

WHITECAP DAKOTA FIRST NATION

LAND USE LAW



May 13th, 2019

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1 INTRODUCTION

WHEREAS the Whitecap Dakota First Nation has inherent rights, customs and traditions, including aboriginal rights such as the right to self-determination;

AND WHEREAS the Whitecap Dakota First Nation has taken control of its reserve lands and resources pursuant to the Framework Agreement on First Nations Land Management (the “Framework Agreement”), which was ratified by Canada pursuant to the First Nations Land Management Act (the “FNLMA”), and enacted by the Whitecap Dakota First Nation Land Code (the “Land Code”) which came into effect in December, 2004 as amended from time to time.

AND WHEREAS, pursuant to Section 8.1 of the Land Code, the Chief and Council of the Whitecap Dakota First Nation has the power to make laws respecting the use and possession of Whitecap Dakota First Nations Land;

AND WHEREAS, the purpose of this law is to regulate development on the Whitecap Dakota First Nation Land to ensure developments are compatible with surrounding lands;

NOW THEREFORE, this Law, hereafter entitled “The Whitecap Dakota First Nation Land Use Law, 2018”, is enacted as a Law of the Whitecap Dakota First Nation.

2 INTERPRETATION

The following words and terms of Land Use Law shall, unless the context otherwise provides, be held to have the following meaning:

Accessory Building or Use: a building or use which:

- (a) is subordinate to and serves the principal building or principal use;
- (b) is subordinate in area, extent, and purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and,
- (d) is located on the same site as the principal building or principal use served.

Agricultural Operation: activities which occur on a farm in connection with the commercial or personal production of farm products.

Alteration: any structural change in, or addition to, a building or structure, and shall include a change from one type of use to another.

Ancillary Use: a use that is secondary and subordinate in size, extent and purpose to the principal use on the same site but is not necessary for the operation of the principal use on that site.

Billboard: a large poster panel or painted bulletin and includes any structure, panel, board or object designed exclusively to support such poster, panel or painted bulletin. These signs typically display off-site advertising.

Band Council Resolution: a motion passed and approved by a majority of the Council of the Band at a duly convened meeting.

Building: a structure constructed or placed on, in, or over land, but does not include a public highway, and includes any structure covered by a roof and supported by walls or columns.

Building Front Line: the line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which face the front site line.

Building Height: the vertical distance of a building measured from grade level, 0.3 metres back from the principal building, to the highest point of the roof surface.

Building, Principal: the building in which is conducted the main or primary use of the site on which said building is situated.

Building Rear Line: the line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which face the rear site line.

Building Side Line: the line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which face the side site line.

Car or Truck Wash: a building or portion of a building which is used for the washing of vehicles,

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including full service, automatic and hand operated facilities.

Chief: the duly elected Chief of the Whitecap Dakota First Nation.

Cemetery: property used for the interment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

Community Centre: a building or facility used for recreational, social, educational or cultural activities and which is owned by the Whitecap Dakota First Nation, a non-profit corporation or other non-profit organization.

Construction Trades: offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.

Consulting Engineer: the person appointed by Chief and Council to act on behalf of the First Nation, or his designate.

Convenience Store: a store offering for sale primarily food products, beverages, tobacco, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.

Corner Site: a site at the intersection or junction of two or more streets.

Council: the duly elected Council of the Whitecap Dakota First Nation.

Cultural Institution: an establishment such as a museum, art gallery, library and similar facilities of historical, educational or cultural interest which are not commercially operated.

Day Care Centre: a facility for the non-parental care of over four (4) preschool age children on a daily basis, including after school programs, and licensed under *The Child Care Act* or *Education Act*.

Developer: The lessee of the Land on the Reserve proposed to be developed.

Development: the carrying out of any building, engineering, mining or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.

Development Permit: the document containing the specifications of development.

Development Proposal: a document briefly outlining a proposed development on Whitecap Dakota First Nation land.

Dwelling: a building used or intended for residential occupancy.

Dwelling, Farm: a single detached dwelling or mobile home which is accessory to an agricultural operation.

Dwelling, Multiple Unit: a building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment dwellings but not rooming houses, hotels or

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motels.

Dwelling, One-Unit: a detached building consisting of one dwelling unit as herein defined but shall not include a mobile home as herein defined.

Dwelling, Two-Unit: a building divided into two separate dwelling units on the same site but not including single detached dwellings which contain a secondary suite as defined herein.

Dwelling Unit: a separate set of living quarters usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components.

Elders Lodge: A multiple unit dwelling or dwelling group used for the accommodation of senior citizens and may include social, cultural and meeting facilities for use by the residents and their families.

Farm Based Business: an occupation carried on by the operators of a farm, ancillary to the principal use.

Fence: an artificially constructed barrier erected to enclose or screen areas of land.

Financial Institution: a bank, credit union, trust company, or similar establishment.

First Nation: The Whitecap Dakota First Nation.

Floor Area: the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, unfinished attic or unfinished basement.

Frontage: the side of a site abutting a street and, in the case of a corner site, the narrower of the two sides is the frontage.

Gas Bar: a building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

Group Home: a licensed or approved care home that provides, in a residential setting, 24-hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or the protection of the individual.

Hazard Land: land which is subject to flooding, ponding, subsidence, landslides, erosion or contamination.

Hazardous Material: any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) Corrosives;
- (b) Explosives;
- (c) Flammable and combustible liquids;
- (d) Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;
- (e) Gases, compressed, deeply refrigerated, liquefied or dissolved under pressure;

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- (f) Oxidizing substances; organic peroxides;
- (g) Poisonous (toxic) or infectious substances;
- (h) Radioactive materials;
- (i) Waste Dangerous Materials; and/or,
- (j) Any other environmentally hazardous substance.

Health Centre or Clinic: a facility or institution engaged in the provision of services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an out-patient basis.

Home Based Business: an accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence and does not change the residential character of the buildings or site.

Hotel: a building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.

Indoor Storage Rental Facility: a building or buildings containing separate secured storage units designed to be rented or leased for private storage of personal goods, materials and equipment, household goods, furniture, general merchandise and vehicles, excluding:

- (a) highly flammable materials, chemicals, odorous, explosive or other inherently dangerous or noxious goods; and
- (b) hazardous materials as defined in this Land Use Law.

Intensive Livestock Operation: The operation of facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such numbers that the facility and portion of the site used for the operation:

- (a) will contain 100 or more animal units; and
- (b) provides less than 370 square metres (4,000 square feet) of space for each animal unit contained therein.

Intersection: an area where two or more streets or lanes meet or cross at grade.

Land Use District: A specifically delineated area of the Whitecap Dakota First Nation land within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

Lands: Whitecap Dakota First Nation Lands as defined in the Whitecap Dakota First Nation Land Code, 2004 as amended from time to time;

Lands Department: The Whitecap Dakota First Nation Lands Department Office.

Lands Manager: the person assigned responsibility to administer this Land Use Law by the Whitecap Dakota First Nation.

Lessee: The person who has the exclusive use and occupation of the lands on the Reserve and includes a sub lessee of the lands on the Reserve.

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Lounge: a room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food. The area of a lounge may not exceed 50% of the public assembly area in the adjoining restaurant.

Mobile Home: a structure that conforms to *Canadian Standards Association, Construction Standard No. Z240.2.1-1979* and amendments thereto.

Mobile Home Court: a parcel of land on which five or more mobile homes or park model recreational units are located and includes any structures used or intended to be used as part of the equipment of such mobile home park.

Motel: an establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room and living accommodations for the owner or operator.

Night Club: a building or portion thereof, where beer, wine or spirits are served to patrons for consumption on the premises, with or without food, and where a designated area for entertainment or dancing, but not including adult entertainment, during certain hours of operation may also be provided.

Office and Office Building: a building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, transhipped, sold or processed.

Park Model Recreational Unit: a recreational unit that conforms to Canadian Standards Association, Construction Standard No Z241 Series, Park Model Recreational Units.

Parking Lot: an open area of land, other than a street, used for the temporary parking of vehicles and available for public use whether free, for charge, or for accommodation of clients or customers.

Parking, Off-street: accommodation for the parking of vehicles off a public street or lane.

Permitted Use: any use or form of development, other than a discretionary use or a non-conforming use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

Personal Service Establishment: a business associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories and may include:

- (a) beauty salons and barber shops;
- (b) shoe repair;
- (c) dry-cleaning pick-up depots;
- (d) self-serve laundry;
- (e) tailor or seamstress;
- (f) massage services;
- (g) photography studios;
- (h) tanning beds; and
- (i) tattoo parlours,

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but does not include the provision of health-related services.

Place of Worship: a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

Preschool: a facility which provides a program for preschool aged children.

Professional Architect: A person licensed to practice in the Province of Saskatchewan as a Professional Architect.

Professional Engineer: A person licensed to practice in the Province of Saskatchewan as a Professional Engineer.

Professional Planner: A person licensed to practice in the Province of Saskatchewan as a Professional Planner.

Project: any Works on any Lands whether it be for commercial, residential, recreational or industrial purposes.

Public Work: Shall include:

- (a) systems for the production, distribution or transmission of electricity;
- (b) systems for the distribution, storage or transmission of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water; and/or,
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage.
- (e) telephone, internet, cable television or light distribution or transmission lines;
- (f) facilities for the collection, storage, movement and disposal of storm drainage; and,
- (g) Solid waste disposal and/or transfer stations.

Recreational Facility, Commercial: a recreation or amusement facility operated as a business and open to the general public, but not including adult entertainment.

Recreational Facility, Community: a recreation or amusement facility operated by the First Nation or a non-profit organization and open to the general public, but not including adult entertainment.

Renewable Energy: any naturally occurring, theoretically inexhaustible source of energy, as biomass, solar, wind, tidal, wave, and hydroelectric power, that is not derived from fossil or nuclear fuel.

Reserve: The Indian Reserve(s) set apart for the use and benefit of the Whitecap Dakota First Nation.

Restaurant: a place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

Retail Store: a place where goods, wares, or merchandise are offered for sale or rent, and may include the manufacturing of products to be sold on site, provided the gross floor area used for

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manufacturing does not exceed 25% of the gross floor area of the retail store.

Screening: a fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Service Station: a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs.

Shipping Container: a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck and used for storage.

Shopping Centre: a building, or group of buildings located on the same site that are managed as a single unit, all for their mutual benefit, including the use of off-street parking and other joint facilities; and where more than two approved permitted or discretionary uses are located on that site.

Site: one or more contiguous lots used, or intended to be used, by a single principal use or principal building.

Site, Corner: a site at the intersection of two or more streets (refer to Figure 2-8).

Site Coverage: that portion of the site that is covered by principal and accessory buildings.

Site Line, Front: the line that divides the site from the street right-of-way. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street right-of-way.

Site Line, Rear: the line (or point) at the rear of the site adjacent to a rear lane and opposite the front site line or in the case of no rear lane, the line or point at the rear of the site and opposite the front site line

Site Line, Side: a site line other than a front or rear site line.

Site, Through: a site not more than one lot in depth, having a frontage on two or more streets.

Site Width: the horizontal distance between the side boundaries of the site measured at a distance equal to the required minimum front yard from the front site line for the district in which the site is located.

Special Care Home: a nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care, and nursing care.

Street: a public space, commonly used as a thoroughfare, which affords the principal means of access to abutting properties and serves as the principal outdoor separation space between buildings and sites.

Theatre: a place devoted to showing motion pictures or dramatic, dance, musical or other live performances.

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Tourist Campground: a tract or parcel of land which provides for the location of tents or recreation vehicles used by travellers and tourists for overnight accommodation.

Training Facility: A facility offering post-secondary programs related to skills acquisition and enhancement in specialized vocations and may include both indoor and outdoor training venues as well as dormitory accommodations and food service facilities to students and staff.

Trailer: a vehicle, other than a semi-trailer, farm machinery, or a recreational vehicle, that is pulled on a highway by a motor vehicle and that is designated for the conveyance of goods. Examples of a trailer include but are not limited to small utility trailers (open or enclosed), and trailers to carry boats, snowmobiles, all-terrain vehicles, jet-skis, or motorcycles.

Use: the purpose or activity for which a piece of land, or its building is designed, arranged, occupied or maintained.

Warehouse: a building used primarily for the storage of goods and materials.

Whitecap Dakota First Nation Water Utility: Whitecaps sewer and water services administered and operated by Whitecap Public Works Department.

Whitecap Dakota First Nation: The lands on the Reserve(s) that make up the Whitecap Dakota First Nation.

Wholesale Establishment: the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.

Works: Any buildings, services, roads and any other improvements required to be constructed, erected or installed, both on the Whitecap Dakota First Nation lands and within statutory or other rights-of-way, permit or easement areas or license areas by the Developer.

Yard: an unoccupied space open to the sky on the same site with a building or structure.

Yard, Front: the area between the side site lines and the front site line to the front building line.

Yard, Rear: the area between the side site lines, and the rear site line to the rear building line.

Yard, Required: a yard or yards required by this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: the area between the front and rear yards and between the side site line and the side building line.

3 ADMINISTRATION

3.1 LAND USE LAW ADMINISTRATION

3.1.1 The Director of Lands, including any person acting under the authority, direction and with the consent of the Director of Lands, shall be responsible for the administration of this Land Use Law.

3.2 DEVELOPMENT PROPOSAL AND APPLICATION PROCESS

3.2.1 If a Developer wishes to develop Whitecap Dakota First Nation Land, that Developer shall submit a Development Proposal to the Lands Department.

3.2.2 The Development Proposal will be processed by the Lands Department who will prepare and present a report to Council for its consideration. The report will contain:

- (a) a copy of the Development Proposal;
- (b) confirmation that the proposed development does not contravene the First Nation's Land Code, Land Use Law, Architectural Design Requirements, or Development Standards; and
- (c) confirmation that Lands are available for the proposed Project.
- (d) Letter from a financial institution stating developer's status of credibility in regards to the proposed development project.

3.2.3 Upon Council's approval of the Development Proposal (which shall be communicated by the Lands Department to the Developer), the Developer shall then make an application for a Development Permit to the Lands Department.

3.2.4 The Developer shall submit the Development Permit Application, referenced in Section 3.2.3, signed and sealed by a Professional Engineer, Professional Architect and/or Professional Planner as may be required.

3.2.5 The Development Permit Application will be reviewed by the Lands Department who will prepare and present a report to Council for its consideration. The report shall contain:

- (a) a copy of the Development Permit Application,
- (b) the recommendation of the First Nation's Lands Department;
- (c) confirmation that the proposed development does not contravene the First Nation's Land Code, Land Use Plan or Development Standards;
- (d) the security and insurance to be posted by the Developer, if any; and
- (e) insurance requirements.

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- 3.2.6 Notwithstanding Section 3.2.5, the Development Permit Application will not be approved by Council until:
- (a) an environmental assessment of the proposed development has been completed and any concerns are dealt with to the satisfaction of Chief and Council;
 - (b) the total costs of the First Nations share of the infrastructure such as public utilities or other works or services have been developed; and
 - (c) all development permit fees and development levy charges have been paid.
- 3.2.7 Council may refuse to approve the Development Permit Application at any stage of the process if:
- (a) the cost to the First Nation of providing public utilities or other works or services would be deemed excessive; or
 - (b) the Council is of the opinion that the proposed Project does not conform to:
 - (i) any applicable provisions of the First Nation's Land Code, Land Use Plan or Development Standards; or
 - (ii) the recommendations of the First Nation's Lands Department; or
 - (iii) any applicable Provincial or Federal Acts or regulations or any First Nation Laws or By-laws.
- 3.2.8 Upon approval of the Development Permit Application, the Developer will enter into a Lease and Servicing Agreement with the First Nation.
- 3.2.9 Upon approval of a Lease and Servicing Agreement, a Developer shall apply for Whitecap Dakota Services with the Whitecap Public Works Office by written application.
- 3.2.10 A copy of all Development Permits, Leases and Servicing Agreements will be retained by the Lands Department.
- 3.2.11 The Developer will not be granted an Occupancy Permit until the Consulting Engineer is satisfied that all Works required to be carried out by the Developer are completed.
- 3.2.12 All buildings constructed on the Whitecap Dakota First Nation shall comply with *The National Building Code of Canada* and *The Uniform Building and Accessibility Standards Act and Regulations*.
- 3.2.13 All application requirements referred to herein shall be submitted on the appropriate forms prepared by the Land Department.
- 3.2.14 Applicants are strongly encouraged to consult with the Lands Department in the early stages of a project in order to identify any potential development issues.

3.3 NOTICES

3.3.1 Where in this Land Use Law a notice is required to be given and where the method of giving the notice is not otherwise specified, it must be given:

- (a) By mail to the recipients ordinary mailing address;
- (b) Where the recipient's address is unknown, by posting a copy of the notice in a conspicuous place on the recipient's property; or
- (c) By personal delivery or courier to the recipient or to the recipient's ordinary mailing address.

3.3.2 Except where otherwise provided in this Land Use Law,

- (a) A notice given by mail is deemed received on the fifth day after it is posted;
- (b) A notice posted on property is deemed received on the second day after it is posted; and
- (c) A notice given by personal delivery is deemed received upon delivery.

3.4 LAND USE LAW AMENDMENT PROCESS

Amendments to this Land Use Law may be initiated by any member of the Whitecap Dakota First Nation, including the Council. It is expected that amendments will be necessary over time to accommodate new business development, new residential areas, and other opportunities that may arise. The process to alter this Land Use Law, including map and text changes, is outlined below:

3.4.1 Any person seeking to amend this Land Use Law may submit an application for such amendment, along with the payment of the required fee, to the Lands Department.

3.4.2 The proposed amendment to the Land Use Law will be processed by the Lands Department who will prepare and present a report to the Council for its consideration. The report will contain:

- (a) a copy of the proposed amendment; and
- (b) an analysis of the proposed amendment in terms of its compliance with the First Nation's Land Code, Land Use Law, Architectural Design Requirements, or Development Standards;
- (c) The recommendation of the First Nation's Lands Department.

3.4.3 The Council will review the application and prior to making any recommendation may direct the Lands Department to arrange an appropriate public consultation process. Public consultation on any amendment shall include the posting of a public notice in the Band Office, Post Office and may include posting on Whitecap social media accounts at least 28 days prior to Council's decision.

3.4.4 Prior to making a decision, the Council may require the applicant to submit the following information:

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- (a) an environmental assessment of the proposed development has been completed and any concerns are dealt with to the satisfaction of Chief and Council;
- (b) the total costs of the First Nations share of the infrastructure such as public utilities or other works or services have been developed; and
- (c) any other information which in the opinion of the Council is necessary to make an informed decision.

3.4.5 Council may refuse to approve the proposed amendment at any stage of the process if:

- (a) the cost to the First Nation of providing public utilities or other works or services would be deemed excessive; or
- (b) Council is of the opinion that the proposed Project does not conform to:
 - (i) any applicable provisions of the First Nation's Land Code, Land Use Plan or Development Standards; or
 - (ii) the recommendations of the First Nation's Lands Manager; or
 - (iii) any applicable Provincial or Federal Acts or regulations or any First Nation Laws or By-laws.

3.4.6 A copy of all application material will be retained by the Lands Department.

3.4.7 All application requirements referred to herein shall be submitted on the appropriate forms prepared by the Land Department.

3.4.8 Applicants are strongly encouraged to consult with the Lands Department in the early stages of a project in order to identify any potential development issues.

3.5 OFFENCES AND PENALTIES

3.5.1 No person shall contravene or refuse or neglect to comply with, fail to do any act or thing required to be done, in contravention of this Land Use Law

3.5.2 No person shall obstruct or interfere with any person in the exercise of that person's powers or duties pursuant to this Land Use Law.

3.5.3 Any offences under this Law shall be punishable by summary conviction and shall be prosecuted in the Provincial Court of Saskatchewan.

3.5.4 Every person who contravenes subsection 3.5.1 or 3.5.2 is guilty of an offence and is liable on summary conviction to the penalties provided pursuant to Section 787 of *The Criminal Code of Canada*.

3.6 LIABILITY OF THE FIRST NATION

3.6.1 The First Nation, Council, and /or the employees, officers, contractors and agents of the

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First Nation are not in any way liable for any claims, demands, injuries, damages or losses (including but not limited to any claim for economic loss) to any person, including a Developer, which may arise from any delay, failure or insufficiency in the performance of any administrative or enforcement functions by the First Nation under this Land Use Law.

3.7 INTERPRETATION

- 3.7.1 The provisions of this Land Use Law are severable, and where any provision of this Land Use Law is for any reason held to be invalid by a decision of a Court of competent jurisdiction, the invalid portion must be severed from the remainder of this Land Use Law and the decision that is invalid must not affect the validity of the remaining portions of this Land Use Law.
- 3.7.2 Where a provision of this Land Use Law is expressed in the present tense, the provision applies to the circumstances as they arise.
- 3.7.3 Words in this Land Use Law that are in the singular include the plural, and words in the plural include the singular.
- 3.7.4 This Land Use Law must be construed as being remedial and must be given such fair, large and liberal construction as best ensures the attainment of its objectives.
- 3.7.5 Reference in this Land Use Law to an enactment is a reference to the enactment as it exists from time to time and includes any regulations made under the enactment.
- 3.7.6 Headings form no part of this Land Use Law and must be construed as being inserted for reference only.

3.8 EXISTING DEVELOPMENT NOT CONFORMING TO THIS LAW

- 3.8.1 Buildings and uses which do not conform to this Law but which were in existence as of the date on which this Law was adopted may continue as permitted uses. Any expansion or alteration to such a use may occur only in conformity with this Law.

4 GENERAL REGULATIONS

4.1 DEVELOPMENT OF POTENTIALLY HAZARDOUS LANDS

4.1.1 While they have no jurisdiction on Whitecap Lands, the Saskatchewan Watershed Authority has provided the First Nation with information on peak water levels. Using the provincial flood hazard standard (i.e. a 1 in 500 year flow rate), a map showing the Estimated Peak Water Levels (EPWL) and Safe Building Elevations (SBE) at five locations on the Whitecap Reserve is attached to this bylaw as Map 2. The following table outlines the EPWL and SBE at each of the five locations:

Point Number	Land Location	Location	EPWL (masl)	SBE (masl)
1	SW 19-33-05 W3M	51.8382°N 106.7125°W	485.8	486.3
2	SE 25-33-06 W3M	51.8568°N 106.7244°W	485.3	485.8
3	SE 02-34-06 W3M	51.8820°N 106.7463°W	484.5	485.0
4	NE 11-34-06 W3M	51.9048°N 106.7466°W	483.9	484.4
5	SE 15-34-06 W3M	51.9182°N 106.7693°W	483.5	484.0

Additionally, Map 3 illustrates portions of the core area of the Reserve that lie above 485 metres above sea level (masl). 485 masl is the approximate SBE for the core area of the Reserve.

4.1.2 Where a proposed development may be adversely affected by biophysical conditions, or may have an adverse effect on site conditions at the proposed or on neighbouring property, it shall require documentation that such is not the case, before approving the development. Any costs associated with providing required documentation will be borne by the developer.

4.1.3 Prior to issuing a development permit for an application on land deemed to be environmentally sensitive or hazardous, including but not limited to flood prone lands and any lands on or near potentially unstable slopes, Chief and Council shall require that the applicant submit a certified environmental, geotechnical and /or hydrological assessment, prepared by a qualified professional. Such assessment shall address, at Chief and Council's discretion, any or all of the following:

- (i) identification of all on-site and relevant off-site environmental constraints on and hazards to developing and servicing;
- (ii) identification of all on-site and relevant off-site environmentally sensitive lands;
- (iii) assessment of the impact of the proposed development on the environment (both on the site that is subject of the application and any adjacent or nearby sites);
- (iv) assessment of the impact of on-site and/or off-site environmental conditions on the proposed development; or
- (v) identification of actions required to prevent, change, mitigate or remedy the adverse effects of the proposed development on the environment and/or the adverse of the environment on the proposed development.

4.1.4 Actions identified, in an assessment prepared pursuant to (iii) above, for prevention, change, mitigation or remedy shall be incorporated as conditions to issuance of any development permit that may be issued.

4.2 ROAD ACCESS AND REQUIRED SERVICING

- 4.2.1 Except for field crops and pastures, and permitted development in the Resource Conservation Land Use District, a development shall not be issued unless the subject site abuts, or has direct frontage on a graded all-weather road, or unless satisfactory arrangements have been made with Chief and Council for the improvement or construction of a road, where required.
- 4.2.2 Except for field crops and pastures, and permitted development in the Resource Conservation Land Use District, a development permit shall not be issued unless the subject site is capable of being serviced directly from existing servicing systems (power, water, sewer, natural gas) or unless satisfactory arrangements have been made with Chief and Council for the provision of appropriate services.

4.3 VISIBILITY CLEARANCE AT INTERSECTIONS (SIGHT TRIANGLES)

In any district, nothing shall be erected, placed, planted, or allowed to grow so as to obscure vision at a height of one (1) metre or greater above the elevation of the centre of the abutting street or lane within the triangular area labelled as "Sight Triangle", with distances measured accordingly, in Figure 2-2 in Section 2 of this Land Use Law.

4.4 FENCES

- 4.4.1 In any **Residential** district, no wall, fence or similar structure shall be erected in a front yard or on a site line adjacent to a front yard to a height of more than 1.22 metres above grade level as illustrated in Figure 4-1.
- 4.4.2 In any **Residential** district, no wall, fence, screen or similar structure, excepting permitted accessory buildings, shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height of more than 2.0 metres above grade level as illustrated in Figure 4-1.
- 4.4.3 In any **Commercial, Industrial, Community Service, Mixed Use, Parks** or **FUD** district, no wall, fence or similar structure, excepting permitted accessory buildings, shall be erected to a height of more than 3.0 metres above grade level.
- 4.4.4 On a corner lot in any district, no hedge planting, tree, wall, fence, or similar structure, not being a building, shall be erected, placed, planted, or maintained within the Sight Triangle, as described in Figure 2-3 and Section 4.5 of this Bylaw, to a height greater than 1.0 metre as illustrated in Figure 4-1.

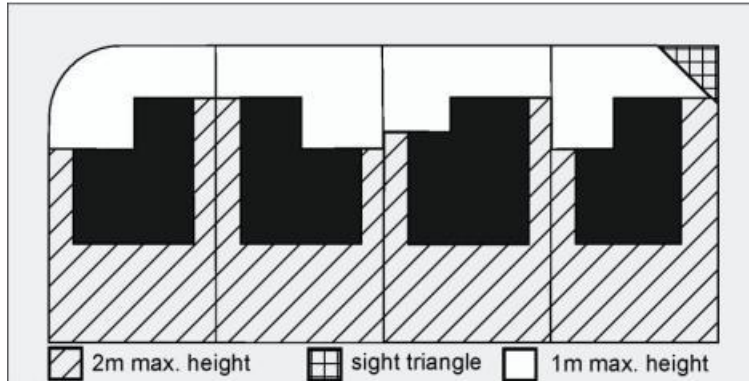


Figure 4-1: Fence Requirements

4.5 ACCESSORY BUILDINGS AND STRUCTURES

- 4.5.1 Accessory buildings shall be subordinate to, and located on the same site as the principal building or use, and used in conjunction with that principal use.
- 4.5.2 Accessory buildings shall not be constructed or placed on any site prior to the construction of the principal building except where a development permit has been issued for a principal building, Chief and Council may, at its discretion, allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed within the effective time period of the development permit for the associated principal building, the accessory building shall be removed.
- 4.5.3 In the R1 – Small Lot Residential District accessory buildings are not to exceed the height of the principal building and in no case shall the accessory building exceed the height limits provided for in the zoning district in which it is located.
- 4.5.4 Private garages and carports, attached to the principal building by a substantial roof structure, are considered as part of the principal building and subject to the regulations governing the principal building.
- 4.5.5 Detached accessory buildings in the R1 – Small Lot Residential District and the CRES – Commercial Resort Residential District are subject to the following regulations:
- (1) Accessory buildings shall not to be located in any required front yard.
 - (2) The minimum rear yard setback of an accessory building shall be 0.6 metres, except where the main door faces the rear site line, the minimum setback shall be 1.2 metres.
 - (3) The minimum side yard setback of an accessory building shall be 0.6 metres, except where the side yard abuts a street, the minimum setback shall be 1.2 metres.
 - (4) Accessory buildings located in a rear yard shall not occupy more than 40% of the rear yard.

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4.5.6 Detached accessory buildings in the R2 – Large Lot Residential District are subject to the following regulations:

- (1) The minimum front yard setback of an accessory building shall be 7.5 metres.
- (2) The minimum rear yard setback of an accessory building shall be 4.5 metres.
- (3) The minimum side yard setback of an accessory building shall be 3.0 metre

4.5.7 Detached accessory building shall be located a minimum of 1.0 metre from a principal building.

4.5.8 In any Residential district, there shall be no more than three accessory buildings on a site.

4.5.9 Shipping Containers

- (1) Shipping containers shall be prohibited in all districts except the CSR – Community Service / Recreation, C – Commercial, I – Industrial, and Ag - Agriculture districts.
- (2) Shipping containers shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings for the applicable zoning district.
- (3) Shipping containers shall:
 - (a) be properly anchored and maintained in good repair;
 - (b) be sandblasted and repainted to a neutral colour or complement the colours of the principal building prior to their placement, above grade, on a site;
 - (c) be located a minimum of 3.0 metres from, and behind the rear wall of, the principal building; and
 - (d) meet the requirements of the National Building Code of Canada as applicable.
- (4) The cumulative maximum floor area of shipping containers, to a total maximum of six containers, shall not exceed more than 50% of the gross floor area of the principal structure.
- (5) Shipping containers shall be kept clean, level, maintained, and placed in an orderly manner. Application for a development permit for shipping containers must occur prior to relocation to the site and must include photos of the shipping container.
- (6) Shipping containers shall be prohibited for use as human habitation.
- (7) Shipping containers shall not block, obstruct, or reduce exits, windows, parking spaces, or driveways.

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- (8) Shipping containers shall not be used for the purpose of screening or fencing.
- (9) Shipping containers are prohibited from being plumbed in any manner.
- (10) Shipping containers shall not be stacked on top of one another.
- (11) Notwithstanding subsection (1), shipping containers may be temporarily placed on a site in any district during active construction on a site where the shipping container is used solely for the storage of supplies and equipment that are used for construction operations on site, provided that a valid building permit has been issued for construction, and provided that the shipping container is removed from the site upon completion of construction; or,
- (12) When placed on a site pursuant to subsection (11), the shipping containers shall:
 - (a) be located so as not to create a safety hazard;
 - (b) not be placed on a public right-of-way or dedicated lands; and
 - (c) not be located within 1.2 metres of the front property line or in a Site Triangle as identified in Section 4.3.

4.6 OFF-STREET PARKING AND LOADING

4.6.1 *Parking and Loading Spaces Required With Development*

- (1) No person shall erect, enlarge, or extend any building or structure permitted under this Bylaw, unless the required parking and loading spaces are provided and maintained in connection with the new, enlarged, or altered building or structure.
- (2) When the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, floor area, seating capacity, or other specified units of measurement for required parking and loading facilities, parking and loading facilities as required in this Bylaw shall be provided for any increase in intensity of use.
- (3) Wherever the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for the new use; however, if the building or structure was erected prior to the effective date of this Bylaw, additional parking and loading facilities are mandatory only in the amount by which the requirements for the new use exceed the requirements for the existing use.
- (4) All required parking facilities shall be located on the same site as the principal building or use.
- (5) When the calculation of parking requirements results in a fractional required parking space, this fractional requirement shall be rounded to the next whole number.

4.6.2 *General Regulations for Off-street Parking and Loading*

- (1) All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the principal building or use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access/egress, commercial repair work or long-term display, signage, sale or storage of goods of any kind.
- (2) Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site. Such facilities shall comply with the following design, development and maintenance standards:
 - (a) All required parking and loading facilities shall be clearly demarcated and have adequate storm water drainage and storage facilities.
 - (b) All non-required parking and loading facilities shall be appropriately surfaced by gravel, asphalt, concrete or other similar material.
 - (c) Where warranted, on-site traffic signs shall be provided.
 - (d) In situations where lighting of off-street parking and loading facilities is to be provided, the lighting shall be arranged, installed and maintained to deflect, shade and focus light away from any adjacent land used or intended to be used for residential purposes.
 - (e) All required parking and loading spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions, and shall conform to the minimum dimensions set out in Table 4-1.

Table 4-1: Parking and Loading Space Dimension Requirements		
Type of Space	Minimum Dimension	Minimum Vertical Clearance
Parking spaces having direct access to a registered lane	2.7 metres x 6.0 metres	2.0 metres
Parallel parking spaces	3.0 metres x 6.7 metres	2.0 metres
Barrier free parking spaces	3.9 metres x 6.0 metres for one space, or 6.3 metres x 6.0 metres for two spaces side by side	2.0 metres
Parking spaces other than those described above	2.7 metres x 6.0 metres	2.0 metres
Loading space	3.0 metres by 7.5 metres	4.0 metres

- (f) All required parking and loading spaces shall, without excessive vehicular manoeuvring, have direct access to a driveway, aisle or registered lane leading to a public street. Driveways and aisles which provide access to

parking or loading spaces shall conform to the following minimum dimensions:

<u>Parking Angle in Degrees</u>	<u>Width of Aisle or Driveway</u>
75 to 90	6.0 metres (two-way traffic)
50 to 74	5.5 metres (two-way traffic)
49 or less	3.7 metres (one-way traffic only)

For the purpose of the above minimum dimensions, angles shall be measured between the centre line of the parking or loading space and the centre line of the driveway or aisle.

- (g) All entrances to and exits from a required parking facility shall be designed in such a manner to minimize traffic congestion and interference with traffic movement along public streets.
- (h) Driveways leading to a public street or public right-of-way or to an internal private roadway, aisle, ramp or parking space shall be of sufficient length and width to accommodate expected vehicle volumes and therefore minimize traffic congestion and interference of traffic movement within the required parking facility and along public streets. The length, width and slope of such driveways shall be based upon accepted engineering roadway design principles.
- (i) For multiple unit dwellings, all parking spaces shall be suitably screened from view from adjacent streets, and all required visitor parking spaces shall be clearly marked or signed as such.

4.6.3 *Required Off-street Parking and Loading in All Districts*

- (1) The minimum off-street parking requirements for all districts are set out in Table 4-2. The required off-street parking categories are then cross-referenced by use in the District Development Standards tables throughout Section 6 of this Bylaw.
- (2) In the R1 and R2 districts, required off-street parking shall not be located in any required front yard. This provision shall not apply to single detached, two-unit, and semi-detached dwellings.
- (3) In all districts, all required driveways, aisles, ramps and required parking and loading spaces must be hard-surface paved.
- (4) Except in the Ag District, each non-residential building with a floor area greater than 500 m² shall provide one off-street loading space.

4.6.4 *Parking and Storage of Vehicles in Residential Areas*

- (1) Any vehicle parked or stored in a required front yard shall be located on a surfaced area, consisting of gravel, asphalt, concrete, or other similar material.
- (2) Large recreation vehicles may be parked in front, side and rear yards on a

residential site provided the vehicle is not within 1.2 metres of the front property line or in a Site Triangle as identified in Section 4.5.

4.6.5 Barrier Free Parking Requirements

- (1) For uses other than a multiple unit dwelling, a minimum of one barrier free parking space shall be provided for any required parking facility accommodating more than three parking spaces. A minimum of one percent of total required parking capacity shall be barrier free for parking facilities accommodating more than 100 parking spaces.
- (2) Barrier free parking spaces shall be located not more than 50 metres from a main entrance to the principal building or use on the subject site.
- (3) Barrier free parking spaces shall be designated as reserved for use by persons with physical disabilities by the international symbol to identify accessible parking stalls, and where surfaces are paved, have the international symbol of accessibility marked on the pavement of the stall and access aisle.

Table 4-2: Off-Street Parking Requirements in All Districts	
Parking Category	Off-Street Parking Spaces Required
0	No off-street parking required
1	2 space per dwelling unit which may be in tandem, plus one additional parking space for a garage suite, or a garden suite or a secondary suite
2	1 space per dwelling unit plus 0.1 space per dwelling unit for visitors
3	1 space plus 1 space for each guest room
4	1 space per 50 m ² of gross floor area
5	1 space per 28 m ² of gross floor area
6	1 space per 4 beds plus 1 space per employee
7	3 spaces per 10 seats in main assembly area (or (where no fixed seating is provided) 1 space per 2.5 m ² of gross floor area devoted to main assembly area.
8	1 space per 4 seats intended for patrons use
9	1 space per 2 guest rooms plus 1 space per 15m ² of gross floor area devoted to the public assembly plus the applicable parking requirements for any other use contained on the site.
10	1 space per 12 m ² of gross floor area.
11	1 space per 90 m ² of gross floor area
12	1 space plus one space per 5 persons enrolled in the facility
13	1 space for 8 patrons at design capacity
14	1 space plus 1 additional space for every 10 persons enrolled in the facility per day
15	1 space per 10 seats in main assembly are or (where no fixed seating is provided) 1 space per 7.5 m ² of gross floor area devoted to main assembly area
16	1 space per non-resident employee
17	1 space per staff member
18	1 space per staff member plus 3 spaces for each classroom, with parking permitted in a front, side and/or rear yard
19	1 space per bay
20	1.2 spaces per classroom plus 1 space per 8 students at design capacity
21	1 space per 50 m ² of gross floor area, excluding garage area
22	1 space per 50 m ² of gross floor area or, for primarily outdoor recreational uses, 1 space per 8 patrons at design capacity

4.7 SIGNS

All signs shall be subject to the following regulations:

- (1) General
 - (a) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains. Plans that include signs projecting over a property line shall be subject to review by Chief and Council.
 - (b) All free-standing signs located beyond the property line of the site to which it pertains, shall be located outside of the designated Whitecap roadways' right-of-way.
 - (c) All free-standing signs, for which a permit is required, shall be located at least 20 m from any Provincial Highway right-of way. No free-standing signs shall be located in sight triangles for intersections or driveways or in such a manner that they visually obstruct sight triangles or otherwise jeopardize public safety, subject to Section 4.3 of this Bylaw.
 - (d) Permitted home based businesses may display one (1) fascia sign, not exceeding 0.4 m² in area, identifying the name of the home based business. Such sign shall not be illuminated and shall be affixed to the principal building.
- (2) Application for a Sign Permit
 - (a) Applications for sign permits must be made in writing to the Land Coordinator and must include the names, addresses and telephone numbers of the applicant, the person with rights to use or occupy the site on which the sign is to be erected, (if applicable), and person or consultant who prepared the plans being submitted, including a local contact person. The written application shall be accompanied by plans, specifications, construction details and other information sufficient to inform the Land Coordinator of the exact nature and location of the intended sign.
 - (b) Prior to issuing a sign permit for a free standing, projecting or roof sign, Chief and Council may require that the supplementary documentation described in (2)(a) above, contain the professional stamp of a certified professional engineer qualified to certify that the sign design satisfies all relevant legislation and codes.
 - (c) Free-standing signs which project outside of the property lines to which the site pertains shall require the approval of a lease agreement between the Whitecap Dakota First Nation and the holder of the sign permit.
- (3) Signs Not Requiring a Permit Under This Plan
 - a) all signs erected by the Whitecap Dakota First Nation;
 - b) real estate signs on property which is being advertised;

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- c) directional signs such as traffic warning signs, parking or no trespassing signs;
 - d) address signs, one address designation per use which denotes the numerical address and/or name of the occupant;
 - e) election signs, any level of government election signs;
 - f) memorial signs, such as plaques, tablets and headstones;
 - g) temporary construction signs that indicate the impending development of a site are permitted only until the development is complete.
- (4) A sign permit may be denied or revoked when:
- (a) erection of the sign has not commenced within three months from the date of issue of the permit;
 - (b) the sign does not conform to all relevant provisions of this Law;
 - (c) the sign being constructed or erected does not conform to the approved drawings; or
 - (d) the sign is not in a proper state of repair.

Signs are subject to an annual inspection. If signs are found to be in a state of disrepair, a warning shall be issued to the sign permit holder. If requested repairs and maintenance are not performed within thirty days, a fine of \$100 per day may be applied for a period of not more than thirty days. If the permit holder has failed to comply during the conclusion of this time period, the sign may be removed at the permit holder's cost.

- (5) On any site in the **R1 - Small Lot Residential District, R2 - Large Lot Residential District, or the R3 - Country Residential District**, signs may be erected as follows:
- (a) Sign provisions applying to permitted principal residential uses, commercial uses and community service uses in any residential district are set out in Table 4-3. The following provisions also apply:
 - (i) No roof signs shall be permitted.
 - (ii) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign.
 - (iii) Signs applying to community service uses must not display advertising of any commercial service or product.
- (6) On any site in the **CSR - Community Service/Recreation District, AG - Agriculture District, or the RCon - Resource Conservation District**, signs may be erected as follows:
- (a) Sign provisions applying to permitted principal community service uses, commercial uses, residential uses and agricultural uses in the CSR, AG, SU and RCon districts are set out in Table 4-4. The following provisions also apply:

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- (i) No roof signs shall be permitted.
 - (ii) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign.
 - (iii) Signs applying to community service uses must not display advertising of any commercial service or product.
- (7) On any site in the **CRES – Commercial Resort/Residential District, C – Commercial District, and the I – Industrial District**, signs may be erected as follows:
- (a) Sign provisions applying to permitted principal commercial uses, community service uses, residential uses and agricultural uses in the CRES, C and I districts are set out in Table 4-5. The following provisions also apply:
 - (i) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign.
 - (ii) A free standing sign applying to a commercial or industrial use may be located in a required yard, provided that the Land Coordinator is satisfied that it does not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety.
 - (iii) Free standing signs shall maintain a minimum vertical clearance of 3.0 m above grade over any vehicle circulation area on the site.
 - (iv) Signs other than free standing signs shall have a minimum vertical clearance of 2.7 m above grade where they project more than 7.5 cm from the building face.
 - (v) Awning signs shall not project more than 1.8 m from the building face.
 - (vi) Projecting signs shall not project more than 1.8 m above the eaves or parapet of a supporting building.
 - (vii) Signs applying to community service uses must not display advertising of any commercial service or product.
 - (viii) No projecting sign may project perpendicularly from the property line more than 3.0 m or beyond a point 0.6 m from the building side of the curb line, whichever is less.
 - (ix) No projecting sign may be suspended less than 2.6 m above the surface of a public sidewalk or pedestrian right-of-way.
 - (x) Roof signs are permitted only on a principal building on any site and

only one roof sign shall be permitted on each principal building.

(xi) No portion of any roof sign may project beyond any exterior wall or parapet of the building upon which it is placed.

(8) On any site in the **SU – Special Use District**, signs may be erected as follows:

(a) Those signs determined by the Chief and Council to be compatible with the protection and enhancement of identified sites cultural, historical or traditional significance to the Whitecap Dakota First Nation may be permitted subject to such terms and conditions as determined by Chief and Council.

TABLE 4-3: SIGN REGULATIONS IN THE R1 - SMALL LOT, R2 - LARGE LOT AND R3 - COUNTRY RESIDENTIAL DISTRICTS						
Uses	Maximum No. of Signs	Maximum Total Sign Face Area (m ²)	Maximum Number of Free Standing Signs	Maximum Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m ²)	
					Per Face	Total
All permitted principal residential uses	1 ⁽¹⁾	0.4 ⁽¹⁾	0	n/a	n/a	n/a
All permitted principal commercial uses	2	18	1	6	6	12
All permitted community service uses	2	10	1	3	2.5	5

Notes to Table 4-3:

⁽¹⁾ Multiple unit dwellings and dwelling groups are permitted one additional sign, up to one (1) square metre in area, showing the name of the building or group

TABLE 4-4: SIGN REGULATIONS IN THE CSR - COMMUNITY SERVICE / RECREATION, AG - AGRICULTURE AND RCon - RESOURCE CONSERVATION DISTRICTS						
Uses	Maximum No. of Signs	Maximum Total Sign Face Area (m ²)	Maximum Number of Free Standing Signs	Maximum Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m ²)	
					Per Face	Total
All permitted principal community service uses	3	18	1	3	6	12
All permitted principal residential uses	1 ⁽¹⁾	0.4 ⁽¹⁾	0	n/a	n/a	n/a
All permitted principal and ancillary commercial uses	2	18	1	6	6	12

Notes to Table 4-4:

- ⁽¹⁾ Multiple unit dwellings and dwelling groups are permitted one additional sign, up to one (1) square metre in area, showing the name of the building or group

TABLE 4-5: SIGN REGULATIONS IN THE C – COMMERCIAL, I – INDUSTRIAL AND CRES – COMMERCIAL RESORT / RESIDENTIAL DISTRICTS						
Uses	Maximum No. of Signs	Maximum Total Sign Face Area (m²)	Maximum Number of Free Standing Signs	Maximum Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m²)	
					Per Face	Total
All permitted principal commercial / industrial uses	n/a	n/a	1	15	9	18
All permitted community service uses	3	18	1	3	6	12
All permitted principal free-standing, off-site signs	n/a	n/a	n/a	15	n/a	n/a

(9) Portable Sign Regulations

- (i) No portable signs shall have a single face area greater than 6.0 m².
- (ii) No portable sign shall have a height greater than 3.0 m above grade.
- (iii) No portable sign shall occupy any space required for off-street parking unless the site contains off-street parking in excess of that required under this Plan.
- (iv) On any single site, no portable sign may be located closer than 20.0 m from any other portable sign.

(10) Billboard Regulations

- (i) Billboards may only be placed on properties which abut Highway 219 subject to the other requirements noted herein.
- (ii) No billboard may be placed within 50 metres of a property zoned to a Residential district.
- (iii) No billboard may be placed in front of the front building line on any property if such placement would block the signage on adjacent properties viewed from an adjacent street or roadway.

- (iv) No billboard may be closer than 3.0 metres to any property line which abuts a street or roadway.
- (v) The maximum single face sign area of any billboard shall not exceed 24 m².
- (vi) The height of any billboard shall not exceed 15.0 metres.

4.8 SPECIAL REGULATIONS AND STANDARDS

This section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the district.

4.8.1 *Independent Living Suites*

- (1) Independent living suites shall only be permitted on sites in the R2 – Large Lot Residential district and the Ag – Agricultural District that are occupied by a one-unit dwelling.
- (2) Independent living suites shall not be included in the calculation of the total floor area for detached accessory buildings.
- (3) Independent living suites shall connect to sanitary sewer and potable water services where available.

4.8.2 *Above-Ground Fuel Storage Tanks*

- (1) Above-ground fuel storage tanks which meet the standards of the National Fire Code of Canada may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- (2) The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar shall not exceed the regulations and requirements set out by the National Fire Code of Canada.
- (3) Above-ground fuel storage tanks shall be:
 - (1) located at least 6 metres from any property line or building in the case of a tank used in association with a service station or gas bar;
 - (2) located at least 3 metres from any property line or building, for any other use, unless the tank has a capacity of 5,000 litres or less, in which case it shall be located at least 1 metre from any property line or building;
 - (3) separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer; and,

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- (4) located at least 15 metres from the boundary of any site where the principal use is residential.
- (4) The dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3 metres from any property line or 6 metres from any property line in the case of a service station or gas bar, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- (5) Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, bollards, guardrails or other similar means.
- (6) At service stations and gas bars, above-ground fuel storage tanks which are located in view of a front or flanking street shall be landscaped or screened to the satisfaction of the Development Officer.
- (7) The maximum height of an above-ground fuel storage tank shall be limited to the maximum permitted height of a free-standing sign in the zoning district.
- (8) Painted lettering or other forms of painted signage may be located on above-ground fuel storage tanks subject to the sign regulations in the zoning district.

4.8.3 *Day Care Centres and Pre-Schools*

- (1) Day care centres and pre-schools may be approved as an ancillary use or as a principal use. In any Residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building, property, or streetscape.
- (2) Required parking spaces shall not be located in a front yard and shall comply with the requirements contained in Section 4.2.
- (3) In addition to the development standards contained within the zoning district, Section 3.9 of this Bylaw shall apply to the review and approval of day care centres and pre-schools that are listed as discretionary uses.

4.8.4 *Home Based Businesses*

Home based businesses shall be permitted in conjunction with permitted dwellings subject to the following conditions:

- (1) The home based business shall be ancillary to the use of a farm dwelling as an agricultural operation or the dwelling unit as a private residence.
- (2) No persons other than residents of the dwelling shall be employed in the home based business, however, in the case of a farm dwelling a maximum of two non-resident employees may be employed on site.
- (3) No variation in the residential or the residential farm character and appearance of the dwelling, accessory buildings or land shall be permitted.
- (4) The permitted home based business shall be valid only during the period of time

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the property is occupied as the residence of the applicant for such home based business.

- (5) Home based businesses shall obtain a Business License prior to commencing operations.
- (6) All permits or licenses issued for a home based business shall be subject to a condition that the approval may be revoked at any time, if in the opinion of Chief and Council, the conditions under which the approval was originally issued are no longer met.

4.8.5 *Service Stations and Gas Bars*

- (1) Fuel pumps and other apparatus for dispensing or storage of fuel, located all or partly above grade level, shall be at least six metres from a site line.
- (2) All automobile parts, dismantled vehicles and similar articles or equipment are to be stored within a building or shall be completely screened from adjacent streets or properties.
- (3) Where service stations occupy a corner site, only one access point shall be on the flanking street.
- (4) Where operated as the principal use on a site, gas bars are subject to the regulations and standards for service stations.
- (5) Where a gas bar is allowed to operate in conjunction with another use on a site, the following standards and regulations apply:
 - (a) All fuel pumps and above ground storage tanks shall be at least six metres from any building on the site or any site line;
 - (b) The site shall have at least two separate entrances for vehicles, at least 15 metres apart; and,
 - (c) Sites shall be designed so that the delivery and unloading of bulk fuel shall not obstruct access to the fuel pumps or create obstructions on any adjacent street.

4.8.6 *Mobile Homes*

- (1) All mobile homes shall meet factory standards set out in *Canadian Standards Association, Construction Standard No. Z240.2.1-1979* and amendments thereto. All mobile homes shall bear a label of a credible certification agency indicating compliance with this standard.
- (2) All attached and accessory structures shall require a building permit and shall comply with the National Building Code.
- (3) All attached and accessory structures such as porches, sun rooms, skirting and storage facilities shall be factory prefabricated units, or of an equivalent quality,

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and shall be painted or prefinished so the design and construction will complement the main structure.

- (4) All wheels, hitches, and running gear shall be removed from the mobile home within 30 days of placement on the site and shall be skirted from the floor level to ground level in such a manner as to compensate for vertical movements and to prevent the entrance of rodents and other small animals.
- (5) All mobile homes shall be placed on a permanent foundation comprised of a concrete or preserved wood grade beam / pile structure, such foundation being not less than 600 mm above recommended or established grade. Grade beam support shall be attached to the perimeter of the building.
- (6) All habitable structures must be above grade, basements are prohibited.
- (7) All mobile homes shall connect to sanitary sewer and potable water services where available.

4.8.7 *Mobile Home Courts*

- (1) Road right-of-ways within mobile home courts shall be at least 12 metres in width, with hard-surfaced roadways of a minimum 6 metres in width with appropriate drainage.
- (2) A minimum 10% of the area of the mobile home court shall be set aside as communal open space or devoted to recreational facilities.
- (3) All side and rear yard requirements for mobile homes in the RMH – Residential Mobile Home District shall apply to individual mobile home sites within a mobile home court.
- (4) All requirements for mobile homes, contained in Section 4.8.6, shall apply to mobile home courts.
- (5) All mobile home courts shall connect to sanitary sewer and potable water services and shall comply with all public health requirements.

4.9 LANDSCAPING

4.9.1 *General Regulations for Landscaping*

- (1) Required landscaping shall be installed and maintained in accordance with the following standards and policies:
 - (a) Landscaped areas required to be provided within any front or side yard shall not be used for any purpose except for signs or structures otherwise permitted or driveways leading to a parking or loading facility.
 - (b) The landscaping area shall be developed within the next growing season

after occupancy or partial occupancy of the building or the site.

- (c) All plant materials shall be a species capable of healthy growth in Saskatchewan and should conform to the standards of the Canadian Nursery Landscape Association.
 - (d) All areas set aside for plant materials and turf shall be provided with an underground sprinkler irrigation system or other adequate means of irrigation, with at least one outside spigot for each principal building.
 - (e) All trees provided for planting shall be a minimum 45 mm caliper and 2000 mm height for deciduous trees and 1200 mm in height for coniferous trees.
 - (f) All shrubs provided for planting shall be a minimum height and spread of 450 mm.
 - (g) Precast curbing is encouraged to be placed along the perimeter of any landscaped area abutting a driveway or off-street parking or loading facility.
 - (h) Trees shall be planted in the overall minimum ratio of one tree per 30 square metres of landscaped area or fraction thereof provided. Spacing between trees should not obstruct traffic sight lines, signs, or essential services at full maturity.
 - (i) Shrubs are encouraged to be planted in the overall minimum ratio of one shrub per 20 square metres of required site landscape area or fraction thereof.
 - (j) Hard landscaping shall not cover more than 15% of a required landscaped area.
- (2) The provision of landscaping shall be a condition of the issuance of a development permit wherever the existing use of a building or structure is significantly enlarged, undergoes a significant increase in capacity, or is changed to a new use. In these cases, the development permit will not be issued until the landscaping plan is approved by the Lands Department.
 - (3) Landscaping shall be designed and constructed to allow compliance with an approved drainage plan.

4.9.2 Required Landscaping in the R1 – Small Lot Residential and R2 – Large Lot Residential Districts

- (1) A landscaped strip of not less than 2.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site.
- (2) On corner sites, in addition to the landscaping required in the front yard, a landscaped strip of not less than 2.5 metres in width throughout lying parallel to and abutting the flanking street shall be landscaped.
- (3) Landscaping shall not be required for one and two unit dwellings.

4.9.3 *Required Landscaping in the CSR – Community Service / Recreation, CRES – Commercial Resort / Residential, C – Commercial and I - Industrial Districts*

- (1) A landscaped strip of not less than 2.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site.
- (2) In addition to the landscaping required in subsection (1), a landscaped strip of not less than 1.0 metre in depth throughout lying parallel to and abutting the front building line of the principal building shall be provided on every site.
- (3) On corner sites, in addition to the landscaping required in the front yard, a landscaped strip of not less than 2.5 metres in width throughout lying parallel to and abutting the flanking street shall be landscaped.

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4.9.4 Fencing

- (1) All exterior storage areas shall be fenced. Acceptable fencing materials shall include black chain link, black welded mesh (omega fence or equivalent), or other material approved by Chief and Council.
- (2) The minimum height of a fence shall be 2.0 metres and the maximum height of a fence shall be 2.5 metres.
- (3) Barbed wire fencing shall be prohibited in the R1 – Small Lot Residential district.

4.9.5 Garbage Enclosures in the CSR – Community Service / Recreation, CRES – Commercial Resort / Residential, C – Commercial and I - Industrial Districts

- (1) Garbage containers shall be hidden from public view by either a freestanding enclosure or within a building.
- (2) Garbage enclosures shall be roofed or the garbage containers themselves must have a lid to reduce the chance of garbage being carried by prevailing winds or accessed by scavengers.
- (3) Gates shall be installed and used on garbage containers.
- (4) Enclosures must be constructed of materials similar to the principal building subject to the discretion of Chief and Council.

4.10 ARCHITECTURAL DESIGN REQUIREMENTS

Whitecap Dakota First Nation is a modern and progressive First Nation with a proud culture and strong sense of community. Architectural design requirements are intended to ensure the ongoing development of a high-quality, sustainable built environment which reflects this.

Architectural design requirements are not meant to restrict the creative interpretation of architects and other design professionals but should be viewed as an opportunity to participate in the creative process of developing timeless and sustainable developments.

It is the goal of these design requirements that buildings and sites should be designed in accordance with the following key principals:

- The design of buildings should respect and enhance the broader First Nation landscape.
- Each building should be site specific in its design, enhancing the aesthetic character of its surroundings.
- Building design and materials should be of a high quality and create interesting architecture.
- Attempts to artificially re-create historical themes or styles should be avoided, as should building materials and styles which are not compatible with their prairie context.

4.10.1 Architectural Controls

- (1) Council shall, from time to time, adopt specific Architectural and Landscape Design

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Plans which shall guide building and site design in accordance with the principals noted herein.

- (2) Architectural controls shall apply to all developments in the CRES – Commercial Resort / Residential, C – Commercial and I - Industrial Districts.

4.10.2 Application Process

- (1) Applicants shall file with the Lands Department the prescribed application form, a site plan, building plans and relevant artistic renderings and other plans and information as required and pay the required application fee.
- (2) The application will be reviewed by the Lands Department or a committee established by Chief and Council for conformance with the Applicable Architectural and Landscape Design Plan and shall make a recommendation to the Council to:
 - (a) issue a Development Permit;
 - (b) deny the issuance of a Development Permit;
 - (c) issue a Development Permit subject to specific terms and conditions.
- (3) Applicants are strongly encouraged to consult with the Lands Department in the early stages of a project in order to identify any potential architectural design issues.

5 LAND USE DISTRICTS

5.1 CLASSIFICATION OF LAND USE DISTRICTS

In order to carry out the purpose and provisions of this Bylaw, the Whitecap Dakota First Nation is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

<u>Districts</u>	<u>Symbols</u>
Small Lot Residential	R1
Large Lot Residential	R2
Country Residential	R3
Mobile Home Residential	RMH
Community Service / Recreation	CSR
Commercial Resort / Residential	CRes
Commercial	C
Industrial	I
Agriculture	Ag
Special Use	SU
Resource Conservation	RCon

5.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Whitecap Dakota First Nation Land Use Law 2018 adopted by Chief and Council and signed by Chief and Council shall be known as the "Zoning District Map" and such map is declared to be an integral part of this Land Use Law.

5.3 BOUNDARIES OF ZONING DISTRICTS

5.3.1 The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled "Zoning District Map".

5.3.2 All streets, lanes and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.

5.3.3 On un-subdivided land, the zoning district boundary shall be determined by the scale shown on the Zoning District Map.

5.4 ZONING DISTRICTS

The uses or forms of development allowed within a zoning district, along with regulations or standards which apply, are contained in the District Schedules in Section 6.

6 RESIDENTIAL LANDS

6.1 FINDINGS

- Total on-reserve population as of 2017 according to Band representatives was 525 people.
- As of 2017, there are approximately 164 housing units on the Whitecap Dakota First Nation reserve land including market housing consisting of 24 apartment units and 10 single family homes.
- Whitecap Housing builds, manages and maintains the housing inventory on the reserve and is a Member of the Canadian and Saskatoon Home Builders Association.
- Population growth has been relatively high in the last five and ten years, with annual growth rates of 10.54% and 7.34%, respectively.
- Average household size per dwelling unit is approximately 3 people per household (PPH).
- Assuming a growth rate between 7.34% and 10.54% over the next 20 years, it is estimated that between 558 and 1,134 dwelling units will be required to maintain the average household size.
- There are two main subdivisions on the reserve. The older subdivision is located south of the Dakota Dunes Casino on the east side of Chief Whitecap Trail (Highway #219) and was developed adjacent to Charles Red Hawk Elementary School. The newer residential subdivision, known as the Buffalo Berry subdivision, is located on the west side of Chief Whitecap Trail (Highway #219) from the entrance to Dakota Dunes Casino and features both single unit and multi-unit apartment style housing.
- There are still lots open for development in the Buffalo Berry subdivision.
- There are a number of rural residential subdivisions distributed along Chief Whitecap Trail with clusters near the band office, and further to the south. These lots have clearly defined boundaries and are larger than the urban style subdivisions.
- There is a desire to expand available housing for elders, so seniors are able to remain in the community. It has been previously documented that this type of housing could be in the form of multi-unit dwellings.
- Within the reserve boundaries, there are areas with low topography and poor drainage which would be difficult to service. However, there is sufficient land available to accommodate development expansion in at least the short and medium terms.

6.2 OBJECTIVES

- (1) To provide for development of a range of residential forms and densities, to accommodate the range of needs and desires for Whitecap Dakota Band members.
- (2) To ensure new residential development can be serviced in a cost-effective manner.
- (3) To ensure that residential development does not jeopardize essential agricultural or other natural resource activity.
- (4) To minimize the negative impacts of residential development on culturally significant and heritage areas.
- (5) To ensure that buildings and lots are constructed and developed to as to minimize conflict with adjacent development.

6.3 POLICIES

- (1) The Zoning District Map will contain land use districts designated for residential use in a manner that will provide for a range of residential forms and densities.
- (2) Future residential development will be permitted only on those land use districts in which residential development has been listed as a permitted use, subject to any conditions and development standards stated in such districts.
- (3) Future rural residential development (i.e. housing outside of subdivisions) and residential subdivisions (i.e. the initial development of the subdivision itself) shall only be permitted at the discretion of Chief and Council. When presented with proposals for rural residential development or proposals for new subdivision concept plans, Chief and Council will consider the following in their decision:
 - (a) The proximity of the proposal to water, sewer, power and telephone infrastructure.
 - (b) The capacity of existing utility infrastructure in respect to its ability to handle the proposed development.
 - (c) Whether fire and police protection can be adequately supplied to the proposed development.
 - (d) Whether the proposed development is on or near an existing school bus route.
 - (e) Whether the proposed development may affect any existing treed areas or wildlife habitat areas.
 - (f) Whether the proposed development would negatively affect the natural environment or significant ecologically important areas.
 - (g) Whether the proposed development would negatively affect cultural or heritage areas, areas of traditional land use or culturally important landscape features.
 - (h) Whether the proposed development has direct all-weather public road access.
 - (i) Whether the proposed development will take good quality agricultural land out of production.
 - (j) Whether the proposed development will negatively affect any other natural resource activities (i.e. gravel extraction).
 - (k) Whether the proposed development would create a land-use conflict with surrounding development.
 - (l) Whether the proposed sewage disposal method meets current Federal Government environmental standards.
 - (m) Whether the overall servicing for the residence(s) is cost-effective.

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- (n) Whether the ongoing maintenance cost of servicing the residence(s) is cost-effective.
- (4) Residential development shall not be located within 457 m (1,500 ft) of a solid or liquid waste disposal site (i.e. landfill or sewage lagoon).
- (5) Home based businesses and other accessory residential uses shall not diminish the residential character of the area in which they are situated.

6.4 R1 – SMALL LOT RESIDENTIAL DISTRICT

6.4.1 *Purpose*

The purpose of the **R1** – Small Lot Residential District is to provide for the development of one-unit, two-unit and multiple-unit dwellings and other compatible uses on relatively small sites.

6.4.2 *Permitted Uses*

Uses are listed and designated in Table 6-4.

6.4.3 *Accessory Buildings and Uses*

- a. Accessory buildings and uses shall be permitted subject to Section 4.5.

6.4.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-4.

6.4.5 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

6.4.6 *Landscaping*

Landscaping is subject to Section 4.9.

Table 6-4: R1 – Small Lot Residential District Development Standards												
Principal Use	Designation	Parking Category	Subject to Section(s)	Development Standards								
				Minimum Site Area (m ²)	Maximum Site Area (m ²)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Residential Uses												
(1)	One-unit dwellings, including mobile homes	P	0		600	1,800	15	30	7.5	7.5	3	N/A
(2)	Two-unit dwellings	D	0		300 per dwelling unit	1,800 per dwelling unit	10 per dwelling unit	30 per dwelling unit	7.5	7.5	3	N/A
(3)	Multiple-unit dwellings	D	2		200 per dwelling unit	300 per dwelling unit	3 per dwelling unit	10 per dwelling unit	7.5	7.5	3 ⁽¹⁾	40
Other Uses												
(1)	Day care centres and preschools	D	14	4.8.3	600	1,800	15	30	7.5	7.5	3	40
(2)	Special care homes	D	6		600	1,800	15	30	7.5	7.5	3	40
(3)	Group homes	D	6		600	1,800	15	30	7.5	7.5	3	40
(4)	Parks and playgrounds	P	0		N/A	N/A	N/A	N/A	7.5	7.5	3	10
(5)	Places of worship	P	15		600	1,800	15	30	7.5	7.5	3 ⁽¹⁾	40
(6)	Schools	P	18		N/A	N/A	N/A	N/A	7.5	7.5	3 ⁽¹⁾	40
(7)	Elders' lodges	P	6		N/A	N/A	N/A	N/A	7.5	7.5	3 ⁽¹⁾	40
(8)	Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	7.5	3 ⁽¹⁾	40

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 6-4 and the R1 district:

(1) or one-half of the height of the building sidewall, whichever is greater.

6.5 R2 – LARGE LOT RESIDENTIAL DISTRICT

6.5.1 Purpose

The purpose of the **R2** – Large Lot Residential district is to provide for the development of one-unit dwellings and other compatible uses on relatively large sites.

6.5.2 Permitted Uses

Uses are listed and designated in Table 6-5.

6.5.3 Accessory Buildings and Uses

(1) Accessory buildings and uses shall be permitted subject to Section 4.5.

6.5.4 Standards and Regulations

(1) Site and building requirements are shown in Table 6-5.

6.5.5 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.6.

6.5.6 Landscaping

Landscaping is subject to Section 4.9.

Table 6-5: R2 – Large Lot Residential District Development Standards												
Principal Use	Designation	Parking Category	Subject to Section(s)	Development Standards								
				Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Residential Uses												
(1)	One-unit dwellings, including <i>mobile homes</i>	P	0		0.4	8	40	N/A	7.5	7.5	3	N/A
(2)	Independent living suites ⁽¹⁾	D	0	4.8.1	Refer to Section XXX							
Other Uses												
(1)	Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	7.5	3	N/A

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 6-5 and the R2 district:

(1) When accessory to a one-unit dwelling and located in the rear yard of the residential site.

6.6 R3 – COUNTRY RESIDENTIAL DISTRICT

6.6.1 Purpose

The purpose of the **R3** – Country Residential district is to provide for residential development in the form of one-unit dwellings and other compatible uses on large sites in a rural setting.

6.6.2 Permitted Uses

Uses are listed and designated in Table 6-6.

6.6.3 Accessory Buildings and Uses

(1) Accessory buildings and uses shall be permitted subject to Section 4.5.

6.6.4 Standards and Regulations

(1) Site and building requirements are shown in Table 6-6.

6.6.5 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.6.

6.6.6 Landscaping

Landscaping is subject to Section 4.9.

Table 6-6: R3 – Country Residential District Development Standards												
Principal Use	Designation	Parking Category	Subject to Section(s)	Development Standards								
				Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Residential Uses												
(1)	One-unit dwellings, including <i>mobile homes</i>	P	0		1	4	N/A	N/A	15	15	6	N/A
(2)	Independent living suites ⁽¹⁾	D	0		Development standards contained in Section XX							
Other Uses												
(1)	Public works excluding (offices, warehouses, storage yards and sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	7.5	3	N/A

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 6-6 and the R3 district:

(1) When accessory to a one-unit dwelling and located in the rear yard of the residential site.

6.7 RMH – MOBILE HOME RESIDENTIAL DISTRICT

6.7.1 *Purpose*

The purpose of the **RMH** – Mobile Home Residential District is to accommodate mobile homes and associated uses on stand-alone sites or in mobile home courts.

6.7.2 *Permitted Uses*

Uses are listed and designated in Table 6-7.

6.7.3 *Accessory Buildings and Uses*

Accessory buildings and uses shall be permitted subject to Section 4.5.

6.7.4 *Standards and Regulations*

Site and building requirements are shown in Table 6-7.

6.7.5 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

6.7.6 *Landscaping*

Landscaping is subject to Section 4.9.

Table 6-7: RMH – Mobile Home Residential District Development Standards												
<u>Principal Use</u>	Designation	Parking Category	Subject to Section(s)	<u>Development Standards</u>								
				Minimum Site Area (m ²)	Maximum Site Area (m ²)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Residential Uses												
(1)	Mobile homes	P	0	4.8.6	600	1,800	15	30	7.5	7.5	3	N/A
(2)	Mobile home courts	D	2	4.8.7	5,000	N/A	60	N/A	7.5	7.5	³	N/A
Other Uses												
(1)	Day care centres and preschools	D	14	4.8.3	600	1,800	15	30	7.5	7.5	3	40
(2)	Parks and playgrounds	P	0		N/A	N/A	N/A	N/A	7.5	7.5	3	10
(3)	Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	7.5	3 ⁽¹⁾	40

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

7 COMMUNITY SERVICE / RECREATION LANDS

7.1 FINDINGS

- There are several community service facilities located on the Whitecap Dakota First Nation reserve land, including: The Band Office, Fire Hall, garage, Whitecap Business Centre, Red Hawk Elementary School, Whitecap Health Centre, several ball diamonds and canteen, chuckwagon race track, campgrounds, and daycare centre.
- The Elementary School, Daycare and Health Centre are situated in an appropriate place, as residents can access these facilities with relative ease.
- There is a desire to expand the school to provide schooling beyond grade 6, as students currently have to travel to Saskatoon for the latter elementary school years as well as for high school education.
- Other desires reported by community members have included a youth centre, community hall, church, daycare expansion and Elders programs such as activity nights, trips and gatherings.
- The primary recreation facilities located on reserve land are at the school, which can be used both in the winter and summer months.
- The recreation grounds with ball diamonds, horse track, rodeo grounds, running tracks and sport centre building are located on the west side of Chief Whitecap Trail, east of Littlecrow Trail. These diamonds are used for gatherings and larger scale events. Previous reports have indicated that this area is well established but there is a concern over proximity to the high speed road and highway traffic.
- The Whitecap Volunteer Fire Department maintains a formal MOU and Mutual Aid Agreement with the City of Saskatoon Fire and Protective Services.
- The Whitecap Dakota First Nation provides security patrols and safety monitoring for community members and Band property, while liaising with the RCMP detachment outpost in Whitecap.

7.2 OBJECTIVES

- (1) To ensure that sufficient lands have been identified and designated for the provision of a wide range of community service and recreation opportunities to the members of the Whitecap Dakota Band, including education, health, community recreation, protective services, administration, public works and other community services as appropriate to the needs and demands of the community.

7.3 POLICIES

- (1) The Zoning District Map will contain a land use district designated for community service / recreation uses and other compatible uses.
- (2) Future community service and recreation development will be permitted only in those land use districts in which community service and/or recreation uses have been listed as permitted uses, subject to any conditions and development standards stated in such districts.

7.4 CSR – COMMUNITY SERVICE / RECREATION DISTRICT

7.4.1 *Purpose*

The purpose of the **CSR** – Community Service / Recreation District is to facilitate a wide range of community services and recreation opportunities for the members of the Whitecap Dakota First Nation.

7.4.2 *Permitted Uses*

Uses are listed and designated in Table 7-4.

7.4.3 *Accessory Buildings and Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.5.

7.4.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 7-4.

7.4.5 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

7.4.6 *Landscaping*

Landscaping is subject to Section 4.9.

Table 7-4: CSR – Community Service / Recreation District Development Standards												
Principal Use	Designation	Parking Category	Subject to Section(s)	Development Standards								
				Minimum Site Area (m ²)	Maximum Site Area (m ²)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Residential Uses												
(1)	Multiple-unit dwellings	D	2		360	N/A	15	N/A	7.5	7.5	1.5 ⁽¹⁾	40
Community Service Uses												
(1)	Offices and office buildings	P	10		360	N/A	15	N/A	7.5	7.5	1.5	40
(2)	Community centres	P	4		360	N/A	15	N/A	7.5	7.5	1.5	40
(3)	Elders' lodges	P	6		360	N/A	15	N/A	7.5	7.5	1.5	40
(4)	Schools	P	18		360	N/A	15	N/A	7.5	7.5	1.5	40
(5)	Health centres or clinics	P	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(6)	Fire halls and police stations	P	4		360	N/A	15	N/A	7.5	7.5	1.5	40
(7)	Places of worship	P	15		360	N/A	15	N/A	7.5	7.5	1.5	40
(8)	Cultural institutions	P	22		360	N/A	15	N/A	7.5	7.5	1.5	40
(9)	Community recreation facilities	P	22		360	N/A	15	N/A	7.5	7.5	1.5	40
(10)	Parks, playgrounds and sports fields	P	0		360	N/A	15	N/A	7.5	7.5	1.5	N/A
(11)	Day care centres and preschools	D	14	4.8.3	360	N/A	15	N/A	7.5	7.5	1.5	40
(12)	Group homes	D	6		360	N/A	15	N/A	7.5	7.5	1.5 ⁽¹⁾	40
(13)	Special care homes	D	6		360	N/A	15	N/A	7.5	7.5	1.5 ⁽¹⁾	40
(14)	Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	7.5	1.5	N/A
Commercial Uses												
(1)	Restaurants and lounges	D	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(2)	Hotels and motels	D	3		360	N/A	15	N/A	7.5	7.5	1.5	40
(3)	Campgrounds and recreation vehicle parks	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
(4)	Laundromats	P	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(5)	Riding stables	D	22		360	N/A	15	N/A	7.5	7.5	1.5	40

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 7-4 and the CSR district:

(1) or one-half of the height of the building sidewall, whichever is greater

8 COMMERCIAL AND INDUSTRIAL LANDS

8.1 FINDINGS

- One convenience store with a gas bar is located on the corner of Chief Whitecap Trail (Highway #219) and Sports Centre Road which provides services to both the traveling public and Band residents.
- On the east side of the reserve, there is a larger Commercial Resort/Residential area, which is the site of the Dakota Dunes Casino Resort and Dakota Dunes Golf Course. This development provides recreational entertainment for both local band residents and the traveling public.

8.2 OBJECTIVES

- (1) To encourage and facilitate economic development on the Whitecap Dakota First Nation reserve land, which would provide enhanced services to Band members and / or enhance the economy of the community.
- (2) To ensure that commercial and industrial development does not conflict with neighbouring land uses.
- (3) To ensure that commercial and industrial development occurs in a manner that does not create environmental hazards or degradation.

8.3 POLICIES

- (1) Future commercial development shall be directed to areas that are well suited to service Band members and members of the travelling public that provide suitable access.
- (2) Future industrial development shall be directed to areas that will minimize conflicts with adjacent land uses.
- (3) The Zoning District Map will contain a land use district designated for commercial and industrial uses and other compatible uses.
- (4) Future commercial and industrial development will be permitted only in those land use districts in which commercial and industrial uses have been listed as a permitted use, subject to any conditions and development standards stated in such districts.
- (5) Hazardous industrial uses shall not be permitted on commercial / industrial lands unless a Waste Management Plan has been approved by the Band and applicable Federal departments and agencies.

8.4 CRES – COMMERCIAL RESORT / RESIDENTIAL DISTRICT

8.4.1 *Purpose*

The purpose of the **CRES** – Commercial Resort / Residential District is to provide for appropriate commercial tourism and recreation uses, residential uses, and other compatible uses in a destination resort setting.

8.4.2 *Permitted Uses*

Uses are listed and designated in Table 8-4.

6.5.3 *Accessory Buildings and Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.5.

8.4.3 *Standards and Regulations*

(1) Site and building requirements are shown in Table 8-4.

8.4.4 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

8.4.5 *Landscaping*

Landscaping is subject to Section 4.9.

8.4.6 *Architectural Design Requirements*

Architectural design requirements are subject to Section 4.10.

Table 8-4: CRES – Commercial Resort / Residential District Development Standards												
<u>Principal Use</u>	Designation	Parking Category	Subject to Section(s)	<u>Development Standards</u>								
				Minimum Site Area (m ²)	Maximum Site Area (m ²)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Commercial Uses												
(1)	Casinos	D	10		360	N/A	15	N/A	7.5	7.5	1.5	40
(2)	Hotels and motels	D	3		360	N/A	15	N/A	7.5	7.5	1.5	40
(3)	Rental cottages and cabins	P	3		360	N/A	15	N/A	7.5	7.5	1.5	40
(4)	Restaurants and lounges	P	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(5)	Night Clubs	D	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(6)	Theatres	P	13		360	N/A	15	N/A	7.5	7.5	1.5	40
(7)	Golf courses	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
(8)	Campgrounds and recreation vehicle parks	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
(9)	Retail stores	P	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(10)	Personal service establishments	P	5		360	N/A	15	N/A	7.5	7.5	1.5	40
(11)	Riding stables	D	11		360	N/A	15	N/A	7.5	7.5	1.5	40
(12)	Indoor recreation and social facilities for the use of resort residents	P	13		360	N/A	15	N/A	7.5	7.5	1.5	40
(13)	Compounds for the storage of recreation vehicle equipment for the use of resort residents	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
Residential Uses												
(1)	One-unit dwellings	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
(2)	Two-unit dwellings	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
(3)	Multiple-unit dwellings	D	2		360	N/A	15	N/A	7.5	7.5	1.5 ⁽¹⁾	40
Community Service Uses												
(1)	Parks playgrounds and sports fields	P	0		360	N/A	15	N/A	7.5	7.5	1.5	40
(2)	Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	7.5	1.5	N/A

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 8-4 and the CRES district:

(1) or one-half of the height of the building sidewall, whichever is greater

8.5 C – COMMERCIAL DISTRICT

8.5.1 *Purpose*

The objective of the **C** – Commercial District is to provide for a range of commercial and other compatible uses.

8.5.2 *Permitted Uses*

Uses are listed and designated in Table 8-5.

8.5.3 *Accessory Buildings and Uses*

Accessory buildings and uses shall be permitted subject to Section 4.5.

8.5.4 *Standards and Regulations*

Site and building requirements are shown in Table 8-5.

8.5.5 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

8.5.6 *Landscaping*

Landscaping is subject to Section 4.9.

8.5.7 *Architectural Design Requirements*

Architectural Design Requirements are subject to Section 4.10.

8.5.8 *Special Development Standards*

- (1) Except for areas used solely for the display of products being offered for sale, all outside storage shall be fenced and, where an outside storage area abuts a street or the required front yard of another site, such storage shall be screened with a solid fence or hedge at least 1.8 metres in height.
- (2) The minimum setback of a building from the centre line of Highway 219 is 60 metres.

Table 8-5: C – Commercial District Development Standards												
<u>Principal Use</u>	Designation	Parking Category	Subject to Section(s)	<u>Development Standards</u>								
				Minimum Site Area (m ²)	Maximum Site Area (m ²)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Maximum Site Coverage (%)	
Commercial Uses												
(1)	Automobile, marine, recreational vehicle and equipment, agricultural equipment, and mobile home sales and service establishments	P	4		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(2)	Automotive and industrial supply stores	P	4		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(3)	Car washes	P	19		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(4)	Commercial recreation facilities	D	22		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(5)	Consignment centres	P	4		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(6)	Convenience stores	P	5		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(7)	Financial institutions	P	5		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(8)	Gas bars and service stations	P	21	4.8.2; 4.8.5	525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(9)	Lumber yards, home improvement centres, and building supply establishments	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(10)	Hotels and motels	D	3		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(11)	Offices and office buildings	P	5		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(12)	Nurseries, greenhouses, and garden centres	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(13)	Personal service establishments	P	5		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(14)	Restaurants and lounges	P	5		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(15)	Retail stores	P	5		525	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(16)	Shopping centres	P	4		1,800	N/A	15	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
Other Uses												
(1)	A single dwelling unit accessory to a permitted use, the use of caretaker, owner or manager	P	0		N/A	N/A	N/A	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(2)	Public works (excluding sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 8-5 and the C district:

(1) except in the case of a corner site, where the minimum side yard setback requirement shall be 6 metres adjacent to a flanking street.

8.6 I – INDUSTRIAL DISTRICT

8.6.1 Purpose

The objective of the I – Industrial District is to facilitate a range of light industrial and other compatible uses.

8.6.2 Permitted and Uses

Uses are listed and designated in Table 8-6.

8.6.3 Accessory Buildings and Uses

Accessory buildings and uses shall be permitted subject to Section 4.5.

8.6.4 Standards and Regulations

Site and building requirements are shown in Table 8-6.

8.6.5 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.6.

8.6.6 Landscaping

Landscaping is subject to Section 4.9.

8.6.7 Architectural Design Requirements

Architectural Design Requirements are subject to Section 4.10

8.6.8 Special Development Standards

- (1) No use of land or buildings shall be permitted that may be noxious, or injurious, or constitute a nuisance beyond the boundaries of the subject site by reason of the production or emission of dust, smoke, refuse, matter, odour, gas fumes, noise, vibration, or other similar substances or conditions.
- (2) Except for areas used solely for the display of products being offered for sale, all outside storage shall be fenced and, where an outside storage area abuts a street or the required front yard of another site, such storage shall be screened with a solid fence or hedge at least 1.8 metres in height.
- (3) The minimum setback of a building from the centre line of Highway 219 is 60 metres.
- (4) Sites used for uses which may result in heavy truck traffic shall be located to ensure that such truck traffic takes access from major streets or designated truck routes.

Table 8-6: I – Industrial District Development Standards												
Principal Use	Designation	Parking Category	Subject to Section(s)	Development Standards							Minimum Side Yard (m)	Maximum Site Coverage (%)
				Minimum Site Area (m ²)	Maximum Site Area (m ²)	Minimum Site Width (m)	Maximum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)			
Industrial Uses												
(1)	Auction markets, excluding livestock auction facilities	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(2)	Auto body shops	P	4		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(3)	Automotive and industrial supply stores	P	4		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(4)	Car washes	P	19		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(5)	Construction trades	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(6)	Freight handling facilities	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(7)	Indoor and outdoor storage rental facilities	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(8)	Industrial equipment training and other training facilities	P	18		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(9)	Industrial equipment storage, sales and maintenance	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(10)	Public garages	P	21		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(11)	Renewable energy	D	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(12)	Trucking operations	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(13)	Warehouses and storage yards	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(14)	Welding and machine shops	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(15)	Wholesale establishments	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(16)	Electrical power generating facilities	P	11		1,800	N/A	60	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
Other Uses												
(1)	A single dwelling unit accessory to a permitted use, the use of caretaker, owner or manager	P	0		N/A	N/A	N/A	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A
(2)	Public works (excluding sewage treatment facilities)	P	4		N/A	N/A	N/A	N/A	7.5	10% of site depth	3 ⁽¹⁾	N/A

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as

contained in this Land Use Law

Special limitations and standards regarding Table 8-6 and the I district:

- (1) except in the case of a corner site, where the minimum side yard setback requirement shall be 6 metres adjacent to a flanking street.

9 AGRICULTURAL LANDS

9.1 FINDINGS

- The Whitecap Dakota First Nation has 1630 acres under cultivation and the Whitecap Development Corporation has 862 acres under cultivation.
- Crops grown historically and currently include wheat, canola, oats, barley, and peas.
- Soils are primarily loamy alluvium and clay alluviums ranging from type 2 to type 3 in cultivated lands, according to the soil capability for agriculture map provided by the Canada Land Inventory (CLI) administered by Agriculture and Agri-Food Canada.
- Policies which would prevent most other forms of development in agricultural areas will protect prime farmland from conversion to other uses, allowing agriculture to continue as a key component of Whitecap Dakota's economy.
- Irrigation is developed in southwest Development Corporation sections has raised the soil rating to Class 1.
- The Whitecap Dakota First Nation currently manages a bison herd consisting of 30 head. Land is available to expand the herd.

9.2 OBJECTIVES

- (1) To contribute to the economic development initiatives and other land use traditions of the Whitecap Dakota First Nation Band through the provisions of lands dedicated for agricultural uses and associated compatible uses.
- (2) To ensure that the Whitecap Dakota First Nation and Whitecap Development Corporation receive the best financial return possible from the use of Band land resources.

9.3 POLICIES

- (1) The Zoning District Map will contain a land use district designated for agricultural uses and other compatible uses.
- (2) Future agricultural development will be permitted only in those land use districts in which agricultural uses have been listed as a permitted use, subject to any conditions and development standards stated in such districts.
- (3) The primary agricultural uses are envisioned to include grain farming, mixed grain/livestock operations, farmstead and farm based agricultural related commercial developments, or home based businesses.
- (4) Intensive Livestock Operations (ILO's) are not considered to be an appropriate use of Whitecap Dakota First Nation Band Land.

9.4 AG – AGRICULTURE DISTRICT

9.4.1 *Purpose*

The purpose of the **Ag** – Agricultural District is to provide for agricultural and other compatible uses.

9.4.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 9-4.

9.4.3 *Accessory Buildings and Uses*

Accessory buildings and uses shall be permitted subject to Section 4.5.

9.4.4 *Standards and Regulations*

Site and building requirements are shown in Table 9-4.

9.4.5 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

Table 9-4: Ag – Agriculture District Development Standards									
<u>Principal Use</u>	Designation	Parking Category	Subject to Section(s)	Development Standards					
				Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	
Agricultural Uses									
(1) Agricultural operations	P	0		N/A	N/A	(1)	10	10	
(2) Farm based businesses	D	0		N/A	N/A	(1)	10	10	
Residential Uses									
(1) Farm dwellings ⁽²⁾	D	0		N/A	N/A	(1)	10	10	
Other Uses									
(1) Aggregate extraction	D	0		N/A	N/A	(1)	10	10	
(2) Communication towers	D	0		N/A	N/A	(1)	10	10	
(3) Public works	P	4		N/A	N/A	(1)	10	10	
(4) Renewable energy	D	4		N/A	N/A	(1)	10	10	

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

Special limitations and standards regarding Table 9-4 and the Ag district:

(1) The minimum setback of buildings, including dwellings, shall be 45 metres from the centre-line of any surveyed road or 60 metres from the centre line of Highway 219.

(2) One agricultural dwelling shall be permitted as an accessory use to an agricultural operation. Additional dwellings may be permitted at the discretion of the Chief and Council, if accessory to an agricultural operation and if necessary to accommodate farm workers.

10 SPECIAL USE LANDS

10.1 FINDINGS

- Sites designated as heritage sites include archaeological sites, identified by the Saskatchewan Archaeological Resource Management Database administered by the Heritage Conservation Branch of the Ministry of Parks, Culture and Sport as well as local sites identified by Band members.
- Within Saskatchewan, all heritage resources on Federal Lands are protected under the Canadian Environmental Assessment Act (1992) and the Indian Act (1995) and are administered by the Cultural Resource Management Unit at Park's Canada.
- The Whitecap Dakota First Nation may consider using various criteria to determine whether a Heritage Resource Impact Assessment (HRIA), along with traditional knowledge that may be held by band members, as reasons for requiring an HRIA on sites that have the potential to contain heritage resources.

10.2 OBJECTIVES

- (1) To protect and enhance identified sites of cultural, historical or spiritual significance to the Whitecap Dakota First Nation Band.

10.3 POLICIES

- (1) The Zoning District Map will contain a land use district designated for the protection and enhancement of identified sites of cultural, historical or spiritual significance through the restriction of incompatible forms of development and use.
- (2) Development permits may be required for development that could have an impact on identified sites of cultural, historical or spiritual significance.

10.4 SU – SPECIAL USE DISTRICT

10.4.1 *Purpose*

The purpose of the **SU** – Special Use District is to protect and enhance identified sites of cultural, historical or traditional significance through the restriction of incompatible forms of development or use.

10.4.2 *Permitted Uses*

Uses are listed and designated in Table 10-4.

10.4.3 *Accessory Buildings and Uses*

Accessory buildings and uses shall be permitted subject to Section 4.5.

10.4.4 *Standards and Regulations*

Site and building requirements are shown in Table 10-4.

10.4.5 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.6.

Table 10-4: SU – Special Use District Development Standards									
Principal Use	Designation	Parking Category	Subject to Section(s)	Development Standards					
				Minimum Site Area (m²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	
Special Uses									
(1)	Those uses determined by the Band Council to be of cultural, historical or traditional significance to the Whitecap Dakota First Nation	D	N/A		N/A	N/A	N/A	N/A	N/A

Use Designation

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

11 CONSERVATION LANDS

11.1 FINDINGS

- The Whitecap Dakota First Nation reserve land is located in a scenic part of the province, immediately east of the South Saskatchewan River.
- The Reserve is composed of two distinct landforms including a post glacial alluvial flood plain with depressional or nearly level topography that features a ridge and swale pattern reflecting previous river channel activity. The second landform consists of the Aeolian Plain, on the eastern edge of the Reserve which is characterized as gently rolling to strongly rolling deposits of sands.
- The transition from the flood plain to the Aeolian plan traverses an eroded escarpment, which has resulted in elevation changes of up to 25 m and slopes as high as 30%. In some places, the sand hills have formed and are higher than 510 m above sea level.

11.2 OBJECTIVES

- (1) To maintain and enhance natural resource values and interpretive, educational and recreational opportunities associated with such natural resource values on Whitecap Dakota Band lands in the vicinity of the South Saskatchewan River and other natural areas of the Reserve.

11.3 POLICIES

- (1) The Zoning District Map will contain a zoning district designated for natural resource conservation purposes and other compatible uses with such conservation.
- (2) A minimum 35 m buffer zone around major water courses and water bodies will be designated for natural resource conservation purposes and other uses compatible with such conservation.

11.4 RCON – RESOURCE CONSERVATION DISTRICT

11.4.1 Purpose

The purpose of the **RCon** – Resource Conservation District is to provide for the protection of natural resources and for uses and development that are consistent with such conservation.

11.4.2 Permitted Uses

Uses are listed and designated in Table 11-4.

11.4.3 Accessory Buildings and Uses

Accessory buildings and uses shall be permitted subject to Section 4.5.

11.4.4 Standards and Regulations

Site and building requirements are shown in Table 11-4.

11.4.5 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.6.

11.4.6 Tree Removal in the RCon District

- (a) No person shall cut or remove any tree with a trunk diameter of more than 75 mm (measured at a height of 1 metre above grade), without first having obtained a development permit.
- (b) A development permit pursuant to Clause (a) may be issued where:
 - (i) the removal is necessary to provide for access in conjunction with an approved permitted use on the site;
 - (ii) the trees are located within the footprint of a building for which a development permit has been issued, or are located within 2 metres of said building;
 - (iii) the trees are dead, dying, severely diseased, or damaged so as to pose a safety hazard; or
 - (iv) the trees are too close together to allow proper growth.
- (c) Clause (a) shall not apply to the removal of dead trees, to the cutting of trees severely damaged by weather, to the normal pruning and maintenance of trees, or to the maintenance of public spaces by the Whitecap Dakota First Nation.
- (d) No person shall clear more than 500 square metres of land of natural bush, shrubs, or small trees, on any parcel of land, except as specifically provided for in an approved development permit. In any development permit, the Chief and Council may apply special conditions limiting the area of land cleared of natural bush, small trees, or shrubs.

Table 11-4: RCon – Resource Conservation District Development Standards									
Principal Use		Designation	Parking Category	Subject to Section(s)	Development Standards				
					Minimum Site Area (m²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)
Resource Conservation Uses									
(1)	Nature interpretation facilities	D	0		N/A	N/A	N/A	N/A	N/A
(2)	Hiking and walking trails, viewpoints and associated amenities	D	0		N/A	N/A	N/A	N/A	N/A
(3)	Boat launches, canoe launches and associated facilities and amenities	D	0		N/A	N/A	N/A	N/A	N/A
(4)	Picnic sites and un-serviced camping areas	D	0		N/A	N/A	N/A	N/A	N/A
(5)	Agricultural operations on those lands on which traditional rights to use and occupy have been granted to Whitecap Dakota First Nations members	P	0		N/A	N/A	N/A	N/A	N/A
(6)	Public works	P	4		N/A	N/A	N/A	N/A	N/A

Use Designation


(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to all requirements contained in this Land Use Law.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval by Chief and Council; and which complies with all development standards required by Chief and Council as contained in this Land Use Law

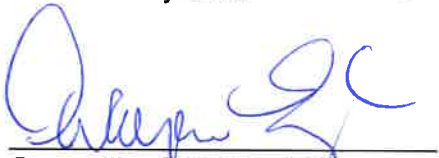
COMING INTO FORCE

This LAW IS HEREBY DULY ENACTED by Council on the 13th day of May 2019, at Whitecap Dakota First Nation, in the Province of Saskatchewan.

A quorum of Council consists of two (2) members of Council.

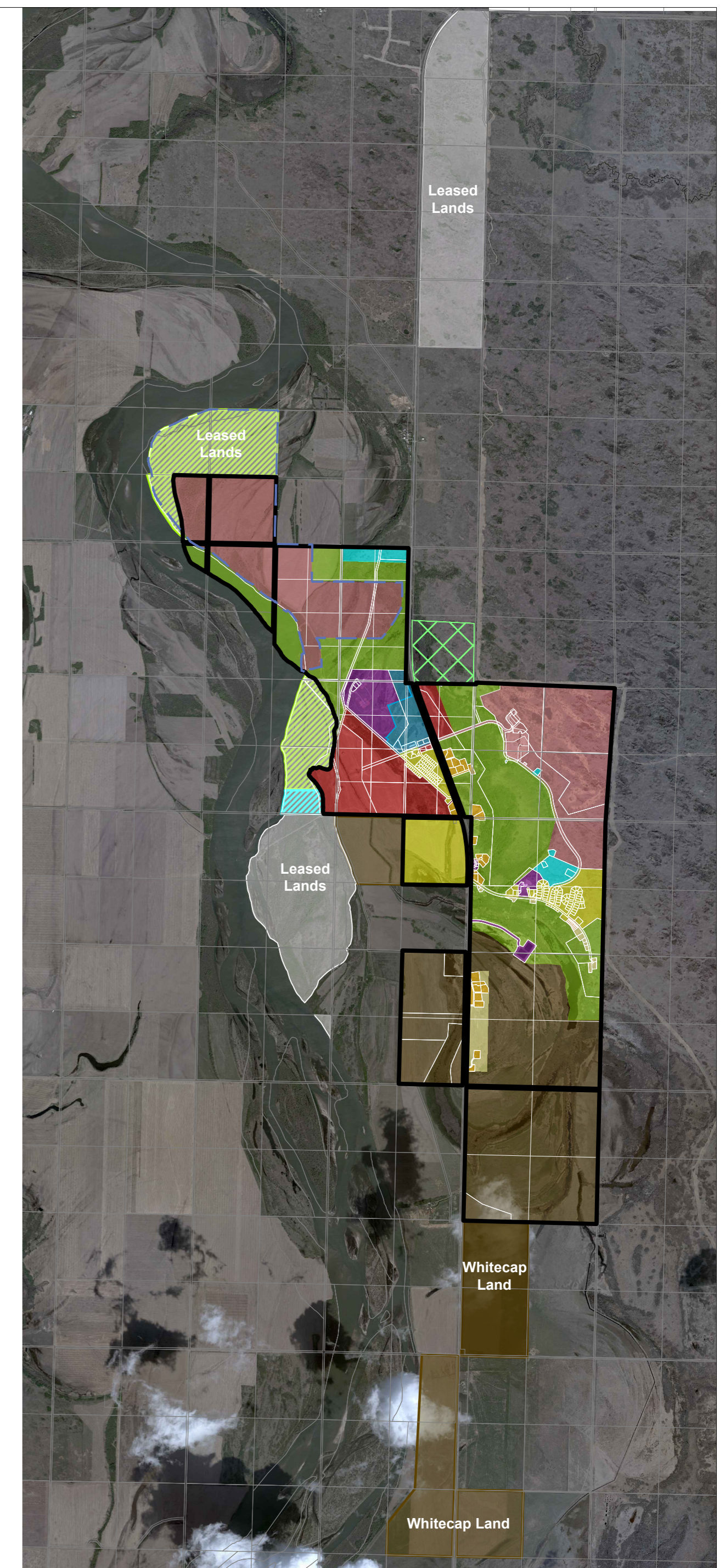
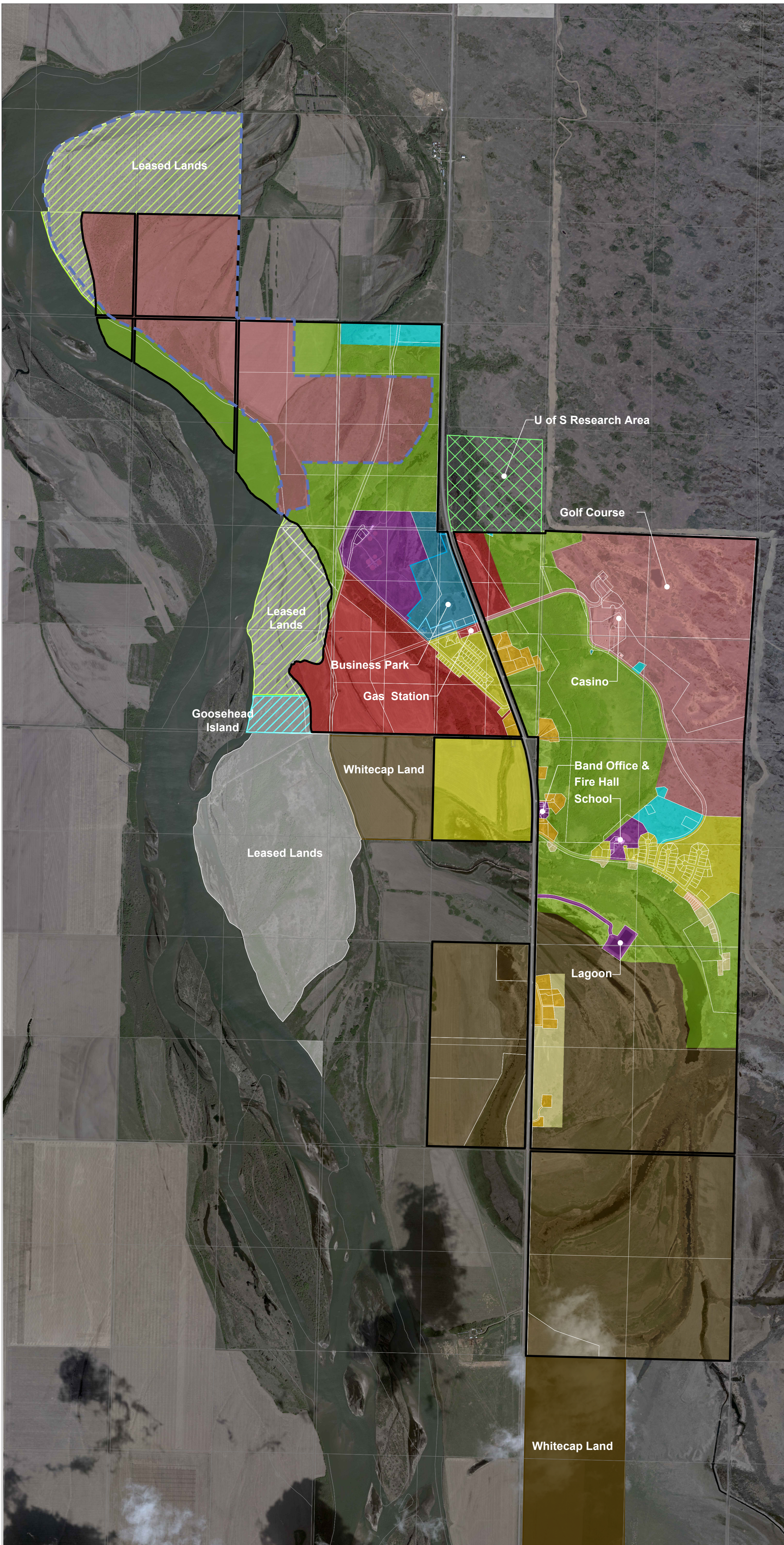


Chief Darcy Bear



Councillor Dwayne Eagle

Councillor Dalyn Bear



LEGEND

- R1** Small Lot Residential
- R2** Large Lot Residential
- R3** Country Residential
- RMH** Mobile Home Residential
- CSR** Community Service / Recreation
- CRes** Commercial Resort / Residential
- C** Commercial
- I** Industrial
- Ag** Agriculture
- SU** Special Use / Off-Reserve Special Use
- RCon** Resource Conservation / Off-Reserve Resource Conservation
- Leased Lands
- Future Riverlands Area
- Whitecap Dakota Boundary

