



Regional District of
Kitimat-Stikine

TWO MILE ZONING BYLAW

**“Regional District of Kitimat-Stikine Specified Portion of
Electoral Area B Two Mile Zoning Bylaw No. 320, 1992”**

ADOPTED APRIL 24, 1993

This Regulation Bylaw is consolidated for convenience only.

*This Consolidated version includes amendments to October 19, 2018
up to and including Bylaw No. 704*

List of Amendments to the RDKS Specified Portion of Electoral Area B Two Mile Zoning Bylaw No. 320, 1992		
Bylaw No.	Date of Adoption	Purpose of Amendment
395	October 26, 1996	Text & Map
453	September 25, 1999	Text
478	February 24, 2001	Map
704	June 22, 2018	Map

NOTE:

Where there is a discrepancy between this consolidated Version and the Amending Bylaw, then the original Bylaw No. 320 and the Amending Bylaws shall be deemed to be the true and correct version.

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PART 1: INTERPRETATION

1.1 TITLE

This bylaw may be cited as the “Regional District of Kitimat-Stikine specified portion of Electoral Area B Two Mile Zoning Bylaw No. 320, 1992.”

1.2 SHORT TITLE

This bylaw may also be referred to as the “Two Mile Zoning Bylaw.”

1.3 APPLICATION

This bylaw shall be applicable to all lands within the Plan Area Boundary indicated on Schedule ‘A’ which is attached to and forms part of this bylaw.

1.4 DEFINITIONS

In this bylaw, unless the context otherwise requires:

“**ANCILLARY BUILDING**” means a building or structure separate from and subordinate to the principal structure on the site;

“**ANIMAL HOSPITAL AND SHELTER**” means development for the temporary care, treatment or impoundment of small animals within an enclosed building and ancillary buildings or structures;

“**BOARDER or LODGER**” means a person who, for a fee, occupies a sleeping room, with or without individual toilet facilities in a dwelling unit occupied by a family to which he or she is not related by blood or marriage;

“**BUFFER AREA**” means a screened area, natural or man made, the purpose of which is to minimize the conflicts between the incompatible zones and/or uses;

“**CONVENIENCE RETAIL STORES**” means development for the retail sale of those goods required by area residents on a day-to-day basis and includes such uses as food stores and variety stores that sell confectionary, tobacco, groceries, beverages, personal care goods and printed matter;

“**DERELICT VEHICLE**” means a vehicle which is stored outside of any building or structure and which has not been licensed for a period of one year;

“**DESIGNATED FLOOD**” means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis;

“**DESIGNATED FLOOD LEVEL**” means the observed or calculated elevation for the designated flood, which is used in the calculation of the flood construction level;

“**DWELLING UNIT**” means two or more rooms, used for the residential accommodation of one or more individuals and contains sleeping, cooking, and toilet facilities;

“FAMILY” means an individual, or two or more persons related by blood or marriage, or five or fewer person not necessarily related by blood or marriage;

“FISH FARMING” means development where buildings, structures, tanks or ponds are used to rear, store and sell fish produced on the site;

“FLOOD CONSTRUCTION LEVEL” or **“FLOOD LEVEL”** means a designated flood level plus freeboard, or where a designated flood level cannot be determined, a specified height above a natural boundary, natural ground elevation, or any obstruction that could cause ponding;

“FLOODPLAIN” means an area which is susceptible to flooding from a watercourse, lake, or other body of water and that which is designated in Section 3.2(1) of this bylaw;

“FLOODPLAIN SETBACK” means the required minimum distance from the natural boundary of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain a floodway and allow for potential land erosion;

“FLOOR/SITE RATIO” means the number obtained when the total gross floor area of all buildings on a site is divided by the site area;

“FREEBOARD” means a vertical distance added to a designated flood level, used to establish a flood construction level;

“FRONTAGE” means that length of a parcel which immediately adjoins a highway other than a lane or walkway. 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;

“GROSS FLOOR AREA” means the total area of all the floors of a building measured at the exterior extremities and includes basements;

“GROUP DAY CARE FACILITY” means a facility licensed by the province pursuant to the Community Care Facility Act that provides, in a group setting, care to children and opportunities for their social, emotional, physical and intellectual growth;

“G.S.C.” means Geodetic Survey of Canada datum;

“HABITABLE AREA” means any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater;

“HEIGHT” means the vertical distance from the average finished ground level at the perimeter of the building or structure to the highest point of the roof and in the case of a structure without a roof, to the highest point of the structure;

“HOME OCCUPATION” means an occupation, trade, profession, arts and crafts, or commercial business which is clearly incidental both to the residential use of a dwelling unit for residential purposes and to the residential use of a site occupied by that dwelling unit and includes:

- (a) the operation of a community care facility licensed pursuant to the Community Care Facility Act which accommodates not more than 10 physically active persons; and
- (b) the keeping of not more than four boarders and lodgers;

“MOBILE HOME” means a single dwelling unit suitable for year round occupancy which is designed to be transported along a public roadway to the site where it is to be occupied and is complete and ready for occupancy once foundation supports are placed, utilities are connected and other incidental assembly functions undertaken;

“MOBILE HOME PARK” means land used or occupied by any person for the purposes of providing spaces for the accommodation of mobile homes and for imposing a charge or rental for the use of such space;

“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, as defined in Section 1 of the Land Act, and also includes the edge of dormant side channels of any lake, river, stream, or other body of water;

“NATURAL GROUND ELEVATION” means the undisturbed ground elevation prior to site preparation;

“NEIGHBOURHOOD PUBLIC HOUSE” means a public liquor serving establishment licensed under the Liquor Control and Licensing Act and regulations pursuant thereto;

“O.C.P.” means Hazeltons Vicinity Official Community Plan;

“PAD” means a paved surface on which blocks, posts, runners, or strip footings are placed for the purpose of supporting a manufactured home, or a concrete pad for supporting a habitable area;

“PARCEL” means a lot, block, or other area in which land is held or into which land is subdivided;

“PERSONAL SERVICE STORE” means a facility used for the provision of personal services related to the care and appearance of the body or the cleaning or repair of personal effects such as barbershops, beauty salons, hairdressers, tailors, dressmakers, shoe repair shops, upholsters, appliance service and dry cleaning establishments and laundromats;

“RESTAURANT” means a building where food and beverage is sold to the public and includes cafes, delicatessens, tea rooms and take-out restaurants;

“RETAILING” means the sale of goods to the ultimate consumer, including the servicing of such goods;

“SETBACK” means the required minimum distance between a building or use and the nearest site line;

“SINGLE DETACHED RESIDENCE” means a building containing only one residential dwelling unit;

“SITE” means a unit of land consisting of one or more parcels, or a portion of one parcel delineated by a zone boundary, 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;

“SITE AREA” means the portion of the total area of the parcel or parcels which remains after excluding:

- (a) bodies of water including swamps or surface water measured from the highest level of water;
- (b) private roads exceeding 15 metres in length and 7.6 metres in width;
- (c) land where the natural slope exceeds 30%; and
- (d) land within 60 metres of the natural boundary of the Skeena and Bulkley Rivers and within 15 metres of the natural boundary of Two Mile Creek;

“SITE COVERAGE” means the total area of all buildings and structures allowable on a site as measured from the exterior walls or columns of a building or structure expressed as a percentage of site area;

“SITE LINE” means the line which defines the perimeter of the site;

“SITE WIDTH” means the average distance between the side site lines, as determined by measuring the distance between the front and rear site lines and calculating the average;

“SMALL ANIMAL KENNEL” means development for the breeding, boarding or training of small animals such as dogs and cats within a building including an adjacent fenced compound;

“STANDARD DYKE” means a dyke built to a minimum crest elevation equal to the flood construction level and meeting standards of design and construction approved by the Ministry of Environment and maintained by an ongoing authority such as a local government body;

“STRUCTURE” means any construction fixed to, supported by, or sunk into the land or water but not concrete or asphalt paving or similar surfacing of a site, and for purposes of this bylaw excludes a fence constructed along the property line;

“WATERCOURSE” means any 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 2 square kilometres or more upstream of the point of consideration.

PART 2 ADMINISTRATION

2.1 ZONES

For the purpose of this bylaw, the lands indicated outlined by plan area boundaries on Schedule "A" shall be divided into the following zones:

Zones	Zone Symbol
Rural Agriculture	Ru1
Hobby Farm	Ru2
Rural Residential	Ru3
Single Detached Residential	R-1
Neighbourhood Commercial	C-2
Rural Industrial	RuM
Light Industrial	M-1
Community and Institutional	P-1
Open Space & Resource Management	OS-1
Planning Reserve	PR

2.2 ZONE BOUNDARIES

- (1) The extent of each zone shall be as indicated on Schedules 'A' and 'B' which are attached to and form part of this bylaw.
- (2) Where the zone boundary is designated as following a road allowance, the centre line of such road allowance shall be the zone boundary.
- (3) Where the zone boundary is designated as following a topographic break, the boundary shall be determined as the lowest level of elevation if the topographic break occurs at the toe of the slope, and the highest level of elevation if topographic beak occurs at the top of the slope.
- (4) Where the zone boundary follows the banks formed by a natural water course, the natural high water mark shall constitute the boundary.
- (5) Where the zone boundary does not correspond with a legal lot line, does not follow a road allowance, a topographic break or water course, the boundary of the zones shall be determined by scaling Schedules 'A' and 'B' of this bylaw.
- (6) In the event that a zone boundary passes through a legal parcel, the requirements of the applicable zone shall apply in respect to each site created by the zone boundary.

2.3 PROHIBITION

No person shall erect, construct, locate, alter, or reconstruct any buildings, or use any property or surface of water or air space contrary to the provision of this bylaw.

2.4 NONCONFORMING USE

- (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 970 of the Municipal Act (*now see Section 911 of the Local Government Act*), respecting nonconforming uses.
- (2) A building or structure existing prior to the date of this bylaw which fails to comply with the siting requirements herein shall be deemed to be nonconforming. Any subsequent alterations or additions to such buildings shall be permitted only in accordance with formerly Section 970(9) of the Municipal Act (*now see Section 911 of the Local Government Act*) or as allowed by the Board of Variance pursuant to Section 962 (2) of the Municipal Act (*now see Section 901 of the Local Government Act*).

2.5 ADMINISTRATION

This bylaw shall be administered by the person or persons appointed by the Board of the Regional District of Kitimat-Stikine.

2.6 RIGHT OF ENTRY

The persons appointed or designated under Section 2.5 may enter at all reasonable times, upon any property subject to the regulations of this bylaw, for the purpose of administering, reviewing, or enforcing this bylaw.

2.7 PENALTY

- (1) Any person who violates the provision of this bylaw is liable on summary conviction to a penalty not exceeding two thousand dollars (\$2,000) and also the cost of prosecution.
- (2) Each day during which such violation is continued may be deemed to constitute a new and separate offense.

2.8 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, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

2.9 OTHER REGULATIONS

Nothing 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 this undertaking.

PART 3: GENERAL REGULATIONS

3.1 B.C. AGRICULTURAL LAND COMMISSION

- (1) Notwithstanding any other provision of this bylaw, all lands within the Agricultural Land Reserve, except those exempted under Section 19(1) of the Agricultural Land Commission Act (*now see Section 23 of the Agricultural Land Commission Act*) of the Agricultural Land Commission Act, are subject to the provisions of the Agricultural Land Commission Act, regulations thereto, and orders of the Commission. That is to say, where land within the Agricultural Land Reserve is also within a zone established under this zoning bylaw, the zoning bylaw shall be binding only insofar it is not contrary to, in conflict with, inconsistent with or repugnant to the Agricultural Land Commission Act, regulations made thereunder and orders of the Commission.
- (2) Where land presently within the Agricultural Land Reserve is, pursuant to the Agricultural Land Commission Act, regulations made thereunder, or orders of the B.C. Agricultural Land Commission:
 - (a) excluded from an Agricultural Land Reserve, or
 - (b) exempted by the Agricultural Land Commission Act, or
 - (c) exempted by regulations made under the B.C. Agricultural Land Commission Act, or an order of the B.C. Agricultural Land Commission, the provision of this bylaw shall be binding.

3.2 FLOODPLAINS AND WATERCOURSES

(The following provision of this bylaw respecting floodplains and watercourses are enacted pursuant to Section 969 of the Municipal Act (*now see Section 910 of the Local Government Act*). For ease of reference, Appendix A provides regulations contained in other provincial statutes or regulations.)

(1) FLOODPLAIN DESIGNATION

The following land is designated as floodplain:

- (a) land lower than the flood construction levels specified in Section 3.2(2)(a);
- (b) land within the floodplain setbacks specified in Section 3.2(2)(b)

(2) FLOODPLAIN SPECIFICATIONS

(a) Flood Construction Levels

The following elevations are specified as flood construction levels, except that where more than one flood construction level is applicable, the higher elevation shall be the flood construction level:

- i. 4.5 metres above the natural boundary of the Skeena River and the Bulkley River;
- ii. 1.5 metres above the natural boundary of any other watercourse, lake, marsh, or pond.

(b) Floodplain Setbacks

The following distances are specified as floodplain setbacks, except that where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback:

- i. 60 metres from the natural boundary of the Skeena River and the Bulkley River;
- ii. 15 metres from the natural boundary of any other watercourse;
- iii. 7.5 metres from the natural boundary of a lake, marsh, or pond.

3.3 VISIBILITY

- (1) No building, structure, fence, vegetation, or equipment shall be situated so as to obstruct the line of vision as measured between the heights of 0.8 metres and 3.0 metres above the established street grades within an area of 24 metres radius measured from the centre line intersection of intercepting highways.
- (2) Notwithstanding Section 3.3(1) above, the setback from a property line adjacent to any public roadway shall not be less than 4.5 metres unless authorized by the Minister of Transportation and Highways.

3.4 PARKING AND LOADING SPACES

- (1) Each parking space required to be provided under this bylaw shall be no less than 3.0 metres in width and no less than 5.2 metres in depth.
- (2) Where a lot is located at the intersection of two road rights-of-way, no entrance, exit, driveway, or parking stall shall be located within 7.5 metres from the intersection of the property lines adjacent to the rights-of-way.
- (3) All off-street parking provided under the requirements of this bylaw shall be on the same site as the use for which the parking is provided.
- (4) In all multi-residential, commercial, and industrial zones, off-street parking shall not be situated in a manner than requires backing into a public roadway.
- (5) In buildings of mixed occupancy, the parking requirements for each occupancy shall be provided for that portion of the building so utilized.
- (6) Off-street parking for each building and use shall, with any fraction becoming another, be provided as follows:

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Auto Sales and Repair	1 per 90 m ² gross floor area plus 1 per service bay
Animal Hospital/Kennel	1 per 45 m ² gross floor area
Bank	1 per 30 m ² gross floor area
Bowling Alley	3 per alley
Boat Sales and Repair	1 per 90 m ² gross floor area
Building Materials Supply	1 per 50 m ² gross floor area
Campgrounds/Overnight Trailers	1 per space plus 2
Café, Dining Room, etc.	1 per 4 seats
Café, Take out	4 spaces
Clubs, Lodges, Beer Parlors, Pubs, etc.	1 per 4 seats
Curling Rinks	4 per sheet of ice
Service Station	1 per 90 m ² gross floor area plus 2 per service bay
Grocery	1 per 30 m ² gross floor area
Accommodation Facility	1 per unit

Institutional	
Religious Assembly	1 per 8 seats
Fraternal Organization Society	1 per 8 seats
Public Library, Museum, Art Gallery, Theatre	1 per 40 m ² gross floor area
Hospital	1 per bed
Recreation Centre	1 per 9 m ² ice area and 1 per 4 m ² pool surface, and 1 per 4 players capacity of other sport
Community Hall	1 per 10 m ² gross floor area
Senior Citizen's Lodge	1 per 60 m ² gross floor area
Group Day Care	1 per 60 m ² gross floor area
School, Elementary	1 per classroom
School, Secondary	4 per classroom
Ambulance Station	1 per emergency vehicle bay
Fire Station	3 per emergency vehicle bay
Laundry/Dry Cleaning	1 per 40 m ² gross floor area
Laundromat	1 per 10 m ² gross floor area
Motel	1 per unit
Nursery, Greenhouse	1 per 30 m ² floor area of retail sales buildings
Offices, Business	1 per 35 m ² gross floor area
Offices, Medical	1 per 25 m ² gross floor area
Pool	1 per 4 m ² pool water surface
Post Office	1 per 40 m ² gross floor area
Public Bus Depot	1 per 30 m ² per gross floor area
Public Utility Building	1 per 40 m ² gross floor area
Residential, Single Detached/ Mobile Home	2 per dwelling
Residential, Multi-Dwelling	1.5 per dwelling unit
Store, Retail	1 per 30 m ² gross floor area
Store, Personal Service	1 per 30 m ² gross floor area
Taxi Stand	1 per taxi
Warehouse	1 per 180 m ² gross floor area

3.5 SIGNS AND NOTICES

Subject to the Motor Vehicle Act and the Highway Act (*see Transportation Act, Provincial Public Undertakings Regulation, BC Reg. 513/2004*) the following signs and notices are permitted:

- (1) In Residential, Rural, and Rural Industrial Zones:
 - (a) one un-illuminated sign denoting name and address of the property not to exceed 0.2 square meters in area; and
 - (b) one un-illuminated “For Rent”, “For Sale”, professional practice, homecraft, or occupation identify sign, not to exceed 0.5 square meters in area.
- (2) In all Commercial, Industrial, Institutional, and Open Space Zones, signs and notice shall be permitted in accordance with the Motor Vehicle Act and the Highway Act (*see Transportation Act, Provincial Public Undertakings Regulation, BC Reg. 513/2004*).
- (3) All signs shall conform to the following restrictions and standards:
 - (a) Flashing and animated signs shall not be permitted.
 - (b) Signs shall not project beyond the property line.
 - (c) Roof top signs shall not be permitted.
 - (d) Wall signs shall not exceed an area on any one side of a building or structure greater than 0.25 square metres per 1.0 metre of side length of the building concerned.
 - (e) No sign shall exceed 6.0 metres in height.
 - (f) Freestanding signs shall not exceed an area greater than 3.0 square metres.

3.6 HOME OCCUPATIONS

- (1) A home occupation whether in the principal or ancillary building shall have no exterior indication that the buildings or land is being used for any use other than its permitted residential or ancillary use.
- (2) A home occupation shall not produce noise, vibrations, smoke, dust, odour, litter, glare or heat, other than that normally associated with a dwelling unit, nor shall it create or cause any fire hazard, electrical interference or traffic volumes in excess of what normally occurs in the residential area.
- (3) A home occupation shall not involve using materials or products that produce flammable vapours or gases under ordinary temperatures.
- (4) A home occupation shall not create visible or audible interference in radio or television in nearby residential buildings.
- (5) A home occupation shall have no external display of advertisement other than a sign in accordance with Section 3.5 of this bylaw.
- (6) A home occupation shall have no external storage of materials, containers, or finished products.
- (7) A home occupation must be carried on wholly within a dwelling unit or within an ancillary structure; except that where a home occupation is for boarding or lodging, it shall be conducted only within the principal residence.
- (8) The proprietor of the home occupation must be a resident of the dwelling unit on-site.

3.7 AGRICULTURAL USES

- (1) No drinking or feeding trough, no manure pile, and no enclosure or structure for housing animals or for the storage of feed, bedding and such materials shall be closer than 20 meters to any property line or dwelling unit, in the case of housing, keeping and production of animals, livestock, birds, bees, and 60 metres to any property line or dwelling unit in the case of mink farms, mushroom farms, and piggeries.
- (2) All structures, pens, runs, enclosures, and manure piles shall be located to comply with the Health Act (*see Public Health Act, Drinking Water Protection Act and Environmental Management Act, Agricultural Waste Control Regulations*) as to proximity to all nearby wells, lakes, streams, and springs or other bodies of water.
- (3) The keeping of not more than one large animal (horse, cow, goat, or similar animal) per m² of site area shall be permitted only in Rural zones.

3.8 MOBILE AND MANUFACTURED HOMES

All mobile or manufactured homes shall be installed and located in accordance with the following provisions:

- (1) All installed mobile homes and manufactured homes shall be securely anchored against the effect of high winds.
- (2) All mobile and manufactured homes shall be placed on a foundation and properly skirted and insulated.
- (3) All foundations for the support of a mobile home or manufactured home and permissible additions shall be designed and stalled in accordance with the National Building Code.
- (4) Every mobile home or manufactured home shall be situated so as to provide a crawl space with a minimum 45 cm. clearance measured from the underside of the beam to the ground.

3.9 ONE DWELLING UNIT PER SITE

In any zone where residential is a permitted use, only one dwelling unit per site shall be allowed unless otherwise specifically permitted.

3.10 EQUIPMENT ACCESS

Where a site is not serviced by a community sewer system, there shall be provided a clear distance of not less than 3.0 metres between structures or buildings on a site, or between a site line and any structures or buildings.

3.11 UTILITY AND PUBLIC SERVICE STRUCTURES

- (1) Utility and public service facilities such as lift stations, water works installations, natural gas stations, transmission towers, electrical transformer substations and fire lookout towers are permitted in any zone.
- (2) Notwithstanding Section 3.11(1) above, utility and public service uses such as offices, maintenance yards, or equipment storage are not permitted uses unless they are specified as a permitted use in the zone category.

3.12 DERELICT VEHICLES

- (1) No land shall be used for the storage of derelict vehicles or equipment or processing of scrap metals unless as otherwise specifically permitted.

PART 4: RURAL ZONES

4.1 Ru1 (Rural Agriculture) Zone

A. Description

The Ru1 (Rural Agriculture) zone allows for rural residential and agricultural uses in areas which are intended to be preserved in larger parcel sizes.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the Ru1 zone is restricted to the following and no other uses:

- (a) Agricultural Uses
- (b) One Single Detached Residence or Mobile Home
- (c) Fish Farming
- (d) Small Animal Kennel
- (e) Home Occupations
- (f) Timber Harvesting and Wood Processing
- (g) Resource extraction activities and ancillary structures
- (h) Buildings and Structures ancillary to residential and agricultural uses

(2) Regulations of Use:

- a) Refer to section 3.7 of this bylaw.

C. Subdivision

(1) Parcel Size:

In the Ru1 zone, land shall not be subdivided to a parcel size less than 8.0 hectares.

(2) Frontage:

In the Ru1 zone, the frontage for each parcel to be created by subdivision shall be no less than 15% of its perimeter.

D. Site Development

- (1) In the Ru1 zone, no building or structure or part thereof shall be constructed within 7.6 meters of a property line.

4.2 Ru2 (Hobby Farm) Zone

A. Description

The Ru2 (Hobby Farm) zone provides for active rural residential uses.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the Ru2 zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home
- (b) Agricultural Uses
- (c) Fishing Farming
- (d) Small Animal Kennel
- (e) Home Occupations
- (f) Tot lots, Playgrounds, Parks
- (g) Buildings and Structures ancillary to residential and agricultural uses.

(2) Regulations of Use:

- (a) Refer to section 3.7 of this bylaw.

C. Subdivision

(1) Parcel Size:

In the Ru2 zone, land shall not be subdivided to a parcel size less than 2.0 hectares.

(2) Frontage:

In the Ru2 zone, the frontage for each parcel to be created by subdivision shall be not less than 15% of its perimeter.

D. Site Development

- (1) In the Ru2 zone, no building or structure or part thereof shall be constructed within 7.6 meters of a property line.

4.3 Ru3 (Rural Residential) Zone

A. Description

The Ru3 (Rural Residential) zone provides for the development of single detached residences in a rural setting.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the Ru3 zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home
- (b) Home Occupation
- (c) Tot lots, Playgrounds, Parks
- (d) Ancillary Buildings and Structures

(2) Regulation of Use:

- (a) In the Ru3 zone, the gross floor area of all ancillary structures used in the home occupation shall be no greater than the gross floor area of the residential structure, however, if the residential structure is 80 m² or less, than ancillary structures with gross floor area up to 80 m² will be permitted.

C. Subdivision

(1) Parcel Size:

In the Ru3 zone, land shall not be subdivided to a parcel size of less than 0.3 hectares.

(2) Frontage:

In the Ru3 zone, the frontage for each parcel to be created by subdivision shall be not less than 15% of its perimeter.

D. Site Development

(1) Setbacks:

In the Ru3 zone, no building or structure or part thereof shall be located within the following setback from a property line:

	<u>Principal Building</u>	<u>Ancillary Structure or Building</u>
front yard	7.6 metres	7.6 metres
rear yard	7.6 metres	1.5 metres
side yard	3.0 m on one side 1.5 m of other side	3.0 m on one side 1.5 m on other side

(2) Height:

In the Ru3, no building or structure shall exceed 10.0 meters in height.

PART 5: RESIDENTIAL ZONES

5.1 R-1 (Single Detached Residential) Zone

A. Description

The R-1 (Single Detached Residential) zone provides for the development of single detached residences in a community setting.

B. Uses

(1) Permitted Uses:

The use of land, buildings, and structures in the R-1 zone is restricted to the following and no other uses:

- (a) One Single detached dwelling or Mobile home
- (b) Home Occupations
- (c) Tot lots, Parks and Playgrounds
- (d) Ancillary Buildings and Structures

C. Subdivision

(1) Parcel Size:

In the R-1 zone, land shall not be subdivided to a parcel size less than

- (a) 560 m² if the parcel is serviced by community water and community sewer,
- (b) 700 m² if the parcel is serviced by community water but not by a community sewer,
- (c) 1670 m² if the parcel is neither serviced by community water nor community sewer.

(2) Frontage:

In the R-1 zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the R-1 zone, where the area of an existing parcel is less than the minimum parcel size requirement, in order to build a single detached residence or situate a mobile home, three or more parcels shall be required so that the site area is no less than

- (a) 560 m² if the site is serviced by community water and community sewer,
- (b) 700 m² if the site is serviced by community water but not by community sewer,
- (c) 1580 m² if the site is neither serviced by community water nor community sewer, or
- (d) Notwithstanding Section D(1)(c) above, if the site is situated within
 - i. Block 26, Plan 785, District Lot 38 or

- ii. Lots 1-5 and 29-34 inclusive of Block 27, Plan 785, District Lot 38, and is neither serviced by community water nor community sewer then the minimum site area shall be 2115 m².

A larger site area than the minimum indicated above may be required by the Ministry of Health depending on the results of soil percolation tests and the requirement that all sources of drinking water including wells be situated 30.5 metres from any part of a sewage disposal system.

(2) Site Coverage:

In the R-1 zone, the site coverage shall not exceed 35% of the site area.

(3) Setbacks:

In the R-1 zone, no building or structure or part thereof shall be located within the following setback from a site line:

	<u>Principal Building</u>	<u>Ancillary Structure or Building</u>
front yard	7.6 metres	7.6 metres
rear yard	7.6 metres	1.5 metres
side yard	3.0 m on one side 1.5 m on other side	3.0 m on one side 1.5 m on other side

(4) Height:

In the R-1 zone,
 (a) the principal building shall not exceed 10.0 metres in height, and
 (b) ancillary structures or buildings shall not exceed 6.0 metres in height.

(5) Ancillary Structures:

In the R-1 zone, the total gross floor area of all ancillary structures and buildings shall not exceed 60 m²

PART 6: COMMERCIAL ZONES

6.1 C-2 (Neighbourhood Commercial) Zone

A. Description

The C-2 (Neighbourhood Commercial) zone provides for the orderly development, in designated locations usually at the intersection of two major traffic carrying streets, of convenience commercial outlets which provide day-to-day commercial services to residents in the neighbourhood.

B. Uses

(1) Permitted Uses:

The use of land, buildings, and structures in the C-2 zone is restricted to the following and no other uses:

- (a) Convenience Retail Stores
- (b) Personal Service Stores
- (c) Post Office Service
- (d) Restaurant
- (e) Neighbourhood Pub
- (f) Taxi Stand
- (g) Service Station and Gas Bar
- (h) Group Day Care Facility
- (i) Residential Dwelling Unit for a manager or caretaker as part of the permitted commercial use

(2) Regulation of Use:

In the C-2 zone,

- (a) only one building containing one or more uses will be allowed;
- (b) the total gross floor area shall not exceed 400 m²; and
- (c) the residential use shall be located above or behind the permitted commercial uses.

C. Subdivision

(1) Parcel Size:

In the C-2 zone, land shall not be subdivided to a parcel size less than

- (a) 560 m² if the parcel is serviced by community water and community sewer;
- (b) 700 m² if the parcel is serviced by community water but not community sewer; and
- (c) 1670 m² if the parcel is neither serviced by community water nor community sewer.

(2) Frontage:

In the C-2 zone, the frontage of a parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

The site area for the C-2 zone shall be no more than 0.8 hectare.

(2) Site Coverage:

In the C-2 zone, the site coverage shall not exceed 40% of the site area.

(3) Setback:

In the C-2 zone, no building or structure or part thereof shall be located within 7.6 metres of any property line which defines a street right-of-way; nor within 4.0 metres of any other property line.

(4) Height:

In the C-2 zone, no building or structure shall exceed 10.0 metres in height.

PART 7: INDUSTRIAL ZONES

7.1 RuM (Rural Industrial) Zone

A. Description

The RuM (Rural Industrial) zone provides for quasi-industrial uses in conjunction with a residential use. The residential use is to be the principal use of the site.

B. Uses

(1) Permitted Uses:

The use of land, buildings, and structures in the RuM zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home
- (b) Home Occupations
- (c) Rural Industrial uses such as repair shops, cabinet making, trucking and hauling operations and other home occupations requiring large ancillary buildings or large equipment which are incidental to the residential use of a dwelling unit and the residential use of a site.
- (d) Feed and Tack Sales
- (e) Animal Hospital and Shelter
- (f) Ancillary Buildings and Structures

(2) Regulations of Use:

In the RuM zone,

- (a) The buildings and structures on the site and the use of land shall be arranged in a manner which shows the residential use as the principal use;
- (b) All industrial uses shall be fenced or screened in a manner which obscures the industrial portion of the site and the site shall be kept in a neat and orderly manner;
- (c) Derelict vehicles, equipment, scrap metal, etc. shall be stored in a neat and orderly manner and shall be fenced or screened in a manner which obscures the use of land; and
- (d) The use of land for the storage of derelict vehicles, equipment, scrap metal, etc. shall not exceed 10% site coverage.

C. Subdivision

(1) Parcel Size:

In the RuM zone, land shall not be subdivided to a parcel size less than 0.4 hectares.

(2) Frontage:

In the RuM zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the RuM zone, the minimum site area shall not be less than 1670 m².

(2) Site Coverage:

In the RuM zone, the site coverage shall not exceed 40% of the site area.

(3) Setback:

In the RuM zone, no building or structure or part thereof shall be located within the following setback from a site line or a property line:

	<u>Residential Building</u>	<u>Industrial Structure or Building</u>
front yard	7.6 metres	15.0 metres
rear yard	3.0 metres	1.5 metres
side yard	3.0 m on one side 1.5 on other side	3.0 m on one side 1.5 m on other side

(4) Height:

In the RuM zone, no building or structure shall exceed 10.0 metres in height.

7.2 M-1 (Light Industrial) Zone *(see amendment Bylaw No. 395)*

A. Description

The M-1(Light Industrial) zone provides for the orderly development of industrial uses which do not require unsightly exterior storage of materials.

B. Uses

(1) Permitted Uses:

The use of land, buildings and structures in the M-1 zone is restricted to the following and no other uses:

- (a) equipment storage and repair shop
- (b) machinery, welding and fabricating shop
- (c) office ancillary to the above permitted uses
- (d) one single detached residence or mobile home for the caretaker or manager
- (e) buildings and structures ancillary to the above permitted uses
- (f) truck wash *(see amendment Bylaw No. 453)*
- (g) recreational vehicle storage *(see amendment Bylaw No. 453)*
- (h) mini warehouse/storage operation *(see amendment Bylaw No. 453)*

C. Subdivision

(1) Parcel Size:

In the M-1 zone, land shall not be subdivided to a parcel size less than 2.0 hectares.

(2) Frontage:

In the M-1 zone, the frontage of each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the M-1 zone, the minimum site area shall be no less than 2500 m².

(2) Site Coverage:

In the M-1 zone, the site coverage shall not exceed 40% of the site area.

(3) Setback:

In the M-1 zone, no building, structure, or use shall be located within 7.6 metres of the exterior property line which forms the site line.

(4) Height:

In the M-1 zone, no building, or structure shall exceed 10.0 metres in height.

PART 8: COMMUNITY AND INSTITUTIONAL ZONES

8.1 P-1 (Community and Institutional) Zone

A. Description

The P-1 (Community and Institutional) zone provides for the orderly development of health, education, and recreation facilities for public purpose or benefit.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the P-1 zone is restricted to the following and no other uses:

- (a) Schools
- (b) Group Day Care Facility
- (c) Hospital and Health Clinic
- (d) Senior Citizen's Lodge
- (e) Religious Assembly
- (f) Fraternal Organization Assembly
- (g) Civic Buildings and Facilities
- (h) Public Recreation Facilities
- (i) Community Hall
- (j) Theatre
- (k) Public Library
- (l) Museum, Art Gallery
- (m) Tot lots, Playgrounds, Public Sports Fields and Parks
- (n) Fire Station and Ambulance Station
- (o) One dwelling unit in conjunction with a permitted use
- (p) Cemetery
- (q) Ancillary Buildings and Structures

C. Subdivision

(1) Parcel Size:

In the P-1 zone, land shall not be subdivided to a parcel size less than 1670 m².

(2) Frontage:

In the P-1 zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the P-1 zone, where the area of an existing parcel is less than the minimum parcel size requirement, two or more parcels shall be required so that the site area for development is no less than 1670 m². A larger site area for development may be required by the Ministry of Health depending on the results of soil percolation tests.

(2) Site Coverage:

In the P-1 zone, the site coverage shall not exceed 30% of the site area.

(3) Setbacks:

In the P-1 zone, no building or structure or part thereof shall be located within the following setback from the exterior property line which forms the site line:

	<u>Principal Building</u>	<u>Ancillary Building or Structure</u>
front yard	7.6 metres	7.6 metres
rear yard	7.6 metres	3.0 metres
side yard	2.0 m on one side 3.0 m on other side	2.0 m on one side 3.0 m on other side

PART 9: OPEN SPACE AND RESOURCE MANAGEMENT ZONE

9.1 OS-1 (Open Space and Resource Management) Zone

A. Description

The OS-1 (Open Space and Resource Management) zone is intended to:

- (a) preserve and protect development from potentially hazardous conditions,
- (b) preserve and protect natural watercourses,
- (c) preserve hazardous areas in a natural state by allowing minimal activity,
- (d) provide for development which enhances the environmental stability of natural features, and
- (e) allow for the development of public parks and amenity areas.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the OS-1 zone is restricted to the following and no other uses.

- (a) Nature Trails
- (b) Pedestrian and Bicycle Recreation Paths
- (c) Tot lots and Playgrounds
- (d) Neighbourhood and Regional Parks
- (e) Open Spaces
- (f) Public Sports Fields
- (g) Agricultural Uses
- (h) Community Watershed
- (i) Major Utility Services subject to technical referral process.
- (j) Resource extraction activities and ancillary structures subject to integrated resource management.
- (k) Buildings and structures ancillary to the above permitted uses.

PART 10: PLANNING RESERVE ZONE

10.1 PR (Planning Reserve) Zone

A. Description

The PR (Planning Reserve) zone provides for the reservation of crown land for planning purposes to facilitate orderly development in the future.

B. Use

(1) Permitted Uses:

The use of land, buildings and structures in the PR zone is restricted to the following and no other uses:

- (a) Agricultural Uses
- (b) Open Space Recreation

APPENDIX A: FLOODPLAIN MANAGEMENT

1. APPLICATION OF FLOODPLAIN SPECIFICATIONS

- (a) Pursuant to Section 969(5) of the Municipal Act (*now see Section 910 of the Local Government Act*), after a bylaw has specified flood construction levels and floodplain setbacks:
 - i. the underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above that specified level, and
 - ii. any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the bylaw or the Minister of Environment.”
- (b) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the flood construction levels specified in Section 3.2(2)(a) of the bylaw. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (c) The Building Inspector, or such person appointed by the Board of the Regional District of Kitimat-Stikine may require that a British Columbia Land Surveyor’s certificate be required to verify compliance with the flood construction levels and floodplain setbacks specified in Sections 3.2(2)(a) and (b) of the bylaw. The cost of verification shall be assumed by the land owner.

2. SITE-SPECIFIC EXEMPTIONS

An application by a property owner to the Minister of Environment, Lands and Parks for a site-specific exemption shall be completed upon a form provided by the Regional District of Kitimat-Stikine and submitted in accordance with the instruction on the application.

3. GENERAL EXEMPTIONS

Pursuant to Section 969(6) of the Municipal Act (*now see Section 910 of the Local Government Act*), the Minister of Environment, Lands and Parks may exempt types of developments from the requirements of Section 969, subject to conditions he may impose. The General Exemptions which have been approved by the Minister are provided below for information purposes.

- (a) The following types of development are exempt from the requirement of Section 969(5)(a) of the Municipal Act (*now see Section 910 of the Local Government Act*), as it pertains to the flood construction levels specified in Section 3.2(2)(a) of this bylaw:
 - i. A renovation of an existing building or structure that does not involve an addition thereto;

- ii. An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the floor area existing at the date of adoption of this bylaw, provided that the degree of nonconformity regarding setback is not increased;
 - iii. That portion of a building or structure to be used as a carport, garage or entrance foyer;
 - iv. Farm buildings other than dwelling units and closed-sided livestock housing;
 - v. Hot water tanks and furnaces behind standard dykes;
 - vi. Closed-sided livestock housing behind standard dykes;
 - vii. Heavy industry behind standard dykes;
 - viii. On-loading and off-loading facilities associated with water oriented industry and portable sawmills.
- (b) The following types of development are exempt from the requirement of Section 969(5)(a) of the Municipal Act (*now see Section 910 of the Local Government Act*), as it pertains to the flood construction levels specified in Section 3.2(2)(a) of this bylaw, subject to the following conditions:
- i. **Farm Dwelling Units:** Farm dwelling units on parcel sizes 8.1 hectares, or greater, located within the Agricultural Land Reserve, shall be located with the underside of a wooden floor system or the top of a pad of any habitable area (or in the case of a manufactured home, the top of pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section 3.2(2)(a) of this bylaw, whichever is the lesser.
 - ii. **Closed-sided Livestock Housing:** Closed-sided livestock housing not behind standard dykes shall be located with the underside of the wooden floor system or the top of the pad (or in the case of a manufactured home, the top of the pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section 3.2(2)(a) of this bylaw, whichever is the lesser.
 - iii. **Industrial Uses:** Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a manufactured home, the top of the pad or the ground surface on which it is located) no lower than the flood construction levels specified in Section 3.2(2)(a) of this bylaw, minus freeboard. Main electrical switchgear shall be no lower than the flood construction level.