

McLeod Lake Indian Band

Zoning Law

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PREAMBLE

WHEREAS the Tse'khene of the McLeod Lake Indian Band have a special relationship with the land within their traditional territory based on respect for the spiritual value of the Earth and all living things upon it;

AND WHEREAS the Tse'khene of the McLeod Lake Indian Band are determined to preserve this unique relationship and to care for and protect the land within their traditional territory;

AND WHEREAS the McLeod Lake Indian Band has, by resolution MLIB.041001.06 dated April 10, 2001 formalized there values in the following McLeod Lake Indian Band Vision Statement:

“We the Tse'khene Nation (People of the Rock) are proud people. We believe the Creator put us here as stewards of the land. We will regain our Traditions to cultivate a respected, united, self- sufficient community. We recognize all people as equal regardless of name and ancestry, Our governing body is elected based on integrity, honor, accountability and transparency to all members. Together we will provide healthy, educated self- sufficient and prosperous lifestyles for out future generations.”

AND WHEREAS on March 27, 2002 the McLeod Lake Indian Band and its members entered into a McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement with Her Majesty the Queen in Right of Canada and British Columbia;

AND WHEREAS the McLeod Lake Indian Band wished to manage its lands and resources thereby enabling the Band to become economically self – sufficient, with the means to live in dignity and assume responsibility for its economical, political, cultural and social development within the context on the Canadian society, rather than having its lands and resources managed on its behalf by Canada in accordance with the *Indian Act*;

AND WHEREAS the McLeod Lake Indian Band wished to manage its land and resources by entering into a Framework Agreement on First Nation Land Management concluded between Her Majesty in right of Canada and fourteen first nations on February 12, 1996, as amended;

NOW THEREFORE THE ZONING LAW IS HEREBY ENACTED AS THE FUNDAMENTAL ZONING LAW OF THE TSE'KHENE OF THE McLEOD LAKE INDIAN BAND.

**PART 1
PRELIMINARY MATTERS**

Basic Provisions

- 1.0 No building, structure, or land shall be used or occupied, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered, nor any changed use be established for any building, structure, or land, nor substantial clearing, grading, filling or excavation be commenced unless in conformity with the general provisions of this Zoning Law.
- 1.1 No provision in this Law shall be construed to replace, or remove the need for approvals under any other regulation.

Purpose and Authority

- 1.2 The purpose of these regulations is to govern the development and use of land and structures within the eight development areas;
- a) McLeod Lake East/ IR #5
 - b) McLeod Lake West/ IR #1
 - c) IR #2
 - d) Bear Lake
 - e) Kerry Lake East
 - f) Kerry Lake West
 - g) Mackenzie
 - h) McLeod Lake (12.2 Reserve)
- 1.3 This Zoning Law is adopted pursuant to the McLeod Lake Indian Band Land Code and derives legislative power vested to the McLeod Lake Indian Band Council under the Framework Agreement on First Nations Land Management Act.
- 1.4 The enforcement of these regulations is administered by the Chair of the MLIB Land Management Committee or designate, as appointed by the MLIB Council.
- 1.5 A member of the MLIB Land Management Committee or designate is hereby authorized to enter, between the hours of 8:00 AM and 11:00 PM of any day, upon any property or premises in connection with enforcement of these regulations, and to ascertain whether these regulations are being complied with.
- 1.6 These regulations shall be known as The McLeod Lake Indian Band Zoning Law, and may be cited as “Zoning Law”; the maps herein titled the McLeod Lake Indian Band Zoning Law Maps may be cited as “Zoning Law Maps”.
- 1.7 The MLIB Council shall adopt a series of Zoning Law Maps entitled “McLeod Lake Indian Band Zoning Law Maps”. The Zoning Law Maps shall set out and delineate the zoning districts established within these regulations. The Zoning Law Maps and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein.
- 1.8 If any provision of these regulations is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these regulations.

- 1.9 This Zoning Law is not intended to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain now or in the future to the Band or its Members.
- 1.10 This Zoning Bylaw will be interpreted in a fair, large and liberal manner.
- 1.11 This Zoning Law is not intended to abrogate the fiduciary relationship between Her Majesty the Queen on Right of Canada, the Band and its Members.

PART 2 INTRODUCTION TO ZONING LAW

- 2.0 Zoning is a system in which local governments use regulations to govern the type of activities that can occur within a community. A zoning law regulates: what kind of building can be built in an area, the size of building, where on a property a building can be located, what a building or property can be used for, and size and shape of lots in the area. In the case of the McLeod Lake Indian Band, zoning should also indicate the type of land tenure allowed in each zone (set out in either the Lands Registration legislation or the Licensing/Granting of Leases/Rights of Way legislation). The purpose of a zoning system is to regulate development so a community can have a balance between economic growth and community values. A zoning law typically has two parts: a text and a map. The text describes the different land zones, permitted uses and the administration process. The map shows the location of the various zoning districts that are described in the text.
- 2.1 Within the Province of British Columbia there are three types of local governments that generally govern land through zoning laws:
- a) Within a Municipality, the Municipal Government has the authority to govern development. The District of Mackenzie and The City of Prince George are examples of Municipal Governments that have zoning laws to regulate use throughout their boundaries.

Municipalities the MLIB may deal with regards to land use issues are the City of Prince George and the District of Mackenzie.
 - b) Outside of a Municipality, a Regional District has the authority to govern development. The Regional District of Fraser –Fort George has a zoning bylaw that regulates land use within the Regional District where MLIB Lands are located. Regional District zoning bylaws do not have jurisdiction over municipal lands (Prince George, Mackenzie, McBride and Valemount) and Reserve lands.

Regional District the MLIB may deal with in regards to land use issues are the Regional District of Fraser-Fort George, Bulkley-Nechako Regional District, Peace River Regional District and the Regional District of Kitimat - Stikine.

Bear Lake is an unincorporated area which means that it has no municipal government, but the MLIB may deal with the Bear Lake Community Association and the Regional District of Fraser-Fort George in regards to land use.
 - c) Lands and resources held by First Nations are either managed on their behalf by the Federal Government in accordance with the *Indian Act* or, within the case of the MLIB the rights to make laws and govern land are held by the band itself by entering into the Framework Agreement on First Nation Land Management.
- 2.2 Within the Province of British Columbia the Provincial and Federal governments also has authority over land development.

- a) The Provincial government can govern lands that they hold title too. This includes undeveloped Crown Land and Land that is developed for provincial info structures and resources. Examples of provincially governed lands include; Crown Land, Highway of Transportation gravel pits and Provincial Park land.
 - b) Within British Columbia the Federal Government has jurisdiction over reserve lands and federal info structure lands. Examples of federally governed lands include Federal Parks, Federal Raw Land Holdings, Airports, and Sea Ports.
- 2.3 Website for various governments and agency's that may be useful are listed below:
- a) City of Prince George – www.city.pg.bc.ca
 - b) District of Mackenzie – www.district.mackenzie.bc.ca
 - c) Regional District of Fraser-Fort George – www.rdffg.bc.ca
 - d) Bulkley - Nechako Regional District - www.rdbn.bc.ca
 - e) Peace River Regional District - www.peaceriverrd.bc.ca
 - f) Regional District of Kitimat - Stikine - www.rdks.bc.ca
 - g) Indian and Northern Affairs Canada - <http://www.aicn-inac.gc.ca/index-eng.asp>
 - h) BC Access Centre (e-government service) - <https://www.bconline.gov.bc.ca>
 - i) BC Land Title and Survey - http://www.ltsa.ca/sgd_home.htm
 - j) Northern Health (Sewage) - <http://northernhealth.ca>
 - k) BC Ministry of Transportation - <http://www.gov.bc.ca/tran/>
 - l) BC Ministry of Environment - <http://www.gov.bc.ca/env/>
- 2.4 In this Zoning Law there are 13 zoning designations. In each designation it states:
- a) What is allowed to be built and run on a property under that designation:
 - i. By Right: refers to uses allowed on the property at all times
 - ii. With Conditions: uses that can be done on the property if the owner meets extra conditions set out by the LMC
 - iii. Permitted buildings and lot type: lists buildings allowed on the property
 - iv. Permitted accessory uses: allowed only if a “By Right” use is established on the property.
 - b) General guidelines for development that deal with building set backs to property lines and lakeshores
 - c) General guidelines for the ability to develop lands.
 - d) An example of how a Zoning Law works is the following: If someone wants to run a business (ex. running a grocery store) on their property and “Store” is not listed under: By Right; With Conditions; Permitted building and lot types or Permitted accessory uses under a specific zone that person can not have a store on their property.
 - e) However, if someone wants to develop, build, or run a structure or business not allowed in a specific zone they have to go through either a rezoning or Temporary Use Permit process.
- 2.5 Part 10 to 14 of this Zoning Law goes over the application process for a Zoning application, Temporary Use Permit, Development Variance Permit, Development Permit and Special Use Permit. **Appendix B** of this Zoning Law details in a written text and visual flow charts the steps that the applicant and the MLIB will take to process each application.
- a) Applications such as a Zoning Law Amendment, Temporary Use Permit, and Development Variance Permit can be made through this Zoning Law. These applications can change the present state of Band Land. If the application meets the criteria of Section 10.1 of the McLeod Lake

Indian Band Land Code the MLIB Council may call a Meeting of Members. These meetings are designed to allow Band Members a chance to give their feedback on the application prior to the MLIB Council making a decision. Section 10.1 of the McLeod Lake Indian Band Land Code states the following:

Council will call a Meeting of Members to receive input from Members prior to enacting a Law in respect of the following:

- a) a land use plan,
- b) a heritage site or an environmentally sensitive property;
- c) environmental assessment;
- d) the transfer or assignment of interest in band Land;
- e) spousal property under clause 39;
- f) the rate and criteria for the payment of fees, user fees or rents for the use and occupation of Band Land; and
- g) any other matter or class of matters that Council, by Resolution, declares to be subject to this clause.

PART 3 GENERAL PROVISIONS

3.0 Height of Buildings and Structures

- a) The following types of structures or structural parts are exempt from the building height restrictions found in this law: church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, water towers, cooling towers, radio towers, masts, aerials (excluding satellite dish antenna), monitors, floodlights, warning devices, drive-in theatre projection screens, cranes or silos, provided that no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area of the principal building.

3.1 Signage

- a) These signage regulations are meant to ensure that the safety of the MLIB community is maintained through proper construction of signs, and through proper placement of signs.

3.2 General Provisions

- b) Construction or moving of existing signs requires a permit from the MLIB Land Management Committee. Replacement of an existing sign to the same specifications, however, does not require a permit.
- c) Signs shall meet or exceed the building and electrical codes applicable to the MLIB land base at the time of sign construction.¹ All signs will be kept in good repair. Paint chips or cracks and burnt out light bulbs are evidence of lack of maintenance.
- d) All signs shall be constructed so as to not present a risk of injury to motorists or pedestrians, or to block vision of motorists in such a way as to risk causing an accident.
- e) The maximum area of signs will be based on location, but generally will not be greater than 10 square metres unless in the Highway Commercial zone.

¹ This may be the Federal, Provincial or custom MLIB Building Code. At the time of adoption of this bylaw, the Federal Building Code is in effect for MLIB land base.

3.3 Conversion Table

a) The following are tools to use with the Zoning Law:

Table 1: Conversion Table

Length
1 metre (m) = 3.28 feet (ft)
1 kilometer (km) = 1000 metres (m)
1 kilometer (km) = 0.62 mile (mi)
Area
1 square metre (sq. m.) = 10.7 square feet (sq. ft.)
1 acre = 4046.86 square metres (sq.m.)
1 acre = 0.404 hectare (ha)
1 hectare (ha) = 2.47 acres
1 square kilometer (sq. kl.) = 247.11 acres
1 square kilometer (sq. kl.) = 0.386 square mile (sq. mi.)

3.4 Parking

The minimum dimensions of an off-street parking space shall be 6 m x 2.8 m [approximately 20 ft. x 9 ft.].

Where a use listed below is permitted within a zone, such use shall not be established except where the number of off-street parking spaces required below are provided:

PERMITTED USE	MINIMUM NO. OF SPACES REQUIRED
RESIDENTIAL-MULTIPLE FAMILY	1.5 per DWELLINGS UNIT plus 1 per 100 sq. m. of FLOOR AREA.
GENERAL STORE/Other Retail Use	1 per 15 sq. m. of retail FLOOR AREA, or 4, whichever is greater
Restaurant/Neighbourhood Public House/PRIVATE CLUB (Dining)	1 per 3 seats, plus 1 per unit accommodation.
"Take-out" food outlet	5
TOURIST ACCOMMODATION/RECREATION ACCOMMODATION/CAMPGROUND	1 per unit/campsite.
AUTOMOTIVE SPORTS	1 per 3 seats provided for public seating.
Industrial use	1 per employee - based on number
COMMERCIAL GREENHOUSE	1 per 15 sq. m. of retail FLOOR AREA
Community Hall/Church	1 per 4 persons - based on the capacity of the building.
School	1 per employee.
Golf Course	150
Golf Driving Range	1 per tee plus 1 per 2 employees.

BOARDING HOUSE	1 per unit plus 1 per 100 sq. m of FLOOR AREA
BED AND BREAKFAST	1 per bedroom unit
AGRICULTURAL RETAIL	1 per 15 sq.m. of FLOOR AREA

3.5 Sight Lines at Intersections

A clear view at each corner of an intersection will be maintained for safety reasons. No fence, wall or structure other than a permitted principal building will be erected to a greater height than 1.00 metre and no hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance within 5.00 metres of the intersecting site lines where two roads meet.

3.6 Screening and Landscaping

These regulations are meant to ensure that the natural landscape of the MLIB land base is protected and enhanced. Wherever possible, existing tree cover must be maintained, and new trees will be planted. Trees and other vegetation not only enhance the beauty of a neighbourhood, but also prevents soil erosion, lessens glare, improves interior home climates, reduces storm water runoff, and increases property values.

Upkeep of screening and landscaping in non-residential areas is the responsibility of the leaseholder of the property; in strata title residential areas, it is the responsibility of the homeowner's association. In residential and mixed use areas the Band is responsible for the upkeep and maintenance of public landscaping.

The following table outlines minimum guidelines for landscaping requirements. If a buffer zone is indicated, it is intended to screen the lot from sight. In no case will landscaping obstruct the view of motorists. In this case, 'bordering' includes zones which are separated by roads and alleys.

Table 2: Landscaping Requirements

Zone or Use	Location	Requirement
General Residential, Neighbourhood Residential, & Neighbourhood Centre	Bordering arterial roads	Street tree planting: trees which can grow to at least 3 metres high planted at least every 2.5 metres, interrupted for driveways and walkways.
Highway Commercial	Bordering arterial roads	Industrial landscaped screen at least 2 metres wide: a strip of landscaped land, either grass or decorative groundcover, interspersed with trees which can grow at least 3 metres high.
	Bordering Residential, Mixed Use, and Park, Recreation and Education zones	Solid landscaped screen at least 2 metres high: an evergreen shrub which masks the lots within the zone from the bordering zones combined with an exterior strip of landscaped land, either grass or decorative groundcover at least two metres wide.
Corporate Business	Bordering arterial roads within zone	Street tree planting
	Bordering all other zones	Solid landscaped screen at least 2 metres high

Parking lot as principle use	Bordering any street or lot	Landscaped screen at least 1 metre wide: a strip of landscaped land, either grass or decorative groundcover, interspersed with shrubs every 2 metres which can grow at least 1.5 metres high.
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3.7 Home Occupation

Where Residential – Single Family or Residential – Multi Family is a permitted use within a zone, home occupation is an accessory use, subject to the following provisions.

A home occupation use may only be established within a dwelling unit, and may only be conducted by the occupants of that dwelling unit.

The floor within a dwelling unit used for a home occupation use shall not exceed 25% of the floor area of the dwelling unit, to a maximum of 50 sq.m. [540 sq.ft.] except for bed and breakfast use.

Home occupation shall be limited to one or more of the businesses as listed below:

- a) licensed day care/babysitting.
- b) catalogue sales agent.
- c) private tutoring - on an individual tutor/student basis.
- d) professional business office or studio, hairdresser or pet groomer - on an individual client basis.
- e) arts and crafts manufacture, and sale of such products manufactured on the premises.
- f) sale of meat/produce grown or produced primarily on the premises.
- g) BED AND BREAKFAST to a maximum of four (4) bedrooms. Only one BED AND BREAKFAST use shall be permitted on a LOT.
- h) food production [such as baking or candy making] and sale of such products manufactured on the premises. Food production shall not include a restaurant or take out food outlet.

3.8 Home Craft

Where home craft is a permitted accessory use within a zone, such use shall not be established except in accordance with the following provisions.

A home craft use may only be established on the same site as a residential – single family use which is established or lawfully under construction, and may only be conducted by the occupants of that dwelling unit. The home craft must be clearly incidental to the principle residential use of an established dwelling unit.

A home craft use shall be wholly conducted and contained within an accessory building or dwelling unit, except for outdoor storage or parking areas for materials, products, equipment or vehicles utilized or produced by the home craft use shall not exceed a maximum of 1,000 sq.m. [10,760 sq.ft.] or five percent (5%) of the lot on which it is situated, whichever is less. Such outdoor storage or parking areas shall be limited to a maximum of two distinct areas on a lot and not spread intermittently across a lot.

The total floor area of an accessory building or buildings used for a logging/trucking/ building trades contractor or mechanical repair and servicing of trucks, farm and logging equipment, excluding bodyworks shall not exceed:

- i. 500 sq.m. [5380 sq.ft.] where the SITE area is larger than 8 ha [20 acres]; or
- ii. 250 sq.m. [2690 sq.ft.] where the SITE area is 8 ha [20 acres] or less;

For all other home craft uses the total floor area of an accessory building or buildings used for a home craft use shall not exceed, 150 sq.m. [1615 sq.ft.].

A Home Craft use shall be limited to one or more of the businesses listed below:

- a) logging/trucking/building trades contractor.
- b) mechanical repair and servicing of trucks, farm and logging equipment, excluding bodyworks.
- c) mechanical and upholstery repair and servicing of automobiles and bikes, excluding bodyworks.
- d) manufacture of furniture or other wood products, and sale of such products manufactured on the premises.
- e) processing and sale of meat/produce grown or raised primarily on the premises.
- f) meat cutting and wrapping with associated smokehouse on-site, unless otherwise permitted. A maximum of 2 employees shall be permitted.
- g) taxidermy.
- h) repair and servicing of household appliance and furniture.
- i) any use listed as a home occupation business.

3.9 Open Space

Open space, including parks, plazas, greenbelts and the like, is an essential part of any community. Open space beautifies neighbourhoods, can provide habitat for wildlife, and allows for recreation and pedestrian transportation. Higher percentages of parklands improve community health. The more parkland available to community members, the more likely they are to be active outdoors. Even though the majority of MLIB lands are currently rural in nature it is important to have Open Space requirements to ensure that future development takes into consideration community needs and desires.

As part of any development in a residential or mixed use zone, a certain percentage must be set aside as public, open space. In neighbourhood residential, greenbelts and parks are generally preferred. In a neighbourhood centre, a park or plaza is more appropriate. A healthy percentage of parkland and open space for MLIB to aim for is 15% of the 8 core reserves (i.e. those not selected for traditional use or resource extraction). This percentage is high in comparison to the open space found in the average city. It reflects the highest average parklands found in North American cities, and is a goal for which McLeod Lake should aim.

Note that all residential, mixed use and commercial zones have open space requirements. Some zones, however, have the option upon subdivision to pay up to 5% of land value to the Band for future development of parks. This reflects the fact that certain zones may not be the most conducive to the development of parkland, but the goal of keeping a high average percentage of MLIB land base as open, public space.

There are a number of options for the tenure of the open space and responsibility for its upkeep. First, the Band may own the open space. The upkeep for the open space in case of Band Ownership will likely be performed by the Band, or possibly a subcontractor. Band owned open space is generally zoned as a Park, Recreation or School zone. The open space may also be owned (leased) and maintained by a homeowner's association or other group such as a riding club. Regardless of ownership of open space, it is meant for public access; this means that a greenbelt or similar aspect of open space maintained by private interests must be open for use by the public including individuals who are not connected with the private interest.

3.10 Accessory Uses Permitted in All Zones

Except as otherwise noted in this law and where not applicable, accessory uses and buildings will be located only in the side or rear yard of a lot.

All accessory uses and buildings that are directly related to the allowed principal use and buildings on the lot.

3.11 Fences and walls:

Residential and Mixed Use Zones:

Fences or walls in the front yard will have a minimum height of 0.6 metres and a maximum height of 1.6 metres not including decorative caps on fence posts which will be of a reasonable height themselves (recommend no more than 0.05 metres). Exterior fencing material is limited to cinder block, solid wood, or decorative wood or vinyl. If a secure fence constructed from other materials, such as chain link, is required it must be on the interior side of an approved fence material that effectively screens the secure fence.

A fence or wall in a rear or side yard which abuts a street or alley will have a maximum height of 1.9 metres unless placed 4.5 or more metres inside the lot boundary. Within the first 4.5 metres inside the lot boundary, secure fences of chain link or other similar material are permitted only if screened from view by an approved fencing material from the paragraph above, or opaque vegetation, such as evergreen shrubs or bushes. This vegetation is not required to completely screen the fence, but should be placed no further apart than 2 metres at the centre of the base, and no less than 1 metre tall at time of planting.

A fence or wall in a rear or side yard which does not abut a street or alley will have a maximum height of 2.4 metres.

Commercial Zones:

Fences or walls in the front yard have a minimum height of 0.6 metres and a maximum height of 1.6 metres not including decorative caps on fence posts which will be of a reasonable height themselves (recommend no more than 0.05 metres). Exterior fencing material is limited to cinder block, solid wood, or decorative wood or vinyl. If a secure fence constructed from other materials, such as chain link, is required it must be on the interior side of an approved fence material that effectively screens the secure fence.

A fence or wall will have a maximum height of 2.4 metres within the first 4.5 metres of a side or rear yard which abuts a street or alley. Secure fences of chain link or other similar material are permitted within the first 4.5 metres of a side or rear yard abutting a street or alley only if screened from view by an approved fencing material from the paragraph above, or opaque vegetation, such as evergreen shrubs or bushes. This vegetation must adequately screen the fence at time of planting.

Fences of chain link or similar material placed in a yard that abuts a residential or mixed use zone will provide a vegetative screen on the exterior side of the fence.

3.12 Temporary buildings and storage of materials

Provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot, are permitted as an accessory use; the temporary uses will be terminated upon completion of construction. The temporary structures and storage will, except in case of exemption procured in the building permit, respect the setbacks required by the zone in which they are located.

3.13 Conditions for Certain Uses

In each zone there are permitted uses that are allowed “with Conditions”. These conditions are at the discretion of Council, the Land Manager and the Land Management Committee. With conditions can range from the applicant being requested to submit further information prior to allowing the use. The applicant will be economically responsible for obtaining the information requested by Council, the Land Manager, Land Management Committee or designate. Examples of additional information that may be required to fully evaluate a rezoning application are; an environmental study, Boundary survey of the site verified by a British Columbia Land Surveyor, Habitat Study, traffic impact study, engineered site plan, water quality, water quantity and Sewage System plans.

3.14 Standards for construction and zoning

Where the developer is responsible for the construction of infrastructure such as roads and services, the standards will meet or exceed the standards set by the McLeod Lake Indian Band, INAC, or the Regional District of Fraser-Fort George, whichever is most applicable. If there is any ambiguity in this law regarding construction or zoning standards, the Land Management Committee has the right to make decisions based on the Band's development expectations as set out in the Land Use Plan. Alternatively, the Land Management Committee, at its discretion, may utilize the standards set out in the Zoning Bylaw of the Regional District of Fraser-Fort George.

**PART 4
ZONES**

- 4.0 Zones are what allow certain uses on a given property. In most cases the Land Use Authority within an area divides up land into Residential, Commercial, Industrial, Environmental and Community Interest lands. Each parcel will have a set of permitted uses along with guidelines on how those uses can occur on that land.
- 4.1 Use on a parcel must match the zoning designation in this Zoning Law and the designation given the parcel in the McLeod Lake Indian Band Land Code.
- 4.2 The McLeod Lake Indian Band has divided up the land into 11 zones within residential, mixed use, commercial and special uses. Each zone will have a list of permitted uses and general requirements for development. The Zoning Law also has 2 overlay zones. An overlay zone is a zone that exists over top of another zone putting greater development guidelines over the specific piece land.
- 4.3 The zoning districts and their classifications for the McLeod Lake Indian Band Zoning Law are shown in the table below.

Table 3: Zoning Districts

Zone Abbreviation	Zone	Classification
LR	Lakeshore Residential	Residential
RR	Rural Residential	Residential
GR	General Residential	Residential
NR	Neighbourhood Residential	Residential
NC	Neighbourhood Centre	Mixed Use Residential
CB	Corporate Business	Commercial
HC	Highway Commercial	Commercial
RD	Resource Development	Commercial
TU	Traditional Use	Special
BPA	Band Preservation Area	Special
CL	Community Lands	Special
EP	Environmental Protection	Overlay

MH	Mobile Home Park	Overlay
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Part 5 Residential Zones

5.0 Lakeshore Residential (LR)

The Lakeshore Residential Zone is a medium density, large lot zone primarily for recreational residential use. Regulations for building on the lakeshore are dictated primarily by the Environmental Protection overlay. This is especially important in the case of on-site servicing for water and waste water. There are no specific requirements for area, shape, or design of buildings; but strict preservation of the aesthetic value of the land is of high importance. Minimal disruption to the natural contours and flora of the watershed is permitted for the purpose of accessing the water. All development on the lakeshore is subject to the development review process and Land Management Department approval.

A) Permitted Uses

By Right

- Residential – Single Family

With Conditions

D) General requirements

Lot Regulations

- The minimum lot size in the Rural Zone is 1 hectare or 2.47 acres (approximately 2 lots on former IR#1), with a minimum width of 50 metres.
- Conservation easement: At the discretion of the land management committee, and based on the size of buildings and the percentage of the lot that they occupy, a conservation easement may be required prior to approving development. **This could be dependent upon the site coverage of a proposed dwelling – if it exceeds 20%, a conservation easement is required.**

Building Regulations

- Residential dwellings will not exceed 10 metres or 2 stories in height, whichever is less.
- No more than one single family dwelling is permitted per lot.
- The maximum lot coverage of principal and accessory buildings is 20%.
- Each property is limited to 1 residential building and 3 accessory buildings.
- An accessory building shall not exceed 200 sq.ft (18.6 sq.m) in size.

Setback Regulations

- Principal or accessory buildings will not be located closer than 20 metres from a lakeshore
- Principal Buildings will not be located closer than 6 metres from the side or front lot lines.
- Detached buildings will not be located closer than 3 metres from each other.
- Fences may be built on lot lines but will not be located closer than 20 metres from the lakeshore.

Green Space Requirements

- At least 40% of the land based in any Lakeshore Residential Zone must be left as natural vegetation.

B) Permitted building and lot types

- Single family detached

C) Permitted accessory uses

- Accessory Dwelling
- Day care within dwelling unit
- Home Craft
- Home Business
- Outbuildings including boathouses, sheds, other

- Vegetation located within 20 metres of the lakeshore is to be untouched except for that which is approved to be removed through a Development Permit.

6.0 Rural Residential (RR)

The Rural Residential Zone is a low density, large lot zone primarily for residential use. Regulations for building in the rural zone are dictated primarily by the desire to preserve the rural character of the area. There are no specific requirements for area, shape, or design of buildings; though a conservation easement may be required in the case of large buildings or the construction of subdivisions. These requirements are made at the time of development review.

A) Permitted Uses

By Right

- Residential – Single Family
- Veterinary Clinic
- Riding Stable
- Animal Husbandry
- Farmer's market
- Kennel
- Public open space

With Conditions

- Tourism facilities (vacation resort, equipment rental, etc.)
- Intensive Agriculture
- Residential – Multi-Family

B) Permitted building and lot types

- Band Administration Building
- Detached House
- Outbuildings
- Smokehouse

C) Permitted accessory uses

- Accessory Dwelling
- Day care home
- Home Craft
- Home Business

D) General requirements

Lot Regulations

- The minimum lot size in the Rural Zone is 1 hectare or 2.47 acres (approximately 2 lots on former IR#1), with a minimum width of 50 metres.
- Conservation easement: At the discretion of the land management committee, and based on the size of buildings and the percentage of the lot that they occupy, a conservation buffer may be required prior to approving development. **This could be dependent upon the site coverage of a proposed dwelling – if it exceeds 20%, a conservation easement is required.**
- Subdivision of lots is limited; once subdivided, lots may not be less than 0.5 hectares.
- The minimum lot size for animal husbandry or a riding stable is 4.0 hectares
- The minimum lot size for a farmer's market, kennel, or veterinary clinic is 2.0 hectares.

Building Regulations

- Residential dwellings will not exceed 10 metres or 2 stories in height, whichever is less.
- No more than one single family dwelling is permitted per lot.
- The maximum lot coverage of principal and accessory buildings is 20%.

Setback Requirements

- Principal Buildings will not be located closer than 6 metres from side and rear lot lines and 4.5 metres from front lot line.
- Accessory Buildings such as sheds and garages will not be located closer than 3 metres from side and rear lot lines and 4.5 metres from front lot.
- Detached buildings on the lot will not be located closer than 3 metres from each other.
- Fences may be built on the lot line.

Open Space Requirements

- At least 5% of the land base in any Rural Residential Zone must be public open space. Development projects in the Rural Residential zone has the option of depositing 5% of the value of the land to be subdivided with the Band for future development of parklands.

7.0 General Residential (GR)

This zone comprises the majority of the MLIB's residentially designated land base. Single family homes make up the majority of this zone, but other residential and mixed use developments are not prohibited. A maximum of 30% of the land base within this zone can be occupied by high-density residential (apartments and townhouses), mixed use and commercial. Setbacks are not explicitly defined, but must be uniform within a development, and new developments should conform to the setback standards established by neighbourhoods that border with them. **Commercial mixed-use is only permitted on arterial routes (i.e. a mini-mart on a main street corner).**

This zone is designed with the current residential patterns on-reserve in mind. The current on-reserve community values space between neighbours and large setbacks. Development within the General Residential Zone must be in conformity with surrounding developments and the general feeling of other neighbourhoods in the area. However, this does not preclude the construction of smaller and larger lots; a variety of lot and building size options allows for mixed income neighbourhoods and mitigates against the creation of ghettos.

A) Permitted Uses

By Right

- Residential – Single Family
- Residential – Multi-family
- Mobile Home
- Bed and breakfast inns
- Boarding or rooming houses for up to four roomers
- Public open space

With conditions

- Cemeteries
- Religious institutions
- Commercial use in a mixed use building located on an arterial route or at the intersection of a neighbourhood street and a larger capacity street
- Neighbourhood and outdoor recreation
- Band Administration
- Parks
- Retirement Homes
- Schools
- Home Based business not including Industrial
- Health

B) Permitted building and lot types

- Apartment
- Attached House
- Band Administration Building
- Detached House

- Mixed Use up to 300 square metres of first floor area²
- Smokehouse

C) Permitted accessory uses

- Accessory Dwelling
- Day care within House
- Home Craft
- Home Business

² The mixed use building has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

D) General requirements**Lot Regulations**

- Minimum lot size is 400 square metres (0.098 acres). Minimum lot width is 12 metres. Note that these are minimums, and should provide exceptions interspersed among larger sites. Average lot size should be 1 hectare (ha) or 2.47 acres.

Building Regulations

- Low Density Residential dwellings will not exceed 8 metres or two stories in height, whichever is less. Apartment buildings will not exceed 12 metres or three stories in height, whichever is less.
- Note that dwelling type is unrestricted in the General Residential Zone. Mobile homes are allowed, even when outside the Mobile Home Park Overlay Zone. Their exterior aesthetic must fit in with the surrounding neighbourhood.
- The maximum lot coverage by principal and accessory buildings is 40%.
- In major subdivisions and planned developments, the number of dwelling units located in mixed use, attached houses and apartments will not exceed 30% of the total number of dwelling units in the development.

Setback Requirements

- Setbacks in the General Residential zone are not strictly regulated, but must roughly conform to the setbacks established by the surrounding neighbourhoods, and in accordance with insurance and safety requirements.
- Detached buildings on the lot will not be located less than 3 metres from each other.
- Fences may be built on the lot line.

Open Space Requirements

- At least 5% of the land base in any General Residential Zone must be public open space.

8.0 Neighbourhood Residential (NR)

The Neighbourhood Residential Zone is designed for two purposes: to create a more urban neighbourhood on-reserve to suit the tastes of some Members, particularly those that are returning from an urban environment, and to be in conformity with legislation in areas that have Municipal Service Agreements with other jurisdictions. Due to these requirements, the Neighbourhood Residential Zone has more stringent requirements than other residential zones. The zone requires fully services lots.

A) Permitted Uses

By Right

- Residential – Single Family
- Residential – Multi-family
- Bed and breakfast inns
- Boarding or rooming houses for up to four roomers

With conditions

- Neighbourhood and outdoor recreation
- Parks
- Retirement Homes
- Schools
- Home Business not including Industrial

B) Permitted building and lot types

- Apartment
- Attached House
- Detached House

C) Permitted accessory uses

- Accessory Dwelling
- Day care home
- Home Craft
- Home Business

D) General requirements

Lot Regulations

- Minimum lot size is 650 square metres (0.16 acres). Minimum lot width is 17 metres. Note that these are minimums, and should provide exceptions interspersed among larger sites. Average lot size should be 1100 square metres (0.27 acres)

Building Regulations

- Low Density Residential dwellings will not exceed 10 metres or two and one half stories in height, whichever is less. Apartment buildings will not exceed 12 metres or three stories in height, whichever is less.
- The minimum floor area on the first storey within a principal building will be 67 square metres.
- Buildings containing one or more dwelling units will not be located closer than 12 metres from each other on the same lot.
- The maximum lot coverage by principal and accessory buildings is 30%.
- Accessory buildings on the lot will not be located closer than 3 metres from principal buildings.
- In major subdivisions and planned developments, the number of dwelling units located in mixed use, attached houses and apartments will not exceed 30% of the total number of dwelling units in the development.

Setback Requirements

- Principal Buildings will not be located closer than 3 metres from side and rear lot lines and 5 metres from front lot line.
- Accessory Buildings such as sheds and garages will not be located closer than 3 metres from side lot lines and 6 metres from the rear lot line and 4.5 metres from front lot line.
- Fences may be built on the lot line.

Open Space

- At least 5% of the land base in any General Residential Zone must be public open space.

Part 6
Mixed Use Zones

9.0 Neighbourhood Centre (NC)

The Neighbourhood Centre Zone is meant to **localize services** that people need for their day to day lives. The idea is to allow for 'village centres' within a short distance of neighbourhoods. The services allowed within the NC Zone could include a cemetery, church, small grocery stores, gas stations, amusement centres, etc. Residential use is also permitted within this zone, but the main routes must have commercial use at street level. Conditions are placed on their development to ensure that they 'fit into' the surrounding neighbourhood. These zones are placed within residential (either General Residential or Neighbourhood Residential) zones and have a certain 'radius' or other means of delineating them from the surrounding zone.

A) Permitted Uses

By Right

- Bed And Breakfast Inns
- Boarding Or Rooming Houses For Up To Six Roomers
- Civic, Fraternal, Cultural, Community, Or Club Facilities
- Commercial Uses
- Indoor Amusement
- Neighbourhood pubs
- Residential – Single Family
- Residential – Multi-Family

With Conditions

- Cemeteries
- Religious Institutions
- Day Care Center
- Band Administration
- Neighborhood Gasoline Stations, Excluding Major Service And Repair Of Motor Vehicles
- Parking Lot As Principal Use
- Parks
- Schools
- Temporary Outdoor Sales Of Seasonal Agricultural Products And Customary Accessory Products (Example: Farmers' Markets, Christmas Tree/Pumpkin Sales, Craft Fairs)

B) Permitted Building And Lot Types

- Apartment
- Attached House
- Band Administration Building
- Detached House
- Mixed use up to 550 square metres of first floor area.³
- Storefront up to 550 square metres of first floor area.
- Workplace up to 550 square metres of first floor area

C) Permitted accessory uses

- Accessory Dwelling
- Day Care Home
- Home Occupation
- Stalls or stands for outdoor sales of merchandise (with permit from Band)

³ The mixed use building has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

D) General requirements

The Neighbourhood Centre zone has a maximum radius of 0.5 kilometers. Generally, the mixed use and commercial building uses should be located near the centre of the zone, with residential uses blending at the edges into the surrounding residential zone.

Lot Regulations

- The lot size in the Neighbourhood Centre zone is regulated by the surrounding zone. Residential lots in the Neighbourhood Centre must follow the size requirements of the surrounding residential zone. Mixed use, storefront and workplace building types are more flexible with lot sizes.

Building Regulations

- Location of Parking is not regulated; number of parking spaces required is set out in the development permit. Off-street parking for commercial buildings must either be in front or in back of the buildings, and all parking in the area must have the same location.
- In major subdivisions and planned developments, the number of dwelling units located in mixed use, attached houses and apartments will not exceed 30% of the total number of dwelling units in the development.

Setback Requirements

- Setback requirements for residential in the Neighbourhood Centre zone generally correspond with the surrounding residential zone. However, in mixed use, storefront and workplace building types, setback may vary, and has no minimum. Shops may present a united façade on the street front, and be placed directly on the lot line (i.e. entrance to them would be directly from the sidewalk).
- Any mixed use or commercial building which abuts a residential zone will abide by that zone's setback requirements, or have at least 1.4 metre setbacks, whichever is greater.

Open Space

- At least 5% of the land base in any General Residential Zone must be public open space.

**Part 7
Commercial Zones**

10.0 Corporate Business (CB)

The Corporate Business zone is meant to accommodate businesses that require large buildings, such as warehouse operations or truck servicing. It also includes light industrial parks. **It is primarily a workplace zone, with no residential included, and requires significant buffering from other zones.**

A) Permitted Uses

By Right

- office
- distributive businesses
- inns
- laboratories and research facilities
- manufacturing and assembly, excluding heavy manufacturing
- warehouses
- wholesale sales
- saw mill
- green houses

With conditions

- Day Care Center
- commercial communication tower
- hotels, motels or hostel
- parks
- fuel storage

B) Permitted building and lot types

- attached house
- detached house
- highway commercial, up to 6,000 square metres of first floor area
- mixed use, up to 600 square metres of first floor area
- shop front, as accessory to workplace
- workplace

C) Permitted accessory uses

- attached single family and multi-family homes intended for use by personnel employed for security or caretaking
- outdoor storage
- retail, restaurant, personal services, branch banks, conference facilities, clinics and similar workplace support uses up to 10 percent of gross floor area within the business or light industrial park or 6500 square metres, whichever is less
- accessory uses permitted in all zones

D) General requirements

Lot Regulations

- Minimum lot size is 5 acres.
- The minimum lot size for manufacturing and assembly is 10 acres.

Building Regulations

- The maximum lot coverage by principal and accessory building will not exceed 50% of land.
- No building will exceed a height of 12 metres or 2 stories, whichever is less.
- More than one principal building may be located on the same lot, but must be separated by a distance of at least 4.5 metres.

Setback Requirements

- All building will have a minimum side, rear and front setback of 9 metres.
- Fences may be built on lot lines.

Open Space Requirements

- At least 5% of the land base in any Corporate Business zone must be public open space. Development projects in the Corporate Business zone has the option of depositing 5% of the value of the land to be subdivided with the Band for future development of parklands.

11.0 Highway Commercial (HC)

The Highway Commercial zone provides for auto-dependent uses along high volume traffic areas. These areas aren't generally amenable to the creation of residential or other commercial zones due to the lack of accessibility to pedestrians and the constant flow of traffic. Commercial uses that cater specifically to highway traffic are found within the Highway Commercial zone, such as gas stations, coffee bars, restaurants and gift shops.

A) Permitted Uses**By Right**

- Amusement Facilities: All Indoor Uses
- Animal Hospital
- Auction Sales
- Boarding Or Rooming Houses For Up To Six Roomers
- Religious Institutions
- Civic, Fraternal, Cultural, Community, Or Club Facilities
- Commercial Uses
- Contractor Offices And Accessory Storage Yards, Excluding The Storage Of General Construction Equipment And Vehicles
- Convention Centre
- Band Administration
- Gas Station
- Indoor And Outdoor Recreation
- Multi-Family Homes
- Nightclubs, Music Clubs, Bars, And Similar Entertainment Facilities
- Pawnshops And Second-Hand Shops
- Single Family Homes
- Vocational And Technical Schools

- Wholesale Sales With Related Office, Storage And Warehousing Entirely Within An Enclosed Building.

With conditions

- Adult Establishments
- Amusement Facilities, Outdoor, Limited To Par 3 Golf Courses, Golf Driving Ranges, And Archery Ranges
- Car Wash
- Commercial Marinas
- Day Care Center
- Gasoline Service Stations, Including Service And Repair Of Motor Vehicles
- Hotels
- Parks
- Temporary Outdoor Sales Of Seasonal Agricultural Products (Example: Christmas Tree/Pumpkin Sales)
- Temporary Mobile Food Sales
- Truck Terminals
- Vehicle And Boat Service, Rental, Cleaning, Mechanical Repair, And Body Repair

B) Permitted building and lot types

- apartment
- attached building
- detached building
- highway commercial; up to 6,000 square metres of first floor area on major thoroughfare; up to 1,400 square metres of first floor area on minor thoroughfare.
- mixed use⁴ up to 6,000 square metres of first floor area on major thoroughfare; up to 1,400 square metres on minor thoroughfare
- shop front, up to 6,000 square metres of first floor area on major thoroughfare; up to 1,400 square metres of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.
- workplaces; up to 6,000 square metres of first floor area on major thoroughfare; up to 1,400 square metres of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

C) Permitted accessory uses

- commercial outdoor kennels
- drive through windows associated with any use
- outdoor storage, excluding construction equipment
- stalls or merchandise stands for outdoor sale of goods at street front; outdoor storage must be behind building and screened from view from public spaces
- warehousing accessory to merchandise showroom, within an enclosed building
- accessory uses permitted in all districts

⁴ The mixed use building has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

D) General requirements

- A Highway Commercial Zone must be bordered on at least one side by a road with high traffic volume.

Lot Regulations

- Minimum lot size is 1000 square metres (0.25 acres). Minimum lot width is 17 metres. Note that these are minimums, and should provide exceptions interspersed among larger sites. Average lot size should be from 2000 to 4000 square metres (0.49 to 0.99 acres)

Building Regulations

- The maximum lot coverage by principal and accessory buildings will be 50%.
- No building will exceed a height of 12 metres or 2 stories, whichever is less.
- More than one principal building may be located on the same lot, but must be separated by a distance of at least 4.5 metres.

Setback Requirements

- All buildings will have minimum side, rear and front setbacks of 9 metres.
- Fences may be built on lot lines.

Open Space Requirements

- At least 5% of the land base in any Highway Commercial zone must be public open space. Development projects in the Highway Commercial zone has the option of depositing 5% of the value of the land to be subdivided with the Band for future development of parklands.

12.0 Resource Development (RD)

The Resource Development zone is meant to set aside areas of the MLIB land base which were specifically selected for resource extraction, or alternately those areas of the MLIB land base which the Membership has chosen for resource development. Resource development includes forestry, mineral, and oil and gas exploration and extraction. These lands should not border on other zoning in this bylaw. In the case of the Resource Development zone being visible from other zones, however, possible unsightly uses need to be adequately screened or prohibited.

A) Permitted Uses

- Oil and gas: extraction, processing and right of ways

By Right

- Forestry: harvesting and processing

With conditions

- Resource Extraction
- Traditional Use
- Pulp Mills

B) Permitted building and lot types

- Camps for temporary housing, boarding and medical and other care of those working in resource extraction.

C) Permitted accessory uses

- Office in conjunction with extraction and processing operation

D) General requirements

The most important requirements for resource extraction is that they correspond with MLIB, and where applicable, Provincial requirements. In case of resource extraction which may have an adverse affect on neighbouring zones, such as residential or commercial, a public consultation process should be enacted.

Lot Regulations

- The minimum lot size is 30 acres.

Building Regulations

- The maximum lot coverage by principal and accessory buildings will be 50%
- No building will exceed a height of 18 metres or 3 stores, whichever is less.
- Only one principal building may be located on the lot

Setback Requirements

- All buildings will have a minimum side, read and front setback of 9 metres.
- Fences may be built on a lot line but may not exceed 8 metres in height

Open Space Requirements

- On parcels where active extraction and/or processing occurs along a road with high traffic volumes or near residential buildings a minimum 10 metre buffer of natural vegetation must be left to minimize sound, dust and visual pollution.

**Part 8
Special Zones**

13.0 Traditional Use (TU)

Traditional Use Zones are meant to preserve the natural and man-made aspects of the environment that the MLIB's Members use for traditional activities. MLIB's small, 1 hectare parcels were acquired through the Treaty No. 8 Adhesion and Settlement Agreement due to their significance in traditional practices. These practices include, but are not limited to, trapping, hunting, and gathering of berries and other foods. Development other than small scale cabin construction is prohibited in these parcels.

A) Permitted Uses

By Right

- Traditional Use

With conditions

B) Permitted building and lot types

- Cabins (unserviced)

C) Permitted accessory uses

- Open Space Recreation

D) General requirements

- All large scale development is prohibited in the Traditional Use zone.

Building Regulations

- Cabins have construction requirements only insofar as to ensure the safety of the occupants.
- The maximum floor area of a cabin shall be 200 sq.ft. (18.6 sq.m.).
- Accessory buildings are prohibited
- Fences of any kind are prohibited

Setback Requirements

- Cabins will not be located closer than 6 metres from the front, side and rear lot lines of a parcel.

Open Space Requirements

- No more than 10% of land base in any Traditional Use Zone can be developed.

14.0 Community Preservation Area (CPA)

A zone that is protected from development, either due to archaeological, cultural, or environmental sensitivity, or set aside for certain types of public recreation or other heritage sites. The establishment of a Heritage Site under the CPA zone must be in compliance with the MLIB Land Code: Heritage Sites Section; Part 4, Section 15.

A) Permitted Uses**By Right****With conditions**

- Traditional Use
- Recreation

B) Permitted building and lot types

- Parks
- Information Kiosks
- Residential-single family, multi-family homes, attached or detached or mobile home intended for use by personnel employed for security or caretaking
- Concession stands
- Redevelopment of existing structures

C) Permitted accessory uses**D) General requirements**

- Buildings that are to be established on properties zoned Band Preservation Area shall be developed and built in such a way as to protect the archaeological, cultural, or environmental sensitivity of the land.
- Buildings are discouraged from being built on land designated Band Preservation Area unless they are deemed to improve the archaeological, cultural or environmental sensitivity of the land.

Lot Regulations

- There are no minimum lot requirements for undeveloped land.
- Developed land has a minimum lot size of 500 square metres (0.12 acres)

Building Regulations

- The maximum lot coverage by principal and accessory buildings is 10%
- Each lot may have a maximum of 3 permitted buildings

Setback Requirements

- Principal buildings will not be located closer than 6 metres from front, side and rear lot lines.

Open Space Regulations

- No more than 20% of the land base in any Band Preservation Area Zone can be developed

15.0 Community Lands (CL)

The Community Lands Zone sets land aside for community parks and recreation use, as well as governance buildings and educational institutions. Generally this zone is placed within a residential or mixed use zone, providing services for the occupants.

A) Permitted Uses**By Right**

- Undeveloped Lands

With conditions

- Public Park
- Traditional Use
- Recreation
- School/Daycare
- Convenient Store

B) Permitted building and lot types

- Recreation Field
- Park
- Playground

- School/Daycare
- Health Services
- Cemetery
- Youth Camp

C) Permitted accessory uses

- Clubhouse
- Storage shed
- Residential-single family, multi-family homes, attached or detached or mobile home intended for use by personnel employed for security or caretaking
- Concession stands

D) General requirements

- Prior to a Cemetery being established, a Cemetery Law, outlining development, function, operation, and funding must be created and enacted by Council.

Lot Regulations

- There are no minimum lot requirements for public parks.
- The minimum lot size for a youth camp is 4 acres
- The minimum lot size for a cemetery is 8 acres
- The minimum lot size for a school or health services is 4 acres
- The minimum lot size for all other uses is 0.5 acres
- Schools have a limited lot size of 500 square metres and minimum lot width of 15 metres.

Building Regulations

- The maximum lot coverage by principal and accessory buildings is 30%.

Setback Requirements

- Principal Buildings will not be located closer than 6 metres from front, side and rear lot lines.
- Accessory Buildings will not be located closer than 1.5 metres from front, side and rear lot lines.

Open Space Requirements

- No more than 20% of base land may be developed in the Community Lands Zone, excluding cemeteries.
- For the purpose of cemeteries no more than 80% of base land may be developed in the Community Lands Zone for the purpose.

**Part 9
Overlay Zones**

16.0 Environmental Protection

The Environmental Protection overlay zone is meant to be used in any area that has environmental protection concerns, specifically lakeshores and streams. It requires a number of specific alterations to the underlying zone, such as 15m setbacks from riparian areas for all development, and guidelines for placement of septic fields and tanks. Intensive agriculture is prohibited, and removal of natural buffers is strictly regulated. Please note that at this time, the 2004 *Lakeshore Guidelines* published by the Regional District of Fraser-Fort George are an effective guideline for development on lakes, rivers, streams and wetlands in the MLIB land base. **Any development to occur on lands that are within the Environmental Protection Overlay Zone requires a Development Permit prior to any works being started. See Part 14 for the Development Permit process.**

A) Permitted Uses

industrial activity which may threaten the area which this zone is meant to protect.

By Right

- All uses allowed by right in the underlying zone.

B) Permitted building and lot types

- All permitted building and lot types allowed in the underlying zone.

With conditions

- All uses allowed with conditions in the underlying zone except gasoline service stations, intensive agriculture, and any

C) Permitted accessory uses

- Accessory uses permitted in the underlying zone

D) General requirements

- All general requirements of the underlying zone are in effect, notwithstanding the specific regulations included in this section. Existing structures which do not meet these requirements may be included in this zone, but additions or other work performed on the lots must be in compliance with this legislation.

Lot Regulations

- All lot regulations of the underlying zone are in effect, notwithstanding the specific regulations included in this section.

Building Regulations

- All building regulations of the underlying zone are in effect, notwithstanding the specific regulations included in this section

Setback Requirements

- Principal or accessory buildings will not be located closer than 20 metres from a lakeshore.
- A maximum of 3 buildings, primary and accessory, are allowed within the Environmental Protection Zone.
- Setback for onsite wastewater systems must follow the minimums in the following table (in accordance with the *Lakeshore Guidelines* of the Regional District of Fraser-Fort George).

Table 3: Sewage System Set Backs

Type of System	Minimum Horizontal Setback Distance from Lakeshore
Conventional and alternative systems	30 to 150 metres
Lagoons	Minimum 60 metres
Septic tanks	Minimum 15 metres
Pit privies (outhouse)	30 to 60 metres
Holding tanks	Minimum 30 metres

17.0 Mobile Home Park

The Mobile Home Park Zone is meant to accommodate existing or proposed developments which may include mobile homes, RV Parks, and Non-Permanent Residential Structures. The overlay zone augments the requirements of the underlying zone. Generally the Mobile Home Overlay zone is meant to augment a residential zone where a mobile home park is proposed for development. Note that the General Residential zone allows mobile homes to be interspersed with conventional homes, and a Mobile Home Park overlay zone is not required.

A) Permitted Uses**By Right**

- All uses allowed by right in the underlying zone.

With Conditions

- All uses allowed with conditions in the underlying zone.
- Mobile homes, so long as the finish and appearance corresponds with the surrounding neighbourhood, and their wheels and other transport equipment are removed.

B) Permitted building and lot types

- All permitted building and lot types allowed in the underlying zone.
- Mobile homes provided they follow standards for placement of homes in the underlying zone.

C) Permitted accessory uses

- Accessory uses permitted in the underlying zone.

D) General requirements

- All general requirements of the underlying zone are in effect, notwithstanding the specific regulations included in this section. Existing structures which do not meet these requirements may be included in this zone, but additions or other work performed on the lots must be in compliance with this legislation.

Lot Regulations

- All lot regulations of the underlying zone are in effect, notwithstanding the specific regulations included in this section.

Building Regulations

- All building regulations of the underlying zone are in effect, notwithstanding the specific regulations included in this section
- A mobile home Park shall be limited to a maximum of 20 mobile homes.

Setback Requirements

- All Setback Requirements of the underlying zone are in effect, notwithstanding the specific regulations included in this section.

**PART 10
ZONING APPLICATIONS**

- 18.0 If a proposed use on a parcel does not match the designation given to it by this Zoning Law a zoning amendment application is to be applied for and a Zoning Law Amendment approved prior to any development or works being started.
- 18.1 The owner of the subject parcel(s) that are to be rezoned must approve the zoning amendment application prior to it being considered by Council.
- 18.2 A Zoning Amendment Application will include the following:
- a) Proponents Name, Current Address and Contact Phone Number
 - b) Street Address or descriptive location of subject property
 - c) Current Land Use Designation
 - d) Current Zoning
 - e) Property size and dimensions
 - f) Description of surrounding lands
 - g) Detailed description of proposed development
 - h) Detailed drawing of proposed development; including appropriate dimensions and measurements
- 18.3 If Council, Chair of the Land Management Committee or designate deems further information is required for approval of a zoning amendment application he or she may request further information from the applicant. The applicant will be economically responsible for obtaining the information requested by Council, Chair or designate. Examples of additional information that may be required to fully evaluate a zoning amendment application are; an environmental study, Boundary survey of the site verified by a British Columbia Land Surveyor, Habitat Study, traffic impact study, engineered site plan, water quality, water quantity and Sewage System plans.
- 18.4 A separate zoning amendment application must be submitted for each parcel.
- 18.5 An application submitted may propose that zoning on a parcel be changed into more than 1 zone.
- 18.6 To consider a zoning amendment, the subject parcel must meet the minimum parcel size of the proposed zone.
- Process for Consideration by Board**
- 18.7 Before a proposed zoning amendment application may be enacted by Council, the proposed application will follow the Law Making Procedure in section 7 of the Land Code.
- 18.8 Council must allow for written and verbal comments to be submitted by Band Members in regard to the application and have them available to Council prior to making a decision.
- 18.9 Council reserves the right to not approve a Zoning Law Amendment for any given reason.
- 18.10 Council may call a Meeting of Members if the application meets the criteria of section 10.1 of the Land Code.
- 18.11 Publication of the approved Zoning Law Amendment will follow the Publication of Laws procedure set out in section 8 of the Land Code.
- 18.12 The maps attached to and forming part of this Zoning Law will be updated each time a Zoning Law Amendment is approved.

- 18.13 The applicant is to be notified of any decision made by Council with respects to their application

**PART 11
TEMPORARY USE PERMITS**

- 19.0 On application by an owner of land, Council may issue a Temporary Commercial or Industrial Use Permit.
- 19.1 Council may enact a temporary use permit to allow land and buildings to be used for uses otherwise prohibited by this Zoning Law and which do not conform to the Land Use Plan.
- 19.2 A temporary commercial or industrial use permit may do one or more of the following:
- a) allow any commercial or industrial use, including
 - i. in the case of a commercial use, the provision of temporary tourist accommodation, and
 - ii. in the case of an industrial use, the processing of natural materials,
 - b) as written in the permit, it may allow the construction or use of buildings or structures to accommodate persons who work at the commercial or industrial enterprise in respect of which the permit is issued;
 - c) as written in the permit, it may specify conditions under which the temporary commercial or industrial use may be carried on. Conditions that a temporary commercial or industrial use permit can control include such things as; hours of operation, signage and advertising, number of employees, location of buildings and structures, buffers, lighting and access. This list is not inclusive and other controls may be placed on a temporary use permit as seen fit by the Land Management Committee and Council.
- 19.3 A temporary commercial or industrial use permit will describe the specific area affected and establish an expiry date for the permit which shall not be later than 3 years from the date of authorization.
- 19.4 Council reserves the right to not approve a Temporary Use Permit for any given reason.

Public Notice and Tabling of Temporary Use Permit Application:

- 19.5 Council must notify band members prior to approving a temporary commercial or industrial use permit application by doing the following:
- a) The proposed temporary commercial or industrial use permit to be posted in the Band Administration offices and other public places on Band Land at least 21 days before the proposed permit is to be approved.
 - b) Notice mailed or delivered to the owners of the subject property, residence of subject property and all owners of neighbouring residences where the proposed Temporary Use Permit is to be located at least 21 days before the proposed permit is to be approved.
 - c) The notice must state the following:
 - i. in general terms, the purpose of the permit;
 - ii. the land or lands that are the subject of the permit;

- iii. the place where and the times and dates when copies of the permit may be inspected.
 - d) Allow for written and verbal comments to be submitted by Band Members in regard to the application and have them available to Council prior to making a decision.
- 19.6 Council may call a Meeting of Members if the application meets the criteria of section 10.1 of the Land Use Code.
- 19.7 A Temporary Use Permit will be:
 - a) tabled at a meeting of Council at least 28 days before the proposed Temporary Use Permit is to be enacted;
 - b) Deposited with the Chair of the Land Management Committee at least 21 days before the proposed Temporary Use Permit is to be enacted.

Expiration of Temporary Use Permit

- 19.8 The owner of land in respect of which a Temporary Commercial or Industrial Use Permit has been issued has the right to put the land to the use described in the permit until
 - a) the date that the permit expires, or
 - b) 3 years after the permit was issued, whichever occurs first.
- 19.9 Council may pass further Temporary Use Permits on lands that have had previous Temporary Use Permits if the land owner submits a new Temporary Use Permit application.
- 19.10 If a Temporary Use Permit expires on a given property, any buildings or structures built or placed on the property to enable uses otherwise prohibited shall be removed and the lot is to be returned to the state it was in prior to the Temporary Use Permit being issued within 60 days of the Temporary Use Permit expiring.
- 19.11 If the owner of the land fails to comply with all of the undertakings given under subsection (20.9), the MCIB may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.
- 19.12 A statement summarizing subsection 20.10 of this law must be attached to and form part of each Temporary Use Permit enacted by the MLIB
- 19.13 The applicant is to be notified of any decision made by Council with respects to their application and be given a copy of any approved permit
- 19.14 An approved Temporary Use Permit will be placed on the title of the property.

**PART 12
DEVELOPMENT VARIANCE PERMIT**

- 20.0 On application by an owner of land, a local government may, by resolution, issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of a section of this law.
- 20.1 A Development Variance Permit must not vary the use or density of land from that specified in this law.
- 20.2 In the event of conflict, the provisions of a Development Variance Permit prevail over any provision of this law.

- 20.3 A Development Variance Permit will be:
- a) tabled at a meeting of Council at least 28 days before the proposed Temporary Use Permit is to be enacted;
 - b) Deposited with the Chair of the Land Management Committee at least 21 days before the proposed Development Variance Permit is to be enacted.
- 20.4 Council must notify band members prior to approving a Development Variance Permit application:
- a) The proposed Development Variance Permit to be posted in the Band administration offices and other public places on Band Land at least 21 days before the proposed permit is to be approved.
 - b) Notice mailed or delivered to the owners of the subject property, residence of subject property and all owners of neighbouring residences where the proposed Development Variance Permit is to be located at least 21 days before the proposed permit is to be approved.
 - c) The notice must state the following:
 - i. in general terms, the purpose of the permit;
 - ii. the land or lands that are the subject of the permit;
 - iii. the place where and the times and dates when copies of the permit may be inspected.
- 20.5 Allow for written and verbal comments to be submitted by Band members in regard to the application and have them available to Council prior to making a decision.
- 20.6 Council may call a Meeting of Members if the application meets the criteria of section 10.1 of the Land Use Code.
- 20.7 The applicant is to be notified of any decision made by Council with respects to their application and a copy of an approved Development Variance Permit is to be given to the applicant.
- 20.8 A Development Variance Permit that is approved is to registered on the Title of the Property.

**PART 13
DEVELOPMENT PERMITS**

- 21.0 Within the Environmental Protection Zone a Development Permit or an amendment to an existing Development Permit is required prior to any development being done.
- 21.1 A Development Permit is required for the following:
- a) construction of, addition to or alteration of a building or other structure;
 - b) alteration of land
 - c) subdivision of land
- 21.2 A Development Permit must not vary the use or density of the land from that permitted in this Zoning Law.
- 21.3 The Chair of the Land Management Committee may issue a development permit that
- a) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
 - b) specify size, type and number of buildings or structures on the subject property;
 - c) specify the placement of buildings and structures on the subject parcel;
 - d) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;

- e) require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment;
 - f) require protection measures, including that vegetation or trees be planted or retained in order to preserve, protect, restore or enhance fish habitat or riparian areas,
 - g) control drainage;
 - h) control erosion;
 - i) protect banks;
 - j) imposes conditions respecting the sequence and timing of construction.
- 21.4 Only Council may issue a Development Permit that:
- a) Allows for subdivision on land
 - b) Realignment of property boundaries where no addition parcel of land are being created.
 - c) Any Industrial, commercial or Institutional development
- 21.5 A Development Permit Application will include the following:
- a) Proponents Name, Current Address and Contact Phone Number
 - b) Street Address or descriptive location of subject property
 - c) Current Land Use Designation
 - d) Current Zoning
 - e) Property size and dimensions
 - f) Description of surrounding lands
 - g) Detailed description of proposed development
 - h) Detailed drawing of proposed development; including appropriate dimensions and measurements
- 21.6 The Chair of the LMC or designate deems further information is required for approval of a Development Permit he or she may request further information from the applicant. The applicant will be economically responsible for obtaining the information requested by the Chair or designate. Examples of additional information that may be required to fully evaluate a Development Permit are; an environmental study, Boundary survey of the site verified by a British Columbia Land Surveyor, Habitat Study, water quality, water quantity and Sewage System plans.
- 21.7 If at any time it is desired to alter in any manner, or to deviate from a development plan for which a Development Permit has already been issued, a new application shall be made. However, if an amendment is of a minor nature whereby a new application is deemed to be unnecessary, the Chair of the LMC or designate may waive this requirement and endorse any necessary amendment to the Development Permit accordingly.
- 21.8 Council can consider and make a decision regarding a Development Permit application at the same meeting it is introduced at.
- 21.9 The applicant is to be notified of any decision made by Council with respects to their application and a copy of an approved Development Permit is to be given to the applicant.
- 21.10 A Development Permit will not expire as long as development outlined on the application is started within the first two years the Development Permit has been issued.
- 21.11 If development outlined on the Development Permit is not started within the first two years of issuance the permit becomes void.
- 21.12 The Chair of the LMC is required to submit to Council a summary report on all Development Permits issued a minimum of two times a year.

- 21.13 The applicant is to be notified of any decision made by the Chair of the Land Management Committee or Council with respects to their application and a copy of an approved Development Permit is to be given to the applicant.
- 21.14 A Development Permit that is approved is to registered on the Title of the Property.

PART 14
SPECIAL USE PERMIT

- 22.0 Within any zone defined in this Zoning Law a Special Use Permit is required for any of the following uses:
- a) Removal of Trees for Firewood
 - b) Development of a Smokehouse, Temporary or Permanent
 - c) Controlled Burning of any material
 - d) Plant Harvesting
 - e) Hunting
- 22.1 A Special Use Application will include the following:
- a) Proponents Name, Current Address and Contact Phone Number
 - b) Street Address or descriptive location of subject property
 - c) Current Land Use Designation
 - d) Current Zoning
 - e) Property size and dimensions
 - f) Description of surrounding lands
 - g) Detailed description of proposed Special Use
 - h) Detailed drawing of proposed Special Use; including appropriate dimensions, measurements and length of time.
- 22.2 A Special Use Permit must not vary the use or density of the land from that permitted in this Law.
- 22.3 The Chair of the Land Management Committee may issue a Special Use Permit and may include the following:
- a) specify areas of land that must remain free of any development, except in accordance with any conditions contained in the permit;
 - b) specify size, type and number of buildings or structures on the subject property;
 - c) specify the placement of buildings and structures on the subject parcel;
 - d) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
 - e) require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment;
 - f) require protection measures, including that vegetation or trees be planted or retained in order to preserve, protect, restore or enhance fish habitat or riparian areas,
 - g) control drainage;
 - h) control erosion;
 - i) protect banks;
 - j) imposes conditions respecting the sequence and timing of construction.
- 22.4 As written in the Permit, a Special Use Permit may also specify conditions under which the Special Use may be carried on. Conditions that a Special Use Permit can control include such things as; hours of operation, signage and advertising, location of buildings and structures, buffers, volume of material burned, and access. This list is not inclusive and other controls may be placed on a Special Use Permit as seen fit by the Land Management Committee and Council.

- 22.5 The owner of land in respect of which a Special Use Permit has been issued has the right to put the land to the use described in the permit until
- a) the date that the permit expires, or
 - b) 1 year after the permit was issued, whichever occurs first.
- 22.6 Regulations for the following are to be applied to all Special Use Permit:
- a) Removal of Trees for Firewood must not take place within the first 20 metres of a lakeshore
 - b) Smokehouses are to be a minimum of 20 metres from a lakeshore or body of water and 15 metres from any residential dwelling unit.
 - c) Smokehouses are to be a minimum of 9 metres from a front, side or rear lot line
 - d) Controlled Burning must not take place within the first 20 metres of a lakeshore or body of water and 15 metres from any residential dwelling unit.
 - e) Plant harvesting is to be a minimum of 20 metres from a lakeshore or body of water.
 - f) Hunting is to not take place in residential areas.
- 22.8 If the special use approved within a Special Use Permit is not started within the first 30 days of issuance the permit becomes void.
- 22.9 The Chair of the LMC is required to submit to Council a summary report on all Special Use Permits issued a minimum of two times a year.
- 22.10 The applicant is to be notified of any decision made by the Chair of the Land Management Committee with respects to their application and a copy of an approved Special Use Permit is to be given to the applicant.

**APPENDIX A OF THE MCLEOD LAKE INDIAN BAND ZONING LAW
DEFINITIONS**

- 23.0 The following definitions apply in this Zoning Law:
- 23.1 **ABORIGINAL TITLE** means a legal term that recognizes the interest of Aboriginal Peoples on the land. It is based on their long-term standing use and occupancy of the land as descendants of the original inhabitants of Canada.
- 23.2 **ACCESSORY** means, with reference to use, buildings and structures, incidental to and a directly related part of a specific **PERMITTED USE**.
- 23.3 **ACRE** means a tract of land 208.71 feet square and containing 43,560 square feet of land.
- 23.2 **AGRICULTURAL RETAIL** means a use retailing feed, seed, farm supplies, tack, garden supplies and equipment, but does not include sale of new or used farm machinery.
- 23.3 **AGRICULTURE** means the cultivation and harvesting of crops and/or the raising of livestock and includes:
- a) the sale of the products of the agricultural use from the premises;
 - b) aquaculture, bee keeping and similar agriculture related uses; and
 - c) residential accommodation for farm employees.
- 23.4 **AQUATIC SPECIES** means a wildlife species that is a fish as defined in section 2 of the Fisheries Act, or a marine plant as defined in section 47 of the Act.
- 23.5 **AUTOMOTIVE SPORTS** means a commercial use involving organized races or exhibitions or rental use of motorized vehicles on a track, for public enjoyment, and includes the provision of incidental entertainment during the course of an auto sports event.
- 23.6 **BC ASSESSMENT AUTHORITY** is a Crown corporation responsible for property assessments of all privately owned lands in the province.
- 23.7 **BED AND BREAKFAST** means the provision of accommodation for the traveling public fully contained within a dwelling and restricted to a maximum of four (4) bedrooms and does not include dormitory type uses.
- 23.8 **BIOGEOCLIMATIC ZONE** are broad areas of similar climate. These climates determine the patterns of plants and animals across the land.
- 23.9 **BOARDING HOUSE** means residential uses within a building containing **DWELLING UNITS** and/or Multi-family units with or without communal kitchen, dining and bathroom facilities.
- 23.10 **CANADIAN ENDANGERED SPECIES CONSERVATION COUNCIL (CESCC)** is a Council created under the Species At Risk Act that is made up of the three federal ministers responsible for wildlife protection and their provincial or territorial counterparts.
- 23.11 **CAMPGROUND** means a commercial facility for outdoor temporary accommodation in tents, travel trailers or recreational vehicles within individual campsites.
- 23.12 **CLIMAX FORESTS** means a forest in which the pioneer species have died off from lack of light and the coniferous trees have begun to replace themselves in the understory.

- 23.13 COMMITTEE OF THE STATUS IF ENDANGERED WILDLIFE IN CANADA (COSEWIC) means a long-standing organized group made up of wildlife experts from governments, wildlife management boards, Aboriginal agencies, universities and non-governmental organizations. COSEWIC was established as a legal entity for the first time under *SARA* and provides the ministers with recommendations and direction.
- 23.14 COMMERCIAL GREENHOUSE means a commercial use for the display and retail sale of plants grown primarily off of the premises, and the sale of garden and landscaping materials and supplies, and garden furniture; and includes the sale of incidental refreshments while the greenhouse is open to the public, and the sale of seasonal fresh fruit and produce. Conservation Easement means a treed buffer zone which acts to preserve the rural character of a subdivision and/or conceal overly large buildings.
- 23.15 COMMUNITY APPROVAL PROCESS means under the *FNLMA*, each community must create its own process that will result in the adoption of a land code and its individual agreements with the minister. For the MLIB this process included a series of meetings and ratification votes. The regulations for these meetings and votes are listed in the MLIB Land code in sections 12 through 14.
- 23.16 COMMUNITY MAPPING means a tool used in the participatory planning process that provides community members the opportunity to express what they would like for future development and where they want to put it.
- 23.17 CONIFEROUS FOREST means a forest that contains mostly evergreen trees and shrubs.
- 23.18 CONSERVATION DATA CENTER collects, interprets, maintains and stores records pertaining to species considered at risk within BC. Red and Blue list species are candidates for legal designation as rare or endangered and threatened or vulnerable, respectively.
- 23.19 COUNCIL means the Chief and Councilors of the McLeod Lake Indian Band.
- 23.20 CRITICAL HABITAT means habitat that is necessary to maintain a wildlife species and that has been identified as critical in the recovery strategy, or in the action plan for that species.
- 23.21 CUL-DE-SAC means a length of local highway made for vehicular use, the end of which is designed to be permanently closed by the pattern of subdivision or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another highway.
- 23.22 CULTERALLY MODIFIED TREES (CMTs) means trees which have had bark stripped and engravings made into the cambium layer. A widespread practice amongst Athabaskan peoples for communication and boundaries.
- 23.23 DWELLING UNIT means all or part of a building or structure operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons, and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 23.24 DWELLING UNIT WIDTH means the shortest dimension of a horizontal cross-section of the DWELLING UNIT excluding projections, additions, wings and porches.
- 23.25 EEASMENTS means an interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
- 23.26 ETHNOBOTANY means the process of recording traditional plant uses, is called ethnobotany “ethno” being “of the people” and botany as “the study of plants”. When referring to the traditional uses of either animals and/or plants, this is often referred to as TEK, or Traditional Environmental Knowledge.

- 23.27 ETHNOGRAPHIC means a type of studies that deal with the origin, distribution and characteristics of human racial groups as well as their social structure, language, religion and culture.
- 23.28 EXTIRPATED SPECIES means as per *SARA*, wildlife species that no longer exists in the wild in Canada but exists elsewhere in the wild. There are 17 extirpated species listed in Schedule 1 List of Wildlife Species At Risk.
- 23.29 FARM SUPPLIES CENTRE means a commercial use providing for the sale and storage of agricultural supplies and products, and includes the sale and auction of used farm equipment in conjunction with the use.
- 23.30 FEDERAL FISHERIES ACT is a Federal Act that provides for the protection of fisheries resources. MLIB Reserve Lands and resource development are subject to the provisions of the Federal Fisheries Act.
- 23.31 FEE SIMPLE is a legal term referring to property that indicates that the landowner, or the inheritor, has unqualified rights to control, use, and transfer their property at will.
- 23.32 FIRST NATIONS LAND MANAGEMENT ACT (FNLMA) is a Federal Act that came into effect June 17, 1999. This Act sets out the requirements and processes necessary for First Nations to become independent of the *Indian Act* with respect to reserve lands. Under this Act, First Nations receive authority over reserve lands, natural resources and revenues generated on reserve.
- 23.33 FLOOR AREA means the total floor area: a) of all storeys including a loft and/or basement as defined in the BC Building Code; or b) where specified in these regulations, of the first storey; of a building within the outside surface of exterior walls.
- 23.34 FOREST LANDS means land primarily intended for growing, or currently supporting forest. This also includes land currently not forested (e.g., clear-cut lands) and lands that are forested but not intended for any commercial forestry use and plantations.
- 23.35 FOREST PRACTICE CODE is Provincial legislation that sets out the standards to which forest practices are held. MLIB Reserve Lands and the use of forest resources use the provisions of the Forest Practices Code as a guideline for forest management.
- 23.36 FORESTRY means the silviculture and harvesting of the forest resource.
- 23.37 FORESTRY COMPLEX means a facility providing a base for the B.C. Forest Service or its contractors including office and warehouse use, heliport, vehicle storage, fire fighting and silviculture equipment storage and maintenance use, and includes temporary accommodation on a seasonal basis.
- 23.38 FRAMEWORK AGREEMENT is a Precursor to the *FNLMA* originally signed by the Federal Government and 13 First Nations. The Framework Agreement sets out the guidelines for the creation and adoption of a land code that First Nations wanting to come under the *FNLMA* must follow.
- 23.39 FRONT BUILDING LINE means a straight line which at no point is closer than 7.5 metres [25 ft.] to the front lot line, extending across the parcel, and being parallel to a straight line joining the points of intersection of the side lot lines and the front lot line.
- 23.40 FRONT LOT LINE means the shortest line forming part of the legal boundary of a LOT which is common to an abutting highway or highway allowance other than a lane. In the instance where the parcel is a water access only lot, the FRONT LOT LINE shall be taken as the lakeshore. Lakeshore setbacks shall be as specified elsewhere in this bylaw.

- 23.41 GASOLINE SERVICE STATION means a commercial use retailing motor fuel, including card-lock or key-lock sales, and automotive accessories and supplies to the public, and which provides the servicing and mechanical repair of automobiles including a towing service.
- 23.42 GEO-REFERENCE is a mapping term used to describe the process of referencing a map image to a geographic location.
- 23.43 GENERAL STORE means a commercial use within a building retailing groceries, crafts and gifts, hardware, household and garden goods and supplies, pet and farm feed and supplies, and outdoor recreation supplies to the public, and includes as ACCESSORY uses a coffee shop and take-out food service.
- 23.44 HEAD LEASE acts as a title for development and allows the developer to issue subsidiary leases or "Subleases". There are no ownership rights attached to any type of leases.
- 23.45 HECTARE means a metric system for an area equal to 10,000 square meters, or 2.47105 acres.
- 23.46 HOMECRAFT means a use carried on from a DWELLING UNIT or an ACCESSORY building as a business by the occupants of the DWELLING UNIT, as set out in Section 5.7.
- 23.47 HOME BUSINESS means a use carried on from a DWELLING UNIT as a business by the occupants of that DWELLING UNIT, as set out in Section 5.6.
- 23.48 INDIAN ACT is a Statute enacted by the Parliament of Canada pursuant to subsection 91 (24) of the *Constitution Act, 1867* (formerly known as the *British North America Act*) which authorizes the making laws in relation to Indians, and lands reserved for Status Indians.
- 23.49 INTENSIVE AGRICULTURE means the use of land, buildings and structures for the rearing and confinement of poultry, livestock or fur bearing animals or the growing of mushrooms, and includes the slaughtering and processing of animals reared on the premises.
- 23.50 KENNEL means a commercial use for the temporary boarding of dogs and other household pets, and includes the commercial breeding, training and sale of such animals.
- 23.51 LAND CODE means the fundamental laws of land use that set out the principles and administrative structures that apply to Band Land and determine how the Band will exercise authority over those lands. The MLIB Land Code was ratified Jan 29, 2003 and verified Feb 27, 2003.
- 23.52 LAND FARM TREATMENT FACILITY means a facility on a site greater than or equal to 4 hectares, at which petroleum products and hydrocarbons that contaminate soil are either stored on site or decomposed of by being spread onto the ground. This area must be enclosed by a berm and it may include buildings and structures that are wholly incidental and subordinate to such an activity.
- 23.53 LAND MANAGEMENT COMMITTEE (LMC) means an elected Committee whose function is to advise Council and Band staff on all matters pertaining to Band Lands and their management. This committee works with the Land Advisory Board and oversees the management of Band Lands. It also oversees communication between the Band Administration and Band Members on land use issues. The Land Management Committee is established under the McLeod Lake Indian Band Land Code.
- 23.54 LAND USE DESIGNATION means types of recommendations contained in the Land Use Plan. The MLIB Land Use plan contains four different categories for designated Land Use. These four designations are defined on page 30 of the MLIB Land Use Plan.

- 23.55 LAND USE PLAN means a document that states the land use and future development wishes of the community. The MLIB Land Use Plan takes into account the principles and mission statement of the Land Code and is intended to be used as a tool to assist the LMC determine and guide future development on Reserve Lands.
- 23.56 LAND USE PLANNING means the process of making decisions regarding appropriate uses for land and determining which uses are compatible, so that land can be used in a sustainable manner to satisfy multiple needs.
- 23.57 LANDS ADVISORY BOARD (LAB) is included as community support under the Framework Agreement of the *FNLMA*. This board works with communities to ensure they have adequate resources to develop their land code and advises communities with respect to land management regulations, environmental assessment policies and reporting requirements.
- 23.58 LANDSCAPE LEVEL PLANNING means in resource planning “landscape” refers to the biological traits of a specific geographic area, including forest type, watershed or series of other natural biophysical (ecological) units. Landscape Level Planning is a term used for conservation planning of a particular ecological unit.
- 23.59 LEASE means a written contract by which one person (landlord or lesser) grants to another (tenant or lessee) the exclusive right to use and possess lands, buildings, etc. for a specified time, for fixed payment (rent).
- 23.60 LEASEHOLD means a property held under tenure of lease.
- 23.61 LEGISLATION means the laws of a state enacted by a legislature pursuant to the powers vested unto the legislature by the Constitution of the state.
- 23.62 LOG HOUSE CONSTRUCTION means a commercial use providing for the pre-fabrication of log houses for transportation to another location.
- 23.63 LOT means a separate area of land registered under the McLeod Lake Indian Band Land Registration Policy.
- 23.64 MILLSITE means a sawmill which uses timber from sources other than the LOT on which it is situated for the purpose of commercial sale of sawn lumber, and which has a capacity of producing not more than 60 cu.m. [10,000 board feet] of sawn lumber per day.
- 23.65 MINERAL RESOURCE PROCESSING means the crushing, screening, washing, storing, packaging or other processing of rock, sand, gravel, soil or other material of which land is composed, whether or not originating on the same SITE, and includes preparation of construction and road/rail building materials.
- 23.66 MLIB means McLeod Lake Indian Band.
- 23.67 MORTGAGOR means the lender of a loan whose repayment is secured by the Mortgage.
- 23.68 MUNICIPAL SERVICING AGREEMENT means an agreement between the MLIB and a third party to have the third party provide services such as water, sewer, fire protection, schools, and garbage collection to MLIB Reserve Lands. The MLIB has an agreement with the Fort George Regional District to provide services to Bear Lake and an agreement with Mackenzie to provide services to the Reserve Lands there.
- 23.69 NATONAL ABORIGINAL COUNCIL ON SPECIES AT RISK means a Council required by *SARA* to ensure traditional Aboriginal knowledge and experience is part of decisions made on wildlife and

habitat protection. This council is made up of the three federal ministers responsible and six selected Aboriginal members.

- 23.70 NATURAL BOUNDARY means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect of vegetation, as well as in respect of the nature of the soil itself. Neighbourhood Public House means a place serving food and alcohol, to which entrance by minors is restricted. Part of a public house may include a restaurant that does not restrict entry.
- 23.71 NON-CONTIGUOUS PARCEL means a parcel which has been divided into two or more portions by an intervening highway, railway right-of-way, named river or by another parcel, and where access from one portion thus divided to another is not possible except across the intervening land.
- 23.72 NURSERY means a commercial use for the growing of trees, bedding plants and other seedlings and includes the sale of plants grown on the premises.
- 23.73 OPEN SPACE RECREATION means recreation-oriented uses as set out in Section 3.9.
- 23.74 PARTICIPATORY PLANNING means an approach to planning where the planning process and outcomes are directed through the input of the community or group.
- 23.75 PERMITTED USE means a use of land, buildings and structures which is specifically permitted by these regulations.
- 23.76 PROPERTY RIGHTS means exclusive rights to possess own or hold something.
- 23.77 PUBLIC OPEN SPACE means public park, playground or other open space land administered as public land including land covered by water.
- 23.78 RATIFICATION means official acceptance of an agreement by one of the parties.
- 23.79 REAL PROPERTY means Land, together with any covenant, restriction, rights and privileges that are attached to the property (land).
- 23.80 REAR LOT LINE means the line forming part of the legal boundary of a LOT which is most distant from the FRONT LOT LINE, and where the rear portion of a LOT is bounded by intersecting SIDE LOT LINES then it shall be taken as the point of intersection.
- 23.81 RECREATION ACCOMMODATION means a commercial use providing facilities for temporary accommodation of the public in conjunction with outdoor recreation opportunities.
- 23.82 RECREATIONAL AIRPORT means a commercial use providing facilities for the taking off, landing, storage and maintenance of light aircraft, and includes flying training, clubhouse and fuel sales, repair and maintenance uses serving light aircraft.
- 23.83 RECREATION CABIN means a building or structure operated as a housekeeping unit, and used or intended to be used as a domicile by 1 or more persons on a temporary or seasonal basis for recreation use, but not as a principal residence.
- 23.84 RECREATION CAMP means a use providing for outdoor recreation, including overnight accommodation, which is not a commercial use but is operated by a registered non-profit society.
- 23.85 REGISTRY means a government office where official documents are filed and are available for public inspection, for example the Land Registry.

- 23.86 RESERVE LANDS means a parcel of land that is set aside for the use and benefit of a Band. The federal Crown holds the legal title to Reserve Lands. MLIB has 31 parcels of Reserve Lands that add up to a total of 18764.8 ha. These Reserve Lands are defined under the Treaty 8 Adhesion and Settlement Agreement.
- 23.87 RESIDENTIAL-SINGLE FAMILY means residential use within one DWELLING UNIT.
- 23.88 RESIDENTIAL-MULTIPLE FAMILY means residential uses within a building containing two or more DWELLING UNITS.
- 23.89 RIDING STABLE means a commercial use for the boarding, breeding, training and raising of horses, and includes riding rentals and events.
- 23.90 RIGHT OF WAY (ROW) means a negotiated legal right of passage over another person's ground.
- 23.91 RIPARIAN RIGHTS means the legal rights to a waterway. Riparian rights typically belong to the owner of the land that borders on the waterway.
- 23.92 RIPARIAN ZONE means a transition area between stream and lakeshores and the forest. These areas are particularly environmentally sensitive because they are used more often by a greater number of wildlife species than any other area and should have special consideration in land use and resource development planning.
- 23.93 SERAL FORESTS means an old growth or mature forests.
- 23.94 SIDE LOT LINE means the lines forming part of the legal boundary of a LOT which connect the FRONT and REAR LOT LINES.
- 23.95 SITE means:
- a) the area of land within a LOT; or
 - b) where a LOT is divided into two or more zones, the area of land within the LOT which is contained within one zone.
- 23.96 SITE COVERAGE means the proportion of a SITE area, expressed as a percentage, which is covered by buildings or structures.
- 23.97 SMOKEHOUSE means a structure used solely for the preparation and curing of meat and other animal products using smoke.
- 23.98 SPECIES AT RISK ACT (SARA) is a Federal Act that provides for the listing and protection of wildlife species at risk. MLIB Reserve lands are subject to the provisions of *SARA* and may be included in the strategies employed to protect or recover wildlife species.
- 23.99 SUBLEASES means an agreement between the holder of a lease and a third party that allows the third party to have the use of land or property. Subleases, like leases, generally include rent payments and are negotiated for a specified amount of time.
- 23.100 SUSTAINABLE DEVELOPMENT means a term generally used with respect to resource development. The philosophy of sustainable development states that any and all resource development should happen in a way that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

- 23.101 TOPOGRAPHY means a graphic representation of the surface features of a place or region on a map, indicating their relative positions and elevations.
- 23.102 TREATY 8 means an original treaty between the Federal Government and the Athabaskan people. MLIB should have been, but was not part of this original treaty in the late 1800's, early 1900's.
- 23.103 TREAT 8 ADHESION AND SETTLEMENT AGREEMENT means a document signed by the Federal Government and MLIB, March 27, 2000. This agreement designates the reserve lands of the MLIB.
- 23.104 TOURIST ACCOMMODATION means a commercial use providing facilities for the temporary accommodation of the traveling public and tourists.
- 23.105 UTILITY INSTALLATION means an unattended installation required as part of the operation of a hydro, sewer, water, telephone or pipeline utility, and includes unattended garbage collection bin sites and emergency response sites.
- 23.106 VALUED ECOSYSTEM COMPONENTS (VECs) means an ecosystem is a localized group of interdependent organisms together with the environment that they inhabit and depend on. Valued ecosystem components are those parts of that system upon which the community is more dependent or those which the community is more willing to protect.
- 23.107 VEHICLE BODYWORK AND MECHANICAL REPAIR means the servicing and repair of motor vehicles including mechanical and/or bodywork, and includes sale of cars and light trucks to a maximum combined total of three, in conjunction with the use.
- 23.108 VERIFIER means an independent person appointed by the Land Advisory Board and the Government of Canada to ensure that the process a community uses to adopt a land code is done according to the Framework Agreement.
- 23.109 WETLANDS mean land where the water table is at, near or above, the surface. These environmentally sensitive areas provide important habitat for a large number of wildlife species and need special consideration in land use and resource development.
- 23.110 In this Zoning Bylaw, unless the context otherwise requires:
- a) "Band" and "McLeod Lake Indian Band" have the same meaning as "McLeod Lake" in the Framework Agreement;
 - b) "Band" and "McLeod Lake Indian Band" have the same meaning as "McLeod Lake" in the McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement; and
 - c) "Band Land" has the same meaning as "First Nation Land" in the Framework Agreement.

**APPENDIX B OF THE MCLEOD LAKE INDIAN BAND ZONING LAW
GUIDELINE TO ZONING LAW APPLICATIONS**

24.0 Zoning Designations:

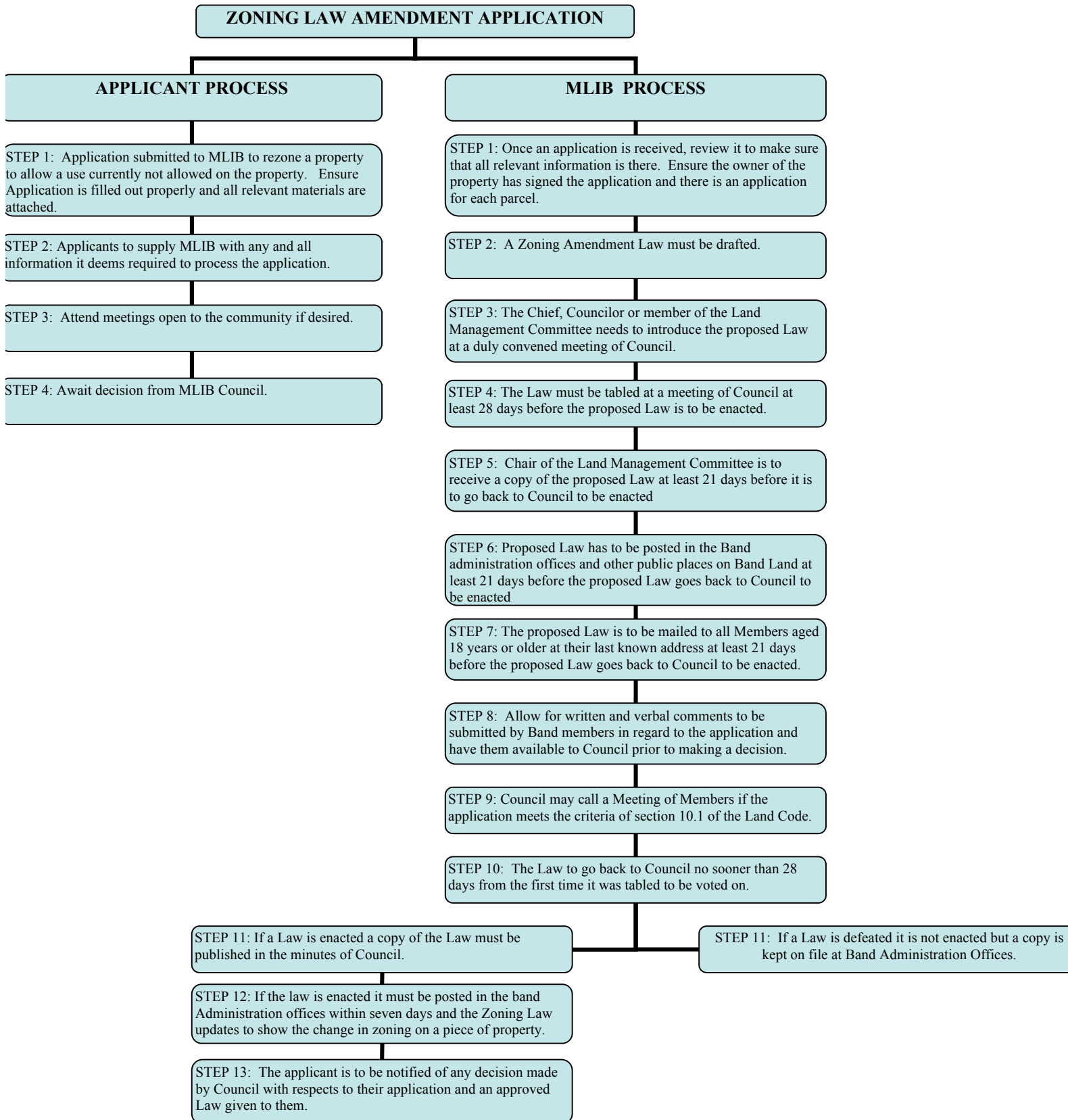
- a) Each zoning designation states:
 1. What is allowed to be built and run on a property under that designation:
 - a. By Right: refers to uses allowed on the property at all times
 - b. With Conditions: uses that can be done on the property if the owner meets extra conditions set out by the LMC
 - c. Permitted buildings and lot type: lists buildings allowed on the property
 - d. Permitted accessory uses: allowed only if a “By Right” use is established on the property.
 2. General guidelines for development that deal with building set backs to property lines and lakeshores
 3. General guidelines for the ability to develop lands.
- b) If the use (ex. Store) is not listed under: By Right; With Conditions; Permitted building and lot types or Permitted accessory uses under a specific zone it is not a permitted use.
- c) If someone wants to develop, build, or run a business not allowed in a specific zone they have to go through either a Zoning Law Amendment or Temporary Use Permit process.

24.1 How to process a Rezoning Application:

- a) If someone wants to develop, build, or run a business not allowed on a specific property because the zoning won't allow it, the applicant can go through a rezoning application to change the zoning on the property.
- b) An application is made to change zoning on a piece of property.
- c) Confirm that the use is not currently permitted on the piece of property.
- d) Determine what zone in the list of zones in section 5 of the Zoning Law is the most appropriate zone to change the property too.
- e) The procedure to process a rezoning application is Section 7, 8, 9 and 10 of the Land Code.
 - 1) Once an application is received, review it to make sure that all relevant information is there.
 - 2) A Law must be drafted. A sample Law is attached.
 - 3) The Chief, Councilor or member of the Land Management Committee needs to introduce the proposed Law at a duly convened meeting of Council.
 - 4) The Law must be tabled at a meeting of Council at least 28 days before the proposed Law is to be enacted.

- 5) Chair of the Land Management Committee is to receive a copy of the proposed Law at least 21 days before it is to go back to Council to be enacted.
- 6) The proposed Law has to be posted in the Band administration offices and other public places on Band Land at least 21 days before the proposed Law goes back to Council to be enacted.
- 7) The proposed Law is to be mailed to all Members aged 18 years or older at their last known address at least 21 days before the proposed Law goes back to Council to be enacted.
- 8) Allow for written and verbal comments to be submitted by Band members in regard to the application and have them available to Council prior to making a decision.
- 9) Council may call a Meeting of Members if the application meets the criteria of section 10.1 of the Land Code.
- 10) The Law to go back to Council no sooner than 28 days from the first time it was tabled to be voted on.
- 11) If a Law is enacted a copy of the Law must be published in the minutes of Council.
- 12) If the law is enacted it must be posted in the Band Administration offices within seven days and the Zoning Law updates to show the change in zoning on a piece of property.
- 13) The applicant is to be notified of any decision made by Council with respects to their application and an approved Law given to them.

FIGURE 1: Zoning Law Amendment application process diagram.

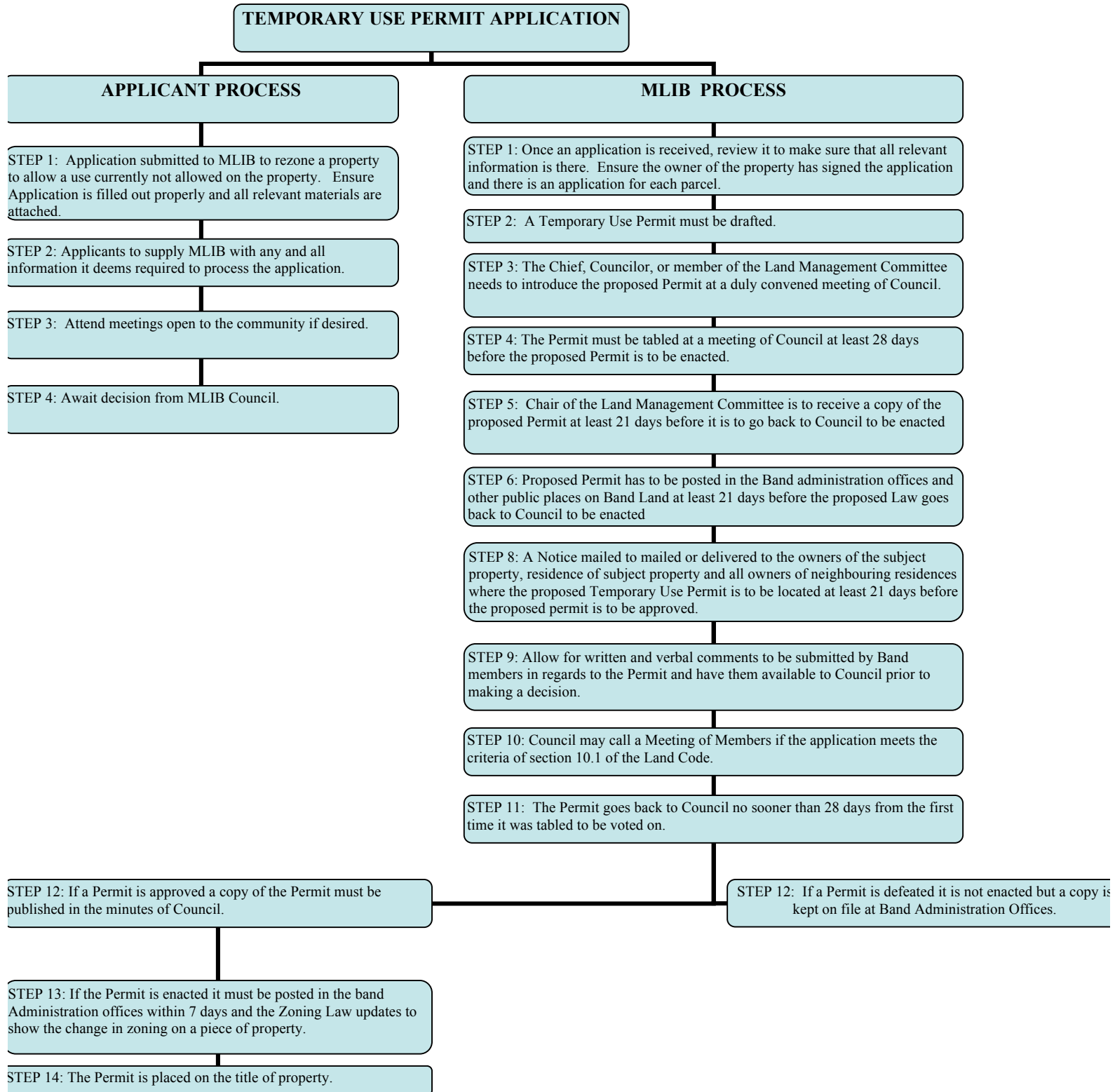


24.2 How to process a Temporary Use Permit:

- d) A Temporary Use Permit is a permit that allows a use on a piece of property for 3 years without having to go through a Zoning Law Amendment application. It is normally used as a test run for businesses to see if they will be successful or will be appropriate in a given area.
- e) A Temporary Use Permit application is made to allow a use on a piece of property that is not permitted by its current zoning.
- f) Confirm that the use is not currently permitted on the piece of property.
- g) Determine what restrictions the LMC would like to place on the proposed use. These restrictions can range from hours of operation; lay out, number of employees, and work done on the property.
- h) The procedure to process the application is as follows:
 - 1) Once an application is received, review it to make sure all relevant information is there.
 - 2) A Temporary Use Permit must be drafted. A sample Temporary Use Permit is attached.
 - 3) The Chief, Councilor or member of the Land Management Committee needs to introduce the proposed Law at a duly convened meeting of Council.
 - 4) The Permit must be tabled at a meeting of Council at least 28 days before the proposed Law is to be enacted.
 - 5) Chair of the Land Management Committee is to receive a copy of the proposed Permit at least 21 days before it is to go back to Council to be enacted.
 - 6) Proposed Permit has to be posted in the Band administration offices and other public places on Band Land at least 21 days before the proposed Permit goes back to Council to be enacted
 - 7) A Notice mailed to mailed or delivered to the owners of the subject property, residence of subject property and all owners of neighbouring residences where the proposed Temporary Use Permit is to be located at least 21 days before the proposed permit is to be approved.
 - 8) The notice must state the following:
 - in general terms, the purpose of the permit;
 - the land or lands that are the subject of the permit;
 - the place where and the times and dates when copies of the permit may be inspected.
 - 9) Allow for written and verbal comments to be submitted by Band members in regard to the application and have them available to Council prior to making a decision.
 - 10) Council may call a Meeting of Members if the application meets the criteria of section 10.1 of the Land Use Code.

- 11) The Temporary Use Permit to go back to Council no less than 28 days from the first time it was tabled to be voted on.
- 12) If a Permit is approved a copy of the Law must be published in the minutes of Council.
- 13) If the Permit is approved it must be posted in the Band Administration offices within seven days.
- 14) The applicant is to be notified of any decision made by Council with respects to their application and an approved Permit given to them.
- 15) An approved Permit placed on the title of the property.

FIGURE 2: Temporary Use Permit application process diagram

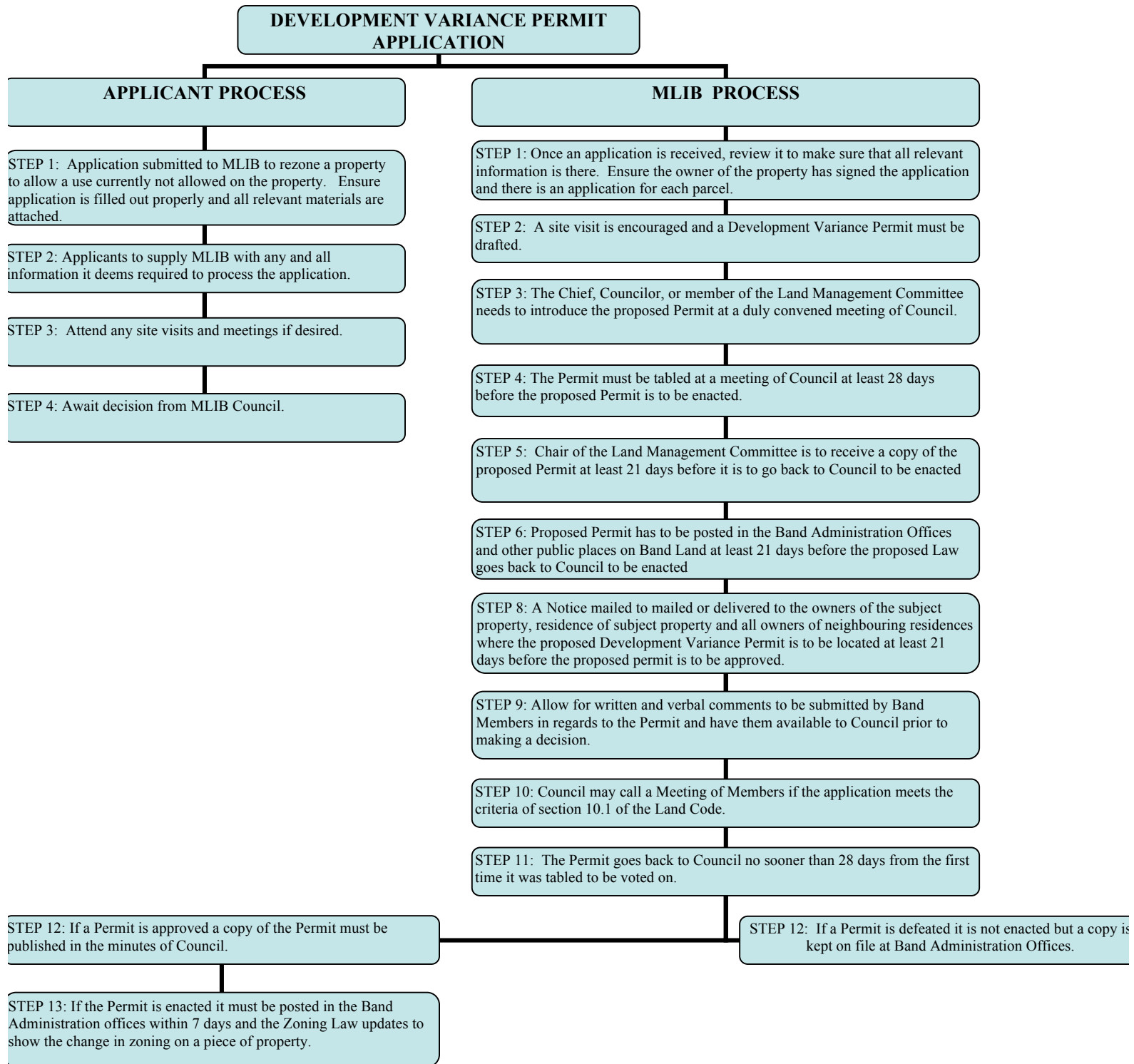


24.3 How to process a Development Variance Permit:

- a) A Development Variance Permit can not vary use or density of a property. It can vary such things as height restrictions and building size. It can not vary number of buildings or use of buildings.
- b) An application is made to develop a piece of property with set backs or heights that do not meet the general requirements of a zone.
- c) Confirm that the proposed use/building is currently permitted on the piece of property.
- d) The procedure to process the application is as follows:
 - 1) Once an application is received, review it to make sure all relevant information is there.
 - 2) A Development Variance Permit must be draft. A sample Development Variance Permit is attached.
 - 3) The Chief, Councilor or member of the Land Management Committee needs to introduce the proposed Permit at a duly convened meeting of Council.
 - 4) The Permit must be tabled at a meeting of Council at least 28 days before the proposed Law is to be enacted.
 - 5) Chair of the Land Management Committee is to receive a copy of the proposed Law at least 21 days before it is to go back to Council to be enacted.
 - 6) Proposed Permit has to be posted in the Band Administration offices and other public places on Band Land at least 21 days before the proposed Permit goes back to Council to be enacted.
 - 7) A Notice mailed to mailed or delivered to the owners of the subject property, residence of subject property and all owners of neighbouring residences where the proposed Development Variance Permit is to be located at least 21 days before the proposed permit is to be approved.
 - 8) The notice must state the following:
 - in general terms, the purpose of the permit;
 - the land or lands that are the subject of the permit;
 - the place where and the times and dates when copies of the permit may be inspected.
 - 9) Allow for written and verbal comments to be submitted by Band Members in regard to the application and have them available to Council prior to making a decision.
 - 10) Council may call a Meeting of Members if the application meets the criteria of section 10.1 of the Land Use Code.
 - 11) The Development Variance Permit to go back to Council no less than 28 days from the first time it was tabled to be voted on.

- 12) If a Permit is approved a copy of the Permit must be published in the minutes of Council.
- 13) If the Permit is approved it must be posted in the Band Administration offices within seven days
- 14) The applicant is to be notified of any decision made by Council with respects to their application and an approved Permit given to them.

FIGURE 3: Development Variance Permit application process diagram



24.4 How to process a Development Permit

- 1) A Development Permit is required for any development within the Environmental Protection Zone overlay.
- 2) Development includes:
 - 1) Clearing of vegetation (natural or landscaped)
 - 2) Construction of any buildings (house, garage, shop, shed, barn)
 - 3) Construction of structures (fences, paddock, playground)
 - 4) Subdivision
- 3) The Chair of the LMC can issue a Development Permit for the MLIB Council in some cases.
- 4) Chair of the Land Management Committee may issue a development permit that:
 - 1) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
 - 2) specify size, type and number of buildings or structures on the subject property;
 - 3) specify the placement of buildings and structures on the subject parcel;
 - 4) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
 - 5) require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment;
 - 6) require protection measures, including that vegetation or trees be planted or retained in order to preserve, protect, restore or enhance fish habitat or riparian areas,
- 5) Only MLIB Council can issue a Development Permit for the following:
 - 1) Allows for subdivision on land
 - 2) Realignment of property boundaries where no addition parcel of land are being created.
 - 3) Any Industrial, Commercial or Institutional development
- 6) How to process an application that is issued by the Chair of the LMC:**
 - 1) An application is made to develop in an area within the Environmental Protection Zone.
 - 2) Confirm the development proposed is within the Environmental Protection Zone. The Environmental Protection Zone is within the first **300 meters** from the lakeshore.
 - 3) If the proposed development is within the Environmental Protection Zone the applicant is required to submit a Development Permit Application.
 - 4) Determine if the proposed development can be processed by the Chair or delegate. The Chair of the LMC can process any Development Permit except one for: Subdivision,

realignment of property boundaries and any industrial, commercial or Institutional development.

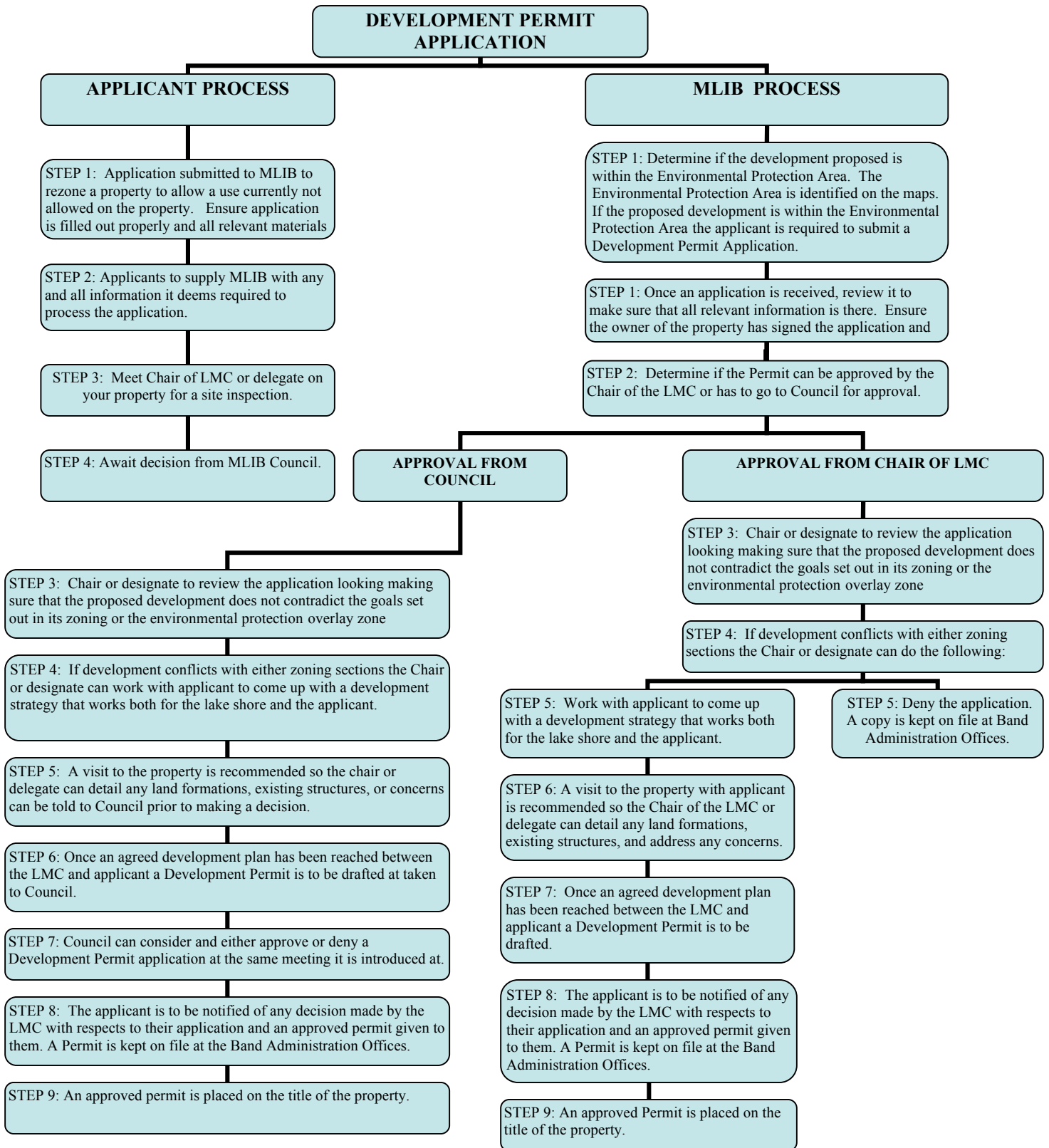
- 5) Chair of LMC or designate to review the application, making sure that the proposed development does not contradict the goals set out in its zoning or the Environmental Protection Zone.
- 6) If development conflicts with its Use Zoning or the Environmental Protection Zone the Chair or designate can do the following:
 - a) Work with applicant to come up with a development strategy that works both for the lake shore and the applicant.
 - b) Deny application
- 7) A visit to the property is recommended so the delegate approving the Permit can verify that existing structures are noted on the Permit as well as ensure that proposed works do not conflict with protection of the land.
- 8) Once an agreed development plan has been reached between the LMC and applicant a Development Permit is to be drafted. A sample Development Permit is attached.
- 9) The applicant is to be notified of any decision made by the LMC with respects to their application and an approved permit given to them.
- 10) An approved Permit placed on the title of the property.

g) How to process an application that is issued by Council:

- 1) An application is made to develop along a lakeshore or protected area.
- 2) Determine if the development proposed is within the Environmental Protection Zone. The Environmental Protection Zone is within the first 300 meters from the lakeshore.
- 3) If the proposed development is within the Environmental Protection Zone the applicant is required to submit a Development Permit Application.
- 4) Determine if the proposed development can be processed by the Chair of the LMC or has to go to Council for approval.
- 5) Chair or designate to review the application looking making sure that the proposed development does not contradict the goals set out in its zoning or the Environmental Protection zone.
- 6) If development conflicts with either its use zoning or Environmental Protection Zoning the Chair or designate can work with applicant to come up with a development strategy that works both for the lake shore and the applicant.
- 7) A visit to the property is recommended so the chair or delegate can detail any land formations, existing structures, or concerns can be told to Council prior to making a decision.
- 8) Once an agreed development plan has been reached between the LMC and applicant a Development Permit is to be drafted. A sample Development Permit is attached.
- 9) The Development Permit is taken to Council

- 10) Council can consider and make a decision regarding a Development Permit application at the same meeting it is introduced at.
- 11) The applicant is to be notified of any decision made by Council with respects to their application and an approved permit given to them.
- 12) An approved Permit placed on the title of the property.

FIGURE 4: Development Permit application process diagram



24.5 How to Process a Special Use Permit

- a) An application is made for a Special Use outlined Part 15 of the Zoning Law
- b) Determine if the use proposed can be issued a Special Use Permit.
- c) Chair or designate to review the application making sure that the proposed use does not contradict the goals set out in the Special Use Permit section of the Zoning Law.
- d) If use conflicts with the Special use Permit Section the Chair or designate can do the following:
 - a) Work with applicant to come up with a development strategy that works both for the lake shore and the applicant.
 - b) Deny application
- e) A visit to the property is recommended so the delegate approving the permit can verify that existing structures are noted on the permit as well as ensure that proposed works do not conflict with protection of the land and ensure that all requirements can be met prior to approval of permit.
- f) Once an agreed plan has been reached between the LMC and applicant a Special Use Permit is to be drafted and approved. A sample Special Use Permit is attached.
- g) The applicant is to be notified of any decision made by the LMC with respects to their application and an approved permit given to them.

FIGURE 5: Special Use Permit application process diagram.

