

YAKWEAKWIOOSE FIRST NATION

ZONING LAW

JUNE, 2017



**SYUWÁ:LELH - Stó:lō Laws**

***“S’ólh Téméxw te ikw’elo. Xolhmet te mekw’stam it kwelat”***

***This is Our Land, we have to take care of everything that belongs to us***

***“Xaxastexw te mekw’stam”***

***Respect all Things***

***“Ewe chexw qelqelit te mekw’stam loy qw’ esli hokwex yexw lamexw ku:t”***

***Don’t waste, ruin or destroy everything; only take what you need***

***“T’xwelátse”***

***Do things in a good way; respect each other***

**WHEREAS**

- A. Yakweakwioose First Nation has inherent Aboriginal and Treaty rights that have been acknowledged and recognized the through *Constitution Act, 1982*, treaties, negotiations, court decisions and other means;
- B. Yakweakwioose has taken control of our Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Yakweakwioose Land Code* effective the 1st day of May, 2014; and
- C. Under the *Yakweakwioose Land Code*, Yakweakwioose Council is authorized to pass laws relating to the management of lands and resources lands including laws under subsection 3.3 of the *Land Code* for zoning and land use planning

**NOW THEREFORE, THIS YAKWEAKWIOOSE ZONING LAW IS HEREBY ENACTED A LAW OF YAKWEAKWIOOSE.**

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## 1. TITLE

1.1 This Law may be cited as the "*Yakweakwioose Zoning Law*".

## 2. PURPOSE

- 2.1. The purpose of this Zoning Law is to promote healthy, sustainable and compatible land use and development on Yakweakwioose Lands in accordance with the Land Code and the Land Use Plan that was adopted by Yakweakwioose in Fall 2013.
- 2.2. This Law will work in conjunction with other relevant Yakweakwioose laws and policies.

## 3. WHERE THIS LAW APPLIES

3.1. The provisions of this Law apply to the whole area of the Reserve and Yakweakwioose Lands as defined in the Yakweakwioose Land Code.

## 4. DEFINITIONS

**Accessory Building, Use, or Structure** means a use, detached building, or structure that is subordinate, customarily incidental, and exclusively devoted to the principal use, building or structure located on the same parcel.

**Agriculture** means the use of land for the husbandry of plants and livestock and includes the storage and sale of agricultural products and the storage and repair of farm machinery and implements used on the individual farm on which the storage and repair is taking place.

**Bed and Breakfast** means single unit dwelling containing individual sleeping units used for temporary overnight accommodation and where breakfast is provided by the resident of the single family dwelling.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Campground and RV Park** means land that is used to provide temporary accommodation in tents, tent trailers, travel trailers, recreational vehicles and non-permanent structures. It can contain a single unit dwelling and a convenience store.

**Cargo Container** means a container or steel box designed for the storage or transport of goods, including a container designed for the intermodal transportation of freight or goods, but excludes dumpsters and recycling receptacles.

**Carport** means a structure attached to a dwelling that provides a roof over a part of the driveway without a door covering the vehicular entrance. Any other walls may or may not be constructed in a carport.

**Cemetery** means and includes any parcel or tract of land set aside, used, maintained or operated as a place for the interment of the remains of dead persons.

**Community Facilities** means building and lands that are used for the governance of the

Yakweakwioose Nation or used for public functions or services.

**Conservation Area** means the maintenance of the natural environment for the purpose of preservation, research, observation and outdoor uses such as hiking, hunting and fishing, and includes the erection and use of trail shelters and other similar structures ancillary to the foregoing uses, but does not include the use of a dwelling house, a mobile home, a tourist vehicle or a tourist trailer.

**Cultural and Recreational Facility** means a use catering to the knowledge, customs, heritage, arts and culture of people and includes museums, art galleries, libraries, and traditional medicinal and community gardens.

**Density** means the maximum number of dwelling units per each hectare/acre of usable site area.

**Derelict Vehicle** means a vehicle that has been deemed unfit by the Ministry of Transportation or has not been insured and registered for operation for the past 12 months.

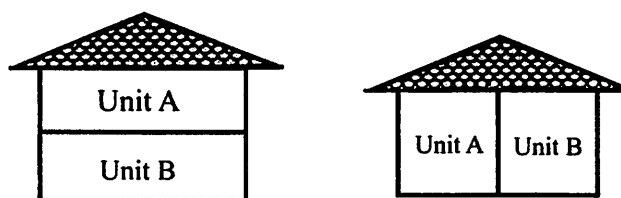
**Development Approvals Procedure Manual** means the document that outlines procedures for approving any new development including changes in land use, density and siting on the Yakweakwioose Nation reserve lands.

**“Development Permit Area Permit”** means a permit issued pursuant to this Law, a land use plan or a zoning regulation that specifies development permit areas.

**Dwelling or Dwelling Unit** means one or more habitable rooms in which a separate kitchen and sanitary facilities are provided for the exclusive use of residents, with a private entrance from outside the building or from a common hallway or stairway inside the building.

**Dwelling, Duplex** means a building that is divided horizontally or vertically into two (2) separate dwelling units in the manner illustrated in Figure 1.1, where each of the dwelling units has an independent entrance either directly from the outside or through a common vestibule.

**FIGURE 1.1 ILLUSTRATION OF DUPLEX**



**Dwelling, Multiple Unit Apartment** means a building which contains three or more dwelling units, two or more of which have a common entrance from the ground level.

**Dwelling, Multiple Unit Townhouse** means three or more of a series of dwellings, often

of similar or identical design, situated side by side and joined by common walls.

**Dwelling, Multiple Unit** means a building consisting of three or more dwelling units and includes but is not limited to apartments, townhouses, triplexes, quadplexes, and condominiums.

**Dwelling, Single Unit** means a building that contains one dwelling unit, and which may also contain a secondary suite where permitted by this Law.

**Fence** means a railing, trellis, or other screening, other than vegetation, forming a boundary to or enclosing a parcel or part thereof.

**Frontage** means that length of a parcel boundary which immediately adjoins a road or a street.

**Home-Based Business** means the use of a parcel containing a dwelling unit (house) for a small professional or home-based business, including but not limited to book-keeping, legal services, traditional carving and cultural work and small-scale home sales. Home-based businesses are conducted entirely indoors except for traditional carving and cultural work that otherwise meets Yakwekwioose laws and permit requirements.

**Industry, Heavy** means the use of land to store, process or manufacture materials or products made predominantly from extracted, bulk, or raw materials, or to use land for the storage or manufacture of flammable, explosive hazardous, or noxious materials or products.

**Industry, Light** means the use of land to make, assemble, and service finished products, including packaging and wholesale distribution.

**Lot:** a Lot of land means the same as a parcel of land.

**Mobile Home** means a factory-built or off-site built dwelling unit or home, including a mobile home that:

- (a) is manufactured off-site to be towed or transported to a site,
- (b) is installed in accordance with foundation requirements set out in CSA Z240.10.1-08 or any successor CSA standards for site preparation and foundations, and
- (c) meets CSA Z240 standards but does not meet CSA A277 standards for Modular Homes.

**“Modular Home”** means a factory-built or off-site built dwelling unit or home that:

- (a) is manufactured off-site to be towed or transported to a site,
- (b) is installed in accordance with foundation requirements set by CSA A277 and the B.C. Building Code, and
- (c) meets CSA A277 standards.

**Motor Vehicle Fuel Service** (i.e. gas station) means an establishment where the primary purpose is the sale of fuel for motor vehicles. Motor vehicle repair and general cleaning

(e.g. car wash, upholstery cleaning) as well as the retailing of convenience retail items and restaurants may be considered accessory uses to the fuel service establishment.

**Noxious Use** means any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.

**Open Space** means vacant land used for recreation activities such as walking, cycling, running, hiking, snowmobiling, and all-terrain vehicle use.

**Parcel Depth** means the shortest horizontal distance between the front and rear parcel lines.

**Parcel Line** means the legally defined boundary of any parcel.

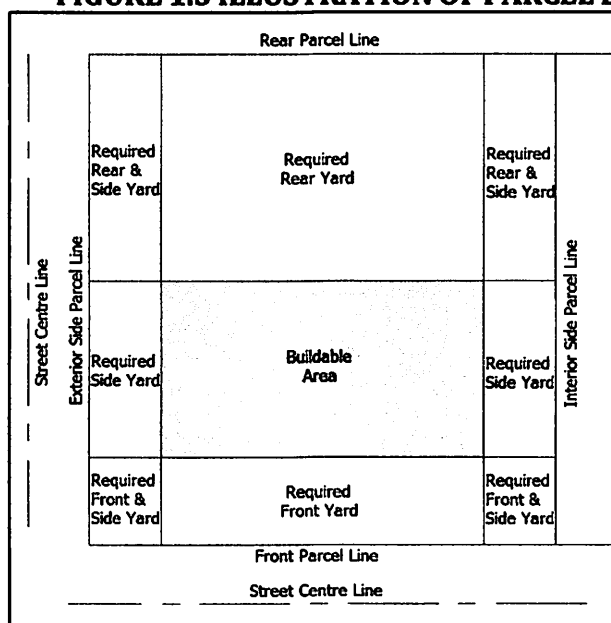
**Parcel Line, Exterior Side** means a side parcel line which abuts the highway (excluding a lane, pathway, walkway, or trail) on a corner parcel, as illustrated in Figure 1.3.

**Parcel Line, Front** means any parcel line common to a parcel and one highway other than a lane as illustrated in Figure 1.3. Where a parcel is contiguous to the intersection of two (2) highways, the front parcel line is the shortest parcel line contiguous to a highway other than a lane.

**Parcel Line, Interior Side** means a parcel boundary between two (2) or more parcels or a lane, other than a front or rear parcel line, as illustrated in Figure 1.3.

**Parcel Line, Rear** means the boundary of a parcel which lies the furthest from, and is not connected to, the front parcel line, as illustrated in Figure 1.3.

**FIGURE 1.3 ILLUSTRATION OF PARCEL LINES**



**Parcel Width** means the horizontal distance between side parcel lines.

**Permitted Use** means the principal permissible purpose for which land, buildings or structures may be used and all Permitted Uses must comply with all applicable laws and regulations.

**Principal Building** means the main building that is being used and occupied on a parcel and shall include attached garages or carports.

**Principal Use** means the main purpose for which land, Buildings or Structure are ordinarily used.

**Public Use or Yakwekwioose Community Use** means the use of land for Yakwekwioose Nation-operated buildings and facilities for public parks and recreation, sports, education, health, welfare, administration, safety, communications or public works.

**Public Utility** means the use of land for buildings and facilities that distribute electricity, gas, water, telephonic or television signals.

**Resource Development** means buildings and structures used for exploration and processing of natural resources.

**Retail Store** means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such store.

**Secondary Suite** means the accessory use of a dwelling or accessory building for a separate dwelling unit that complies with the B.C. Building Code and includes garden suites and other single unit dwellings located in a yard or above a garage or other accessory building;

**Setback** means the required minimum or maximum distance between a Building, Structure or Use and each of the respective Parcel Lines.

**Yard, Front** means that portion of the parcel extending across the full width of the parcel from the front parcel line to the face of the nearest exterior wall of the principal building on the parcel except in the case of a corner parcel, the front yard shall parallel the shortest boundary thereof abutting on a street or right of way.

**Yard, Rear** means that portion of the parcel extending across the full width of the parcel from the rear parcel line to the face of the nearest exterior wall of the principal building on the parcel.

**Yard, Side** means that portion of the parcel extending from the front yard to the rear



yard and lying between the side parcel line and the face of the nearest exterior wall of the principal building on the parcel.

**Zone** means a zone created by this Law or as amended or as replaced.

**Zoning Law** means this Zoning Law.

**Zoning Map** means the maps attached as Schedules A and B.

## **5. GENERAL REGULATIONS FOR ZONES**

### **Applicability of General Regulation**

5.1 Except as otherwise specified in this Law, this section applies to all zones established under this Law.

### **Uses and Regulations**

5.2 No land, building, or structure within Yakweawkwoose Nation IR #10 and #11 shall be developed, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformance with the provisions of this Law, if initiated after the adoption of this Law.

### **Uses Permitted in All Zoning Designations**

5.3 The following uses are permitted in all zones subject to the Land Code and any applicable laws or regulations:

- (a) Public utility facilities for local transmission of water, electrical power, telephone, natural gas, cable television and other similar service (but not including electrical substations, storage yards, works yards, maintenance buildings or maintenance offices), excluding towers unless expressly authorized by a separate permit or regulation.

### **Uses Prohibited in All or Specified Zoning Designations**

5.4 The following uses are prohibited in all zones or all specified zones subject to the Land Code and any applicable laws or regulations:

- (a) any activity, use or development on a parcel of land which is not in strict conformity with the activities, uses and developments permitted for that parcel of land in that zone,
- (b) no land in a Residential, Agricultural Residential, Mixed Use, or Greenspace and Community Use zone shall be used for the storage of derelict vehicles, or as a wrecking yard or junkyard; and
- (c) no use is permitted which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, except with a

permit within the Industrial zone or as required for a bona fide cultural use by Yakwekwioose or Yakwekwioose Members.

### **Siting, Size and Dimensions of Buildings and Structures**

- 5.5 No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or any other person so that it contravenes the requirements for the zone in which it is located.
- 5.6 Except with an approved variance, no building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier, or any other person so that it contravenes the requirements for the zone on which it located.
- 5.7 Except with an approved variance, notwithstanding the provisions of this Law, no building, structure, or projection into a setback area shall be located on a parcel so as to interfere with the construction, operation, maintenance and replacement of an on-site septic system that has been approved by Health Canada or the First Nations Health Authority.

### **Subdivision of Land**

- 5.8 No owner, interest-holder, occupier or other person shall subdivide any land, except in compliance with the provisions set out in this Law and any related law.

### **Fencing**

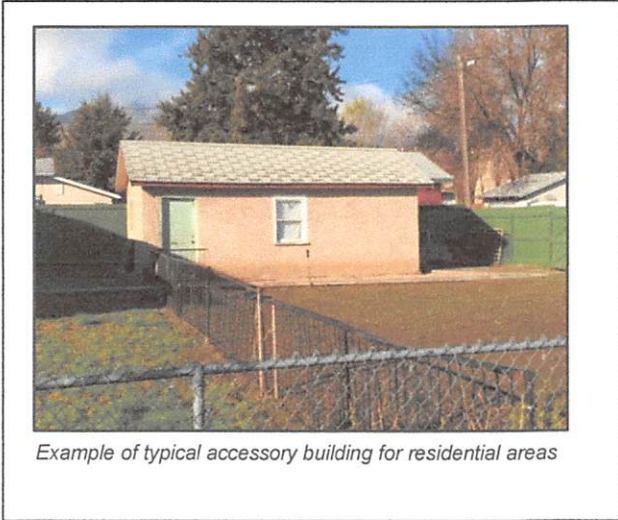
- 5.9 Unless otherwise specifically authorized in a zone or by a permit, hedges shall not exceed 4.57m (approximately 15 feet).
- 5.10 No fence in a Residential zone or Mixed Use zone shall exceed 2.4m (approximately 8.0 feet).
- 5.11 In the Industrial zones, full perimeter fencing is permitted up to 2.5 m (8.0 feet) in height.
- 5.12 In the Mixed Use and Greenspace and Community Use zone, no fence, wall or projecting retaining wall shall:
  - (a) Exceed 1.8 m (6.0 ft.) in height between the front parcel line and the front building line; and
  - (b) Exceed 2.5 m (8.0 ft.) in height rear and side yards.
- 5.13 All fences and hedges shall be set back at least 0.3m (approximately 1.0 foot) from all parcel line.

### **Accessory Buildings and Structures**

- 5.14 Except with an approved variance, accessory buildings shall be located at least 2.0 m (approximately 6.6 feet) away from any principal building and 2.0 m away from any parcel line.
- 5.15 On corner parcels, accessory buildings and structures setbacks from the exterior side parcel line shall be equal to the front parcel line setback.

5.16 Unless in compliance with the B.C. Building Code and otherwise specifically allowed in a zone or by a permit, accessory buildings shall not be used for human habitation or residential purposes.

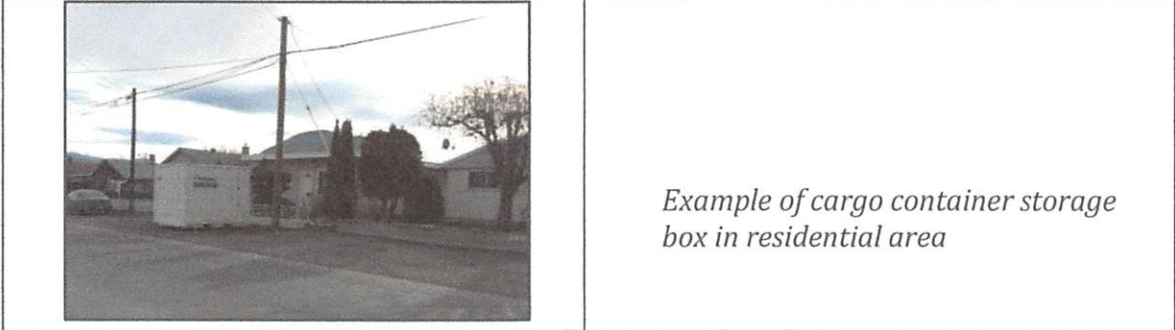
5.17 All accessory buildings shall comply with the B.C. Building Code.



**Accessory Storage Units – Cargo Containers in Residential Zones**

5.18 Cargo containers are only permitted in R-zones as accessory buildings if used as storage units related to a principal use and in accordance with subsections 5.14 to 5.17 of this Law.

5.19 Cargo containers are permitted in other non-residential zones for storage provided they meet all other requirements set out in the zoning and requirements set out in other applicable laws.



5.20 Unless otherwise specifically allowed in a zone or by a permit, Cargo containers must not be used as dwelling units or any other form of residence or accommodation.

5.21 Cargo containers must not be located on any street, sidewalk or trail, or in any location that blocks or interferes with vehicular and/or pedestrian circulation.

5.22 Cargo containers must not exceed a height of 2.6 m (8.5 ft.) and must not be stacked.


5.23 Multiple cargo containers may be located on a R-zone parcel but they must not exceed a cumulative gross floor area of 60 m<sup>2</sup> (approximately 640 sq. ft.).

5.24 Cargo containers must not have any signs or advertising on them other than the name of the manufacturer or supplier.

**Projections into Setback Areas**

5.25 Projections into setback areas include parts of buildings and structures that encroach into a setback area, which is the required distance between a building and a parcel line. No part of a building or structure shall project into a required front, side or rear yard setback required by this Law, except for the following:

- (a) Steps and landings complete with handrails, fireplaces, balconies, and awnings;
- (b) A covered porch addition;
- (c) Wheelchair ramps;
- (d) Eaves, sills, belt courses, bay windows, chimneys, or other similar features;
- (e) An uncovered patio, sundeck, or terrace in a side or rear yard, that is not closer than 2.0 m (6 ft.) to a parcel line;
- (f) Arbors and trellises, fish ponds, flag poles or similar landscape features;
- (g) A swimming pool, provided that such pool is not nearer than 3.0 m to any parcel line, nor nearer than 3.0 m from any principal building.

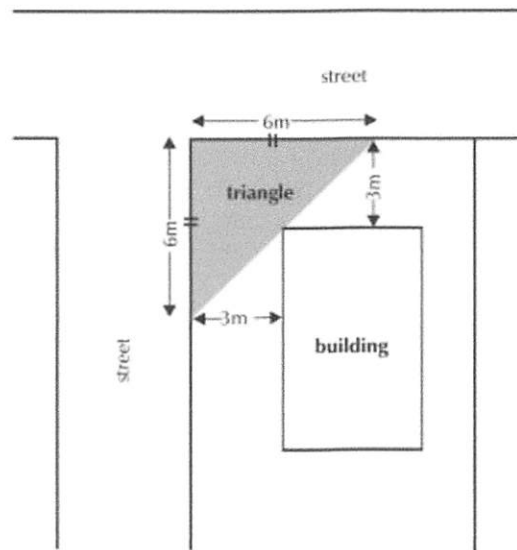
	<p><i>For this house, the setback from the property line is measured from the house, while the steps leading to the front door are in the setback area but do not count for the measurement.</i></p>
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**Sight Triangles and Visual Clearance at Intersections**

5.26 To ensure safety along roads, intersections and exits from parking lots, a clear sight line must be maintained. The area formed by these sight lines is referred to as the “Sight Triangle” and must be kept clear of all sight-obstructing buildings, structures, fences, hedges or other barriers which obstruct vision at a level higher than 0.75 m and shall be determined as follows:

- (a) the triangle formed by the lot lines along each street to the intersection or street corner, or the projection of those lines, for the distance of at least 6 metres, and a line connecting those two lines to form a triangle as illustrated in the diagram below.

## ILLUSTRATION OF CORNER SIGHT TRIANGLES



### Home-Based Businesses

- 5.27 Home-based businesses and home-based industries are commercial operations with business activities based on a parcel of land whose principal use is for housing. The table below summarizes the types of home-based businesses based on their level of impact to a neighbourhood and the type of regulation that must be complied with.
- 5.28 Home-based businesses taking place entirely within the dwelling unit (i.e. within the house) are permitted provided they comply with other laws including the Business Permit Law.
- 5.29 Home-based businesses in an accessory building (i.e. outside of the main house and in a garage, shop, or other building that is accessory to a house located on a lot), may be permitted subject to approval by Yakwekwioose provided that they:
- Comply with existing laws including business permit, noise and nuisance laws;
  - Do not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference;
  - Do not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures;
  - Do not require the delivery or removal of materials or products in bulk by commercial vehicles or trailers;
  - Do not attract an amount of customer traffic that may pose a traffic or parking issues or safety risk within a residential area;
  - Except in compliance with a permit, do not operate between the hours of 9:00 PM and 8:00 AM;

- (g) Have, in relation to automotive or mechanical uses, impermeable surfaces, fluid collection systems and ensure there is no discharge or dumping of contaminants;
- (h) Comply with all applicable federal and provincial laws;
- (i) Provide records of compliance if requested by Yakweakwioose Nation;
- (j) Do not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference; and
- (k) Do not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures.

### **Secondary Suites**

5.30 Secondary suites are permitted in Residential and Mixed Use zones but a permit is required for each secondary suite.

5.31 Unless otherwise authorized in writing by the Yakweakwioose Nation,

- (a) each secondary suite shall have its own separate cooking, sleeping, and bathing facilities; and
- (b) each secondary suite shall have direct access to the outside without passing through any part of the principal dwelling unit or accessory building.

5.32 Each secondary suite shall be located within a single detached house or within any other building or structure that is specifically allowed under this Law.

5.33 Each secondary suite shall comply with all Building Code and other legal and safety requirements including those relating to fire and smoke alarms and separation from vehicle exhaust from garages.

### **Bed and Breakfast**

5.34 Bed and breakfasts are permitted in Residential and Mixed Use zones, subject to any laws relating to permitting requirements.

5.35 Any secondary suite or bedroom offered for rental shall comply with all Building Code and other legal and safety requirements including those relating to fire and smoke alarms and separation from vehicle exhaust from garages.

5.36 The bed and breakfast shall be carried out wholly within the dwelling unit.

5.37 A parking space is required for every guestroom in the bed and breakfast and shall be in addition to those otherwise required for a single unit dwelling under this Law.

5.38 The bedrooms within a bed and breakfast shall not contain any cooking facilities.

### **Multiple Uses on a Parcel**

5.39 Where any land or building is used for more than one purpose, all provisions of this Law relating to each use shall be satisfied. In situations where there is a conflict, the combined best judgement of Chief and Council, Yakweakwioose staff, and the builder/developer will be relied upon.

### **Archaeological, Cultural, and Environmental Assessments**

5.40 Prior to any development, an assessment must be completed as required under applicable legislation to identify archaeological and/or cultural features and potential environmental features or issues including environmentally sensitive areas and habitat.

### **Flood Plains**

5.41 Yakwekwioose hereby designates as flood plain all areas within Yakwekwioose Reserve lands identified as flood plain by the City of Chilliwack.

5.42 All developments and uses within the flood plain shall meet any requirements set out in this Law and any Yakwekwioose regulations passed under this Law.

5.43 All buildings used or intended for residential purposes or human habitation must:

- (a) be constructed to ensure that any habitable floor areas are at least:
  - (i) 0.3 m above the crown of the nearest road;
  - (ii) 0.6 m above the top of the bank of the nearest drainage ditch; and
  - (iii) above the Flood Construction Level set out in the City of Chilliwack Floodplain bylaw 3080 or its successor; and
  
- (b) comply with any other requirements set out in Yakwekwioose regulations.

### **Setbacks from Watercourses**

5.44 Any setback from a watercourse shall be from the high water mark or the top-of-the-bank.

5.45 Any development located along a long a watercourse (i.e. river, stream) must comply with all applicable Yakwekwioose, provincial and federal laws and environmental best practices.

### **Age and Certification of Mobile Homes**

5.46 Any Mobile Home must be manufactured no later than 10 years from the date it is placed on a lot and must have a British Columbia registration number.

5.47 All Mobile homes must have a sticker indicating compliance with CSA Z240.

### **Septic Systems**

5.48 All septic systems must be designed to comply with Health Canada standards and approvable by the First Nations Health Authority or the relevant health authority.

## **6. NON-CONFORMING USES AND VARIANCES**

6.1 Despite subsections 5.3 and 5.4, the lawful use of land, or the lawful carrying on of any class of business or trade in a Zone, excluding Signs, that was in place at the time of the passage of this Law may be conditionally continued as a non-conforming use subject to subsection 6.2.

6.2 In the event that a non-conforming use is discontinued for a period of one hundred and eighty (180) days or longer, such non-conforming use shall not be resumed except in compliance with the provisions of this Law.

*Procedure if non-conforming structure significantly damaged*

6.3 A building or structure which is non-conforming and sustains damage to sixty-six percent (66%) or more of its value cannot be repaired or replaced except in compliance with this Law.

6.4 Where any building or structure, the use of which is non-conforming, is significantly damaged, the owner or person lawfully in possession of the building or structure shall report the damage to Yakweakwioose and:

(a) the General Manager or Lands Governance Director shall carry out an inspection or shall retain a qualified professional to carry out an inspection to assess that building or structure, and,

6.5 if it is determined that the extent of the damage is sixty-six percent (66%) or more of its value, the General Manager or Lands Governance Director shall report the initial determination to Council for review.

6.6 After having reviewed the determination of the General Manager or Lands Governance Director, Council shall:

(a) decide whether to confirm, reject or vary the initial determination; and  
(b) give written notice of its decision to the person lawfully in possession of the building or structure.

6.7 The notice referred to in subsection 6.5 shall state:

(a) the percentage of the value of the building or structure which has, in the opinion of Council, been damaged;  
(b) that where any building or structure, the use of which is non-conforming, is damaged to the extent of 66% or more of its value, that building or structure shall not be repaired or reconstructed except in conformity with this Law; and  
(c) that the person lawfully in possession of the building or structure may appeal the decision of Council within 15 days of his receipt of the notice by sending a Notice of Appeal to Council.

6.8 The Notice of Appeal referred to in subsection 6.7(c) shall:

(a) be in writing and signed by the appellant;  
(b) set out the name and address of the appellant; and  
(c) state the percentage of the value of the building or structure which has, in the opinion of the appellant, been damaged; and  
(d) include any supporting photos, documents, expert reports, or other relevant information.

6.9 Within 20 days of receipt of a Notice of Appeal under section 6.8, Council shall hold a public hearing respecting the appeal.



- 6.10 Council shall give at least 7 days' notice in writing of the public hearing to:
- (a) the appellant;
  - (b) those persons lawfully in possession of any lands adjacent to the land on which the building or structure is situated and any other person who, in the opinion of Council, may be affected by the decision; and
  - (c) such other person or persons specified by Council.
- 6.11 The General Manager or Lands Governance Director shall make available for public inspection before the commencement of the public hearing all photos, documents, reports and other material relevant to the determination of the extent of the damage to the building or structure.
- 6.12 At the public hearing, Council shall provide the following persons with an opportunity to present evidence and to make oral and written submissions regarding the extent of the damage to the building or structure in question:
- (a) the appellant;
  - (b) the General Manager or the Lands Governance Director;
  - (c) any other person who was given notice in writing of the hearing and who wishes to be heard; and
  - (d) any other person who, in the opinion of Council, is potentially affected or has information which could contribute to a fair determination.
- 6.13 Within 15 days after the public hearing, Council shall make a decision about the appeal by confirming, rejecting or varying the determination made by the General Manager, the Lands Governance Director, or a qualified professional regarding the extent of the damage to the building or structure.
- 6.14 If Council confirms that the building or structure has been damaged to the extent of sixty-six percent (66%) or more of its value, the building or structure shall not be repaired or reconstructed except in conformity with this Law.
- 6.15 Within 5 days after making a decision about the appeal Council shall:
- (a) give written notice of its decision to the appellant; and
  - (b) post a notice of its decision in the Band office.
- 6.16 Any notice which Yakweakwioose is required to give may be served personally or sent by registered mail, provided that where the notice is sent by registered mail, it shall be deemed to be received by the addressee on the fifth day after it is mailed.

**Variances**

- 6.17 A person who has a proposal to vary minor aspects of the requirements for their zone to ensure compliance or of setbacks set out in another Yakweakwioose Law, may apply to the Lands Governance Director for a variance if the person reasonably believes that compliance with any of the following would cause the person hardship:
- (a) a provision under this Law or another Yakweakwioose Law or regulation

- respecting setbacks, the siting, dimensions, height or size of a building or structure, or the siting of a Mobile Home in a Mobile Home park;
- (b) the prohibition of a structural alteration, replacement or addition under subsection 6.3; or
- (c) a requirement or other restriction prescribed in a regulation as being a potential subject for a variance application.

6.18 All applications for a variance shall:

- (a) be accompanied by a completed application in a form approved by Council;
- (b) include sufficient surveys, plans or other documents to clearly identify the alleged hardship and the proposed variance;
- (c) be accompanied by any other information required in this Law or by regulation; and
- (d) include the application fee prescribed by Council.

*Notice to potentially affected persons*

6.19 If a person makes an application under subsection 6.17 that complies with subsection 6.18, the Lands Governance Director must notify all owners and tenants in occupation of

- (a) the land that is the subject of the application, and
  - (b) the land that is adjacent to land that is the subject of the application; and
- the notice must include:
- (c) a copy or summary of the application;
  - (d) a sketch, map or plan;
  - (e) details of how potentially affected persons may provide comments; and
  - (f) the deadline for such comments.

6.20 Any costs for preparing or posting the notices in subsection 6.19 shall be paid by the applicant, either directly, or through the variance application fee.

*Factors for variances*

6.21 Despite subsection 6.17, the following restrictions and prohibitions apply to all variance decisions. No variance shall:

- (a) be allowed to alter the use or density set out in this Law for the zone in which the parcel of land that is the subject of the variance application is located;
- (b) be considered except for setbacks, Sign size and locations, building height, size, siting, and other matters specifically prescribed by regulation;
- (c) be approved unless the applicant can demonstrate that it would be a hardship not to grant variance;
- (d) vary the absolute minimum setbacks set out in this Law or by regulation;
- (e) compromise fire safety;
- (f) adversely affect the natural environment in a significant manner;
- (g) create or contribute to significant new geotechnical risks;
- (h) create or contribute to significant new flood or flooding risks;
- (i) cause a major inconvenience to neighbours; nor
- (j) compromise the basic livability and aesthetics for the project, development or neighbourhood.

- 6.22 The Lands Governance Director shall compile the information from the application and any comments from potentially affected persons received before the deadline, and bring it to the Lands Management Advisory Committee for a recommendation to Council.
- 6.23 On an application under subsection 6.17, Council, on recommendation from the Lands Management Advisory Committee, may order that a minor variance be permitted from the requirements of this Law in accordance with this Part.
- 6.24 A decision by Council under subsection 6.23 is final.

## **7. DEVELOPMENT PERMIT AREAS**

### *Area designation*

- 7.1 Council may designate development permit areas in a land use plan or zoning regulation for one or more of the following objectives:
- (a) protection and preservation of Yakwekwioose cultural resources and heritage;
  - (b) protection of the natural environment, its ecosystems or biological diversity, including protection of fish and wildlife habitat;
  - (c) protection of water courses and domestic water sources;
  - (d) to promote water conservation or energy conservation
  - (e) establishment of objective to promote greenhouse gas reductions;
  - (f) protection of foreshore areas;
  - (g) protection of development from hazardous conditions, including erosion, flooding and slope stability issues;
  - (h) revitalization of an area in which commercial use is permitted;
  - (i) establishment of objectives for the form and character of
  - (j) intensive residential development,
  - (k) commercial, industrial or multi-family residential development; or
  - (l) any other objectives which Council considers necessary or advisable.
- 7.2 A land use plan or zoning regulation that designates a development permit area must:
- (a) describe the conditions or objectives that justify the development permit area designation; and
  - (b) specify guidelines for the manner by which the conditions or objectives will be addressed.
- 7.3 A land use plan or zoning regulation that designates a development permit area may set out:
- (a) any requirements of the type included in section 491 of the *Local Government Act* (British Columbia);
  - (b) any requirements for reports, studies, designs or certifications to be provided by a professional engineer with experience relevant to the applicable matter,

all of which must be provided or addressed at the expense of the CP-holder, lessee or developer.

*Issuance of development permit area permits*

- 7.4 Subject to subsection 7.6, and any regulations passed under this Law, Council or the Lands Governance Director may issue a development permit area permit that:
- (a) enables a development to proceed in a development permit area;
  - (b) varies or supplements a zoning regulation;
  - (c) includes requirements and conditions or sets standards that must be met in order for the development to proceed; or
  - (d) imposes conditions respecting the sequence and timing of construction.
- 7.5 The authority under subsection 7.4 must be exercised only in accordance with the applicable guidelines specified in regulations.
- 7.6 A development permit area permit issued in respect of a designated development permit area must not vary the use or density of the land from that permitted under this Law or a zoning regulation except to address protection against hazardous conditions or to protect health or safety.

*Prohibitions*

- 7.7 A person must not, in a development permit area,
- (a) subdivide a parcel,
  - (b) commence any construction, alteration, repair, removal or demolition of a building,
  - (c) commence any roads and intersections must not be constructed on or connected to the parcel,
  - (d) works and services must not be connected, or
  - (e) commence or undertake any clearing, grading, filling, blasting or other alteration of land,
- unless the person is in possession of a valid development permit area permit issued under this Law in respect of the activities described in paragraphs (a) to (e), as applicable.

**8. REZONING**

- 8.1 An interest-holder or developer or agent may apply to rezone one or more parcels of land.
- 8.2 All applications for rezoning must be consistent with the Land Use Plan unless the Land Use Plan is amended. In some situations, the applicant may be directed to apply for a Land Use Plan text amendment or amendment which, for a significant amendment, may require a ratification vote by First Nation Members.
- 8.3 All applications for rezoning shall include:
- (a) A completed and signed application form using the form approved by Council or the Lands Office;
  - (b) The required application fee as approved by Council or the Lands Office;

- (c) A short summary package of the proposed rezoning, the reason for it, the proposed new zone and a map to send to neighbours for comment;
  - (d) The proposed or intended use of the land or structures;
  - (e) The current and proposed site plans, draft building plans, access routes, parking, services, and other relevant information; and
  - (f) Any other information required by law, regulation or policy.
- 8.4 After receiving a duly signed and complete application and all required fees and other information, and ensuring that the proposed application does not require a Land Use Amendment or is not otherwise in conflict with Yakweawkwoose laws, the Lands Governance Advisor shall, using funds from the application fee or, if necessary, otherwise at the expense of the applicant:
- (a) Post or require the applicant to post a sign, at least 4' x 8' in size at a prominent location on the subject parcel with the summary information set out in paragraph 8.3(c); and
  - (b) Ensure that the summary package is mailed, delivered or e-mailed to all interest-holders and occupants of property that is adjacent or within 500 m.
- 8.5 If directed by the Lands Governance Director, the applicant shall also pay for and participate in a meeting with neighbours and/or with Members of the First Nation.
- 8.6 The Lands Governance Director shall also circulate the completed application to all relevant Yakweawkwoose departments for review and, if appropriate, to the City of Chilliwack.
- 8.7 After any meetings with neighbours or Members and after compiling all comments received in relation to the application, the Lands Governance Director shall bring the application to the Lands Advisory Committee in a timely manner for review.
- 8.8 The Lands Committee shall review the application and make recommendations to Council which may take into account or make recommendations on any matter set out in subsection 7.8 or 7.9 of the *Subdivision, Development and Servicing Law* and any of the following:
- (a) Degree of consistency with Land Use Plan,
  - (b) Consistency with Yakweawkwoose laws and policies,
  - (c) Potential for environmental impacts,
  - (d) Potential for health impacts,
  - (e) Potential nuisance and noise or other potential impacts on neighbours or the community
  - (f) Servicing considerations including servicing agreements with local governments and potential costs of building and connecting to services,
  - (g) Access considerations,
  - (h) Views, concerns and proposals from neighbours and from Members,
  - (i) Parking considerations,
  - (j) Visual aesthetics, design guidelines, view scapes, and
  - (k) Any other relevant issues.

8.9 Council shall review the application and the recommendations from the Committee in a timely manner and may, in its sole discretion:

- (a) determine whether or not to grant a rezoning; and
- (b) if a rezoning is granted, whether or not to impose any conditions.

8.10 A decision by Council under subsection 8.9 is final.

## 9. ESTABLISHMENT OF ZONES

### Zoning Map

9.1 The area within the boundaries of the Yakwekwioose Nation is hereby divided into the following zones in Column I and generally described in Column II:

<b>COLUMN I</b>	<b>COLUMN II</b>
<b>Residential Zones</b>	<b>Title Elaboration</b>
R1	Residential - Low Density
R2	Residential - High Density
MH1	Mobile Home Park
AR	Agricultural/Residential
<b>Mixed Use Zones</b>	
MU1	Residential/ Commercial/ Light Industrial/Agricultural
<b>Industrial Zones</b>	
I1	General Industrial
<b>Cultural Zones</b>	
C1	Cemetery Use, including burial sites or cemeteries
<b>Greenspace and Community Use Zones</b>	
G-CU	Greenspace , Community Use, Parks, Recreation, Environmental and cultural

**Zoning Boundaries**

9.2 The zone boundaries on the Zoning Map shall be interpreted as follows:

- (a) Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centerline, unless otherwise clearly indicated on the Zoning Map;
- (b) Where a zone boundary is shown as approximately following the reserve boundary, it follows the reserve boundary;
- (c) Where a zone boundary is shown as approximately following the natural boundary, it follows the natural boundary and changes with the change in the natural boundary;
- (d) Where a zone boundary is shown as approximately following a property line, it follows the property line;
- (e) Where a zone boundary is shown as approximately following a topographic contour line or a top-of-bank line or the high water mark, it follows that line;
- (f) Where a zone boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so; and
- (g) In circumstances not covered above, the zone boundary shall be determined by the scale of the Zoning Map.

9.3 Where any street is closed, the roadway lands have the same zoning as the abutting land. When abutting lands are governed by different zones, the center of the roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's zoning designation applies to affected portions of the roadway.

**10. RESIDENTIAL – R1 (LOW DENSITY)**

**Purpose**

10.1 The purpose of this zone is to facilitate the development of single unit residential houses on larger-sized lots or in areas where low density is more appropriate than higher density. These lots should be connected to a community sewer system or must ensure that there is room for a properly designed septic field that is approvable by Health Canada or the First Nations Health Authority.

**Permitted Uses**

10.2 The following uses shall be permitted in the R1 Zone:

- (a) Single unit dwelling;
- (b) Duplex;
- (c) Secondary suite;
- (d) Home-based business;
- (e) One Mobile Home or Modular home per surveyed lot provided it meets all other regulations and requirements;
- (f) Bed and breakfast; and

(g) Accessory building.

**Regulations**

10.3 On a parcel located in an area zoned as R1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

<b>COLUMN I</b>	<b>COLUMN II</b>
(a) Minimum parcel size for new subdivisions for single family	800 m <sup>2</sup> (0.20 acres)
(b) Minimum parcel size for duplex dwellings situated on one parcel (2 dwelling units on one parcel)	1400 m <sup>2</sup> (0.35 acres)
(c) Minimum parcel size for a duplex dwelling if the unit is divided into two separate parcels with a common interior wall	800 m <sup>2</sup> (0.20 acres)
(d) Minimum parcel width (i) Single detached dwellings (ii) Duplex dwellings which are situated on one parcel (iii) Duplex dwellings which are divided into two separate parcels with a common	15.0 m (49.2 ft) 18.0 m (59.0 ft) 9.0 m (29.5 ft) per parcel
(e) Density: Maximum number of principal buildings	2 dwelling units per parcel plus one suite
(f) Minimum setback from parcel lines for principal building: (i) Front parcel line (ii) Rear parcel line (iii) Interior side parcel line (iv) Exterior side parcel line (on a corner parcel) (v) Interior side parcel line (duplex with shared common wall)	4.0 m (13.1 ft) 5.0 m (16.4 ft) 3.0 m (9.8 ft) 3.0 m (9.8 ft) 0.0 m (0.0 ft)
(g) Maximum building height (i) Principal building (ii) Accessory building	10 m (33 ft)

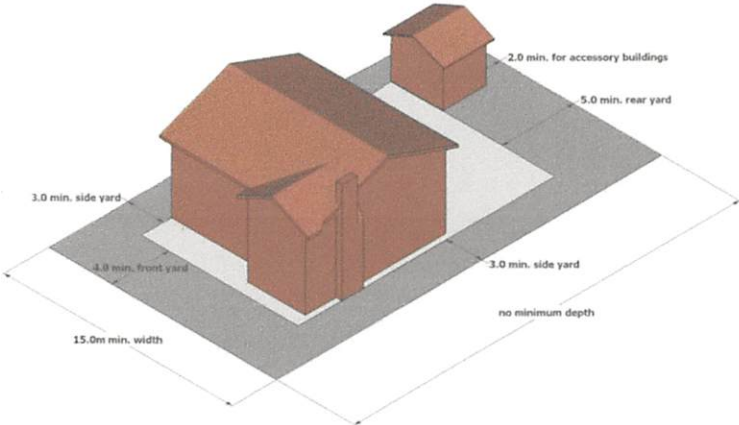
**Conditions of Use**

10.4 All parcels must be connected to community-supplied water and sewer infrastructure. If a parcel is not connected to a community-supplied sewer system, a septic system that is

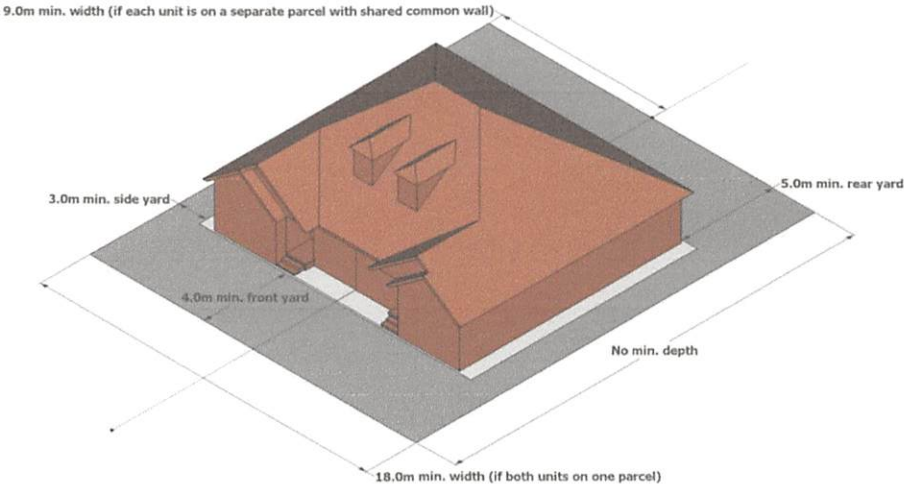


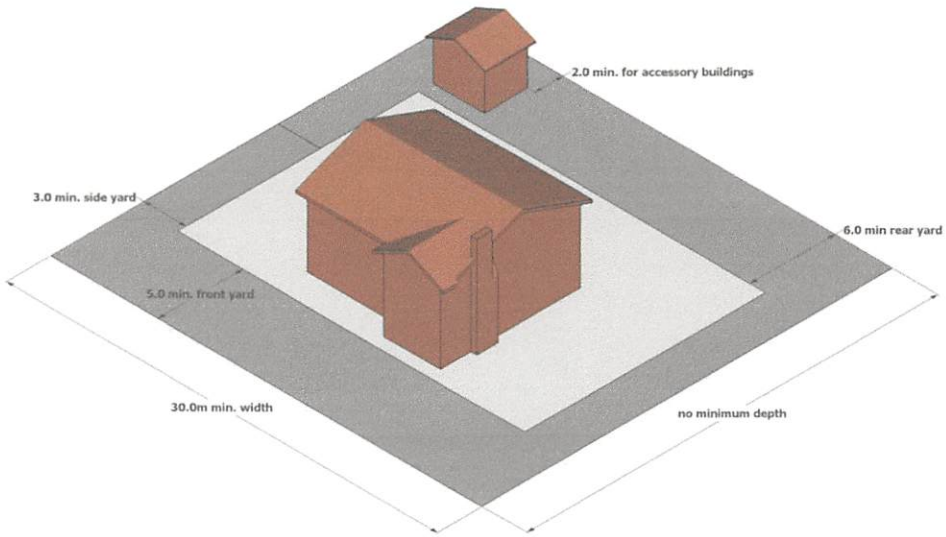
suitable for the lot and approved by the First Nations Health Authority or Health Canada must be utilized, along with a future replacement septic field site.

### Single Unit Dwelling



### Duplex Dwelling Unit





**11. RESIDENTIAL – R2 (HIGH DENSITY)**

**Purpose**

11.1 The purpose of this zone is to facilitate the development of different forms of multiple unit residential development such as apartments and townhouses

**Permitted Uses**

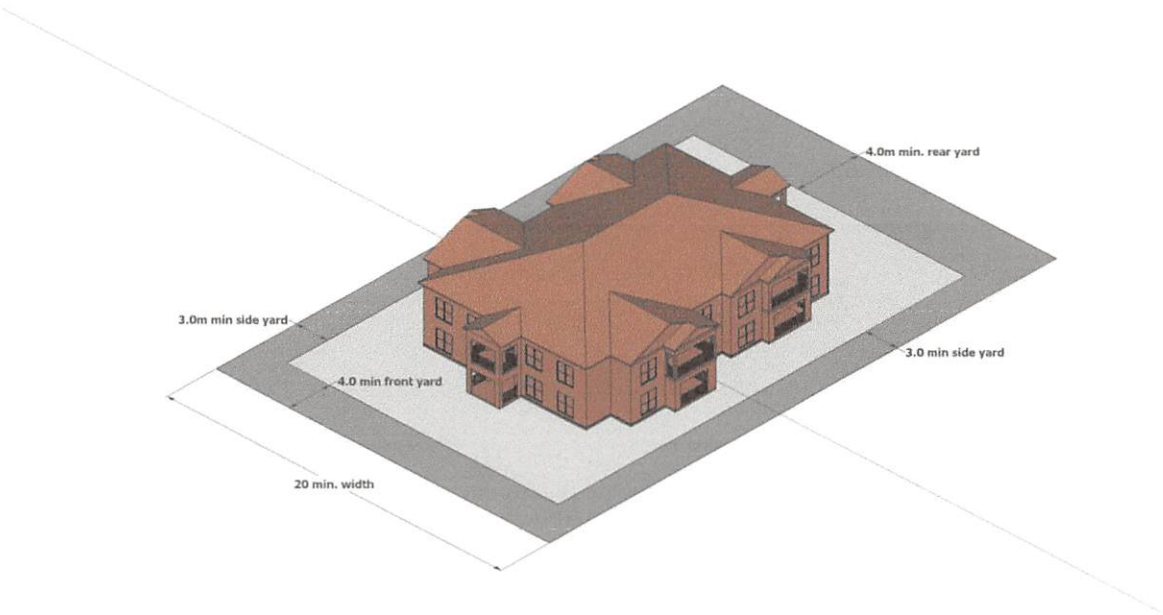
11.2 The following uses are permitted in the R2 zone:

- (a) Single unit dwelling;
- (b) Duplex;
- (c) Multiple unit dwellings (apartments and townhouses), including those specifically for Elders;
- (d) Secondary suite;
- (e) Home-based business;
- (f) One Mobile Home or Modular home per surveyed lot provided it meets all other regulations and requirements;
- (g) Bed and breakfast; and
- (h) Accessory building.

**Regulations**

11.3 On a parcel located in an area zoned as R2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
(a) Maximum density	60 dwelling units per
(b) Minimum parcel size	1,000.0 m <sup>2</sup> (0.25 acres)
(c) Minimum frontage	20.0 m (66.6 ft)
(d) Minimum setback of principal building from:	
(i) Front parcel line	4.0 m (13.2 ft)
(ii) Interior side parcel line	3.0 m (9.9 ft)
(iii) Rear parcel line	4.0 m (13.2 ft)
(iv) Exterior side parcel line	3.0 m (9.9 ft)
(a) Maximum building height	
(i) Principal building	12 m (39.6 ft)
(ii) Accessory building	6.0 m (19.8 ft)



**Conditions of Use**

11.4 All parcels must be connected to community-supplied water and sewer infrastructure. If a parcel is not connected to a community-supplied sewer system, a septic system that is suitable for the lot and approved by the First Nations Health Authority or Health Canada must be utilized, along with a future replacement septic field site.

**12. MOBILE HOME PARK – MH1**

**Purpose**

12.1 The purpose of this zone is to ensure existing mobile home parks operate in a well planned and safe manner.

**Permitted Uses**

12.2 The following uses shall be permitted in the MH1 Zone:

- (a) Single unit dwelling;
- (b) Mobile home; and
- (c) Accessory building.

**Regulations**

12.3 On a parcel located in an area zoned as MH1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

<b>COLUMN I</b>	<b>COLUMN II</b>
(a) Minimum parcel size for new subdivisions for single family	800 m <sup>2</sup> (0.20 acres)
(b) Minimum parcel size for duplex dwellings situated on one parcel (2 dwelling units on one parcel)	1400 m <sup>2</sup> (0.35 acres)
(c) Minimum parcel size for a duplex dwelling if the unit is divided into two separate parcels with a common interior wall	800 m <sup>2</sup> (0.20 acres)
(d) Minimum parcel width (i) Single detached dwellings (ii) Duplex dwellings which are situated on one parcel (iii) Duplex dwellings which are divided into two separate parcels with a common	15.0 m (49.5 ft) 18.0 m (59.4 ft) 9.0 m (29.5 ft) per parcel
(e) Maximum number of principal buildings	2 dwelling units per parcel

(f) Minimum setback from parcel lines for principal building:	
(i) Front parcel line	4.0 m (13.2 ft)
(ii) Rear parcel line	5.0 m (16.5 ft)
(iii) Interior side parcel line	3.0 m (9.9 ft)
(iv) Exterior side parcel line (on a corner parcel)	3.0 m (9.9 ft)
(v) Interior side parcel line (duplex with shared common wall)	1.0 m (3.3 ft)
(g) Maximum building height	
(i) Principal building	6.0 m (19.8 ft)
(ii) Accessory building	3.0 m (9.9 ft)

### Density (Maximum)

12.4 The maximum density shall not exceed:

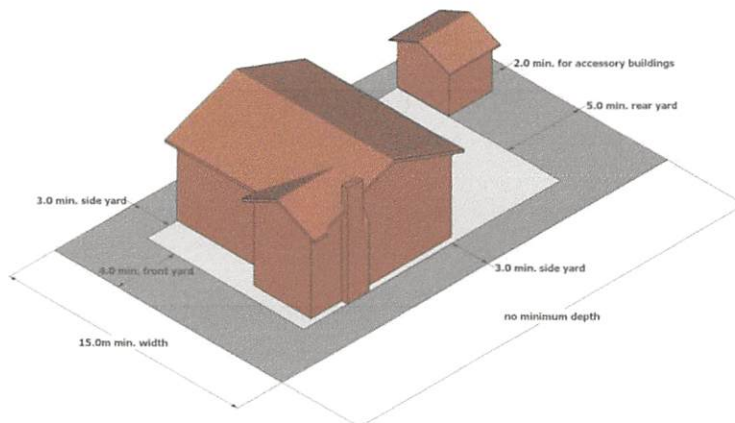
- (a) 20 units per hectare or 8 units per acre.

### Conditions of Use

12.5 All parcels must be connected to community-supplied water and sewer infrastructure.

If a parcel is not connected to a community-supplied sewer system, a septic system that is suitable for the lot and approved by the First Nations Health Authority or Health Canada must be utilized, along with a future replacement septic field site.

### Single Unit Dwelling



### 13. AGRICULTURAL RESIDENTIAL – AR

#### Purpose

13.1 The purpose of this zone is to preserve land for agriculture and related land uses while enabling citizens to live on large rural lots.

#### Permitted Uses

13.2 The following uses are permitted in the AR and Mixed Use zone:

- (a) Single family dwelling;
- (b) Secondary suite;
- (c) Bed and breakfast;
- (d) Home-based business;
- (e) Agricultural use;
- (f) Mobile home; and
- (g) Accessory building.

#### Regulations

13.3 On a parcel located in an area zoned as AR, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

<b>COLUMN I</b>	<b>COLUMN II</b>
(a) Minimum parcel size	1 ha (2.5 acres)
(b) Minimum frontage	75.0 m (246.0 ft)
(c) Maximum number of principal buildings	1 dwelling unit per parcel
(d) Minimum setback from parcel lines for principal building: (i) Front parcel line (ii) Rear parcel line (iii) Side parcel line	4.0 m (13.1 ft) 5.0 m (16.4 ft) 5.0 m (16.4 ft)
(e) Maximum building height (i) Principal building (ii) Accessory building	9.0 m (29.7 ft) 6.0 m (19.8 ft)

**14. MIXED USE – MU1**

**Purpose**

14.1 The purpose of this zone is to promote the development of land uses that support the development of a densely developed and multi-use serviced core area for Yakweakwioose Nation.

**Permitted Uses**

14.2 The following uses are permitted in the MU1 zone:

Subject to meeting all permitting requirements and requirements set out in regulations under this Law,

- (a) Uses of a general commercial, residential, service, agricultural or institutional nature that are compatible with surrounding land uses;
- (b) Light industrial uses not noxious uses, are not unreasonably intrusive on neighbours and that that are compatible with surrounding land uses;
- (c) Agricultural uses that are not noxious uses, are not unreasonably intrusive on neighbours and that that are compatible with surrounding land uses
- (d) Accessory buildings;
- (e) Multi-unit residential, including apartments and townhouses; and
- (f) Secondary suites.

**Additional Approval Process**

14.3 Any Interest-holder or developer wishing to propose specific uses or developments for specific lands or structures within the Mixed Use Zone, shall first provide a complete application package to the Lands Office setting out in detail the proposed uses and developments.

14.4 If Council approves a detailed plan submitted under subsection 14.3, after having reviewed advice and recommendations from the Lands Management Advisory Committee, that portion of land will be re-zoned as “MU-1”, “MU-2”, etc. as the case may be, and the refined zoning will set out the specific uses, activities and developments permitted in that Zone.

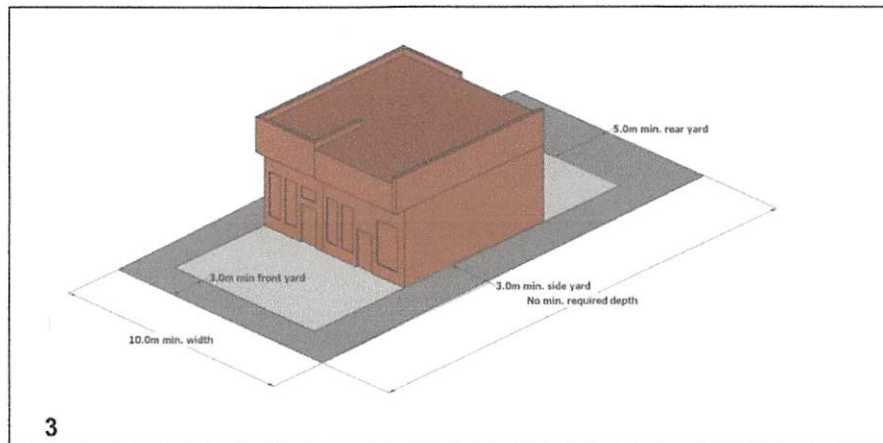
**Regulations**

14.5 On a parcel located in an area zoned as MU1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
(a) Minimum parcel size for new subdivisions	450.0 m <sup>2</sup> (4,485 sq.
(b) Minimum frontage for new subdivisions	10.0 m (33.3 ft)



(c) Minimum setback from parcel lines for principal building:	
(i) Front parcel line (if sidewalk, curb and gutter installed)	1.0 m (3.3 ft)
(ii) Front parcel line (no curb and gutter)	3.0 m (9.8 ft)
(iii) Rear parcel line	5.0 m (16.4 ft)
(iv) Interior side parcel line	3.0 m (9.8 ft)
(v) Exterior side parcel line	3.0 m (9.8 ft)
(d) Minimum principal building size	25 m <sup>2</sup> (270 sq. ft)
(e) Maximum parcel coverage	60%
(b) Maximum building height	
Principal building	12.0 m (39.6 ft)
Accessory building	6 m (19.8 ft)



### Conditions of Use

14.6 Any MU1 parcels that abut a Residential zone must provide a buffer of at least 3 m wide and which is designed to mitigate noise and aesthetics and which includes hedges, attractive fencing or other screening features approved by Yakweakwoose.

## 15. GENERAL INDUSTRIAL – I1

### Purpose

15.1 The purpose of this zone is to provide for land for light industry and specified forms of heavy industry.

### Permitted Uses

15.2 The following uses are permitted in the I1 zone:

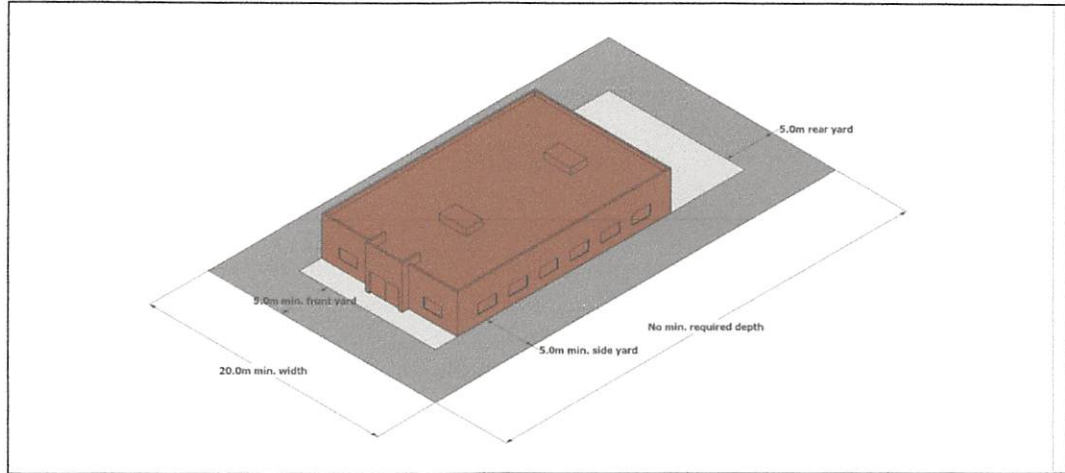
- (a) Automobile, boat, trailer and recreation vehicle repair, sales, and rental lot;

- (b) Automobile repair, paint, body and glass services
- (c) Automobile storage yard;
- (d) Building supply establishment;
- (e) Bulk petroleum products sales;
- (f) Cartage, delivery or express facility;
- (g) Feed mill;
- (h) Heavy equipment maintenance and repair;
- (i) Home manufacturing, assembly, and storage;
- (j) Light manufacturing, processing, finishing and/or packaging;
- (k) Heavy manufacturing, processing, finishing and/or packaging;
- (l) Mobile Home sales lot;
- (m) Moving and storage;
- (n) Nursery or greenhouse;
- (o) Office related to a storage building, workshop and/or a yard used by a general contractor or trade contractor;
- (p) Paper products industry;
- (q) Printing, reproduction and data processing establishment;
- (r) Single family dwelling;
- (s) Storage building, warehousing and wholesale establishment, packing and crating, cold storage;
- (t) Truck and truck-tractor sales, rental lot, storage and repair;
- (u) Accessory building; and
- (v) Caretaker or security suite.

**Regulations**

15.3 On a parcel located in an area zoned as I1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

<b>COLUMN I</b>	<b>COLUMN II</b>
(a) Minimum parcel size	2,000 m <sup>2</sup> (0.5 acres)
(b) Minimum frontage	20.0 m (66.6 ft)
(c) Minimum setback from parcel lines for principal building:	10.0 m (33.3 ft)
(i) Front parcel line	5.0 m (16.5 ft)
(ii) Rear parcel line	5.0 m (16.5 ft)
(iii) Interior side parcel line	5.0 m (16.5 ft)
(iv) Exterior side parcel line	5.0 m (16.5 ft)
(d) Minimum setback from any parcel lines for outdoor storage	3.0 m (9.9 ft)
(e) Minimum setback from any parcel lines for outdoor display yard	3.0 m (9.9 ft)



### Conditions of Use

15.4 Any I1 parcels that abut a Residential or Mixed Use zone must provide a buffer of at least 3 m wide and which is designed to mitigate noise and aesthetics and which includes hedges, attractive fencing or other screening features approved by Yakweakwioose.

### Additional permits and approvals

15.5 Despite the Permitted uses, for hazardous waste or dangerous goods, additional permitting and approvals are required from Yakweakwioose.

## 16. CEMETERY USE – C1

### Purpose

16.1 This zone is intended to provide space to use and protect cultural sites and areas including burial sites, cemeteries and archaeological or heritage sites.

### Permitted Uses

16.2 The following uses are permitted in the C1 zone:

- (a) Burial sites or cemeteries;
- (b) Accessory building;
- (c) Administrative buildings;
- (d) Assembly hall;
- (e) Community and/or botanical gardens;
- (f) Community and institutional facilities or structures;
- (g) Green space or open space;
- (h) Place of worship;
- (i) Protected or conservation areas; and
- (j) Public use or Yakweakwioose Community use.

**Regulations**

16.3 On a parcel located in an area zoned as C1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
(a) Minimum parcel size for new subdivisions	1,000.0 m <sup>2</sup> (0.25 acres)
(b) Minimum frontage for new subdivisions	15.0 m (49.2 ft)
(c) Minimum setback from parcel lines for principal building:	
(i) Front parcel line	3.0 m (9.9 ft)
(ii) Rear parcel line	5.0 m (16.5 ft)
(iii) Interior side parcel line	3.0 m (9.9 ft)
(iv) Exterior side parcel line (on a corner parcel)	5.0 m (16.5 ft)
(v) From burial plot or headstone or boundary of cemetery	20.0 m (66.6 ft)

**17. GREENSPACE AND COMMUNITY USE – G-CU**

**Purpose**

17.1 This zone is intended to provide space for key recreational, institutional, administrative, cultural and public works functions of Yakweawkwoose Nation as well as gathering spaces.

**Permitted Uses**

17.2 The following uses are permitted in the G-CU zone:

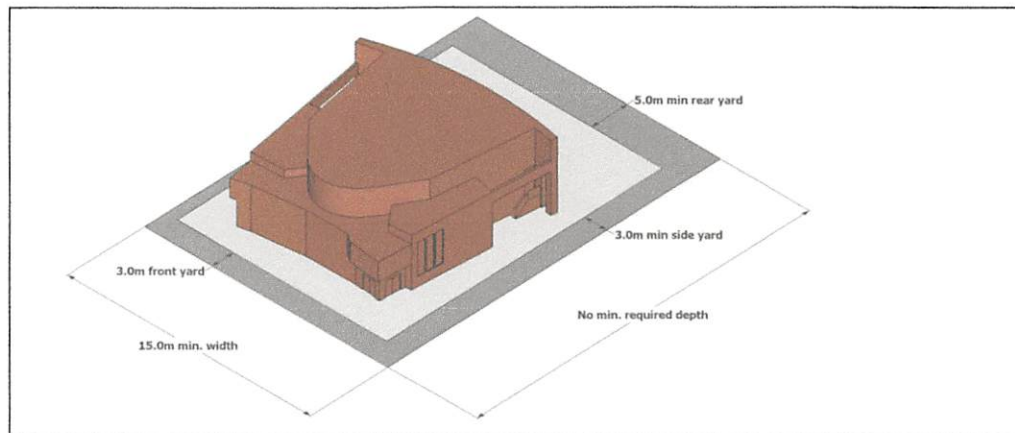
- (a) Accessory building.
- (b) Administrative buildings;
- (c) Assembly hall;
- (d) Community and/or botanical gardens;
- (e) Community and institutional facilities or structures;
- (f) Club or lodge for community use;
- (g) Cultural and recreational facilities or structures;
- (h) Daycare and/or pre-school;
- (i) Educational facility, school, college or training facility;
- (j) Environmentally sensitive or protected areas;
- (k) Green space or open space;

- (l) Parks and recreation areas;
- (m) Place of worship;
- (n) Playfields and playgrounds;
- (o) Protected or conservation areas;
- (p) Public use or Yakweakwioose Community use;
- (q) Public works; and
- (r) Sports fields.

**Regulations**

17.3 On a parcel located in an area zoned as G-CU, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
(a) Minimum parcel size for new subdivisions	1,000.0 m <sup>2</sup> (0.25 acres)
(b) Minimum frontage for new subdivisions	15.0 m (49.2 ft)
(c) Minimum setback from parcel lines for principal building:	
(i) Front parcel line	3.0 m (9.8 ft)
(ii) Rear parcel line	5.0 m (16.4 ft)
(iii) Interior side parcel line	3.0 m (9.8 ft)
(iv) Exterior side parcel line (on a corner parcel)	5.0 m (16.4 ft)



## 18. PARKING GUIDELINES

### Guidelines for Number of Parking and Loading Spaces

18.1 The number of off-street parking stalls (i.e. parking stalls located on the parcel on which a land use is being development) should comply with the guidelines established in Table 18.2(A).

18.2 Despite the guidelines provided in Table 18.2(A), any builder should demonstrate that parking for a specific use will not spill over onto streets on a continual basis.

**Table 18.2(A) - OFF-STREET PARKING SPACES - GUIDELINES**

<b>COLUMN I Class of Building</b>	<b>COLUMN II Minimum Parking Requirements</b>
<b>Residential</b>	
(a) Residential dwelling unit	1 per dwelling unit + any required visitor parking
(b) Bed and Breakfast	1 per sleeping unit + requirements for the dwelling unit in which the Bed and Breakfast is located
(c) Motel or hotel	1 per sleeping unit
<b>Institutional, Public Assembly and Recreational</b>	
(d) Cultural facilities and offices	1 per 20 m <sup>2</sup> (215 sq. ft) of floor area
(e) Place of public assembly, including: arena, assembly hall, auditorium, club, lodge, community center, convention hall, funeral parlor and undertaking establishments, gymnasium and theaters	1 per 15 m <sup>2</sup> (160 sq. ft) of floor area
(f) Recreational use	1 per 50 m <sup>2</sup> (530 sq. ft) of floor area
<b>Commercial</b>	
(g) Offices	1 per 15 m <sup>2</sup> (160 sq. ft) of floor
(h) Eating and drinking establishment (restaurant)	1 per 5 seats
(i) Retail store and commercial services, Personal service establishment	1 per 20 m <sup>2</sup> (215 sq. ft) of floor area

(j) Repair garages, gasoline service station, tire repair	4 per service bay
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**Location**

18.3 Off-street parking spaces should be located on the same parcel as the use they service.

**Alternate Hours of Use**

18.4 Where a building or structure contains more than one use whose business hours of operation do not overlap, the required number of off-street parking spaces shall be the greatest number required for any of those individual uses.

**Access**

18.5 In order to provide good safety, the access to all off-street parking from a highway shall be not less than 6.0 m (19.8 ft) in width and not more than 9.0 m (29.7 ft) in width.

**Maneuvering Aisles**

18.6 All individual parking spaces, maneuvering aisles, entrances and exits shall be clearly marked by curbs, fences, or lines and signs.

18.7 All maneuvering aisles shall have surface drainage directed either to approved planting areas or through a storm sewer system and rock pits.

**Surface**

18.8 All required off-street parking, maneuvering aisles, and accesses to highways shall be so graded and drained as to properly dispose of all surface water in a manner that protects the environment and does not create a nuisance for adjacent parcels.

**Parking Lot Landscaping**

18.9 Where a parking lot in excess of 3 spaces is located on a parcel which abuts a R or P zone, a landscape buffer of not less than 1.5 m (5.0 ft) in width shall be provided and maintained along the edge of the parking lot facing a R or P zone.

**Snow Storage**

18.10 Any parking area, including driveways for houses shall accommodate storage of snow to eliminate potential impacts to adjacent land.

**Parking for the Physically Challenged**

18.11 Where more than 20 parking stalls are required, every off-street parking facility shall provide 5% of the required stalls for the use of physically challenged persons. Each stall for physically challenged persons shall:

- (a) Be at least 4.0 m (13.2 ft) in width and at least 7.5 m (24.7 ft) in length;
- (b) Be located as close as possible to a main handicapped accessible building entrance; and
- (c) Be clearly identified for the exclusive use of physically challenged persons.

## **19. PENALTIES, OFFENCES AND ENFORCEMENT**

19.1 Any person who violates any of the provisions of this Law, or who suffers or permits any act or thing to be done in contravention of this Law, or who neglects to do or refrains from doing any act or thing which is required by any of the provisions of this Law, shall be deemed to have violated the provisions of this Law and committed an offense.

19.2 A person who contravenes this Law or an order made by a Court pursuant to this Law is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, or to both.

19.3 A fine payable under paragraph 19.2 shall be remitted to the Yakweawkwoose First Nation by the Court, after reasonable Court costs have been deducted.

### **Inspections**

19.4 The Chief and Council, the Lands Governance Director, any Enforcement Officer and any other individual designated by Resolution is hereby authorized to enter, at all reasonable times, upon any land subject to this Law to ascertain whether this Law is being obeyed.

### **Compliance**

19.5 No provision in this Law shall reduce or mitigate any need to comply with existing Yakweawkwoose laws, bylaws, regulations or policies

### **Stop Work Orders**

19.6 In addition to any other applicable fine, penalty or remedy, Council, the Lands Governance Director, or a designated official or Enforcement Officer may:

- (a) issue a Stop Work Order to order any person who has not received full and proper authorization under this Law to cease carrying out any activity, use or construction prohibited or regulated under this Law or any related activity or use; or
- (b) order any structures, works or installations carried out in violation of this Law to be removed within 30 days, failing which Council may order them to be removed at the expense of the CP-holder or the person who constructed or installed the structures, works or installations without proper authorization.

19.7 A Stop Work Order imposed under subsection 19.6 may be registered in court and enforced as a court order and continues in force until the condition that led to it is remedied or until the activity that is the subject of the Stop Work Order receives a permit or authorization under this Law.



## **20. REGULATIONS**

- 20.1 Council may make any regulations it considers necessary or advisable for purposes under this Law.
- 20.2 For certainty, the powers of Council under subsection 20.1 include the power to make regulations:
- (a) for any purpose in relation to which regulations are provided for in this Law;
  - (b) prescribing any matter or thing referred to in this Law as prescribed or to be prescribed;
  - (c) respecting the form, content, procedures and review criteria for applications, notices, and other documents that are required or permitted under this Law;
  - (d) setting fees;
  - (e) defining words and expressions that are used but not defined in this Law;
  - (f) further regulating specific details of zones or other matters under this Law; and
  - (g) generally for the purpose of giving effect to this Law.

## **21. GENERAL PROVISIONS**

### **Measurement**

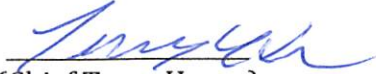
- 21.1 All measurements in this Zoning Law shall be made in metric, with the approximate Imperial measurements in parentheses, and the metric measures shall be the authoritative measurements.
- 21.2 No application made, question answered, or information given by any representative or staff member of the Yakweakwioose First Nation as to the zoning status or potential zoning of any land, land use or building shall be deemed to be a representation giving rise to a cause of action against the First Nation or such representative or staff member.
- 21.3 Headings in this Law are for reference purposes only and do not form part of the Law.
- 21.4 All provisions of this Law are severable. If a Court determines that any provision of this Law is invalid or inapplicable, the provision shall be severed from the Law and the remainder of the Law shall remain in force with any necessary revisions.
- 21.5 This Law is entirely without prejudice to Yakweakwioose's aboriginal rights and title and does not in any way abrogate, derogate from, suspend, define, diminish or alter Yakweakwioose's aboriginal rights and title.

## **22. COMING INTO FORCE**

- 22.1 This Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements of the Land Code.

**BE IT KNOWN** that this law entitled *Yakweakwioose Zoning Law* is hereby enacted by a quorum of Council at a duly convened Council of the Yakweakwioose First Nation held on the 20<sup>th</sup> day of October, 2017.

Quorum: 2

  
(Chief Terry Horne)

\_\_\_\_\_  
(Councilor Jason Malloway)

  
(Councilor Nikki LaRock)

# SCHEDULE 'A'

## Zoning Law Maps

