



Regional District of
Kitimat-Stikine

PUBLIC HEARING AGENDA

Kitimat Stikine Accessory Dwelling Unit Bylaw No. 767, 2022

- 1. Call To Order**
- 2. Introductions**
- 3. Advertising Requirements**
- 4. Purpose and Intent of Proposed Bylaw**
- 5. Agency Submissions**
- 6. Public Submissions (written submissions received to date)**
- 7. 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

Bylaw No. 767, 2022
June 22, 2022
Via Microsoft Teams Meeting
Commencing at 6:00 PM

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 proceed to the podium and begin your remarks by clearly stating your name and address.

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.

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.



BYLAW NO. 767

A Bylaw to Regulate Accessory Dwelling Units on
Agricultural and Rural Residential Property within the
Regional District of Kitimat-Stikine

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

Title:

1. This bylaw may be cited as the “Kitimat-Stikine Accessory Dwelling Unit Bylaw No. 767, 2022”.

Definitions

2. In this Bylaw unless the context otherwise requires;

“Accessory Dwelling Unit (ADU)” means a detached, non-stratified dwelling unit ancillary to the principal single detached dwelling unit on the property and not located within the principal single detached dwelling unit. Accessory Dwelling Unit includes mobile homes (manufactured homes).

“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.

“*Local Government Act*” means the Local Government Act, RSBC, 2015, c. 1 as amended.

“Mobile Home (Manufactured 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, 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.

Establishment

3. This Bylaw applies to lands within Electoral Areas B, C and E of the Regional District of Kitimat-Stikine that are subject to any of the following zoning bylaws:
 - (a) Greater Terrace Zoning Bylaw No. 37
 - (b) Kispiox Valley Zoning Bylaw No. 53
 - (c) Lakelse Lake Zoning Bylaw No. 57
 - (d) Skeena Valley Zoning Bylaw No. 73
 - (e) Thornhill Zoning Bylaw No. 194
 - (f) Two-Mile Zoning Bylaw No. 320
 - (g) South Hazelton Zoning Bylaw No. 326 (“Applicable Zoning Bylaws”)



Administration

4. Notwithstanding applicable zoning bylaws, where there is a conflict between this bylaw and any provisions in an applicable zoning bylaw or where a provision of this bylaw is more restrictive than a provision in an applicable zoning bylaw, the provisions of this bylaw will apply.
5. No structure shall be constructed, reconstructed, altered, moved, or extended by the owner, occupier, or other person so that it contravenes the requirements of this bylaw.
6. The Bylaw Enforcement Officer or other persons appointed by the Regional District Board may administer this Bylaw and may enter at all reasonable times on any property to which this bylaw applies to inspect and determine whether the regulations, prohibitions and requirements of this bylaw are being met.
7. A Bylaw Enforcement Officer or other persons appointed by the Regional District Board who observes a contravention of this bylaw may issue applicable notices and orders to any owner, occupier or other person who appears to have committed or allowed the contravention.
8. No person shall prevent or obstruct a Bylaw Enforcement Officer or other persons appointed by the Regional District Board from performing his or her duties under this bylaw.
9. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable upon conviction to a fine of not more than \$2,000, the cost of prosecution, and any other penalty or order imposed pursuant to the Local Government Act.
10. Each day during which a violation is continued shall be deemed to constitute a new and separate offense.
11. 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, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.
12. Nothing in this bylaw relieves the owner or occupier of the responsibility of adhering to all other legislation which may apply to the land from any authorities that have jurisdiction.

General Regulations

13. Application must be made to the Regional District of Kitimat-Stikine to obtain a Building Declaration and Siting Approvals Permit prior to the commencement of construction of an Accessory Dwelling Unit.
14. Accessory Dwelling Units are only permitted on lots in the Agricultural Land Reserve or on lots with rural residential or agricultural zoning within the areas identified in Section 3.



Accessory Dwelling Unit (ADU) Regulations

- 15. The minimum lot size for an ADU is 4 hectares.
- 16. The maximum number of and gross floor area for ADUs are as follows:
 - (a) One ADU up to 90 m2 in gross floor area is permitted on a lot 40 hectares or less, where there is a lawfully constructed principal dwelling unit of 500 m2 or less; or
 - (b) One ADU up to 186 m2 in gross floor area is permitted on a lot larger than 40 hectares where there is a lawfully constructed principal dwelling unit.
- 17. The gross floor area for an ADU shall be calculated in accordance with the applicable zoning bylaw.
- 18. The following setback regulations shall apply to ADUs:
 - (a) The minimum setback of an ADU to any property line is 7.6 meters; or
 - (b) If the applicable zoning prescribes a minimum setback larger than 7.6 meters for a dwelling unit to any property line, then the larger setback shall apply.
- 19. The following maximum height regulations shall apply to ADUs:
 - (a) The maximum height of an ADU shall not exceed that of the existing principal dwelling unit; or
 - (b) If the applicable zoning prescribes a maximum height for a dwelling unit, then the ADU shall conform to the permitted height.
- 20. Where a property is not connected to community water or community sewer, the method by which sewage is to be disposed of shall be in compliance with the Drinking Water Protection Act, Public Health Act, and the Environmental Management Act.

READ a first time this 27 day of May, 2022.

READ a second time this 27 day of May, 2022.

A Public Hearing with respect to this bylaw was held on the day of , 2022.

READ a third time this day of , 2022.

APPROVED pursuant to the Transportation Act on the day of , 2022.

ADOPTED this day of , 2022.

Chair

Chief Administrative Officer