.4.2 CONDITION OF USE

Land, buildings and structures shall not be used for retailing of goods and services to the passing vehicular traffic;

2.4.3 PARCEL SIZE

The minimum parcel size shall be no less than ten (10.0) acres;

2.4.4 SETBACK

No building or part thereof, except a fence, shall be located within twenty-five (25.0) feet of any lot line;

2.5.0 DESTINATION RESORT (RC2) ZONE *(see amendment Bylaw No. 411)*

The Destination Resort (RC2) zone provide for the

2.5.1 PERMITTED USES

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

- a) tourist accommodation
- b) facilities for indoor and outdoor recreation activities
- c) conference facilities
- d) campsites
- e) outfitting and guiding operations
- f) restaurants, and the onsite sale of liquor as ancillary to the destination resort
- g) gift shops and recreation equipment sales
- h) artisan workshops
- i) golf course
- j) agriculture
- k) staff accommodation
- l) helicopter landing pads and fuel storage
- m) utility buildings and structures
- n) one single family residence for the owner or caretaker
- o) parking lots
- p) accessory buildings and structures

2.5.2 PARCEL SIZE

The minimum parcel size shall be one hundred and fifty (150) acres.

2.5.3 SETBACK

No building or structure or part thereof, except a fence shall be located within fifty (50) feet of any lot line.

2.5.4 HEIGHT

No accessory building or structure except tramlines, gondolas and chair lifts shall exceed thirty (30) feet in height.

2.5.5 SIGNS AND NOTICES

Subject to the Motor Vehicle Act and the Highway Act, a sign or signs not exceeding fifty (50) square feet in total on any one site are permitted.

2.6.0 DESTINATION RESORT STAGING AREA (RC3) ZONE *(see amendment Bylaw No. 412)*

The Destination Resort Staging Area (RC#) zone provides for the

2.6.1 PERMITTED USES

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

- a) helicopter landing pads and fuel storage
- b) utility buildings and structures
- c) parking lots
- d) one single family residence for the owner or caretaker
- e) accessory buildings and structures
- f) gift shop and snack bar not exceeding 600 square feet in total gross floor area on any one site

2.6.2 PARCEL SIZE

The minimum parcel size shall be ten (10) acres

2.6.3 SETBACK

No building or structure or part thereof, except a fence, shall be located within fifty (50) feet of any lot line.

2.6.4 HEIGHT

No building or structure except tramlines, gondolas and chair lifts shall exceed thirty (30) feet in height.

2.6.5 SIGNS AND NOTICES

Subject to the Motor Vehicle Act and the Highway Act, a sign or signs not exceeding fifty (50) square feet in total on any one site are permitted.

2.7.0 PUBLIC HIGHWAY MAINTENANCE YARD (M-1) ZONE *(see amendment Bylaw No. 492)*

The Public Highway Maintenance Yard (M-1) provides for the development of strategically located works yard for operators under contract with government to maintain the public road system and ancillary activities.

2.7.1 PERMITTED USES

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

- a) highway maintenance equipment and vehicle repair shop and storage buildings
- b) salt and aggregate storage
- c) equipment and vehicle compound
- d) parking lot
- e) office
- f) utility buildings and structures
- g) one single dwelling or one mobile home for caretaker or manager

2.7.2 PARCEL SIZE

The minimum parcel size shall be 20 acres.

2.7.3 SETBACK

No building or structure or part thereof, except a fence, shall be located within fifty (50) feet of any lot line.

No outside storage of equipment, material or building supplies shall be permitted within one hundred (100) feet of the front lot line.

In order to preserve the scenic qualities of the region's highway corridors, all development must be adequately screened by vegetation and a natural buffer shall be retained along the frontage of Highway 16.

2.7.4 HEIGHT

No building or structure except communication equipment shall exceed forty (40) feet in height.

2.7.5 SIGNS

Subject to the Motor Vehicle Act and the Highway Act, a sign or signs not exceeding fifty (50) square feet in total on any one site are permitted.

3.3.0 RURAL (R1) ZONE

3.3.1 PERMITTED USES

In a Rural 1 Zone, the use of land, buildings, and structures is restricted to the following:

- a) One (1) single family residence or one (1) mobile home per parcel, and buildings ancillary to agricultural produce,
- b) Agriculture,
- c) Animal husbandry,
- d) Home occupation,
- e) Timber harvesting and wood processing,
- f) Resource extraction,
- g) Schools,
- h) Churches,
- i) Community Halls,
- j) Public utility structures,
- k) Airfields,
- l) Cemeteries,
- m) Garbage Dumps,
- n) Gravel Pits.

3.3.2 SITE AREA

The minimum site area for permitted uses (a) to (f) shall be twenty (20) acres, except where a lot is already subdivided.

3.3.3 SETBACK & HEIGHT

- 1) No building or structure, or mobile home or part thereof, except a fence, shall be located within fifty (50) feet of any lot line, or highway right of way.

4.1.0 OFF STREET PARKING

Off street parking spaces for each building and use shall be provided in accordance with the following table.

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Campground, Overnight Trailers	1 per space
Café – Dining Room	1 per 3 seats
Café – Take Out Only	15
Gas Station	1 per 2 employees on duty plus 2 per service bay
General Store	1 per 150 sq. ft. gross floor area of retail portion of building, or 4, whichever is greater
Motel	1.1 per unit plus 1 per 3 seats in café, etc.
Residential	2 per dwelling unit