



## **TZEACHTEN FIRST NATION ZONING LAW, 2015 (Amended)**



### **History of Amendments**

<b>Law Enacted</b>	<b>September 22, 2015</b>
<b>Amended to include R3 Townhome zone</b>	<b>August 22, 2018</b>
<b>Amended to add clarifications and rental restrictions to Mixed Use, MU1 and MU2 sub-zones</b>	<b>June 11, 2020</b>
<b>Amended to clarify gravel extraction and rental restrictions</b>	<b>November 18, 2020</b>
<b>Amended to include clarifications surrounding Tiny Homes, Accessory Dwelling Units, Parking, Greenspace and related items.</b>	<b>November 23, 2021</b>
<b>Amendments regarding the light industrial zone, parking, R2(a) Zone, and related items.</b>	<b>June 7, 2023</b>
<b>Amended to include CD1 Comprehensive zone</b>	<b>March 12, 2024</b>

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**WHEREAS** the Tzeachten First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

**AND** the Tzeachten First Nation has taken over control and management of Tzeachten Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Tzeachten First Nation Land Code* effective the 21st day of August, 2008;

**AND** under the *Tzeachten First Nation Land Code*, Tzeachten Council is authorized to pass various laws relating to lands including laws relating to zoning and land use under sections 3.1(a) and 3.3 of the *Land Code*;

**AND** Council wishes to implement a law to ensure that the use of land within Tzeachten Lands is regulated to protect the community, Tzeachten Lands and any person holding an interest in Tzeachten Lands from unsustainable or incompatible developments or land uses and to encourage developments and land uses that contribute to the well-being of the community and the environment;

**AND** Council received a recommendation from the Lands Management Advisory Committee to create a new R3 Zone to accommodate a proposed development with fits within the Tzeachten Land Use Plan;

**AND** Council received recommendations from the Lands Management Advisory Committee regarding the urgent need to develop rental restrictions, in reference to the Land Use Plan which includes important vision statements such as the following:

“Sense of place, Tzeachten character and place-making – As the surrounding population continues to rapidly grow there is a threat that Tzeachten First Nation identity will get swallowed up in the mass influx of people. Members expressed their strong desire to showcase their place in the area and become more prevalent in the community and surrounding area”;

**AND** Tzeachten received applications from developers regarding lands zoned ‘Mixed Use’ and the Lands Management Advisory Committee has recommended, and Council has approved, two new sub-zones, MU1 and MU2;

**AND** Council has received recommendations from the Lands Management Advisory Committee to include a number of items including the construction, addition and rental of Tiny Homes, Modular Homes, Carriage Homes and Secondary Suites for Members that meet certain requirements and within permitted Zones to ensure that CP-holders can provide family members in different stages of their lives with affordable, safe, accessible and community-oriented housing that is adaptable to changes in family structures;

**AND** Council has received recommendations from the Lands Management Advisory Committee to include more details regarding parking requirements, to add an R2(A) zone to allow for higher density for Member housing, to clarify the intent of the Industrial zone and to create a CD1 Comprehensive zone to set out more details regarding the required mix of building types and uses;

**AND** Council intends this amendment and this Law to apply retroactively;

**NOW THEREFORE this *Tzeachten Zoning Law, 2015 (Amended)* is hereby amended at a duly convened meeting as a Law of the Tzeachten First Nation.**

#### **PART 1. NAME**

1.1 This Law may be cited as the *Tzeachten Zoning Law, 2015 (Amended)*.

#### **PART 2. PURPOSE**

2.1 The purpose of this Law is to promote good, healthy, sustainable and community-oriented land uses on Tzeachten Lands.

#### **PART 3. WHERE THIS LAW APPLIES**

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

#### **PART 4. DEFINITIONS**

4.1 For the purposes of this Law,

- (a) terms have the same definitions as in the *Land Code*;
- (b) “building height” is determined by measuring from the normal or average ground level and the highest point of the building; and
- (c) the following definitions apply:

“**Accessory Dwelling Unit**” means a Dwelling Unit intended for Residential Use which is subordinate to the Principal Residence or Two-Family Attached Dwelling on the lot, and includes a Tiny Home, Modular Home, Secondary Suite and Carriage House;

“**Accessory Building**” means a building that is not used as a Dwelling Unit or for a Residential Use, including a shed, garage, outbuilding, greenhouse or other structure;

“**Accessory Uses**” means uses clearly relating to but subordinate to Residential Uses which provide for activities customarily associated with the accommodation and home life of persons which are limited to:

- (a) gardening and recreational activities;
- (b) household storage and maintenance;



- (c) the keeping of pets in compliance with Laws;
- (d) the off-street parking of licensed motor vehicles in association with residential use and in compliance with Laws;
- (e) the parking of no more than one (1) unlicensed motor vehicle unless contained within an enclosed building with continuous view obstructing walls and doorways;
- (f) subject to (d) and (e) directly above, the repair or restoration of motor vehicles owned by a resident of the property;
- (g) the off-street parking of no more than one (1) vehicle having a gross vehicle weight in excess of 5000kg provided such vehicle is not a commercial trailer or vehicle used for the hauling of solid waste, sewage or hazardous materials; and
- (h) the storage of contractors equipment provided such equipment is contained within an enclosed building with continuous view obstructing walls and doorways;

**“Agriculture”** means farming, including the cultivation of the soil for growing crops and rearing animals to provide food, wool and other natural products but excludes commercial composting;

**“Building Code”** means the British Columbia Building Code, as amended from time to time;

**“By-law 1991-03”** means the Tzeachten Zoning By-law duly passed by Tzeachten Council and amended by By-law 1992-01 and sub-titled, “A By-law to designate the Tzeachten Indian Reserve as a Mixed Use Zone and to prohibit any use of land, or the carrying on of any class of business or trade within such Comprehensive Development Zones except to the extent that such use of land or the carrying on of any such class of business or trade conforms to the requirements of this By-law”;

**“Carriage House”** means a legal, detached, structure affixed to the ground with a foundation, designed for Residential Use as an Accessory Dwelling Unit that is subordinate to the Principal Residence or Two-Family Attached Dwelling, and is a maximum size of 800 square feet;

**“Common Amenity Area”** means an area designated for the recreation or enjoyment of all occupants of a Multi-Family Residential Use,

**“Common Greenspace Area”** means an outdoor greenspace or park area designated for recreation, quality of life, or community use by all Members and occupants of a Residential Use or Multi-Family Residential Use, including a Multiple-Family Attached Dwelling, apartment, or other development with multiple Dwelling Units on a single lot or within the development,

**“Dwelling Unit”** means one or more habitable rooms designed, occupied or intended for occupancy by one or more persons as an independent and separate residence in which:

- (a) cooking, sleeping and sanitary facilities are provided for the exclusive use of such person or persons, or
- (b) the units or suites do not have exclusive cooking, sleeping and sanitary facilities but are rented out or are deemed by the Lands Manager to be Dwelling Units;

**“DU per ha”** means Dwelling Units per hectare;

**"General Manager"** means any person who is appointed and employed by Band Council in the capacity of Administrative Manager of the Band,

**"Height"**, in relation to buildings means the vertical distance from the average grade to:

- (a) the highest point of any exterior wall on a flat roofed building, or
- (b) the average height between eaves and the ridge on a gable-roofed building, but excludes the following providing that they comply with all Tzeachten laws:
- (c) elevator shafts,
- (d) chimneys, exhaust and ventilation structures and similar structures,
- (e) alternative energy structures including wind generators and solar panels, and
- (f) other similar structures.

**“Home-Based Business”** means a use of a commercial nature of a family residence that is clearly secondary in nature to the Residential Use and that complies with all applicable laws. Uses may include the following or activities of a similar nature and scale which are not otherwise prohibited or restricted by law:

- (a) the Business of renting apartment suites or units where not more than two (2) suites or units are made available for rent,
- (b) the door-to-door sale of newspapers published in Canada,
- (c) public schools,
- (d) the teaching of music, handicrafts or art as a home occupation where such teaching involves not more than one class of five (5) students at one time,
- (e) garage sales or yard sales held by Tzeachten Members or occupants of Tzeachten Lands where there are fewer than four (4) days per year of sales,
- (f) sales of baked goods cooked in the home of a Member or occupant of Tzeachten Lands,
- (g) small scale, non-commercial, periodic fund-raising events by Tzeachten Members or organizations or occupants of Tzeachten Lands,
- (h) creation and sale of carvings, crafts, and other art work and crafts by Members,
- (i) small-scale home-based activities by Tzeachten Members or occupants of Tzeachten Lands including Avon, Herbalife, Tupperware, locally made crafts, etc., or

- (j) small-scale home-based services such as hair cutting where there is no more than one chair or station;

**“Mobile Home”** means a factory-built unit designed for Residential Use that:

- (a) is insured;
- (b) meets all current CSA standards for Mobile Homes;
- (c) is not attached to a permanent foundation; and
- (d) includes a manufactured home;

**“Mobile Home Park”** means an area of land which contains Mobile Home pads rented out to residents on a short-term basis who live in Mobile Homes that are not attached to a concrete foundation and have not had a building inspection, but does not include Modular Homes;

**“Modular Home”** means a factory-built unit that is designed for Residential Use, to be transportable and is placed on a permanent foundation and used by itself or incorporated with similar units at a building site for the purposes of year-round habitation;

**“Multi-Family Use”** means to be occupied or intended for occupancy by multiple families as a residence within a building containing two or more Dwelling Units;

**“Multiple-Family Attached Dwelling”** means a building containing three or more Dwelling Units, each having direct access to the outside at ground level, where no dwelling is wholly or partly above another Dwelling Unit, and includes a townhome, triplex, or rowhouse;

**“Non-conforming”** means a lawful building, structure or use of land that was in place prior to November 13, 1991 and that is conditionally grandfathered to allow its continued use in accordance with this Law”,

**“Person”** means any natural person, corporation, and, except where stated otherwise, any person who is a Member of Tzeachten,

**“Principal Residence”** means the usual place where an individual or one family makes their home and may include a Single-Family Dwelling;

**“Private Amenity Area”** means an area designated for the recreation or enjoyment of the occupants of an individual Dwelling Unit within a Two-Family Attached Dwelling, Multiple-Family Attached Dwelling, or apartment;

**“Rental”** means the renting of a Dwelling Unit, or any part of it, and, depending on the context, includes short-term or vacation rentals;

**“Reserve”** means the whole of the Tzeachten Indian Reserve No.13, including, without limiting the generality of the foregoing, any conditionally surrendered lands,

designated lands, and lands subject to any form of leasehold interest, allotment, certificate of possession or permit;

**“Residential Use”** means to be occupied or intended for occupancy by one or more persons as a residence in which cooking, sleeping, and sanitary facilities are provided;

**“Secondary Suite”** means an additional Dwelling Unit located within and as part of a building that is occupied or intended for occupancy as a Principal Residence;

**“Sign”** means any visual representation or attention-drawing device which communicates information or advertising for any purpose;

**“Single-Family Dwelling”** means a detached building having independent exterior walls and containing one (1) self-contained Dwelling Unit and may contain a Secondary Suite as a second Dwelling Unit;

**“Temporary Accessory Dwelling Unit”** includes a trailer, Mobile Home, RV, camper, container or other non-permanent or mobile structure that is not attached to a permanent foundation, and is intended for temporary Residential Use rather than for year-round habitation;

**“Tiny Home”** means a small home that is designed for Residential Use and is placed on a permanent foundation for the purposes of year-round habitation;

**“Two-Family Attached Dwelling”** means a building containing two (2) Dwelling Units, each having direct access to the outside at ground level, where no dwelling is wholly or partly above another Dwelling Unit, and includes a duplex and may contain a Secondary Suite as a third Dwelling Unit;

**“Utility”** means:

- (a) the physical works of a public or private utility company including hydro power, oil and gas;
- (b) a structure required for the essential servicing of Tzeachten Lands or residents on Tzeachten Lands with water, sewer, electricity, telephone (excluding cellular telephone) and similar services; and
- (c) includes underground utilities, pipelines for the transportation of oil, other liquid and gaseous hydrocarbons, and products thereof, and appurtenances thereto, but
- (d) excludes electric power generation facilities and towers for cellular telephones; and

**“Zone”** means a Zone described in PART 10 and set out in Schedule “A”.

## **PART 5. REPEAL AND REPLACEMENT**

5.1 Tzeachten Law No. 10-01, *Zoning and Land Use Plan Law, 2010* was formerly repealed and replaced with the original version of this Law.

## PART 6. GENERAL REGULATIONS

### *Prohibited Activities without Authorization*

6.1 Within the Tzeachten Lands, none of the following are permitted except in strict conformity with the requirements of this Law, any other applicable Laws including the *Tzeachten Subdivision, Development and Servicing Law*, the Tzeachten Land Use Plan and any applicable Tzeachten Design Guide:

- (a) any activity, use or development on a parcel of land which is not in strict conformity with the activities, uses and developments explicitly permitted for that parcel of land in that Zone,
- (b) commencement or continuance of any use of lands, buildings or structures, or activity, even if nominally permitted for a specific Zone, without first demonstrating compliance with all applicable laws, authorizations and standards, including those relating to health, safety, environmental and all other requirements,
- (c) commencement of operations by a business or trade which involves a use of any lands, buildings or structures land use or any activity that is not in conformity with the requirements of this Law, and
- (d) re-zoning.

### *Requirements for Accessory Dwelling Units (including Tiny Homes, Modular Homes, Secondary Suites and Carriage Houses)*

6.2 Within Tzeachten Lands, unless specified otherwise in a Zone, a CP-holder who owns a lot:

- (a) with an area of one (1) acre or larger, may construct or add up to
  - (i) three (3) Accessory Dwelling Units to the lot, in addition to a Principal Residence, or
  - (ii) two (2) Accessory Dwelling Units to the lot, in addition to a Two-Family Attached Dwelling, or
- (b) with an area of less than one (1) acre, may construct or add one (1) Accessory Dwelling Unit to the lot, in addition to a Principal Residence,

as permitted in strict conformity with the requirements of this Law, any other applicable Laws including the *Tzeachten Subdivision, Development and Servicing Law*, the Tzeachten Land Use Plan and any applicable Tzeachten Design Guidelines, if the following requirements are met:

- (c) a sketch, map, or plan is provided, showing the layout of the buildings, how services are to be accessed, and how all fire safety and emergency vehicles can access the lot;
- (d) each Accessory Dwelling Unit is attached to a permanent foundation;

- (e) each Accessory Dwelling Unit is constructed to the Building Code or to an equivalency to the Building Code as confirmed by an engineer, building inspector or other registered professional;
- (f) each Accessory Dwelling Unit is connected to essential servicing on Tzeachten Lands (water, sewer, electricity, and similar services) as approved by the Tzeachten Lands Office;
- (g) there is available parking within the lot or in permitted areas for at least one (1) motor vehicle for each Accessory Dwelling Unit;
- (h) the intended use for up to two (2) Accessory Dwelling Units if the lot size is one (1) acre or larger, or for one (1) Accessory Dwelling Unit if the lot size is less than one (1) acre, will be to provide affordable accommodation for family members of the CP-holder;
- (i) no more than one (1) Accessory Dwelling Unit will be rented out to non- family members or non-Tzeachten Members, in accordance with the requirements of this Law;
- (j) the maximum number of people residing in each Accessory Dwelling Unit will be two (2) people for an Accessory Dwelling Unit under 600 square feet and four (4) people for an Accessory Dwelling Unit between 600 to 800 square feet; and
- (k) there is confirmation by an engineer, building inspector or other registered professional that all fire safety and emergency vehicle access requirements have been met.

6.3 Despite subsection 6.2, a CP-holder may apply for a re-zoning or a change in land use under subsection 8.10:

- (a) for a lot that is less than one (1) acre in size, to add up to three (3) Accessory Dwelling Units to the lot, in addition to the Principal Residence;
- (b) for a lot that is less than one (1) acre in size, to add up to two (2) Accessory Dwelling Units to the lot, in addition to a Two-Family Detached Dwelling; or
- (c) for a lot that is one (1) acre in size or larger, to add additional Accessory Dwelling Units to the lot, in addition to the Principal Residence or Two-Family Detached Dwelling.

*Uses Generally Prohibited in All Zones*

6.4 The following uses of land, buildings and structures shall be generally prohibited within Tzeachten Lands and all Zones unless specifically permitted:

- (a) the storage of fuel or other flammable liquids for commercial or industrial purposes in quantities greater than 50 litres in or adjacent to a Dwelling Unit or Accessory Buildings except:

- (i) in compliance with all environmental and safety requirements which may include requirements for approved storage containers and concrete pads, and
  - (ii) in compliance with a permit obtained through Tzeachten Law in consultation with the Fire Chief;
- (b) use of any land as a garbage dump, waste facility or hazardous waste facility;
- (c) using a Temporary Accessory Dwelling as a Dwelling Unit or for Residential Use, or connecting a Temporary Accessory Dwelling Unit to septic, sewer, water or other services except in compliance with a permit;
- (d) on-street parking or visible storage of:
  - (i) unlicensed, uninsured or inoperable heavy equipment;
  - (ii) more than one unlicensed, uninsured or inoperable motor vehicles for personal or family use unless specifically permitted;
- (e) notwithstanding any other provisions of this Law, a use which results in any of the following impacts on neighbours or other owners or occupiers outside of the originating parcel of land:
  - (i) unreasonable or objectionable levels of sound, noise, heat or glare;
  - (ii) unsafe, unhealthful or objectionable levels of odour, vapour, dust, fumes, ash or any other potentially toxic or noxious substance or material;
  - (iii) ground vibration;
  - (iv) radiation or electromagnetic interference; or
  - (v) any environmental, health or safety hazard to persons or property in areas surrounding the use;
- (f) the growing, propagation or harvesting of cannabis or controlled crops in any area, building or structure except in strict compliance a valid and subsisting license or exemption from Tzeachten and the federal government or the medical health officer;
- (g) production or manufacture of a controlled substance in a laboratory in any building or structure, excluding a licensed compounding pharmacy;
- (h) structures or construction within watercourse or parcel setback areas; and
- (i) all uses not listed as “Uses Permitted in All Zones” or as “Permitted Uses” in a specific zone, or otherwise permitted by Law.

#### *Temporary Accessory Dwellings*

#### 6.5 For greater certainty, Temporary Accessory Dwellings:

- (a) may be used for temporary residential use by family members or Tzeachten Members for a period of not more than sixty (60) total days in any calendar year;

- (b) for any residential use, require:
  - (i) safe connections to any electricity used by the occupant,
  - (ii) smoke alarms, shielding for heat sources, and exits for fire safety, and
  - (iii) safe and sanitary septic connections or a means of safely and responsibly disposing of sewage and gray water; and
- (c) for residential uses of Accessory Buildings, Cargo Containers, RVs or Trailers of greater than sixty (60) days in any calendar year require:
  - (i) a building permit or occupancy permit from Tzeachten; and
  - (ii) a rental permit from Tzeachten Lands for any rental or use by non-Members.

*Uses Permitted in All Zones*

6.6 Despite subsections 6.1, 6.2, 6.3, and 6.4 the following uses are generally permitted in all Zones subject to compliance with all applicable laws, the Land Use Plan and any applicable Tzeachten Design Guidelines:

- (a) community recreation playgrounds or fields,
- (b) greenspace, parks and trails,
- (c) construction of any structure which is not a Dwelling Unit and the footprint of which is less than 200 square feet,
- (d) construction, maintenance or finishing of trails, driveways, and internal roads for single family residential sites on which the driveway is completely within a single parcel of land,
- (e) underground works used for the conveyance, transmission or transportation of water, electricity, communications signals and services, sewage, oil, other liquid and gaseous hydrocarbons, and products thereof, and all other substances or physical phenomena which can be carried over by, or through pipes, wires or cables, and appurtenances thereto, subject to receiving development permits and meeting any other requirements under Tzeachten Laws and other laws;
- (f) landscaping, and minor yard work which does not require an excavation deeper than 1.5 m or the removal or deposit of more than 10 m<sup>3</sup> of soil, gravel or other material, and
- (g) storage or use of trailers, RVs, campers and temporary structures with no hook-ups or connections to services and that are not used as a Dwelling Unit for Residential Use.

6.7 Any uses or activities permitted under this Law must still comply with all applicable Laws, Tzeachten Land Use Plans and Tzeachten Design Guidelines

*Tzeachten Design Guidelines*

6.8 Tzeachten Design Guidelines will be developed by a Design Committee for the purposes of ensuring that all new projects, developments, activities and procedures conform to the basic principles of livability, environmental/ green housing, integration with greenspace, trails, and amenities, and are reflective of Tzeachten and Sto:lo culture and heritage.



6.9 All projects, developments, activities and procedures:

- (a) must comply with the Tzeachten *Subdivision, Development and Servicing Law*; and
- (b) must conform with the Tzeachten Design Guidelines, as amended from time to time, unless these requirements are waived by Law or in writing by an authorized Tzeachten representative, on the recommendation of the Design Committee.

6.10 A Design Committee is established with membership from the Tzeachten Lands Management Advisory Committee and other volunteer or contracted professionals (e.g. architect or engineer) as required from time to time.

*Rental Restrictions for Developers*

6.11 In any Zone that allows Rentals as a permitted use, for rental homes or dwelling units that are purpose-built for renting or are owned by the developer or a corporation, subsidiary, multi-unit purchaser or successor to the developer, the following requirements must be met:

- (a) rental of no more than fifteen percent (15%) of the total number of homes or units within the development or each phase of a development;
- (b) rental of each eligible home or unit for a term of no less than four (4) months at a time;
- (c) no Air BnB rentals or other types of vacation or temporary rentals for a term of less than four (4) months at a time;
- (d) rental only to the primary tenant for each home or unit and no sub-rentals or sub-lets to secondary tenants except in the case of demonstrated hardship for the primary tenant and with a sub-letting rental permit issued by the Tzeachten Lands Office;
- (e) the developer or other owner or landlord must provide a report to the Tzeachten Lands Office prior to December 31<sup>st</sup> of each year setting out:
  - (i) the lot number or addresses of homes or units available for rent or rented out during the year,
  - (ii) the number of total homes or units rented, and
  - (iii) the percentage of homes or rental units in comparison to the total number of homes or rental units in the development; and
- (f) prior to engaging in any Rentals or offering or advertising potential Rentals, the leaseholder must demonstrate provisions in their lease or amend their lease to include provisions set out in writing by the Tzeachten Lands office including provisions:
  - (i) requiring the leaseholder or landlord to enforce Tzeachten laws in relation to tenants, take action to deal with problem tenants when requested by Tzeachten in writing, and pay penalties for failure to enforce, and

- (ii) requiring inclusion of these clauses in rental agreements and homeowner agreements or other documents if directed by Tzeachten Lands office.

*Rental Restrictions for Lessees and Sub-lessees*

6.12 In any Zone that allows Rentals as a permitted use, for rental of Principal Residences, Two-Family Attached Dwellings or Accessory Dwelling Units by any individual holding a lease or sub-lease, the following requirements must be met:

- (a) no Air BnB rentals or other types of vacation or temporary rentals for a term of less than four (4) months at a time.

*Rental Restrictions for CP-Holders*

6.13 In any Zone that allows Rentals as a permitted use, for rental of Principal Residences, Two-Family Attached Dwellings or Accessory Dwelling Units by a CP-holder, the following requirements must be met:

- (a) prior to engaging in any Rentals or offering or advertising potential Rentals, the owner or landlord must apply for a rental permit from the Tzeachten Lands Office,
- (b) no Air BnB rentals or other types of vacation or temporary rentals for a term of less than four (4) months at a time,
- (c) rental of no more than one (1) Accessory Dwelling Unit in addition to the Principal Residence or Two-Family Attached Dwelling on each lot,
- (d) the owner or landlord must provide a report to the Tzeachten Lands Office prior to December 31<sup>st</sup> of each year setting out the lot number and description of the Principal Residence, Two-Family Attached Dwelling and Accessory Dwelling Units available for rent or rented out during the year, and
- (e) to ensure Tzeachten First Nation is not subsidizing non-Member renters, the owner or landlord may be required to install a water meter or other meters or systems for the purposes of Tzeachten First Nation tracking and collecting payments for the cost of services to the Rentals.

*Setbacks from Waterbodies and Watercourses*

6.14 Unless otherwise permitted in a specific Zone or authorized by a law, permit, or variance, all buildings, structures and uses must comply with the following setbacks:

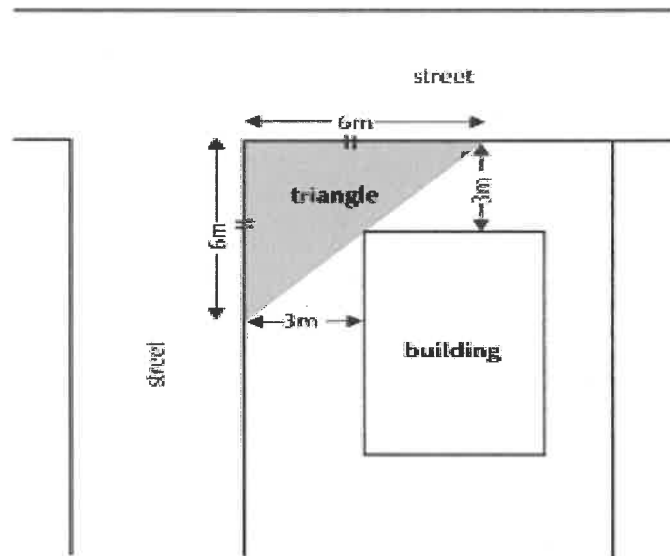
- (a) at least fifteen (15) metres from any waterbody or water course unless otherwise approved by Tzeachten based on written recommendations from a certified professional.

*Corner Visibility and Site Triangles*

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

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

**ILLUSTRATION OF CORNER SIGHT TRIANGLES**



*Servicing Requirements*

6.16 In general, all new developments and Dwelling Units must have servicing (water, sewer, roads, sidewalks, lighting and parking):

- (a) in place, unless these requirements are waived by Law or in writing by an authorized Tzeachten representative; and
- (b) approved by the Tzeachten Lands Department.

6.17 All permitted uses in all Zones are subject to ensuring adequate servicing is available.

6.18 Tzeachten First Nation reserves the right to charge additional fees for any services provided for or paid for by Tzeachten on CP-holder lots with at least one (1) Accessory Dwelling Unit, in addition to the Principal Residence or Two-Family Attached Dwelling Units, where in the opinion of the Tzeachten Lands Office or Housing Office the usage rates for the Accessory Dwelling Units are in excess of reasonable servicing rates for one (1) lot.

*Common Greenspace Area Requirements*

6.19 Tzeachten has a very small area of Tzeachten Lands with limited developable area and a current lack of greenspace. In addition to any requirements for services or contributions to community benefits or amenities, all new developments and subdivisions, including strata subdivisions, in all Zones, except for development and subdivision of lots by Members, require:

- (a) a dedication of five percent (5%) of the area of the land for a Common Greenspace Area that is approved by Council based on a recommendation from the Lands Management Advisory Committee as suitable, or

(b) in extreme circumstances, if approved by Council based on a recommendation from the Lands Management Advisory Committee, a cash donation of ten percent (10%) of the fair market value of the land with the fair market value of the land, determined by Council based on:

- (i) agreement of the applicant and the Lands Manager,
- (ii) an appraisal of the fair market value by an independent appraiser who assesses the average value of the land in the development or subdivision, assuming zoning for the proposed use but no services, at the date of the application or within approximately 90 days before the final approval of the subdivision, with all appraisal costs being paid by the applicant or developer, or
- (iii) the most recent B.C. Assessment valuation.

6.20 Any payment under paragraph 6.19(b) must be paid to the Tzeachten Lands Office:

- (a) prior to final approval of the development permit or subdivision; or
- (b) if the applicant and the Lands Manager enter into an agreement, approved by Council, that the payment be provided or paid by a specific date or upon the occurrence of a specific event, as set out in that agreement.

6.21 In assessing whether the dedication of the five percent (5%) Common Greenspace Area in subsection 6.19 is suitable, the Lands Management Advisory Committee and Council shall take into account:

- (a) the minimum required area shall be one hundred fifty (150 m<sup>2</sup>) square metres;
- (b) the minimum dimensions shall not be less than six (6m) metres, and the minimum contiguous area shall not be less than two hundred (200m<sup>2</sup>) square metres;
- (c) the required area shall have a grade of three percent (3%) or less; and
- (d) no roundabout greenspace, roads, mailbox or similar areas shall be used in calculating the five percent (5%) Common Greenspace Area.

*Fire Protection and Emergency Access in all Zones*

6.22 Unless otherwise specified in an approval, in a Zone in Parts 11 to 22, or prescribed by regulation, the following fire protection and emergency access requirements apply in all Zones:

- (a) all Dwelling Units must be fire safe and where recommended by a building inspector or other registered professional, shall include fire suppression internal sprinkler systems;
- (b) all minimum setbacks for all Dwelling Units are subject to fire safety requirements; and
- (c) the layouts and dimensions of roads and buildings shall provide:
  - (i) sufficient exits to ensure there is a way out of the development if there is an emergency in the future and one road is blocked; and

- (ii) sufficient lane width, turning radius and road and intersection design to allow access to each unit in the development by emergency vehicles including fire trucks.

*Non-conforming Uses Conditionally Continued*

- 6.23 Despite subsections 6.1, 6.2, 6.3, and 6.4, the lawful use of land, or the lawful carrying on of any class of business or trade in a Zone, excluding Signs, that was in place at the time of the passage of Law 03-1991 on November 13, 1991 may be continued as a non-conforming use subject to subsection 6.21.
- 6.24 In the event that a Non-conforming use is discontinued for a period of thirty (30) days or longer, such Non-conforming use shall not be resumed except in compliance with the provisions of this Law.

*Procedure if Non-conforming structure significantly damaged*

- 6.25 A building or structure which is Non-conforming and sustains damage to sixty-six percent (66%) or more of its value cannot be repaired or replaced except in compliance with this Law.
- 6.26 Where any building or structure, the use of which is non-conforming, is significantly damaged, the owner or person lawfully in possession of the building or structure shall report the damage to Tzeachten and:
  - (a) the General Manager or Lands Manager shall carry out an inspection or shall retain a qualified professional to carry out an inspection to assess that building or structure, and,
  - (b) if it is determined that the extent of the damage is sixty-six percent (66%) or more of its value, the General Manager or Lands Manager shall report the initial determination to Council for review.
- 6.27 After having reviewed the determination of the General Manager or Lands Manager, Council shall:
  - (a) decide whether to confirm, reject or vary the initial determination; and
  - (b) give written notice of its decision to the person lawfully in possession of the building or structure.
- 6.28 The notice referred to in subsection 6.27 shall state:
  - (a) the percentage of the value of the building or structure which has, in the opinion of Council, been damaged;
  - (b) that where any building or structure, the use of which is Non-conforming, is damaged to the extent of sixty-six percent (66%) or more of its value, that building or structure shall not be repaired or reconstructed except in conformity with this Law; and
  - (c) that the person lawfully in possession of the building or structure may appeal the decision of Council within fifteen (15) days of his receipt of the notice by sending a Notice of Appeal to Council.

- 6.29 The Notice of Appeal referred to in subsection 6.28(c) shall:
- (a) be in writing and signed by the appellant;
  - (b) set out the name and address of the appellant;
  - (c) state the percentage of the value of the building or structure which has, in the opinion of the appellant, been damaged; and
  - (d) include any supporting photos, documents, expert reports, or other relevant information.
- 6.30 Within twenty (20) days of receipt of a Notice of Appeal under subsection 6.28, Council shall hold a public hearing respecting the appeal.
- 6.31 Council shall give at least seven (7) days' notice in writing of the public hearing to:
- (a) the appellant;
  - (b) those persons lawfully in possession of any lands adjacent to the land on which the building or structure is situated and any other person who, in the opinion of Council, may be affected by the decision; and
  - (c) such other person or persons specified by Council.
- 6.32 The General Manager or Lands Manager shall make available for public inspection before the commencement of the public hearing all photos, documents, reports and other material relevant to the determination of the extent of the damage to the building or structure.
- 6.33 At the public hearing, Council shall provide the following persons with an opportunity to present evidence and to make oral and written submissions regarding the extent of the damage to the building or structure in question:
- (a) the appellant;
  - (b) the General Manager or the Lands Manager;
  - (c) any other person who was given notice in writing of the hearing and who wishes to be heard; and
  - (d) any other person who, in the opinion of Council, is potentially affected or has information which could contribute to a fair determination.
- 6.34 Within fifteen (15) days after the public hearing, Council shall make a decision about the appeal by confirming, rejecting or varying the determination made by the General Manager, the Lands Manager, or a qualified professional regarding the extent of the damage to the building or structure.
- 6.35 If Council confirms that the building or structure has been damaged to the extent of sixty-six percent (66%) or more of its value, the building or structure shall not be repaired or reconstructed except in conformity with this Law.
- 6.36 Within five (5) days after making a decision about the appeal Council shall:

- (a) give written notice of its decision to the appellant; and
  - (b) post a notice of its decision in the Band office.
- 6.37 Any notice which Tzeachten is required to give may be served personally or sent by registered mail, provided that where the notice is sent by registered mail, it shall be deemed to be received by the addressee on the fifth day after it is mailed.

#### *Signs*

- 6.38 No Signs may be posted, constructed or shown except in compliance with Tzeachten Laws.

#### *Parking*

- 6.39 Developments requiring more than 20 parking stalls are to submit a parking circulation plan for approval by Council based on a recommendation from the Lands Management Advisory Committee. This plan should include a diagram that indicates the number and size of stalls, all ingress and egress points, turning radii, and the direction of traffic flows.

### **PART 7. GENERAL USE REGULATIONS**

- 7.1 The following General Use Regulations apply in all Zones:

- (a) all developments shall comply with requirements set out in Tzeachten Laws to minimize flood risks; and
- (b) all developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution, unless connected to a storm drainage system authorized by Tzeachten.

### **PART 8. APPLICATIONS AND APPROVALS**

#### *Temporary Use Permit*

- 8.1 An applicant may apply for a Temporary Use Permit to allow them to carry out for up to one year an activity or land use that would otherwise be prohibited by this Law.
- 8.2 Notwithstanding subsection 8.1, an applicant may apply for a Temporary Use Permit for the following uses for up to one (1) year that would otherwise be prohibited by this Law, where there is a hook-up for septic services, all fire safety and electrical safety requirements have been met, and the applicant provides proof of a functioning smoke alarm and a home insurance policy for personal liability coverage in the amount directed by the Lands Manager:
- (a) in an urgent situation, to allow a family-member of an applicant to reside in a Temporary Accessory Dwelling; or
  - (b) to allow an applicant to reside in a Tiny Home that is on wheels and not attached to a permanent foundation, for the purposes of assessing the suitability of this form of accommodation before committing to a Tiny Home lifestyle.

- 8.3 The intent of Temporary Use Permits under subsection 8.1 is to enable the applicant to carry on a use, which is not a major deviation from allowable uses in that Zone, for a short period of time, while they apply for a re-zoning or land use amendment.
- 8.4 An applicant for a Temporary Use Permit must pay the prescribed fee and complete the prescribed application form.
- 8.5 After circulating an application under subsections 8.1 and 8.2 internally for review and comment, the Lands Manager shall refer the application to Council along with any comments and recommendations from the Tzeachten Lands Management Advisory Committee.
- 8.6 Council shall decide whether or not to approve the application and, without limiting the generality of Council's authority, Council may by Resolution:
- (a) request further information, review or analysis,
  - (b) reject the application, or
  - (c) approve the application with any reasonable terms or conditions.
- 8.7 A Temporary Use Permit approved by Council under subsection 8.6 expires upon the earlier of:
- (a) the date set for expiration by Council in the Resolution approving the Permit; or
  - (b) the first anniversary of the date of the Council Resolution approving the Permit.

*Only one Renewal*

- 8.8 A Person with a Temporary Use Permit may apply to renew the Permit only once for a period of up to one more year.
- 8.9 It is prohibited for a Person to apply for more than one renewal for a Temporary Use Permit for the same use on the same parcel of land.

*Re-zoning or Land Use Amendment Application*

- 8.10 Every applicant applying for a re-zoning or change in land use, including a change in density, to carry out a project, development, activity or procedure set out in subsections 6.1, 6.2, 6.3, or 6.4 shall pay the prescribed fee and submit an application to the Lands Manager in the prescribed form that meets the applicable requirements set out in the following:
- (a) Re-zoning and Land Use Amendment Application and Checklist; and
  - (b) any other relevant requirements.

*Review and Processing of Applications*

- 8.11 Within a reasonable time after receiving a complete application under subsection 8.10, the Lands Manager shall:
- (a) refer the application to a meeting of the Tzeachten Lands Management Advisory Committee along with all relevant information and documentation;



- (b) circulate the application and all relevant information and documentation to relevant internal Tzeachten departments for comment;
  - (c) refer the application to all adjacent CP-holders on Tzeachten Lands;
  - (d) require the applicant, at their own expense, to post a sign board on the parcel of land summarizing the proposed re-zoning; and
  - (e) if appropriate, refer aspects of the application to the City of Chilliwack.
- 8.12 The Lands Management Advisory Committee shall review the application and shall provide recommendations to Council about:
- (a) whether the application should be approved or not; and
  - (b) any suggested modifications, terms or conditions that should be set by Council.
- 8.13 For each application, the Lands Management Advisory Committee shall consider the following general principles and factors:
- (a) the promotion of health, safety, convenience and welfare of Tzeachten Members and of residents and occupants and other persons who have a lawful interest in Tzeachten Lands;
  - (b) well planned and orderly development of Tzeachten Lands and the preservation of amenities and special features of Tzeachten Lands;
  - (c) balancing economic interests and the development of Tzeachten Lands with the need to retain Tzeachten Lands as a home, community, refuge and cultural base for present and future generations of Tzeachten Members;
  - (d) compliance with this Law, the Tzeachten Land Use Plan, Tzeachten Laws and with relevant federal, provincial and municipal laws and standards;
  - (e) environmental protection and enhancement;
  - (f) adherence to Tzeachten housing policies;
  - (g) adherence to any applicable Tzeachten Design Guidelines;
  - (h) provision of community benefits including land and/or funds to Tzeachten for the development of community amenities;
  - (i) protection and enhancement of cultural and heritage sites;
  - (j) compatibility with Tzeachten and Sto:lo culture;
  - (k) viewscales, aesthetics and visual qualities;
  - (l) ensuring adequate parking, access and emergency access;
  - (m) ensuring adequate connection to and provision of utilities and services at the cost of the owner, occupant or developer;
  - (n) the character of the proposed activity or project in relation to the character of the Zone, neighbourhood, and the buildings already erected;
  - (o) the conservation of property values;
  - (p) potential impacts on adjacent uses, owners and occupants;

- (q) the development of the Zone, neighbourhood and Reserve in a manner that contributes to the economic, environmental, cultural and community health of Tzeachten and its Members and the occupants of Tzeachten Land; and
  - (r) any other factors which may have an impact on the community or Tzeachten Lands.
- 8.14 In making recommendations to Council, the Lands Management Advisory Committee may make any relevant recommendations including:
  - (a) any recommendation relating to the general factors set out in subsection 8.13;
  - (b) installation, upgrading, and/or enhancement of roads and sidewalks and/or dedication of roads and/or sidewalks to the First Nation;
  - (c) set-backs or buffers including set-backs or buffers from property lines and environmental features; and
  - (d) any other relevant terms or conditions.
- 8.15 The Lands Manager shall ensure that recommendations from the Lands Management Advisory Committee are written up within seven (7) calendar days after the Committee meeting.
- 8.16 After reviewing the recommendations from the Lands Management Advisory Committee and any comments from adjacent land-owners and from Tzeachten managers and departments, the Lands Manager may request further information, plans, reports, or other relevant material from the applicant which the applicant shall provide.
- 8.17 The Lands Manager shall as soon as practicable after having received the initial application or within seven (7) days of having received the additional information requested under subsection 8.16, forward the application to Council along with:
  - (a) all relevant documents, maps, plans, reports and other information;
  - (b) recommendations from the Lands Management Advisory Committee;
  - (c) any comments received from adjacent land-owners or Members;
  - (d) any comments or recommendations from the Lands Manager and other Tzeachten managers or departments; and
  - (e) any comments from the City of Chilliwack.
- 8.18 Within a reasonable time of receiving the application and information set out in subsection 8.17 Council shall decide whether or not to approve the application and, without limiting the generality of Council's authority, Council may:
  - (a) reject the application,
  - (b) approve the application with any reasonable terms or conditions, including, but not limited to terms or conditions relating to the items set out in subsections 8.13 and 8.14.

## **PART 9. VARIANCES**

9.1 A person who has a proposal to vary minor aspects of the requirements for their Zone to ensure compliance, may apply to the Lands Manager for a variance if the person reasonably believes that compliance with any of the following would cause the person hardship:

- (a) a provision under this Law or another Tzeachten Law or regulation respecting the setbacks, Sign size and locations, siting, building height or size, or the setbacks, siting of a Mobile Home or manufactured home in a Mobile Home Park;
- (b) the prohibition of a structural alteration, replacement or addition under subsection 6.25 6.22; or
- (c) a requirement or other restriction prescribed in a regulation as being a potential subject for a variance application.

9.2 All applications for a variance shall:

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

### *Notice to potentially affected persons*

9.3 If a person makes an application under subsection 9.1 that complies with subsection 9.2, the Lands Manager must notify all owners and tenants in occupation of

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

### *Factors for variances*

9.4 Despite subsection 9.1, the following restrictions and prohibitions apply to all variance decisions. No variance shall:

- (a) be allowed to alter the use or density set out in this Law for the Zone in which the parcel of land that is the subject of the variance application is located;
- (b) be considered except for setbacks, Sign size and locations, building height, size, siting, and other matters specifically prescribed by regulation;

- (c) be approved unless the applicant can demonstrate that it would be a hardship not to grant a variance;
  - (d) compromise fire safety;
  - (e) adversely affect the natural environment in a significant manner;
  - (f) create or contribute to significant new geotechnical risks;
  - (g) create or contribute to significant new flood or flooding risks;
  - (h) cause a major inconvenience to neighbours; nor
  - (i) compromise the basic livability and aesthetics for the project, development or neighbourhood.
- 9.5 The Lands Manager shall compile the information from the application and any comments from potentially affected persons received before the deadline, and bring it to the Lands Management Advisory Committee for a recommendation to Council.
- 9.6 On an application under subsection 9.1, Council, on recommendation from the Lands Management Advisory Committee, may order that a minor variance be permitted from the requirements of this Law in accordance with this Part.
- 9.7 A decision by Council under subsection 9.6 is final.

## **PART 10. ZONES**

- 10.1 Tzeachten Lands are divided into the following Zones:
- (a) 'C' Commercial;
  - (b) 'LI' Light Industrial;
  - (c) 'I' Institutional;
  - (d) 'R1' Low Density and Multi-Family Residential;
  - (e) 'R2' Medium Density and Multi-Family Residential;
  - (f) 'R2(A)' Higher Density and Multi-Family Residential for Members;
  - (g) 'R3' Townhome or Rowhouse;
  - (h) 'MU' Mixed Use;
  - (i) 'REC' Recreation;
  - (j) 'RMH' Residential, Manufactured and Mobile Home; and
  - (k) 'CD1' Comprehensive Development
- 10.2 The boundary lines and areas of the Zones are set out in Schedule "A" which is derived from the Tzeachten Land Use Plan.

## **PART 11. 'C' Commercial Zone**

### *Purpose*

11.1 The 'C' Commercial Zone is intended for uses which are specifically commercial in nature.

### *Uses*

11.2 The following Uses shall be the only Uses permitted in this Zone, subject to the general requirements in Part 6 and Part 7 that apply to all Zones

- (a) in general, the sale of commodities or provision of services, where such commodities or services are not otherwise prohibited,
- (b) tourist-based accommodation businesses such as a hotel or bed-and-breakfast,
- (c) neighborhood convenience stores,
- (d) grocery stores,
- (e) malls,
- (f) cafes, restaurants and fast food outlets
- (g) barber shop or beauty salon,
- (h) sale of items such as:
  - (i) gas and petroleum products for cars;
  - (ii) hardware and sporting goods,
  - (iii) garden supplies,
  - (iv) antiques and second hand goods,
  - (v) groceries and pharmacy items,
  - (vi) jewelry,
  - (vii) shoes and clothing,
  - (viii) books and stationery,
  - (ix) gifts and souvenirs,
  - (x) art, craft and hobby items, and
  - (xi) DVDs, CDs, electronic media, music, tapes records and musical instruments.
- (i) Sale or service of:
  - (i) appliances and household furnishings, and
  - (ii) business and office equipment.
- (j) Dental or Medical clinic or laboratory;
- (k) Restaurant;
- (l) Neighbourhood pub or other beverage room (subject to the regulations made pursuant to the Liquor Control And Licensing Act);

- (m) Indoor recreation and fitness;
- (n) Printing and publishing;
- (o) Offices and financial institutions;
- (p) Theatre or Movie Theatre;
- (q) Indoor Amusement centre;
- (r) Child Care Facility;
- (s) Business services;
- (t) Beverage Container Return Depot;
- (u) U-Brew, self-brew and self-vinting
- (v) Liquor Store (subject to the regulations made pursuant to the Liquor Control And Licensing Act);
- (w) commercial centers;
- (x) shopping centre malls; and
- (y) Mixed Residential and Commercial.

*Lot Size*

11.3 The minimum lot size is 7266 sq. ft. or approximately 675 m2.

*Lot Dimensions (Minimum)*

11.4 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

*Density (Maximum)*

11.5 N/A

*Lot Coverage and Drainage*

11.6 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

11.7 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Commercial (excluding Signs and Residential)	1m	6.0m	6.0m	1m
Residential	6.0m	7.5m	1.2m	4.5m

*Siting*

11.8 Despite the setbacks in subsection 11.7, no structure shall be sited within the “Sight Triangle” as required in subsection 6.15 of this Law.

*Building Height (Maximum)*

11.9 The maximum allowable building heights are:

- (a) 10m for Commercial uses;
- (b) 10m or three (3) storeys for Principal Residence; and
- (c) 8m or two (2) storeys for Accessory Buildings.

*Off-Street Parking Spaces (Minimum)*

11.10 The following minimum number of off-street parking spaces shall be provided:

- (a) 1 space per 40 m<sup>2</sup> (approximately 430.5 sq ft) of sales or office space (City requires 1 space per 40m<sup>2</sup>);
- (b) 1 space per 10m<sup>2</sup> (approximately 107.6 sq ft) of restaurant, assembly or gathering place;
- (c) 1 space per each Dwelling Unit; and
- (d) 1 bicycle parking space per every 30 m<sup>2</sup> of office or retail space.

11.11 Where appropriate, one or more parking spaces for electrical vehicles may be required, including charging facilities.

*Servicing Requirements*

11.12 For new commercial establishments, industrial developments, subdivisions, and market housing, all developments must have servicing (water, sewer, roads, sidewalks, lighting and parking) in place and must be approved by the Tzeachten Lands Department.

*Fencing, Screening and Landscaping*

11.13 The following minimum standards apply:

- (a) Fencing, screening and landscaping shall be provided in accordance with Tzeachten Laws;

- (b) A landscape screen of not less than 1.5 m. high or a solid decorative fence at least 1.5 m. high shall be provided and maintained along rear and interior side lot lines adjacent to a zone which permits Residential Use;
- (c) Outdoor storage areas shall be screened from view from adjacent lots by a landscape screen or decorative fence or a combination thereof with minimum height of 1.8 m; and
- (d) Where more than three (3) parking spaces are provided, these spaces shall be separated from any street by a landscaped screen, not less than one (1) meter in width and not less than one (1) meter in height.

#### *Signs*

11.14 Signs shall be located, constructed and permitted in accordance with Tzeachten Laws.

## **PART 12. 'LI' LIGHT INDUSTRIAL ZONE**

#### *Purpose*

12.1 The 'LI' Light Industrial Zone is intended for uses which are specifically light industrial in nature.

#### *Uses*

12.2 The following Uses shall be the only Uses permitted in this Zone, subject to the general requirements in Part 6 and Part 7 that apply to all Zones

- (a) Warehousing of legal materials;
- (b) Storage and sale of legal materials excluding fuels, oil in tanks containing more than 3000 litres;
- (c) Storage of chemicals in tanks or containers capable of containing more than 200 litres;
- (d) Light manufacturing and assembly;
- (e) Food processing;
- (f) Industrial services;
- (g) Accessory office and sales;
- (h) Residential Use, including:
  - (i) Accessory Dwelling Units for individuals working at the site or providing managerial or security services;
- (i) Off-street parking;
- (j) Off-street loading; and
- (k) Alternative energy generation.

12.3 For greater certainty, the following Uses do not qualify as light manufacturing or light industry and are not permitted Uses within the Light Industrial Zone:

- (a) Processing or refining of steel, oil or gas or other minerals or petroleum products;



- (b) Extraction of gravel for the purposes of processing or sale;
- (c) Industrial grinding, crushing or processing of gravel or aggregate;
- (d) Vehicle towing or impound yards; and
- (e) Painting, spray booths or other processes that involves atomizing or spraying potentially hazardous chemicals or substances on an industrial scale.

*Lot Size*

12.4 The minimum lot size is 7266 sq. ft. or approximately 675 m2.

*Lot Dimensions (Minimum)*

12.5 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

*Density (Maximum)*

12.6 N/A

*Lot Coverage and Drainage*

12.7 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

12.8 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Commercial (excluding Signs and Residential)	1m	6.0m	6.0m	1m
Accessory Dwelling Unit	2.0m	2.0m	2.0m	2.0m

*Perimeter Buffer*

12.9 A landscaped buffer shall be provided of not less than eight (8) metres from the Front Lot Line and not less than five (5) metres from any other Lot Line. Within this buffer area, no buildings or dwellings, parking or storage, nor roadways will be permitted other than a perpendicular access or crossing.

*Off-Street Parking Spaces (Minimum)*

12.10 The following minimum number of off-street parking spaces shall be provided:

- (a) 1 space per 40 m2 (approximately 430.5 sq ft) of sales or office space;
- (b) 1 space per 100m2 (approximately 1076 sq ft) of Warehouse and other buildings;

- 12.11 Where appropriate, one or more parking spaces for electrical vehicles may be required, including charging facilities.
- 12.12 Subject to 12.13, the minimum size of each off-street parking lot shall be 3m x 7m.
- 12.13 A maximum of 20% of all off street parking lots may have a minimum size of 3m x 4m for small cars.
- 12.14 All underground parking, and parking structures, must have a minimum clearance of 2.3 meters, which must be indicated at all entrances with a light-weight horizontal bar at the appropriate height.

*Intended Uses*

- 12.15 Unless otherwise specified in an approval or prescribed by regulation, all developments must be designed in a manner that promotes the construction of buildings, increased business activity and increased economic generation, in strict conformity with the requirements of this Law, any other applicable Laws including the Tzeachten *Subdivision, Development and Servicing Law*, the Tzeachten Land Use Plan, any applicable Tzeachten Design Guidelines and any regulation.

**PART 13. 'I' INSTITUTIONAL ZONE**

*Purpose*

- 13.1 The 'I' Institutional Zone is intended for uses which are specifically related to facilities which are 'institutional' in nature, such as medical and private care, schools, as well as general public use facilities, such as public service functions and utilities. The Institutional Zone also is also intended for uses that are suitable for the community's use, such as recreational areas, parks, tourist centers.

*Uses for Institution*

- 13.2 The following Uses shall be the only Uses permitted in this Zone, subject to the general requirements in Part 6 and Part 7 that apply to all Zones
- (a) Administration relating to Tzeachten governance or community;
  - (b) Public or private assembly;
  - (c) Community recreation facilities;
  - (d) Cultural facilities including Big Houses and Smoke Houses;
  - (e) Cemeteries and burial grounds;
  - (f) Schools, education or training facilities;
  - (g) Child care and family services;
  - (h) Emergency planning and response facilities;
  - (i) Dental, Medical or Health facilities, clinics or laboratories;
  - (j) Tourism facilities; and
  - (k) Parking, loading and storage facilities directly related to one of the above uses.

#### *Lot Size*

13.3 The minimum lot size is 7266 sq. ft. or approximately 675 m2.

#### *Lot Dimensions (Minimum)*

13.4 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

13.5 The minimum lot dimensions for any lot are 15m wide by 30m deep.

#### *Density (Maximum)*

13.6 N/A

#### *Lot Coverage and Drainage*

13.7 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

#### *Setbacks (Minimum distance to lot line)*

13.8 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Accessory Dwelling Units	2.0m	2.0m	2.0m	2.0m
All other structures and buildings (excluding Signs)	6.0m	6.0m	6.0m	6.0m

#### *Heights (Maximum)*

13.9 The maximum allowable building heights are:

- (a) 10m for Accessory Buildings; and
- (b) 15m for all other buildings and structures excluding Signs.

#### *Off-Street Parking (Minimum)*

13.10 The minimum number of off-street parking spaces shall be:

- (a) one space per 30m2 of recreation, indoor recreation or related structure; and
- (b) one bicycle parking space per fifteen car parking spaces.

13.11 The minimum size of each off-street parking lot shall be 3m x 7m.

#### *Perimeter Buffer*

13.12 A landscaped buffer, which is separate from the individual Mobile Home pads, shall

be provided of not less than 8.0m from the Front Lot Line and not less than 5.0m from any other Lot Line. Within this buffer area, no buildings or dwellings, parking or storage, nor roadways will be permitted other than a perpendicular access or crossing.

*Recreation Area or Green Space*

13.13 In addition to any required perimeter area, a recreation area or green space of not less than 5% of the gross site area shall be established:

- (a) Where indoor recreation space is provided, it shall be counted as double its actual area.

*Signs*

13.14 All signs shall be located, constructed and permitted in accordance with Tzeachten Laws and may require a Development Permit.

**PART 14. 'R1' LOW DENSITY AND MULTI-FAMILY RESIDENTIAL ZONE**

*Purpose*

14.1 The 'R1' Residential Zone is intended for uses which are specifically residential in nature and which are not medium or high density.

*Servicing*

14.2 For new subdivisions, all residential units must have servicing (water, sewer, roads, sidewalks, lighting) in place and must be approved by the Tzeachten Lands Department, regardless of their intended density.

*Uses*

14.3 The following Uses shall be the only Uses permitted in this Zone subject to the general requirements in Part 6 and Part 7 that apply to all Zones

- (a) Residential Use, including:
  - (i) Single Family Dwellings,
  - (ii) Two-Family Attached Dwellings,
  - (iii) Multiple-Family Attached Dwellings, with a maximum of four (4) units,
  - (iv) Accessory Dwelling Units;
  - (v) Subject to the Rental Restrictions in Part 6, rental of Dwelling Units in paragraphs (i) –(iv),
- (b) Underground Utilities and appurtenances, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other Laws;
- (c) Cultural facilities including Big Houses and Smoke Houses;
- (d) Cemeteries and burial grounds;
- (e) Accessory Uses and Accessory Buildings; and
- (f) Uses that are legitimately and reasonably ancillary to Residential Use and are not otherwise prohibited by this Law or other laws.

### *Lot Size*

14.4 The minimum lot size is:

- (a) For family use of a lot that is 10ha or bigger, 2 ha;
- (b) For family use of a lot that is smaller than 10 ha, 9688 sq ft or approximately 900 m<sup>2</sup>; and
- (c) For market housing intended for rental, lease or purchase, 7000 sq ft or approximately 650.2 m<sup>2</sup>, or 0.065 ha.

### *Lot Dimensions (Minimum)*

14.5 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

### *Density (Maximum)*

14.6 For lots that are one (1) acre or larger in size, the maximum density shall not exceed:

- (a) one (1) Principal Residence and up to three (3) Accessory Dwelling Units,
- (b) one (1) Two-Family Attached Dwelling and up to two (2) Accessory Dwelling Units; or
- (c) one (1) Multiple-Family Attached Dwelling with up to four (4) units.

14.7 For lots that are less than one (1) acre in size, the maximum density shall not exceed:

- (a) one (1) Principal Residence and one (1) Accessory Dwelling Unit; or
- (b) one (1) Two-Family Attached Dwelling.

### *Lot Coverage and Drainage*

14.7 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

### *Setbacks (Minimum distance to lot line)*

14.8 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential	6.0m	7.5m	1.2m	4.5m
Accessory Dwelling Unit	2.0m	2.0m	2.0m	2.0m
Accessory Building	6.0m	1.0m	1.0m	4.5m

*Building Height (Maximum)*

14.9 The maximum allowable building heights are:

- (a) 10m or no more than 3 storeys for Residential Use;
- (b) 8m or no more than 2 storeys for Accessory Dwelling Unit; and
- (c) 10m for Accessory Buildings.

*Off-Street Parking Spaces (Minimum)*

14.10 The following minimum number of off-street parking spaces shall be provided:

- (a) two (2) spaces per Dwelling Unit, other than Accessory Dwelling Units, and
- (b) one (1) space per Accessory Dwelling Unit.

*Fencing, Screening and Landscaping*

14.11 The following minimum standards apply:

- (a) Screening to maintain privacy and ensure visual buffers between different uses shall be provided between all new commercial, industrial, institutional and Residential Uses, and between multi-family residential development and single family detached/ duplex homes on adjacent properties.
- (b) Screening so required shall be installed by, and at the cost of, the interest-holder or developer carrying out the new development, along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) berm,
  - (ii) fence,
  - (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) Despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) The screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required within the zone;
  - (ii) contribute to privacy and provide a visual buffer;
  - (iii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;
  - (iv) Masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
  - (v) View-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
  - (vi) Any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level.

### *Signs*

- 14.12 All Signs shall be located, constructed and permitted in accordance with Tzeachten Laws and may require a Development Permit.

## **PART 15. 'R2' MEDIUM DENSITY AND MULTI-FAMILY RESIDENTIAL ZONE**

### *Purpose*

- 15.1 The 'R2' Residential Zone is intended for uses which are specifically residential in nature but with a higher allowable density than R1.

### *Servicing*

- 15.2 For new subdivisions, all residential units must have servicing (water, sewer, roads, sidewalks, lighting) in place and must be approved by the Tzeachten Lands Department, regardless of their intended density.

### *Uses*

- (a) The following Uses shall be the only Uses permitted in this Zone subject to the general requirements in Part 6 and Part 7 that apply to all Zones Residential Use, including:
  - (i) Single Family Dwelling,
  - (ii) Two-Family Attached Dwelling,
  - (iii) Multiple-Family Attached Dwelling with a maximum of ten (10) units,
  - (iv) apartments,
  - (v) Accessory Dwelling Units,
  - (vi) Subject to Rental Restrictions in Part 6, rental of Dwelling Units in paragraphs (i) – (v),
- (b) Underground utilities and appurtenances, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other laws;
- (c) Accessory Uses and Accessory Buildings;
- (d) Cultural facilities including Big Houses and Smoke Houses;
- (e) Cemeteries and burial grounds; and
- (f) Uses that are legitimately and reasonably ancillary to Residential Use and are not otherwise prohibited by this Law or other laws.

### *Lot Size*

- 15.3 The minimum lot size is:

- (a) For family use of a lot that is 10ha or bigger, 2 ha;
- (b) For family use of a lot that is smaller than 10 ha, 9688 sq ft or approximately 900 m2 and

- (c) For market housing intended for rental, lease or purchase, 7000 sq ft or approximately 650.2 m<sup>2</sup>, or 0.065 ha.

*Lot Dimensions (Minimum)*

- 15.4 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

*Density (Maximum)*

- 15.5 For lots that are one (1) acre or larger in size, the maximum density shall not exceed:

- (a) one (1) Principal Residence and up to three (3) Accessory Dwelling Units; or
- (b) one (1) Two-Family Attached Dwelling and up to two (2) Accessory Dwelling Units.

- 15.6 For lots that are less than one (1) acre in size, the maximum density shall not exceed:

- (a) one (1) Principal Residence and one (1) Accessory Dwelling Unit; or
- (b) one (1) Two-Family Attached Dwelling.

*Lot Coverage and Drainage*

- 15.7 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

- 15.8 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential	6.0m	6.0m	1.2m	4.5m
Accessory Dwelling Units	2.0m	2.0m	2.0m	2.0m
Accessory Buildings	6.0m	1.0m	1.0m	4.5m

*Building Height (Maximum)*

- 15.9 The maximum allowable building heights are:

- (a) 10m and no more than 3 storeys for a Single Family Dwelling, Two-Family Attached Dwelling or Multiple-Family Attached Dwelling;
- (b) 8m and no more than 2 storeys for Accessory Dwelling Units;
- (c) 15m and no more than 5 storeys for apartment buildings; and



- (d) 10m for Accessory Buildings.

*Off-Street Parking Spaces (Minimum)*

15.10 The following minimum number of off-street parking spaces shall be provided:

- (a) two (2) spaces per Dwelling Unit that is not an Accessory Dwelling Unit;
- (b) one (1) space per Accessory Dwelling Unit;
- (c) one (1) space per five (5) Dwelling Units (accessible to the public and designated as "visitor parking"), where an equivalent number of on-street parking spaces are unavailable on a road abutting the property; and
- (d) where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable number of parking spaces and charging stations for electric vehicles.

*Fencing, Screening and Landscaping*

15.11 The following minimum standards apply:

- (a) screening shall be provided at the expense of the land-holder or developer between commercial, industrial, institutional and Residential Uses, and between multi-family residential development and single family detached/duplex homes on adjacent properties.
- (b) screening so required shall be installed along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) landscaped berm,
  - (ii) fence,
  - (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) the screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required within the zone;
  - (ii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;
  - (iii) masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
  - (iv) view-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
  - (v) any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level

### *Signs*

- 15.12 All Signs shall be located, constructed and permitted in accordance with this Law and any other applicable Tzeachten Laws.

## **PART 16. 'R2(A)' HIGHER DENSITY RESIDENTIAL ZONE FOR MEMBERS**

### *Purpose*

- 16.1 The 'R2(a)' Residential Zone is intended for uses which are specifically residential in nature but with a higher allowable density than R2 and are focused on housing for Members.

### *Servicing*

- 16.2 For new subdivisions, all residential units must have servicing (water, sewer, roads, sidewalks, lighting) in place and must be approved by the Tzeachten Lands Department, regardless of their intended density.

### *Uses*

- 16.3 The following Uses shall be the only Uses permitted in this Zone subject to the general requirements in Part 6 and Part 7 that apply to all Zones Residential Use, including:
- (a) apartment buildings for Tzeachten Members, and subject to Rental Restrictions in Part 6, rental of Dwelling Units in apartment buildings;
  - (b) Underground utilities and appurtenances, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other laws;
  - (c) Accessory Uses and Accessory Buildings; and
  - (d) Uses that are legitimately and reasonably ancillary to Residential Use and are not otherwise prohibited by this Law or other laws.

### *Lot Size*

- 16.4 The minimum lot size for market housing intended for rental, lease or purchase is 32291 sq ft or approximately 3000 m<sup>2</sup>, or 0.3 ha.

### *Lot Dimensions (Minimum)*

- 16.5 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

### *Density (Maximum)*

- 16.6 The maximum density shall not exceed 45 Dwelling Units per ha.

### *Lot Coverage and Drainage*

- 15.7 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

15.8 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential	6.0m	6.0m	1.2m	4.5m
Accessory Dwelling Units	2.0m	2.0m	2.0m	2.0m
Accessory Buildings	6.0m	1.0m	1.0m	4.5m

*Building Height (Maximum)*

16.7 The maximum allowable building heights are:

- (a) 15m and no more than 5 storeys for apartment buildings; and
- (b) 10m for Accessory Buildings.

*Off-Street Parking Spaces (Minimum)*

16.8 The following minimum number of off-street parking spaces shall be provided:

- (a) two (2) spaces per Dwelling Unit that is not an Accessory Dwelling Unit;
- (b) one (1) space per Accessory Dwelling Unit;
- (c) one (1) space per five (5) Dwelling Units (accessible to the public and designated as "visitor parking"), where an equivalent number of on-street parking spaces are unavailable on a road abutting the property; and
- (d) where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable number of parking spaces and charging stations for electric vehicles.

*Fencing, Screening and Landscaping*

16.9 The following minimum standards apply:

- (a) screening shall be provided at the expense of the land-holder or developer between commercial, industrial, institutional and Residential Uses, and between multi-family residential development and single family detached/duplex homes on adjacent properties.
- (b) screening so required shall be installed along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) landscaped berm,
  - (ii) fence,

- (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) the screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required within the zone;
  - (ii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;
  - (iii) masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
  - (iv) view-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
  - (v) any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level

#### *Signs*

16.10 All Signs shall be located, constructed and permitted in accordance with this Law and any other applicable Tzeachten Laws.

### **PART 17. 'R3' TOWNHOME OR ROWHOUSE**

#### *Purpose*

17.1 The 'R3' Residential Zone is intended for uses which are specifically residential in nature but with a higher allowable density than R1 and with options for Two-Family Attached Dwellings and Multiple-Family Attached Dwellings.

#### *Servicing*

17.2 For new subdivisions, all residential units must have servicing (water, sewer, roads, sidewalks, lighting) in place and must be approved by the Tzeachten Lands Department, regardless of their intended density.

#### *Uses*

17.3 The following Uses shall be the only Uses permitted in this Zone subject to the general requirements in Part 6 and Part 7 that apply to all Zones,

- (a) Residential Use, including:
  - (i) Multiple-Family Attached Dwelling,
  - (ii) Two-Family Attached Dwelling,
- (b) Underground utilities and appurtenances, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other laws;
- (c) Accessory Uses and Accessory Buildings, and

- (d) Uses that are legitimately and reasonably ancillary to Residential Use and are not otherwise prohibited by this Law or other laws.

*Lot Size*

17.4 The minimum lot size is:

- (a) For family use of a lot that is 10ha or bigger, 2 ha;
- (b) For family use of a lot that is smaller than 10 ha, 9688 sq ft or approximately 900 m<sup>2</sup>;
- (c) For market housing intended for rental, lease or purchase, 7000 sq ft or approximately 650.2 m<sup>2</sup>, or 0.065 ha; and
- (d) For Multiple-Family Attached Dwellings, lot sizes that fit the density requirements in subsection 17.6.

*Lot Dimensions (Minimum)*

17.5 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

*Density (Maximum)*

17.6 The maximum density shall not exceed 50 Dwelling Units per hectare.

*Lot Coverage and Drainage*

17.7 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

17.8 The following minimum setbacks to lot lines apply:

For outside building envelopes:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential Use	3.0m	4.5m	1.2m	4.5m
Accessory Buildings	3.0m	1.0m	1.0m	4.5m

For attached Dwelling Units:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential Use	6.0m	6.0m	1.2m except 0.0m where walls are shared	4.5m
Accessory Buildings	6.0m	1.0m	1.0m except 0.0m where walls are shared	4.5m

*Building Height (Maximum)*

17.9 The maximum allowable building heights are:

- (a) 10m and no more than 3 storeys for Two-Family Attached Dwellings and Multiple-Family Attached Dwellings;
- (b) 3m for Accessory Buildings.

*Off-Street Parking Spaces (Minimum)*

17.10 The following minimum number of off-street parking spaces shall be provided:

- (a) two (2) spaces per Dwelling Unit;
- (b) one (1) space per five (5) Dwelling Units (accessible to the public and designated as "visitor parking"), where an equivalent number of on-street parking spaces are unavailable on a road abutting the property; and
- (c) where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable number of parking spaces and charging stations for electric vehicles.

*Fire Protection*

17.11 Unless otherwise specified in an approval or prescribed by regulation, all Multi-Family Uses, including Multiple-Family Attached Dwellings and Two-Family Attached Dwellings shall include:

- (a) fire resistant siding on exterior side walls with 1.2m or less setback from side lot lines, and
- (b) fire suppression internal sprinkler systems.

*Legal Agreements; Shared walls, roofs and common areas*

17.12 Any structure with individually owned Dwelling Units that share walls, roofs, common areas or Common Amenity Areas with other Dwelling Units shall have:

- (a) A legal agreement between the individual owners or interest-holders or through an appropriate corporation or association that clearly sets out:
  - (i) monitoring, maintenance and repair responsibilities for individuals and the collective;

- (ii) arrangements for a shared monitoring, maintenance and repair fund to be contributed to on a monthly or annual basis by each individual and the rules governing contributions to this fund and expenditures from it;
- (iii) insurance responsibilities and requirements for the individual owners or interest-holders and the corporation or association; and
- (iv) any other items prescribed by regulation.

*Amenity Areas (minimum)*

17.13 In addition to the Common Greenspace Area requirements, the following Amenity Areas must be provided:

- (a) a Private Amenity Area not less than fifteen (15) square metres [approximately 160 sq. ft.] in area shall be provided for and contiguous to each Two-Family Attached Dwelling or Multiple-Family Attached Dwelling;
- (b) a Common Amenity Area of not less than one hundred and fifty (150) square metres [approximately 1615 sq. ft.] plus five (5) square metres per Dwelling Unit, and minimum dimension of not less than six (6) metres [approximately 19 ft.] shall be provided for all Multi-Family Uses with more than ten (10) units; and
- (c) A storage locker shall be provided for each Multiple-Family Attached Dwelling unit.

*Fencing, Screening and Landscaping*

17.14 The following minimum standards apply:

- (a) screening shall be provided at the expense of the land-holder or developer between commercial, industrial, institutional and Residential Uses, and between Multi-Family Uses and Single Family Dwellings and Two-Family Dwellings on adjacent properties.
- (b) screening so required shall be installed along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) landscaped berm,
  - (ii) fence,
  - (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) Despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) The screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required within the Zone;
  - (ii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;

- (iii) masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
- (iv) view-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
- (v) any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level.

#### *Signs*

17.15 All Signs shall be located, constructed and permitted in accordance with this Law and any other applicable Tzeachten Laws.

### **PART 18. 'MU' MIXED USE ZONE**

#### *Purpose*

18.1 The 'MU' Mixed Use Zone is intended for uses which do not necessarily fit into one single Zone. Comprehensive or mixed use developments, for example, would be included within the Mixed Use Zone. Mixed uses are encouraged, particularly if they promote safe, livable and walkable neighbourhoods with environmentally sustainable developments, and easy access to a range of facilities and services.

#### *Uses*

18.2 The Mixed Use Zone may potentially include uses from other Zones or sub-Zones and a range of mixed uses subject to approval by Council for a specific development for specific parcels of land.

18.3 Due to the proliferation of proposals for large numbers of new rental units on Tzeachten Lands, the small size of the Tzeachten Reserve, and a number of concerns expressed by the Lands Management Advisory Committee that a significant increase in rental units may:

- (a) adversely impact the character of the community on Tzeachten Lands,
- (b) be incompatible with the Land Use Plan, Tzeachten Design Guidelines and the long-term vision of Tzeachten Lands as a place that welcomes other residents into the community but remains a home, community and cultural base for Tzeachten Members,

The number or percentage of dedicated rental units is restricted for each Mixed Use sub-Zone.

18.4 For each new proposed sub-Zone or addition of any parcel of land to an existing sub-Zone,

- (a) the rental restrictions in Part 6 apply, and
- (b) Council may set further or other limits for types or uses or numbers or percentage of occupants or rental units within Mixed Use sub-zones based on this Law, the Land Use Plan and recommendations from the Lands Management Advisory Committee.

#### *Process*



- 18.5 Any Interest-holder or developer wishing to propose specific uses or developments for specific lands or structures within the Mixed Use Zone, shall first provide a complete application package to the Lands Office setting out in detail the proposed uses and developments and no use, activity or development is permitted on the parcel of land for which an application is made until a permit or sub-zone is approved by Tzeachten for that parcel.
- (a) For greater certainty, no interest-holder or applicant has a right or entitlement to any use, activity, development project or existing sub-zone within the Mixed Use Zone and each application for a sub-zone will be assessed on its own merits in accordance with this Law.
- 18.6 If Council approves a detailed plan submitted under subsection 18.5, after having reviewed advice and recommendations from the Lands Management Advisory Committee, that portion of land will be re-zoned as “MU-1”, “MU-2”, etc. as the case may be, and the re-zoning will set out the specific uses, activities and developments permitted in that Zone.

## **PART 19. ‘MU1’ MIXED USE 1 ZONE**

### *Purpose*

- 19.1 The ‘MU1’ Mixed Use Zone contains more detailed and site-specific mixed-use provisions than the provisions in the general Mixed-Use Zone.

### *Servicing*

- 19.2 For new subdivisions, all residential units must have servicing (water, sewer, roads, sidewalks, lighting) in place and must be approved by the Tzeachten Lands Department, regardless of their intended density.

### *Uses*

- 19.3 For the purposes of this sub-zone, Commercial Use means, in general, and subject to meeting all requirements for licenses, permits or approvals, the sale of commodities or provision of services, where such commodities or services are not otherwise prohibited.
- 19.4 The following Uses shall be the only Uses permitted in this Zone subject to the general requirements in Part 6 and Part 7 that apply to all Zones.
- (a) Residential Uses, including:
- (i) Single Family Dwelling units, including attached and detached front load and rear load lots,
  - (ii) Two-Family Attached Dwelling,
  - (iii) Multiple-Family Attached Dwelling,
  - (iv) Apartments, with or without ground floor Commercial Use,
  - (v) With the express written authorization of Tzeachten for a specific lot or development, Accessory Dwelling Units,
  - (vi) Subject to Rental Restrictions in Part 6, rental of Dwelling Units in paragraphs 18.4(a) (i) – (v),

- (b) Permitted Commercial Use,
- (c) Underground utilities and appurtenances, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other Laws;
- (d) Accessory Uses and Accessory Buildings, and
- (e) Uses that are legitimately and reasonably ancillary to Residential Use and are not otherwise prohibited by this Law or other laws.

*Lot Size*

19.5 The minimum lot size is:

- (a) For detached Single Family Dwelling front load lots, 300 m<sup>2</sup>;
- (b) For detached Single Family Dwelling rear load lots, 250 m<sup>2</sup>;
- (c) For attached Single Family Dwelling rear load lots, 180 m<sup>2</sup>; and
- (d) For Two-Family Attached Dwellings and Multiple-Family Attached Dwellings, lot sizes that fit the density requirements in subsection 18.6.

*Lot Dimensions (Minimum)*

19.6 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

*Density (Maximum)*

19.7 The maximum density shall not exceed:

- (a) For Two-Family Attached Dwellings and Multiple-Family Attached Dwellings, 75 DU per ha, and
- (b) For apartments, 250 DU per ha.

*Setbacks (Minimum distance to lot line)*

19.8 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Single Family Dwelling Front Load (Detached)	3.0m	4.5m	1.2m	1.2m
Single Family Dwelling Rear Load (Detached)	3.0m	(from garage) 1.0m	1.2m	1.2m
Single Family Dwelling Read Load (Attached)	3.0m	(from garage) 1.0m	0.0m	1.2m
Two-Family Attached Dwellings and Multiple-Family Attached Dwellings	3.0m	3.0m	4.5m for rears of units. 1.5m for sides of units	3.0m
Apartments	3.0m	3.0m	6.0m	3.0m
Commercial (stand-alone)	3.0m	3.0m	4.5m	3.0m
Accessory Buildings	6.0m	1.0m	1.0m except 0.0m where walls are shared	4.5m

*Building Height (Maximum)*

19.9 The maximum allowable building heights are:

- (a) For Two-Family Attached Dwellings and Multiple-Family Attached Dwellings, 3 stories, not including roof top patios;
- (b) For Apartments (including any contained Commercial), 6 stories;
- (c) For Commercial (excluding Commercial on the ground floor of an Apartment), 2 stories; and
- (d) For Commercial (excluding Commercial on the ground floor of an Apartment), 2 stories; and
- (e) For Accessory Buildings, 3.0m.

*Off-Street Parking Spaces (Minimum)*

19.10 The following minimum number of off-street parking spaces shall be provided:

- (a) Two (2) parking spaces for any Single Family Dwelling Unit
- (b) One (1) parking space for any Accessory Dwelling Unit
- (c) For apartments, Two-Family Attached Dwelling Units and Multiple Family Attached Dwelling Units with lot sizes that fit the density requirements in subsection 19.7:
  - (i) 0.75 parking spaces for studio or one (1) bedroom Dwelling Units
  - (ii) 1.5 parking spaces for two (2) bedroom Dwelling Units;
- (d) one (1) space per five (5) Dwelling Units (accessible to the public and designated as "visitor parking"), within a Two-Family Attached Dwelling, Multiple-Family Attached Dwelling, or apartment development; and
- (e) where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable number of parking and charging stations for electric vehicles.

*Fire Protection*

19.11 Unless otherwise specified in an approval or prescribed by regulation, all Multi-Family Uses, including Two-Family Attached Dwellings and Multiple-Family Attached Dwellings shall include:

- (a) fire resistant siding on exterior side walls with 1.2m or less setback from side lot lines; and
- (b) fire suppression internal sprinkler systems.

*Legal Agreements; Shared walls, roofs and common areas*

19.12 Any structure with individually owned Dwelling Units that share walls, roofs, common areas or Common Amenity Areas with other Dwelling Units shall have:

- (a) A legal agreement between the individual owners or interest-holders or through an appropriate corporation or association that clearly sets out:
  - (i) Monitoring, maintenance and repair responsibilities for individuals and the collective;
  - (ii) Arrangements for a shared monitoring, maintenance and repair fund to be contributed to on a monthly or annual basis by each individual and the rules governing contributions to this fund and expenditures from it;
  - (iii) Insurance responsibilities and requirements for the individual owners or interest-holders and the corporation or association; and
  - (iv) Any other items prescribed by regulation.

*Amenity Areas (minimum)*

19.13 In addition to Common Greenspace Area requirements, the following Amenity Areas must be provided:

- (a) A Private Amenity Area not less than 15m<sup>2</sup> [approximately 160 sq. ft.] in area shall be provided for and contiguous to each Two-Family Attached Dwelling Unit or Multiple-Family Attached Dwelling Unit;
- (b) A Common Amenity Area of not less than one hundred and fifty (150) square metres [approximately 1615 sq. ft.] plus five (5) square metres per Dwelling Unit, and minimum dimension of not less than 6m [approximately 19 ft.] shall be provided for all Multi-Family Uses with more than 10 units; and
- (c) A storage locker or storage space inside the unit shall be provided for each Multiple-Family Dwelling Unit.

*Fencing, Screening and Landscaping*

19.14 The following minimum standards apply:

- (a) Screening shall be provided at the expense of the land-holder or developer between commercial, industrial, institutional and Residential Uses, and between multi-family residential development and single family detached/duplex homes on adjacent properties.
- (b) Screening so required shall be installed along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) landscaped berm,
  - (ii) fence,
  - (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) Despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) The screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required for rear yards only; front yards, and exterior lot lines may have max. 1.0m high picket fences (including the green street)
  - (ii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;
  - (iii) Masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
  - (iv) View-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
  - (v) Any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level.

### *Signs*

- 19.15 All signs shall be located, constructed and permitted in accordance with this Law and any other applicable Tzeachten Laws.

## **PART 20. 'MU2' MIXED USE 2 ZONE ("MU2")**

### *Purpose*

- 20.1 The Mixed Use 2 Zone ("MU2") contains more detailed and site-specific mixed-use provisions than the provisions in the general Mixed-Use Zone, and specifically includes uses related to a vehicle fuel station, restaurant and directly related uses.

### *General*

- 20.2 If the requirements of this law and the Tzeachten Zoning Law both regulate other uses in combination with a vehicle fuel station over the same area, the most restrictive law governs all uses on the lot.

### *General Prohibition*

- 20.3 No person shall, within MU2, use any land, or erect, alter, or use any building or structure except as specified in accordance with this Zone and in accordance with all other applicable provisions of this Law, the Tzeachten Zoning Law and other applicable laws.

### *Uses*

- 20.4 The following uses shall be the only uses permitted in MU2 unless specifically permitted elsewhere in this Law in provisions that apply to MU2:
- (a) a vehicle fuel station for gas and diesel (not propane), but does not include any automotive uses related to the sale, rental, storage or repair of vehicles;
  - (b) restaurant;
  - (c) Residential Use, including:
    - (i) one Dwelling Unit;
  - (d) incidental uses directly related to those permitted in MU2, including a convenience store;
  - (e) underground utilities and infrastructure, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other laws; and
  - (f) uses that are legitimately and reasonably ancillary to uses in this section and are not otherwise prohibited by this Law or other laws.

### *Lot Size*

- 20.5 The minimum lot size is 900 m<sup>2</sup> (approximately 9700 ft<sup>2</sup>).

### *Lot Coverage and Drainage*

- 20.6 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

20.7 The following minimum setbacks to buildings and structures apply:

Use	From Front Lot Line	From Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential	3.0m	4.5m	3.0m	3.0m
Commercial	3.0m	6.0m	6.0m	3.0m
Pump island/canopy	6.0m	3.0m	3.0m	6.0m
Accessory Buildings	6.0m	1.0m	1.0m except 0.0m where walls are shared	4.5m

*Building Height (Maximum)*

20.8 The maximum allowable building heights are:

- (a) 8 m or 2 storeys for commercial buildings; and
- (b) 3.0m for Accessory Buildings.

*Vehicle Fuel Station Canopy Height*

20.9 A vehicle fuel station canopy with or without structural support may not be more than 6.0 metres above the elevation of the ground directly below it.

*Lot Frontage Requirements*

20.10 A lot with a vehicle fuel station must have a minimum lot frontage of 30.0 metres.

*Lot Depth Requirements*

20.11 A lot with a vehicle fuel station must have a minimum lot depth of 45.0 metres.

*Off-Street Parking Spaces (Minimum)*

20.12 A minimum of the following parking spaces:

- (a) One (1) space per 40 m<sup>2</sup> (approximately 430.5 sq ft) of sales or office space;
- (b) One (1) space per 10m<sup>2</sup> (approximately 107.6 sq ft) of restaurant, assembly or gathering place;
- (c) One (1) space per each Dwelling Unit;
- (d) One (1) bicycle parking space per every 30 m<sup>2</sup> of office or retail space; and
- (e) at least one electric vehicle parking and charging station per development and, where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable additional number of electric vehicle parking and charging stations.

*Restrictions on Dwelling Unit*

20.13 The maximum floor area for a Dwelling Unit in combination with a vehicle fuel station on a lot may be no more than 153 m<sup>2</sup> (approximately 1650 ft<sup>2</sup>).

*Restrictions on Retail Floor*

20.14 The maximum interior floor area for a retail store in combination with a vehicle fuel station on a lot may be no more than 140 m<sup>2</sup>.

*Outside Storage*

20.15 A vehicle fuel station may have outside storage if it is:

- (a) no more than 20% of the area of the lot outside the wholly enclosed buildings; and
- (b) enclosed by a fence.

*Additional Requirements for Vehicle Pumps and Access*

20.16 Where a vehicle fuel station is allowed to operate in conjunction with another use on a site, the following standards apply:

- (a) all fuel pumps and fuel storage tanks must comply with applicable provincial and federal laws;
- (b) all fuel pumps and above ground storage tanks shall be at least 4 metres from any building on the site, and 6 metres from any site line;
- (c) the site shall have at least two separate entrances for vehicles, at least 15 metres apart and each at least 6 metres wide; and
- (d) access to, and parking for, fuel dispensing apparatus shall not obstruct access to the site, or other required off-street parking spaces on the site

*Additional Vehicle Washing Establishment Requirements*

20.17 All mechanical washing, waxing and drying operations must take place within a wholly enclosed building.

20.18 The vehicle entrance and exit from a vehicle washing establishment building must be at least 12.0 metres from any lot line abutting a street.

*Fire Protection and Emergency Access*

20.19 Unless otherwise specified in an approval or prescribed by regulation, all buildings with a Dwelling Unit as well as a convenience store or restaurant shall include:

- (a) fire resistant siding on exterior side walls with 1.2m or less setback from side lot lines; and
- (b) fire suppression internal sprinkler systems.

20.20 The layouts and dimensions of roads and buildings shall provide:

- (a) sufficient exits to ensure there is a way out of the development if there is an emergency in the future and one access is blocked; and
- (b) sufficient lane width, turning radius and road and intersection design to allow access to each unit in the building by emergency vehicles including fire trucks.

*Vehicle Fuel Station - Soft Landscaping*

20.21 A lot with a vehicle fuel station must have:



- (a) a minimum 1.5 metres wide strip of soft landscaping along that portion of a lot line that abuts a street and is between the street and the portion of the lot used for a vehicle fuel station, excluding the part used for vehicle access to the lot; and
- (b) a minimum 3.0 metres wide strip of soft landscaping and a fence along that portion of a lot line that abuts a residential lot, and is adjacent to the vehicle fuel station.

*Fencing, Screening and Landscaping*

20.22 In addition to the requirements in section 20.21, the following minimum standards apply:

- (a) Screening shall be provided at the expense of the landholder or developer between commercial, industrial, institutional and Residential Uses, and between Multiple-Family Attached Dwelling developments and Single Family Dwellings and Two-Family Attached Dwellings on adjacent properties.
- (b) Screening so required shall be installed along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) landscaped berm,
  - (ii) fence,
  - (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) Despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) The screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required for rear yards only; front yards, and exterior lot lines may have max. 1.0m high picket fences (including the green street)
  - (ii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;
  - (iii) masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
  - (iv) view-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
  - (v) any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level.

*Signs*

20.23 All signs shall be located, constructed and permitted in accordance with this Law and any other

## **PART 21. 'REC' RECREATION ZONE**

### *Purpose*

21.1 The 'REC' Recreation Zone is intended for uses which are specifically related to facilities which and areas which are intended for community recreation including, recreational areas, community recreation facilities and structures, parks, sports fields, trails, tourism and greenspace.

### *Uses*

21.2 The following Uses shall be the only Uses permitted in this Zone, and unless specifically permitted elsewhere in this Law in provisions that apply to this Zone.

- (a) Administration relating to recreation;
- (b) Public or private assembly;
- (c) Residential Use, including:
  - (i) Accessory Dwelling Units;
- (d) Community parks and recreation;
- (e) Community recreation facilities and structures;
- (f) Education or training facilities;
- (g) Community health, sports medicine, and fitness facilities;
- (h) Tourism facilities;
- (i) Cultural facilities including Big Houses and Smoke Houses;
- (j) Cemeteries and burial grounds;
- (k) Concession stands and food and beverage services, subject to compliance with Tzeachten Laws and permits;
- (l) Temporary uses and structures and temporary facilities for community and recreation or sports events, subject to compliance with Tzeachten Laws and permits; and
- (m) Parking, loading and storage facilities directly related to one of the above uses.

21.3 For greater certainty, the following Uses do not qualify as recreational uses and are not permitted Uses within the Recreation Zone:

- (a) Any commercial services or commercial activities relating to pets such as dog training for payment; and
- (b) Off-leash dog use.

### *Lot Size*

21.4 The minimum lot size is 7266 sq. ft. or approximately 675 m2.

*Lot Dimensions (Minimum)*

21.5 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

21.6 The minimum lot dimensions for any lot are 15m wide by 30m deep.

*Density (Maximum)*

21.7 N/A

*Lot Coverage and Drainage*

21.8 All developments must ensure no net increase in run-off from the development and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

21.9 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Accessory Dwelling Units	6.0m	6.0m	1.5m	4.5m
All other structures and buildings (excluding signs)	6.0m	6.0m	6.0m	6.0m

*Heights (Maximum)*

21.10 The maximum allowable building heights are:

- (a) 8m or two storeys for Accessory Buildings;
- (b) 8m or two storeys for Accessory Dwelling Units; and
- (c) 15m for all other buildings and structures excluding signs.

*Off-Street Parking (Minimum)*

21.11 The minimum number of off-street parking spaces shall be:

- (a) One (1) space per 30m<sup>2</sup> of recreation, indoor recreation or related structure; and
- (b) one (1) bicycle parking space per fifteen (15) car parking spaces.

21.12 The minimum size of each off-street parking lot shall be 3m x 7m.

*Perimeter Buffer*

21.13 A landscaped buffer shall be provided of not less than 8.0m from the Front Lot Line and not less than 5.0m from any other Lot Line. Within this buffer area, no buildings

or dwellings, parking or storage, nor roadways will be permitted other than a perpendicular access or crossing.

*Signs*

21.14 All signs shall be located, constructed and permitted in accordance with Tzeachten Laws and may require a Development Permit.

**PART 22. 'RMH' RESIDENTIAL MANUFACTURED AND MOBILE HOME ZONE**

*Purpose*

22.1 The 'RMH' Residential Manufactured and Mobile Home Zone is intended for uses which are specifically residential in nature, for Mobile Home Parks.

*No New Mobile Home Parks*

22.2 There shall be no new Mobile Home Parks.

*Uses*

22.3 The following Uses shall be the only Uses permitted in this Zone unless specifically permitted elsewhere in this Law in provisions that apply to this Zone, and all of these uses are subject to all Tzeachten Laws and policies that apply to Mobile Homes and Mobile Home Parks:

- (a) Residential Use, including:
  - (i) Mobile Home Parks,
  - (ii) Single Family Dwellings,
  - (iii) Two-Family Attached Dwellings,
  - (iv) Mobile Homes,
- (b) Cultural facilities including Big Houses and Smoke Houses;
- (c) Cemeteries and burial grounds;
- (d) Accessory Use and Accessory Buildings, and
- (e) Home-Based Business.

*Compliance*

22.4 All lots and structures must comply with:

- (a) the Building Code;
- (b) all Tzeachten Laws; and
- (c) all fire and safety regulations from any applicable law or regulation.

*Services*

22.5 For Mobile Home Park subdivisions and for each new or replacement Mobile Home or DwellingUnit in an existing Mobile Home Park, all must have servicing (water, sewer, roads, sidewalks, lighting) in place and must be approved by the Tzeachten Lands Department, regardless of their intended density.

*Lot Size*

22.6 N/A

*Lot Dimensions (Minimum)*

22.7 Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted in writing by the Lands Manager or Council.

*Density (Maximum)*

22.8 The maximum density shall not exceed:

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

*Minimum Yard*

22.9 The minimum yard requirements for each unit or pad is:

- (a) Front yard: 1.8m,
- (b) Rear yard: 1.8m, and
- (c) Side yard: 1.5m.

*Setbacks (Minimum distance to lot line)*

22.10 The following minimum setbacks to lot lines apply:

Use	Front Lot Line	Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential	6.0m	6.0m	1.2m	4.5m
Accessory Buildings	6.0m	1.0m	1.0m	4.5m

*Heights (Maximum)*

22.11 The maximum allowable building heights are:

- (a) 10m or two (2) storeys for Mobile Homes or any residential structure containing Dwelling Units; and
- (b) 10m or two (2) storeys for Accessory Buildings.

*Off-Street Parking (Minimum)*

22.12 The minimum number of off-street parking spaces shall be:

- (a) (one) 1 parking space per Mobile Home;
- (b) one (1) space per five (5) Dwelling Units (accessible to the public and designated as "visitor parking"), where an equivalent number of on-street parking spaces are unavailable on a road abutting the property; and
- (c) where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable number of parking spaces and charging stations for electric vehicles.

22.13 The minimum size of each off-street parking lot shall be 3m x 7m.

*Perimeter Buffer*

22.14 A landscaped buffer, which is separate from the individual Mobile Home pads, shall be provided of not less than 8.0m from the Front Lot Line and not less than 5.0m from any other Lot Line. Within this buffer area, no buildings or Dwelling Units, parking or storage, nor roadways will be permitted other than a perpendicular access or crossing.

*Recreation Area or Green Space*

22.15 In addition to any required perimeter area, and Common Greenspace Area Requirements, the following are required:

- (a) a Common Amenity Area of not less than one hundred and fifty (150) square metres [approximately 1615 sq. ft.] plus five (5) square metres per mobile home pad, and minimum dimension of not less than 6m [approximately 19 ft.] shall be provided.
- (b) Where indoor recreation space is provided, it shall be counted as double its actual area.

*Signs*

22.16 All signs shall be located, constructed and permitted in accordance with Tzeachten Laws and may require a Development Permit.

**PART 23. ‘CD1’ COMPREHENSIVE DEVELOPMENT 1 ZONE (“CD1”)**

*Purpose*

23.1 The Comprehensive Development 1 Zone (“CD1”) contains more detailed and site-specific mixed-use provisions than the provisions in the general Mixed-Use Zone, and specifically includes uses medium density residential, hotel, restaurant and other related commercial and residential uses.

*General*

23.2 If the requirements of this law and the Tzeachten Zoning Law both regulate other uses in combination with a restaurant, hotel or other commercial uses over the same area, the most restrictive law governs all uses on the lot.

*General Prohibition*

23.3 No person shall, within CD1, use any land, or erect, alter, or use any building or structure except as specified in accordance with this Zone and in accordance with all other applicable provisions of this Law, the Tzeachten Zoning Law and other applicable laws.

*Permitted Uses*

23.4 Subject to subsection 23.5, the following uses shall be the only uses permitted in CD1 unless specifically permitted elsewhere in this Law in provisions that apply to CD1 and these uses are only permitted in strict compliance with the CD1 site plan approved in writing by Tzeachten:

- (a) Restaurants and cafes;
- (b) Residential Use, including:
  - (i) Townhouses;
  - (ii) Apartments; and
  - (iii) Buildings combining residential use with commercial use; and
  - (iv) subject to Rental Restrictions in Part 6, rental of Dwelling Units in paragraphs (i) to (iii);
- (c) in general, the sale of commodities or provision of services, where such commodities or services are not otherwise prohibited;
- (d) grocery stores;
- (e) convenience stores;
- (f) banks and financial institutions, with the exception of payday lender institutions;
- (g) hotels and conference centres;
- (h) gaming or gambling, subject to compliance with all applicable laws and any additional permits from Tzeachten;
- (i) gyms and other fitness facilities, including ice rinks;
- (j) micro brewery or distillery, preferably attached to a restaurant, all in compliance with provincial laws and licensing;
- (k) liquor store, in compliance with provincial laws and licensing;
- (l) storage for residents or occupants or renters within the CD1 area;
- (m) incidental uses directly related to those permitted in CD1, including amenities, greenspace, trails, etc;
- (n) above-ground and underground parking for vehicles and bicycles;
- (o) utilities and infrastructure, subject to receiving development permits and meeting any other requirements and meeting requirements under Tzeachten and other laws; and
- (p) uses that are legitimately and reasonably ancillary to uses in this section and are not otherwise prohibited by this Law or other laws.

23.5 For greater certainty, the permitted uses set out in section **Error! Reference source not found.**23.4 are only permitted in the specific site plan areas for each lot or parcel of land as identified in the site plan approved for a specific parcel of CD1 zoned land and buildings and uses cannot be moved around to different locations, removed or altered in a manner that does not comply with the approved site plan, unless specifically approved in writing by Tzeachten.

23.6 The prohibited uses in the CD1 zone include but are not limited to:

- (a) gas stations;
- (b) Beverage Container Return Depot;

- (c) pawn shops; and,
- (d) other uses which may be prescribed by regulation.

*Density (Maximum)*

23.7 Within the CD1 the maximum density shall not exceed shall not exceed 750 DU, and 150 DU per ha. Provided that the CD1 does not exceed the maximum density of 150 DU per ha, or 750 DU overall, specific site plan areas identified in the site plan approved for a specific parcel of CD1 zoned land may exceed 150 DU per ha.

*Lot Coverage and Drainage*

23.8 All developments must ensure either no net increase in run-off from the development or only run-off and drainage into storm drains approved by Tzeachten, and that structures, works, pavement and drainage are designed in an environmentally sustainable manner to promote ground-water recharge and to avoid pollution.

*Setbacks (Minimum distance to lot line)*

23.9 Subject to subsection 23.10, the following minimum setbacks to buildings and structures apply:

Use	From Front Lot Line	From Rear Lot Line	Side Lot Line Not Adjacent to Road	Side Lot Line Against Road
Residential	3.0m	4.5m	3.0m	3.0m
Commercial	3.0m	6.0m	6.0m	3.0m
Hotel	3.0m	6.0m	6.0m	3.0m
Accessory Buildings	6.0m	1.0m	1.0m except 0.0m where walls are shared	4.5m

23.10 Specific site plan areas identified in the site plan approved for a specific parcel of CD1 zoned land may, subject to the requirements in section 6.22 provide for a minimum setback of 0.5 m if a building is adjacent to an interior roadway.

*Building Height (Maximum)*

23.11 The maximum allowable building heights are:

- (a) 20m or 6 storeys for hotels;
- (b) 20m or 6 storeys for commercial/ residential buildings that are designated as limited to 6 storeys in the approved site plan;
- (c) 16.5m or 5 storeys for commercial/ residential buildings that are designated as limited to 5 storeys in the approved site plan;
- (d) 3.0m or 1 storey for Accessory Buildings.



*Off-Street Parking Spaces (Minimum)*

23.12 Subject to any reductions or variances provided in writing by Tzeachten due to factors set out in Tzeachten regulations or policies, a minimum of the following parking spaces is required:

- (a) One (1) space per 40 m<sup>2</sup> (approximately 430.5 sq ft) of sales or office space;
- (b) One (1) space per 20 m<sup>2</sup> (approximately 107.6 sq ft) of restaurant, assembly or gathering place;
- (c) One and a half (1.5) spaces per each Dwelling Unit;
- (d) One (1) short term bicycle parking space per every 500 m<sup>2</sup> of office or retail space;
- (e) One (1) long-term bicycle parking space, and a quarter (1/4) of a short term bicycle parking space for each Dwelling Unit;
- (f) at least one electric vehicle parking and charging station per building and, where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable additional number of electric vehicle parking and charging stations; and
- (g) at least one loading zone station per every two buildings and, where required by the Lands Manager on the recommendation of the Land Management Advisory Committee or an independent professional, a reasonable additional number of loading zones.

*Outside Storage*

23.13 Buildings may have outside storage if it is:

- (a) no more than 20% of the area of the lot outside the wholly enclosed buildings; and
- (b) enclosed by a structure approved by Tzeachten which may be fence or other landscaping enclosure.

*Fire Protection and Emergency Access*

23.14 In addition to the requirements in sub section 6.22, and unless otherwise specified in an approval or prescribed by regulation, all buildings with a Dwelling Unit as well as all commercial structures shall include:

- (a) fire resistant siding on exterior side walls with 1.2m or less setback from side lot lines; and
- (b) fire suppression internal sprinkler systems.

23.15 The layouts and dimensions of roads and buildings shall provide:

- (a) sufficient exits to ensure there is a way out of the development if there is an emergency in the future and one access is blocked; and
- (b) sufficient lane width, turning radius and road and intersection design to allow

access to each unit in the building by emergency vehicles including fire trucks.

*Legal Agreements; Shared walls, rooves and common areas*

23.16 Any structure with separately owned Dwelling Units or commercial units that share walls, roofs, common areas or Common Amenity Areas with other Dwelling Units or with commercial units shall have:

- (a) A legal agreement between the separate owners or interest-holders or through an appropriate corporation or association that clearly sets out:
  - (i) monitoring, maintenance and repair responsibilities for owners or interest-holders and the collective;
  - (ii) arrangements for a shared monitoring, maintenance and repair fund to be contributed to on a monthly or annual basis by each owner or interest-holder and the rules governing contributions to this fund and expenditures from it;
  - (iii) insurance responsibilities and requirements for the separate owners or interest-holders and the corporation or association;
  - (iv) maintaining landscaping, Common Greenspace Areas and Common Amenity Areas; and
  - (v) any other items prescribed by regulation.

*Amenity Areas (minimum)*

23.17 The following Amenity Areas must be provided:

- (a) a Private Amenity Area not less than fifteen (15) square metres [approximately 160 sq. ft.] in area shall be provided for and contiguous to each Two-Family Attached Dwelling or Multiple-Family Attached Dwelling;
- (b) a Common Amenity Area of not less than one hundred twenty (120) square metres [approximately 1300 sq. ft.] and minimum dimension of not less than six (6) metres [approximately 19 ft.] shall be provided for each building with Multi-Family Uses with more than ten (10) units; and
- (c) a storage locker shall be provided for each Multiple-Family Attached Dwelling Unit.

*Soft Landscaping*

23.18 All areas must have:

- (a) a minimum 3.0 metres wide strip of soft landscaping along that portion of a lot line that abuts an exterior street excluding the part used for vehicle access to the lot; and

- (b) must comply with a landscaping plan approved by Tzeachten as part of the Development Permit, which for greater certainty may include the requirement to provide a bond as security to ensure compliance with the landscaping plan.

*Fencing, Screening and Landscaping*

23.19 In addition to the requirements in section 20.21, the following minimum standards apply:

- (a) Screening shall be provided at the expense of the landholder or developer between commercial, industrial, institutional and Residential Uses, and between Multiple-Family Attached Dwelling developments and Single Family Dwellings and Two-Family Attached Dwellings on adjacent properties.
- (b) Screening so required shall be installed along the common property line or within the required setback area (but not exposing any vehicle use area) and shall consist of one or a combination of the following:
  - (i) landscaped berm,
  - (ii) fence,
  - (iii) masonry wall, or
  - (iv) vegetation screen.
- (c) Despite subsection (a) above, screening shall not be required at entrances and exits or adjacent to structures which are sited within 0.3m of any property line.
- (d) The screening shall meet the following requirements:
  - (i) minimum height of 1.5m or as required for rear yards only; front yards, and exterior lot lines may have max. 1.0m high picket fences (including the green street)
  - (ii) vegetation screens may have a lower height at the time of first planting but must be maintained at the height required upon reaching maturity;
  - (iii) masonry or concrete walls exceeding 1.2m in height may require a Development Permit;
  - (iv) view-obstructing fences shall consist of structurally suitable new construction materials and may require a Development Permit; and
  - (v) any barb wire or razor wire on top of a fence shall be at least 2.0m from ground level.

*Signs*

23.20 All signs shall be located, constructed and permitted in accordance with this Law and any other applicable Tzeachten Laws.

**PART 24. OFFENCES AND PENALTIES**

*Offences*

24.1 It is an offence to contravene this Law.

24.2 Without limited the generality of subsection 24.1, it is an offence to:

- (a) provide any false or misleading information in an application under this Law;
- (b) obstruct, interfere with, or deny access to an Inspector, Law Enforcement Officer, or other individual who is designated to enforce this Law; or
- (c) carry on, or suffer or permit an activity or use or proceed with a development:
  - (i) without applying for and receiving any permits or authorizations required under this Law; or
  - (ii) in a Zone which does not expressly permit that activity or use.
- (d) Each day that any such contravention is caused to continue, or allowed to continue, constitutes a separate offence.

#### *Penalties*

24.3 A person who contravenes this Law or an order made by a Court pursuant to this Law is guilty of an offence and is liable:

- (a) for fines set out in any Tzeachten ticketing or enforcement law or regulation; or
- (b) on summary conviction to a fine of not more than ten thousand (\$10,000) dollars for each offence.

24.4 A fine payable under subsection 24.3 shall be remitted to the Tzeachten First Nation by the Court, after reasonable Court costs have been deducted.

#### *Enforcement and Cease and Desist Orders*

24.5 In addition to any other applicable fine, penalty, or remedy under this Law, the Lands Manager or General Manager may, in writing, suspend for up to three years or cancel any permit or authorization issue under this law if the holder commits any violation or offence under this Law.

24.6 In addition to any other applicable fine, penalty or remedy, Council, the Lands Manager, or a Law Enforcement Officer may:

- (a) issue a Stop Work Order or a Cease and Desist Order to order any Person who requires a Permit, re-zoning or other authorization under this Law but who has not received it, to cease carrying out any use, activity or development until such time as that Person applies for and receives the required Permit, re-zoning or other authorization; and
- (b) in addition to (a), order that a Premises, or a portion of a Premises, be closed, shut down, sealed off, or otherwise made unavailable for use until such time as there are required Permits, re-zonings or authorizations in place for that Premises.

24.7 An order imposed under subsection 24.6:

- (a) may be registered in Court and enforced as a court order; and

- (b) continues in force until the condition that led to it is remedied or until the activity that is the subject of the order receives the required Permit, rezoning or authorizations under this Law.

## **PART 25. GENERAL**

- 25.1 The headings of parts and sections in this Law have been inserted as a matter of convenience and for reference only and in no way define or limit or any of its provisions.
- 25.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.
- 25.3 If any portion of this Law is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Law shall be deemed to have been adopted without the severed portion.

## **PART 26. COMING INTO FORCE**

- 26.1 This Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements of Part 3 of the *Tzeachten First Nation Land Code*.

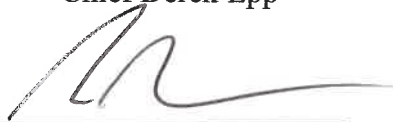
**BE IT KNOWN** that this Law entitled the *Tzeachten First Nation Zoning Law, 2015(amended)* is hereby enacted by a quorum of Council at a duly convened Council of the Tzeachten First Nation held on March 12, 2024.



Chief Derek Epp



Councillor Anthony Malloway



Councillor Sandra Pederson

Councillor Loren Muth

A quorum consists of 3  
Council Members

**SCHEDULE “A” MAP OF ZONES**