



PUBLIC HEARING AGENDA

- 1. Regional District of Kitimat Stikine Specified Portion of Electoral Area B, Two Mile Zoning Amendment Bylaw No. 743, 2020, and**
- 2. Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 747, 2020**

- 1. Call To Order**
- 2. Introductions**
- 3. Advertising Requirements**
- 4. Purpose and Intent of Proposed Bylaw**
- 5. Public Submissions (written submissions received to date)**
- 6. Submissions from the Floor**
- 8. Any Final Submissions**
- 9. Adjournment of the Public Hearing**

Please Note that the Provincial Local Government Act requires that no further submissions (either verbal or written) can be received from the applicant, their agent, or the public following adjournment of this Public Hearing



Regional District of
Kitimat-Stikine

Procedure To Be Followed By The Chair Of The Public Hearing

To maintain order and to ensure that everyone has an opportunity to be heard, our rules of procedure are as follows:

To address the Public Hearing Committee, please indicate to the Chair that you would like to be heard and begin your remarks by clearly stating your name and address. Please remember to unmute yourself when speaking.

If you are speaking on behalf of an organization or another person, please identify the name and address of that organization or person. If you are speaking from prepared remarks, we would appreciate a copy.

Please limit remarks to 5 minutes and to matters contained in the proposed bylaw only.

After everyone has spoken once, those wishing to speak again will have an opportunity. Please do not speak over another person.

Members of the Hearing Committee may ask questions of speakers to clarify what has been said, however no other replies, rebuttals or additional submissions will be heard without the Chair's permission.



Regional District of
Kitimat-Stikine

BYLAW NO. 743

A bylaw to amend the Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Bylaw No. 320, 1992.

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

1. Title:

This Bylaw may be cited as “Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Amendment Bylaw No. 743, 2020”.

2. Amendments:

“Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Bylaw No. 320, 1992” is hereby amended as follows:

1. In Part 1, Subsection 1.4, Definitions, “Dwelling Unit” replace with “**DWELLING UNIT** means one or more rooms, used for residential accommodation occupied by no more than one household, and contains sleeping and toilet facilities, and only one kitchen. Dwelling unit does not include a camper, recreational vehicle or park model trailer;”
2. In Part 1, Subsection 1.4, Definitions, “Mobile Home” replace with “**MOBILE HOME** (Manufactured Homes) 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, and meets or exceeds Canadian Standards Association (CSA), Z-240 or A-277 certified standards, and assigned a Manufactured Home Registry Number. Mobile Homes or Manufactured Homes does not include travel trailers, recreational vehicles or campers.”



Regional District of
Kitimat-Stikine

READ A FIRST TIME this 25th day of September, 2020.

READ A SECOND TIME this 25th day of September, 2020.

A Public Hearing with respect to this bylaw was held on the 20th day of October, 2020.

READ A THIRD TIME this _____ day of _____, 2020.

APPROVED pursuant to the Transportation Act on the _____ day of _____, 2020.

ADOPTED this _____ day of _____, 2020.

Chair

CAO



BYLAW NO. 747

A bylaw to amend the Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Bylaw No. 326, 1992.

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

1. Title:

This Bylaw may be cited as "Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 747, 2020".

2. Amendments:

"Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Bylaw No. 326, 1992" is hereby amended as follows:

1. In Part 1, Subsection 1.4, Definitions, "Dwelling Unit" replace with "**DWELLING UNIT** means one or more rooms, used for residential accommodation occupied by no more than one household, and contains sleeping and toilet facilities, and only one kitchen. Dwelling unit does not include a camper, recreational vehicle or park model trailer;"
2. In Part 1, Subsection 1.4, Definitions, "Mobile Home" replace with "**MOBILE HOME** (Manufactured Homes) 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, and meets or exceeds Canadian Standards Association (CSA), Z-240 or A-277 certified standards, and assigned a Manufactured Home Registry Number. Mobile Homes or Manufactured Homes does not include travel trailers, recreational vehicles or campers;"

READ A FIRST TIME this _____ 25th _____ day of _____ September _____, 2020.

READ A SECOND TIME this _____ 25th _____ day of _____ September _____, 2020.

A Public Hearing with respect to this bylaw was held on the 20th day of _____ October _____, 2020.

READ A THIRD TIME this _____ day of _____, 2020.

ADOPTED this _____ day of _____, 2020.

Chair

Administrator

From: [Sharon Priest-Nagata](#)
To: [Benafshaw Magol](#)
Subject: Re: proposed bylaw amendments
Date: January 11, 2021 12:23:28 PM

Benafshaw, thank you for this. I think what people are pushing back on is what seems like a lack of transparency. This is more transparent: you are confirming that the district wants to get rid of RV's and campers and travel trailers, citing the fact that they don't meet BC building code. Probably most mobile homes wouldn't meet very stringent guidelines either, especially the older ones. The question I have is why does the District feel they need to double down on this now, when the housing situation is so tight and people are unable to move around and work because of Covid? Do you see how that stresses folks out? It's unkind. I understand that you are not, at this time, saying that you are planning to enforce the bylaws and evict people, but as long as the bylaws remain vague there is no imperative to follow through, whereas a move to tighten the definitions and exclude wheeled accommodations does signal that intent.

I also understand what safety concerns are, and how it is perceived that a dwelling that doesn't conform to code is automatically unsafe, but is there not some other mechanism whereby the district could be held not liable if a wheeled vehicle collapses under snow load or catches fire, that people living in these accommodations do so at their own risk? because in my view it is also risky to people's health to allow them to feel threatened by evictions when there is no other accommodation they can afford and no "better jobs" they might be able to apply for.

Another comment on "safety" - the RCMP routinely use this idea of public safety to restrict legitimate movement, for example, of Indigenous people. I know these are not simple matters but I am hoping to shed some light on how well-intentioned restrictions sometimes really mess with people's lives.

Thank you for your prompt reply

Sharon

> On Jan 11, 2021, at 11:26 AM, Benafshaw Magol <bmagol@rdks.bc.ca> wrote:

>

> Hi Sharon,

>

> Here is the link to our website where the current zoning bylaws are listed under related documents along with more information:

> https://www.rdks.bc.ca/government/news/two_mile_and_south_hazelton_zoning_amendments

>

> Current definitions -

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

>

> "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.

>

> Proposed definitions -

> "DWELLING UNIT means one or more rooms, used for residential accommodation occupied by no more than one household, and contains sleeping and toilet facilities, and only one kitchen. Dwelling unit does not include a camper, recreational vehicle or park model trailer;"

>

> "MOBILE HOME (Manufactured Homes) 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, and meets or exceeds Canadian Standards Association (CSA), Z-240 or A-277 certified standards, and assigned a Manufactured Home Registry Number. Mobile Homes or Manufactured Homes does not include travel trailers, recreational vehicles or campers."

>

> With the existing definitions, it is not clear if a recreational vehicle (RV), camper or travel trailer can be used as a permanent dwelling. The proposed amendments are to clarify this concern as over the years staff has been asked if RVs, campers or travel trailers can be used/permitted as a permanent dwelling. The existing bylaws do not allow RVs, campers and travel trailers on a permanent basis except in a RV Park. The proposed amendments do not change the existing bylaw in anyway. It only clarifies the definitions.

>

> There is no definition for a 'wheeled dwelling' as the Province does not permit them as a permanent dwelling. Regional Districts are liable to follow Provincial Legislation for the purpose of safety. RVs and campers are not designed to the BC Building and Fire codes. More information on the Codes is in the link mentioned above.

>

> I trust this answers your inquiry. Please let me know if you have further questions.

>

> Best,

>

> Benafshaw Magol, RPP, MCIP

> Planner

> Office: 250-615-6100 Toll Free: 1-800-663-3208 Fax: 250-635-9222

> Email: bmagol@rdks.bc.ca

>

> -----Original Message-----

> From: Sharon Priest-Nagata <sharonpn@telus.net>

> Sent: January 8, 2021 8:46 PM

> To: Planning <planning@rdks.bc.ca>

> Subject: proposed bylaw amendments

>

> re: the hearing scheduled online for Jan 27, 2021.

>

> I would like to see the definitions as they stand now. What changes are being made, and why? Why is there no definition of "wheeled dwelling", or is there?

>

> Why not be more transparent about what you are doing so that people have a chance to address the actual issues? Because when you do it this way, through innocent-sounding changes to the definitions, which carefully and obviously exclude wheeled dwellings, people get stressed and suspicious about what this is going to mean for them, and their housing security.

>

> Are you in fact tidying up the definitions so you can oust or prohibit RV's, converted buses and tiny homes on wheels from Two-Mile and South Hazelton?

>

> Are you anticipating a more affluent population moving into the area once wheeled dwellings are prohibited?

>

> I would appreciate honest answers now, because obviously down the road it will become apparent exactly why there is deemed a need to change these definitions now, in winter, in the midst of a pandemic when people are already stressed.

>

> I am asking you to reassure these people and provide anyone who needs it, in writing, a guarantee that the Regional District is not moving to prohibit their particular housing, or if you actually are planning such a prohibition, guarantee in writing that these people in wheeled dwellings will be grandmothers in.

>

> Thank you,

>

> Sharon Priest-Nagata, M.Ed.,

> Hazelton BC

> 250-842-5090

>

>

Beverley Busby
27130 Hwy 16
South Hazelton, BC
V0J 2J1
bevbusby@usdc.ca
778-210-1007

January 22, 2021

Regional District of Kitimat Stikine
300-4545 Lazelle Avenue
Terrace, BC
V8G 4E1

To Whom It May Concern:

Re: Zoning Amendment Bylaw No. 743-2020/747-2020

I am writing once again to formally protest the passing of the above noted zoning bylaw amendments.

My husband and I moved to Hazelton in 1989 and settled just outside of South Hazelton in 1991 and have been there ever since. In our time here, we have met and worked with many people whose living situations could not be considered the norm. The definitions you have provided describe a Dwelling Unit and a Mobile Home. However, not everyone has the financial stability to be able to purchase or build a dwelling that fits either of these descriptions. However, this does not mean that these people are not responsible property owners. People living in a camper or cottage not on foundations, can still maintain site cleanliness and insure that waste is disposed of properly. There are also many people who are now committed to living with less impact and, in the pursuit of this type of lifestyle, have built tiny homes, which can be moved around with ease. These people are not creating messy, environmentally disastrous properties, but are living consciously and purposefully to create less impact.

I feel that these proposed zoning bylaw amendments serve no real purpose in our context. These are not highly visible communities where property values demand rigid conformity. It seems to me that the purpose of these amendments is one of exclusion. I strongly disagree.

Regards,

Beverley Busby



To: Ron Poole, CAO, for the Planning Committee
From: Benafshaw Magol, Planner
Date: October 30, 2020
Re: **Two-Mile Zoning Amendment Bylaw No. 743, 2020**
South Hazelton Zoning Amendment Bylaw No. 747, 2020
(Electoral Area B)

Attachments:

- (1) Public Hearing Minutes (31 pages)
- (2) Two-Mile Zoning Amendment Bylaw No. 743, 2020 (2 pages)
- (3) South Hazelton Zoning Amendment Bylaw No. 747, 2020 (1 page)

Recommendation:

- (1) **Set a second public hearing for Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Amendment Bylaw No. 743, 2020, and to Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 747, 2020, for 6:00 pm, Tuesday, December 15, 2020, at the Erwin Stege Community Centre in New Hazelton; and**
- (2) **Appoint the Public Hearing Committee.**

Background

The Regional District Board at its September 25, 2020, meeting provided 1st and 2nd reading to the proposed bylaw amendments and to proceed to a public hearing. The public hearing was held on October 20, 2020, at the Erwin Stege Community Centre in New Hazelton. The minutes of the public hearing and all written submissions received are attached at the end of the minutes (**Attachment #1**).

The proposed amendments will amend the definition section including the definition of 'Dwelling Unit' and 'Mobile Home' in the current Two-Mile Zoning Bylaw and the South Hazelton Zoning Bylaw. This is being done to provide greater clarity and to comply with provincial regulations with regards to permanent dwellings. As the amendments are identical for both zoning bylaws, for convenience of the residents, the public hearings were combined.

The proposed amendment bylaws clarify the definitions of 'Dwelling Unit' and 'Mobile Home' in the existing zoning bylaws. The definitions will clarify that recreational vehicles (RVs), recreational trailers, campers, and school buses are not considered as a permanent dwelling. The existing zoning bylaw as is, does not permit recreational vehicles, recreational trailers, campers, and school buses as a permanent dwelling. The reason is that such structures are not built to the structural integrity required in the region and do not follow the B.C. Building



Code and the BC Fire Code. The Regional District does not provide building inspection as a service in the regional district and therefore, it is the responsibility of property owners to follow the required provincial codes during the construction of a permanent dwelling. The Regional District does not provide oversight with regards to structural integrity and codes, however provincial regulations require that permanent residential buildings be constructed to the applicable codes.

Although the Regional District does not permit recreational vehicles, recreational trailers, campers, and school buses as a permanent dwelling, they have been allowed to be used on a temporary basis if the property owner is in the process of constructing a permanent dwelling or siting a mobile or manufactured home on their property.

Public Hearing – October 20, 2020

34 members of the public attended the October 20, 2020, public hearing at the Erwin Stege Community Centre in New Hazelton. 20 written submissions were received prior to the public hearing generally in opposition to the proposed bylaw amendments. Two additional submissions were also received at the public hearing. All the submissions are attached to the minutes of the public hearing (**Attachment #1**).

Summary

Housing affordability and shortage was brought up as a major concern at the public hearing with prohibiting individuals from residing in recreational vehicles including campers, recreational trailers, and other such as buses. Individuals in attendance and the submissions received indicate that such structures have been permitted in the past under the current zoning bylaws. The existing zoning bylaw for Two-Mile and South Hazelton do not permit such structures as a permanent dwelling. Therefore, the proposed amendment bylaws were drafted to clarify and provide consistency with B.C. Building and Fire codes which are mandated by the province.

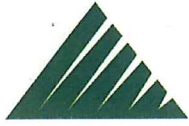
At the public hearing and subsequent discussions through various forms of social media, there appeared to be some confusion with the intent of the proposed amendment bylaws including efforts to ban trailers and RVs as a form of dwelling. Given that the public hearing was well attended and to offer clarity of the intent of the amendments, staff recommend holding a second public hearing to explain the purpose of the proposed bylaw amendments. If the Regional District Board determines to proceed, the above recommendation should be considered.

Financial Implications:

There are no financial implications associated with this report.

Strategic Plan Objectives:

5. Provision of services in rural areas.
6. Advocacy

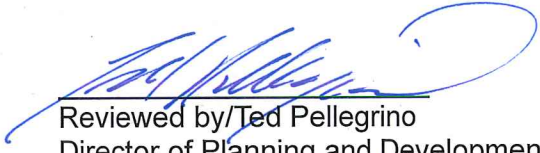


Voting Structure:

ENTITLEMENT	HOW VOTE COUNTED
Participants; Unweighted (Electoral Area Directors)	Majority

Benafshaw

Prepared by/contact: Benafshaw Magol


Reviewed by/Ted Pellegrino
Director of Planning and Development Services


Approved by CAO



**Regional District of
Kitimat-Stikine**

SPECIAL VOTE 2020

Date: December 16, 2020

Re:

Public Hearing date for Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Amendment Bylaw No. 743, 2020, and to Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 747, 2020.

Preamble:

At the November 20, 2020 Board meeting, a second public hearing date was set for January 14, 2021 for the Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Amendment Bylaw No. 743, 2020, and Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 747, 2020. According to the Local Government Act, Section 466 (3), the notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the public hearing. The Bulkley Browser has advised the Regional District that they will be posting their newsletter online and not publishing on December 25, 2020 and January 1, 2021. Therefore, to allow for proper advertising it is preferred to reschedule the second public hearing to a later date.

Resolution Text:

A second public hearing for Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, Two Mile Zoning Amendment Bylaw No. 743, 2020, and to Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 747, 2020, be set for 6:00 pm, Wednesday, January 27, 2021, to be held virtually; and 2. Appoint Directors Dean Paranich, Gail Lowry and Dennis Sterritt or their designated Alternates to the Public Hearing Committee.

Voting Structure: Participants; Unweighted (Electoral Area Directors); Majority

RECORDED VOTE		Yes	No
Area A	Eric Nyce	X	
Area B	Dean Paranich	X	
Area C	Bruce Bidgood	X	
Area D	Dave Brocklebank	X	
Area E	Jeff Hammond	X	
Area F	Tina Etzerza	X	

CARRIED (X)

DEFEATED ()

DULY DECLARED:

Chair

CERTIFIED CORRECT:

CAO

This is the text referred to in the
“Regional District of Kitimat-Stikine Specified Portion of
Electoral Area B Two Mile Zoning Bylaw No. 320, 1992”

as the

TWO MILE ZONING BYLAW

This Consolidated Version includes amendments to January 27, 2014, up to and including Bylaw No. 478, 2001

Amendment Bylaw No.	Adoption Date	Description
395	October 26, 1996	Text & Map
453	September 25, 1999	Text
478	February 24, 2001	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.

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;

“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;

**This is the text referred to in the
“Regional District of Kitimat-Stikine Specified Portion of
Electoral Area B South Hazelton Zoning Bylaw No. 326, 1992”
as the**

SOUTH HAZELTON ZONING BYLAW

This Consolidated Version includes amendments to January 27, 2014, up to and including Bylaw No.502, 2003

Amendment Bylaw No.	Adoption Date	Description
400	November 23, 1996	Map
401	February 15, 1997	Text
502	December 6, 2003	Text

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.

“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 designate flood, which is used in the calculation of the flood construction level;

“DUPLEX” means a building containing two residential dwelling units with one dwelling unit situated over the other in whole or in part with separate and individual entrances to each dwelling;

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

“DWELLING, MULITPLE” means a building which is divided into three or more dwelling units, each of which is occupied or intended to be occupied as residence of one family and shall include row houses and apartments;

“FAMILY” means an individual, or two or more persons related by blood or marriage, or five or fewer persons 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 produces 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 form a watercourse, lake, or other body of water and that which is designated under 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 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;

“GENERAL RETAIL STORES” means a building used for the retail sale of groceries, bakery foods, flowers, beverages, household goods, hardware, furniture and appliances, office equipment, printed matter, confectionary, processed film, tobacco, pharmaceutical and personal care items, stationary, bicycles, sporting goods, toys, models and arts and crafts;

“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 a 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 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.
- (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 spaced for the accommodation of mobile homes and for imposing a charge or rental for the use of such space;