



Regional District of
Kitimat-Stikine

Skeena Valley Zoning Bylaw No. 73, 1976

ADOPTED APRIL 23, 1977

This Regulation Bylaw is consolidated for convenience only.

*This Consolidated version includes amendments to October 16, 2018
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
645	June 19, 2015	Map
681	March 24, 2017	Text

NOTE:

Where there is a discrepancy between this consolidated Version and the Amending Bylaw, then the original Bylaw No. 73 and the Amending Bylaws shall be deemed to be the true and correct version.

TABLE OF CONTENTS

SECTION	PAGE NO.
1.1.0 TITLE	1
1.2.0 APPLICATION.....	1
1.3.0 DEFINITIONS.....	1
1.4.0 PROHIBITION	2
1.5.0 NON CONFORMING USES	2
1.6.0 ADMINISTRATION.....	2
1.7.0 BOARD OF VARIANCE	3
1.8.0 PENALTY	3
1.9.0 OTHER REGULATIONS	3
1.10.0 SEVERIBILITY	3
1.11.0 FLOOD DAMAGE PREVENTION.....	4
1.12.0 AGRICULTURE.....	5
2.1.0 ZONES DESIGNATIONS	5
2.1.1 OTHER REGULATIONS	6
2.1.2 CODE REQUIREMENTS	6
2.2.0 HIGHWAY COMMERCIAL (HC) ZONE	7
2.2.1 PERMITTED USES	7
2.2.2 SITE AREA.....	7
2.2.3 SETBACK AND HEIGHT	7
2.2.4 PARKING	7
2.2.5 SIGNS AND NOTICES	7
2.4.0 RURAL RESORT (RC) ZONE	8
2.4.1 PERMITTED USES	8
2.4.2 CONDITION OF USE	8
2.4.3 PARCEL SIZE	8
2.4.4 SETBACK.....	8
2.5.0 DESTINATION RESORT (RC2) ZONE	9
2.5.1 PERMITTED USES	9
2.5.2 PARCEL SIZE	9
2.5.3 SETBACK.....	9
2.5.4 HEIGHT	9
2.5.5 SIGNS AND NOTICES	9

2.6.0	DESINTATION RESORT STAGING AREA (RC3) ZONE	10
2.6.1	PERMITTED USES	10
2.6.2	PARCEL SIZE	10
2.6.3	SETBACK.....	10
2.6.4	HEIGHT	10
2.6.5	SIGNS AND NOTICES	10
2.7.0	PUBLIC HIGHWAY MAINTENANCE YARD (M-1) ZONE.....	11
2.7.1	PERMITTED USES	11
2.7.2	PARCEL SIZE	11
2.7.3	SETBACK.....	11
2.7.4	HEIGHT	11
2.7.5	SIGNS	11
3.3.0	RURAL (R1) ZONE	12
3.3.1	PERMITTED USES	12
3.3.2	SITE AREA.....	12
3.3.3	SETBACK AND HEIGHT	12
4.1.0	OFF STREET PARKING	13

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 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;

“Parcel” means any lot, block, or other area in which land is held, or into which it is subdivided, but does not include a highway. (Amended by Bylaw No. 681, 2016)

“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;

“Setback” means the closest distance from a property line to any part of a building or structure. (Amended by Bylaw No. 681, 2016)

“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 RSBBC 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

- 1) Nothing contained in the regulations of 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.
- 2) Notwithstanding any other provisions of this bylaw, any signs and/or notices must be in accordance with applicable Sign Regulation Bylaw and amendments thereto.
- 3) All onsite septic disposal systems and potable water sources must meet Northern Health Authority siting and setback requirements.

(Amended by Bylaw No. 681, 2016)

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

Notwithstanding any other provisions of this bylaw, any residence, commercial structure, mobile home or ancillary structure, shall be constructed, moved, or located in accordance with applicable Floodplain Management Bylaw and amendments thereto.

(Amended by Bylaw No. 681, 2016)

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 PARCEL SIZE

- 1) The minimum site area required shall be 0.8 hectares, 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 and amendments thereto.

(Amended by Bylaw No. 681, 2016)

2.2.3 SETBACK AND HEIGHT

- 1) No building or structure or mobile home or part thereof, except accessory buildings or a fence, shall be located within the setback distance described below.
 - i) Front: 15.0 meters from a front lot line or from any highway right-of-way which the parcel abuts,
 - ii) Rear and Side: 3.0 meters from any side or rear lot line,
 - iii) Corner Lots: 4.5 meters from the side lot line of a corner lot where two sides of a parcel abuts a highway right-of-way.
- 2) Notwithstanding the provisions of subsection (1) a gasoline service station pump, or pump island shall not be located closer than fifteen (15) meters from any property line.
- 3) No building or structure, or part thereof, shall exceed 7.6 meters or two stories in height.

(Amended by Bylaw No. 681, 2016)

2.2.4 PARKING

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

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 four (4.0) hectares;

(Amended by Bylaw No. 681, 2016)

2.4.4 SETBACK

No building or part thereof, except a fence, shall be located within 7.6 meters of any lot line.

(Amended by Bylaw No. 681, 2016)

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

The Destination Resort (RC2) zone provide for the orderly development of large scale integrated destination tourist facilities

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 sixty (60.0) hectares.

(Amended by Bylaw No. 681, 2016)

2.5.3 SETBACK

No building or structure or part thereof, except a fence shall be located within fifteen (15.0) meters of any lot line.

No helicopter landing pads shall be located within thirty (30.0) meters of a highway right-of-way.

(Amended by Bylaw No. 681, 2016)

2.5.4 HEIGHT

No accessory building or structure except tramlines, gondolas and chair lifts shall exceed nine (9.0) meters in height.

(Amended by Bylaw No. 681, 2016)

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 fifty six (56) square meters in total gross floor area on any one site

(Amended by Bylaw No. 681, 2016)

2.6.2 PARCEL SIZE

The minimum parcel size shall be four (4.0) hectares

(Amended by Bylaw No. 681, 2016)

2.6.3 SETBACK

No building or structure or part thereof, except a fence, shall be located within fifteen (15.0) meters of any lot line.

No helicopter landing pads shall be located within thirty (30.0) meters of a highway right-of-way.

(Amended by Bylaw No. 681, 2016)

2.6.4 HEIGHT

No building or structure except tramlines, gondolas and chair lifts shall exceed nine (9.0) meters in height.

(Amended by Bylaw No. 681, 2016)

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 eight (8.0) hectares.

(Amended by Bylaw No. 681, 2016)

2.7.3 SETBACK

No building or structure or part thereof, except a fence, shall be located within fifteen (15.0) meters of any lot line.

No outside storage equipment, material or building supplies shall be permitted within thirty (30.0) meters 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.

(Amended by Bylaw No. 681, 2016)

2.7.4 HEIGHT

No building or structure except communication equipment shall exceed twelve (12.0) meters in height.

(Amended by Bylaw No. 681, 2016)

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 PARCEL SIZE

The minimum site area for permitted uses (a) to (f) shall be eight (8.0) hectares, except where a lot is already subdivided.

(Amended by Bylaw No. 681, 2016)

3.3.3 SETBACK & HEIGHT

- 1) No building, structure or mobile home or part thereof, except a fence, shall be located within the following setbacks from a property line:

<u>Lot Size</u>		<u>Principal Structure</u>	<u>Accessory Structure</u>
Less than 2.0 ha:	Front lot line	7.6 meters	7.6 meters
	Rear lot line	7.6 meters	7.6 meters
	Side lot line	7.6 meters one side 3.0 meters on other side	7.6 meters one side 3.0 meters on other side
		<u>Principal Structure</u>	<u>Accessory Structure</u>
2.0 ha or more:	Front lot line	15 meters	15 meters
	Rear lot line	15 meters	15 meters
	Side lot line	15 meters on both sides	15 meters on both sides

(Amended by Bylaw No. 681, 2016)

4.1.0 OFF STREET PARKING

USE

PARKING REQUIREMENTS

Campground, Overnight Trailers

1 per campsite/trailer pad

Café – Dining Room

1 per table

Café – Take Out Only

15

Gas Station

1 per 2 employees on duty plus 2 per service bay

General Store

1 per fourteen (14.0) square meters of 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

(Amended by Bylaw No. 681, 2016)