BEECHER BAY FIRST NATION

SPIRIT BAY ZONING LAW, 2014 (AMENDED)

A Law for the Purpose of Establishing Land Use and Zoning Regulations Applicable to the Spirit Bay Economic Development Zone

(July 14, 2022)

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WHEREAS:

A. Beecher Bay First Nation (also known as Beecher Bay, the Beecher Bay Band and the Scia'new First Nation) has taken back control and management of Beecher Bay Reserve lands;

B. The *Beecher Bay First Nation Land Code, 2003* is the enabling legislation that provides the authority and rights for Beecher Bay First Nation to pass laws to establish land use, density and resource management regulations on Beecher Bay First Nation Lands and section 6 of the Land Code specifically authorize laws relating to zoning and land use;

C. The Beecher Bay First Nation prepared a draft Land Use Plan in February, 2005 and the community approved a revised Land Use Plan for the Spirit Bay Economic Development Zone on September 17, 2013, which broadly sets out the conceptual land use designations for the area;

D. The community voted to amend the Land Code to enable the development on July 10, 2013; and

E. Council deems it to be in the best interests of Beecher Bay First Nation to pass amendments to this law relating to zoning and land use;

NOW THEREFORE this *Spirit Bay Zoning Law, 2014 (Amended)* is hereby amended at a duly convened meeting as a Law of the Beecher Bay First Nation.

1.0 NAME OF LAW

1.1 This Law shall be cited for all purposes as "*Spirit Bay Zoning Law, 2014 (Amended)*".

1.2 It is intended that this Law is to apply retroactively.

2.0 DEFINITIONS

2.1 The definitions set out in Schedule '1' apply.

3.0 GENERAL

3.1 A person or entity must not use or occupy, or allow or permit another person to use or occupy, land or a building in contravention of this Law.

3.2 Where a particular use of land or buildings is expressly authorized in one zone, such use is prohibited in all zones where it is not also expressly authorized.

3.3 No application made, question answered, or information given by any representative or staff member of the Beecher Bay First Nation as to the zoning status or potential zoning of any land, land use or building shall be deemed to be a representation giving rise to a cause of action against the First Nation or such representative or staff member.

3.4 The approval of a use, activity, structure or other matter as permitted under this Law does not remove the requirement to comply with all other applicable Laws and apply for and receive all other required authorizations including, without limitation, those relating to Building Code, health, environmental, liquor licensing and other authorizations.

3.5 All developments must ensure:

(a) no net increase in run-off from the development; or

(b) any drainage leaving the site is contained in works or infrastructure approved by Beecher Bay;

and

(c) that structures, works, pavement and drainage are designed in an environmentally sustainable manner, in accordance with Beecher Bay Laws, to promote ground-water recharge and to avoid erosion and pollution.

3.6 All developments shall comply with requirements set out in Beecher Bay First Nation Laws to minimize flood risks and protect against erosion, slope instability and habitat destruction.

3.7 All developments, and all non-residential structures including sheds, garages, and outbuildings,

(a) must be built within the lot boundaries of the lot owned or leased by the applicant, and within the setbacks required by Beecher Bay law;

(b) must comply with all approvals under the *Beecher Bay First Nation Subdivision, Development, and Servicing Law*; and

(c) must conform with the Spirit Bay Design Guide, as amended from time to time, unless these requirements are waived by Law or in writing by an authorized Beecher Bay representative.

Prohibited Activities without Authorization

3.8 Within the Spirit Bay Economic Development Zone of Beecher Bay Lands, none of the following are permitted except in strict conformity with the requirements of subsection 3.7, this Law and any other applicable Laws including the *Beecher Bay First Nation Subdivision, Development and Servicing Law:*

(a) any activity, use or development on a parcel of land which is not in strict conformity with the activities, uses and developments permitted for that parcel of land in that zone,

(b) except in areas designated by Council in writing for access or recreational use by non-Members, use of Beecher Bay lands for private purposes by non-Members outside of areas sub-leased to individuals,

(c) 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,

(d) cutting trees, blasting, installing or connecting to services or infrastructure or removing or depositing soil or fill without a permit or authorization,

(e) 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

(f) re-zoning.

Uses Generally Prohibited in All Zones

3.9 The following uses of land, buildings and structures shall be generally prohibited within the Spirit Bay Economic Development Zone of Beecher Bay Lands 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 Beecher Bay Law in consultation with the Fire Chief;

(b) use of any land as a garbage dump, recycling facility, waste facility or hazardous waste facility;

(c) on-street parking of:

(i) unlicensed, uninsured or inoperable heavy equipment;

(ii) commercial vehicles of any kind; or

(iii) more than one unlicensed, uninsured or inoperable motor vehicles for personal or family use unless specifically permitted;

(d) 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, light, 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, except in strict compliance with a blasting permit or other permit issued by Beecher Bay;

(iv) radiation or electromagnetic interference; or

(v) any environmental, health or safety hazard to persons or property in areas surrounding the use;

(e) the growing, propagation or harvesting of cannabis or controlled crops in any area, building or structure except in strict compliance with federal and provincial laws and any applicable Beecher Bay Laws;

(f) production or manufacture of a controlled substance in a laboratory in any building or structure, excluding a licensed compounding pharmacy;

(g) structures or construction within watercourse or parcel setback areas;

(h) all uses not listed as "Uses Permitted in All Zones" or as "Permitted Uses" in a specific zone, or otherwise permitted by Law; and

(i) any other use prescribed by Council by regulation.

Uses Permitted in All Zones

3.10 Despite subsections 3.8 and 3.9, the following uses are generally permitted in all zones, subject to confirmation of survey boundaries and compliance with all applicable laws:

(a) community recreation playgrounds or fields created or approved by Beecher Bay;

(b) greenspace, parks and trails created or approved by Beecher Bay;

(c) construction, maintenance or finishing of trails, driveways, and internal roads for single family residential sites on which they are completely within a single parcel of land;

(d) 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 Beecher Bay Laws and other laws;

(e) cell phone towers and related infrastructure, subject meeting all Beecher Bay laws and receiving a development permit; and

(f) landscaping, and minor yard work which do not introduce or spread invasive species and do not require an excavation deeper than 1.5 m or the removal or deposit of more than 10 m3 of soil, gravel or other material.

3.11 Any uses or activities permitted under this Law must still comply with the Land Code and all other applicable Laws.

Setbacks from Waterbodies and Watercourses

3.12 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 15m from any waterbody or water course unless otherwise approved by Beecher Bay based on written recommendations from a certified professional.

Servicing Requirements

3.13 In general, all new developments:

(a) must have basic servicing, including water, sewer, road access and drainage; and

(b) may be required to have sidewalks, lighting, parking and other services

in place prior to completion of construction, unless these requirements are waived by Law or in writing by an authorized Beecher Bay representative; and

(c) all such services must be approved by the Beecher Bay Lands Department.

Signs

3.14 No Signs may be posted, constructed or shown except in compliance with Beecher Bay Laws.

4.0 VARIANCES

4.1 A sub-lessee, occupier or agent may apply to the Beecher Bay Lands Office for a variance relating to set-backs, building heights or building design or similar matters but not for any other matter relating to zoning, density or use.

4.2 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.

4.3 If a person makes an application under subsection 4.1 that complies with subsection 4.2, the Lands Manager must notify all interest-holders in occupation of:

(a) the land that is the subject of the application, and

(b) the land that is adjacent to land that is the subject of the application

and the notice must include:

(c) a copy or summary of the application;

(d) a sketch, map or plan;

(e) details of how potentially affected persons may provide comments;

(f) the deadline for such comments.

4.4 Any costs for preparing or posting the notices in subsection 4.3 shall be paid by the applicant, either directly, or through the variance application fee.

4.5 Despite subsection 4.1, 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 or set out in the approved Spirit Bay Design Guidelines;

(c) be approved unless the applicant can demonstrate that it would be a hardship not to grant variance;

(d) vary the absolute minimum setbacks set out in this Law or by regulation;

(e) compromise fire safety;

(f) adversely affect the natural environment in a significant manner;

(g) create or contribute to significant new geotechnical risks;

(h) create or contribute to significant new flood or flooding risks;

(i) cause a major inconvenience to neighbours; nor

(j) compromise the basic liveability and aesthetics for the project, development or neighbourhood.

4.6 The Lands Manager or Lands Clerk 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.

4.7 On an application under this section, after considering recommendation from the Lands Management Advisory Committee, Council may order that a minor variance be permitted from the requirements of this Law in accordance with this Part.

4.8 A decision by Council under subsection 4.7 is final.

5.0 REZONING

5.1 A sub-lessee, occupier or agent may apply to the Beecher Bay Lands Office for a rezoning relating to any parcel or use of land or Interest to which this Law applies.

5.2 All applications for rezoning must be consistent with the Land Use Plan unless the Land Use Plan is amended. In some situations, the applicant may be directed to apply for a Land Use Plan text amendment or amendment which may require a ratification vote by First Nation Members.

5.3 All applications for rezoning shall include:

(a) a completed and signed application form using the form approved by Council or the Lands Office in consultation with the Land Management Advisory Committee;

(b) the required application fee as approved by Council or the Lands Office;

(c) a short summary package of the proposed rezoning, the reason for it, the proposed new zone and a map to send to neighbours for comment;

(d) the proposed or intended use of the land or structures;

(e) the current and proposed site plans, draft building plans, access routes, parking, services, and other relevant information; and

(f) any other information required by Law, regulation or policy.

5.4 After receiving a duly signed and complete application and all required fees and other information, and ensuring that the proposed application does not require a Land Use Amendment or is not otherwise in conflict with Beecher Bay Laws, the Lands Manager or Lands Clerk shall:

(a) post or require the applicant to post a sign, at least 4' x 8' in size at a prominent location on the subject parcel with the summary information set out in paragraph 5.3(c); and

(b) ensure that the summary package is mailed, delivered or e-mailed to all interest-holders and occupants of property that is adjacent or within 500 m.

5.5 If directed by the Lands Office, the applicant shall also pay for and participate in any meeting within reason required neighbours and/or with Members of the First Nation.

5.6 The Lands Office shall also circulate the completed application to all relevant Beecher Bay departments for review.

5.7 After any meetings with neighbours or Members and after compiling all comments received in relation to the application, the Lands Office shall bring the application to the Land Management Advisory Committee in a timely manner for review.

5.8 The Committee shall review the application and make recommendations to Council which may take into account or make recommendations on any of the following:

(a) degree of consistency with Land Use Plan,

(b) consistency with Beecher Bay laws and policies,

(c) potential for environmental impacts,

(d) potential for health impacts,

(e) potential nuisance and noise or other potential impacts on neighbours or the community,

(f) servicing considerations including servicing agreements with local governments and potential costs of building and connecting to services,

(g) views, concerns and proposals from neighbours and from Members,

(h) parking considerations,

(i) visual aesthetics, Beecher Bay Design Guide, view scapes,

(j) dedication of up to 10% of the area of the land for parks, greenspace or community use or a cash donation in lieu;

(k) access considerations, construction of intersections, access and emergency access routes;

(l) construction of parking spaces;

(m) construction of sidewalks;

(n) purchase and installation of street lights;

(o) set-backs or buffers including set-backs or buffers from property lines and environmental features, and

(p) any other relevant issues.

5.9 The Committee shall review and recommend to Council:

(a) whether or not the application should be approved; and

(b) whether any conditions should be attached.

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

(a) determine whether or not to grant a rezoning; and

(b) if a rezoning is granted, whether or not to impose any conditions.

5.11 A decision by Council under subsection 5.10 is final.

6.0 ESTABLISHING THE SPIRIT BAY ECONOMIC DEVELOPMENT ZONE

6.1 The lands identified within the Spirit Bay Economic Development Zone in Schedule '2', shall be established as the Spirit Bay Economic Development Zone within Beecher Bay First Nation Lands. Within the Spirit Bay Economic Development Zone (EDZ), there shall be three sub-zones, as follows:

(a) 'TCR' -Town Centre Residential sub-zone;

(b) 'TCM' - Town Centre Mixed Use Commercial sub-zone; and

(c) 'RERI' - Renewable Energy, Recycling and Industrial sub-zone.

7.0 'TCR' – TOWN CENTRE RESIDENTIAL SUB-ZONE

Purpose

7.1 The 'TCR' sub-zone is intended for homes and appropriate residential uses.

Permitted Uses

7.2 The following uses are permitted in the 'TCR' sub-zone:

(a) Single family residence;

(b) Two family residence;

(c) A Secondary Suite for long-term rental purposes;

(d) Home Based Business;

(e) Professional and personal services;

(f) Accessory structure or garage;

(g) Community Care Facility; and

(h) Any other uses approved by Council for a specific development for specific lands

7.3 For greater certainty, the following uses are not permitted in the 'TCR' sub-zone:

(a) Short-term rentals of less than two (2) months, including Air BnB and home exchanges;

(b) Rentals of homes, suites, or other residential units or structures except in strict compliance with Beecher Bay housing policies and housing agreements, a permit or written authorization from Beecher Bay; and

(c) other uses prescribed by Council by regulation.

Lot Dimensions (Minimum)

7.4 The minimum allowable lot size is 0.07 acres or approximately 2178 square feet..

Density (Maximum)

7.5 The maximum density in the Town Centre Residential sub-zone is one single family residence.

Setbacks

7.6 The minimum setback shall be 1.0 m from any front, back or side yard lot line.

Height of Building and Structures

7.6 The maximum height of buildings and structures in the Town Centre Residential sub-zone shall be 11 m or three (3) storeys.

Parking

7.7 Each home shall have sufficient parking as prescribed by Council by regulation, and multi-unit accommodations shall provide at least two (2) parking spaces per Dwelling Unit.

Signs

7.8 No signs for uses on the lot except in strict compliance with a sign permit issued by Beecher Bay First Nation.

Maximum Building Size

7.9 The total floor area of buildings and structures shall not exceed the lesser of:

(a) a gross floor area of 600 m2 unless it is an apartment or townhouse complex; or

(b) the gross floor area prescribed by Council in a Regulation for a specific zone, sub-zone or type of site.

8.0 'TCM' – TOWN CENTRE MIXED USE SUB-ZONE

Purpose

8.1 The 'TCM' sub-zone is intended for uses within the town centre that do not necessarily fit into a single zone. Mixed uses are encouraged, particularly if they promote safe, liveable and walkable neighbourhoods with environmentally sustainable developments, and easy access to a range of facilities and services.

Permitted Uses

8.2 The following uses are ones which are potentially permitted in the 'TCM' Sub-zone:

(a) Accessory structure or garage;

(b) Amenities Buildings;

(c) Amusement facility, indoor;

(d) Artist Studios;

(e) Bakery;

(f) Band Business Office and Community services and facilities;

(g) Business Office and Support Services;

(h) Carving Sheds;

(i) Convenience Stores;

(j) Detached Accessory Suite, less than one-half the size of the primary Single family residence;

(k) Dwelling unit attached to or above a permitted use;

(l) Fitness/Spa Facilities;

(m) Galleries;

(n) Health Services;

(o) Home Based Business,

(p) Hotels;

(q) Light industrial, work yard, administrative or storage spaces for Beecher Bay use or use by an entity associated with Beecher Bay or approved by Council;

(r) Non-Accessory Parking;

(s) Personal Services;

(t) Printers and Publishers;

(u) Restaurants;

(v) Retail;

(w) A Secondary Suite;

(x) Service Station and Gas Bar;

(y) Shopping Centres;

(z) Single family residence;

(aa) Storage;

(bb) Theatres;

(cc) Two-family residence;

(dd) Vehicle Sales/Rentals;

(ee) Veterinary Clinics in enclosed buildings;

(ff) Workshops; and

(gg) Any other uses approved by Council for a specific development for specific lands.

8.3 For greater certainty, the following uses are not permitted in the 'TCM' sub-zone:

(a) Short-term rentals of less than two (2) months, including Air BnB and home exchanges;

(b) Rentals of homes, suites, or other residential units or structures except in strict compliance with Beecher Bay housing policies and housing agreements, a permit or written authorization from Beecher Bay;

(c) any industrial or light industrial uses; and

(d) other uses prescribed by Council by regulation.

Permitted Uses

8.4 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 Beecher Bay for that parcel.

8.5 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.

8.6 If Council approves a detailed plan submitted under subsection 8.4, 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.

Lot Size (Minimum)

8.7 There is no minimum lot size for lots held by the initial Lessee or a Band-owned Entity.

Density (Maximum)

8.8 N/A

Setbacks

8.9 The minimum setback shall be 1.0 m from any front, back or side yard lot line.

Height of Building and Structures

8.10 The maximum height of buildings and structures shall be 10 m or three (3), subject to the Land Use Plan and any variances.

Maximum Building Size

8.11 The total floor area of structures shall be prescribed by Council by regulation.

Parking

8.12 Each building or development shall have sufficient parking as prescribed by Council by regulation for the sub-zone or type of building or development.

Signs

8.13 No signs for uses on the lot longer or wider than 2m shall be installed within 3 m of any road or highway except in strict compliance with a sign permit issued by Beecher Bay First Nation.

Perimeter Buffer

8.14 Council may require landscape features, berms, hedges or fences to be installed to create a visual and noise buffer between 'TCM' and other adjacent uses.

9.0 'RERI' – RENEWABLE ENERGY, RECYCLING AND INDUSTRIAL SUB-ZONE

Purpose

9.1 The 'RERI' sub-zone is an area intended for light industrial and commercial uses.

Permitted Uses

9.2 The following uses are permitted in the 'RERI' Sub-Zone, provided they are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, smoke, gas, noise, effluent or hazard:

(a) Assaying gold and silver,

(b) Bakeries;

(c) Banks;

(d) Carpet cleaning;

(e) Crematoria;

(f) Churches;

(g) Clubs;

(h) Dairy processing and distribution;

(i) Distilleries;

(j) Docks, wharves and piers;

(k) Dry Cleaners;

(l) Fish packing and processing, except fish oil extraction;

(m) Funeral undertaking;

(n) Gas and petroleum tank farms and storage or flammable liquids or gases having a storage capacity of less than 135,000 litres;

(o) Garages;

(p) Gasification or reduction of organic matter;

(q) Light industry, including manufacturing, processing, assembly, testing, servicing and repairing;

(r) Mail order businesses;

(s) Metal Forging and Foundry;

(t) Micro Breweries;

(u) Printing and publishing;

(v) Restaurants;

(w) Retail;

(x) Saw or planing mills;

(y) Schools, including trade schools;

(z) Storage or mini storage;

(aa) Storage lots for undamaged vehicles, impounded or intended for sale, lease, rental or delivery;

(bb) Vehicle sales and rentals;

(cc) Veterinary hospitals;

(dd) Warehouses;

(ee) Washing of vehicles;

(ff) Wholesale; and

(gg) Any other uses approved by Council for a specific development for specific lands.

9.3 For greater certainty, the following Uses do not qualify as permissible uses for the 'RERI' subzone:

(a) Heavy industry; and

(b) Any other uses approved by Council for a specific development for specific lands.

Lot Dimensions (Minimum)

9.4 There is no minimum lot size for lots held by the initial Lessee or a Band-owned Entity.

Density

9.5 N/A

Setbacks

9.6 The minimum setback shall be 3.0 m from any front, back or side yard lot line.

Height of Building and Structures

9.7 The maximum height of buildings and structures shall be 10 m, subject to the Land Use Plan. Maximum Building Size

9.8 The total floor area of structures shall not exceed a gross floor area of 3000 m2 or such gross floor area as may be prescribed by Council by regulation.

Parking

9.9 Each building or development shall have sufficient parking as prescribed by Council by regulation for the sub-zone or type of building or development.

Signs

9.10 No signs for uses on the lot longer or wider than 2m shall be installed within 3 m of any road or highway except in strict compliance with a sign permit issued by Beecher Bay First Nation.

Perimeter Buffer

9.11 Council may require landscape features, berms, hedges or fences to be installed to create a visual and noise buffer between adjacent uses.

10.0 OFFENCES, ENFORCEMENT AND PENALTIES

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

10.2 A person who contravenes this law or an order made by a Court pursuant to this Law is guilty of an offence and liable to the fines, penalties and measures prescribed by Council by regulation but if none are provided:

(a) on summary conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than three months, or to both; or

(b) to administrative fines and penalties including:

(i) for offenses relating to unauthorized rentals, the greater of $1000 per each day of the offense or twice the amount of the purported nightly rental per each day of the offense, with any unpaid fines and penalties added to property taxes if necessary;

(ii) for violating Stop-Work orders or other administrative orders, the greater of $1000 per each day of the offense or twice the amount of the building permit fee or development permit fee, with any unpaid fines and penalties added to property taxes if necessary.

10.3 A fine payable under subsection 10.2 shall be remitted to the Beecher Bay First Nation by the Court, after reasonable Court costs have been deducted.

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

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

(a) issue a Stop Work Order to order any Person, who has not received full and proper authorization under this law, to cease carrying out any activity, use, occupation or construction that is not in strict compliance with this law, or any related activity or use; or

(b) order any structures, works or installations carried out in violation of this Law to be removed within 30 days, failing which Council may order them to be removed at the expense of the interest-holder or the Person who constructed or installed the structures, works or installations without proper authorization.

10.6 A Stop-Work Order imposed under subsection 10.5, will be circulated to:

(a) The Lands Office,

(b) Council,

(c) Beecher Bay Bylaw Enforcement and Environmental Enforcement, and

(d) Beecher Bay Registry.

10.7 A Stop-Work Order imposed under subsection 10.5 may be registered in court and enforced as a court order; and

(a) continues in force until the condition that led to it is remedied or until the activity that is the subject of the Stop Work Order receives a permit or authorization under this Law.

11.0 REGULATIONS

11.1 Council may make any regulations it considers necessary or advisable for purposes under this Law.

11.2 For greater certainty, the powers of Council under this section include the power to make regulations:

(a) for any purpose in relation to which regulations are provided for in this Law;

(b) prescribing any matter or thing referred to in this Law as prescribed or to be prescribed;

(c) respecting the form, content, procedures and review criteria for applications, notices, and other documents that are required or permitted under this Law;

(d) setting fees;

(e) defining words and expressions that are used but not defined in this Law;

(f) further regulating specific details of zones or other matters under this Law; and

(g) generally, for the purpose of giving effect to this Law.

12.0 FORCE AND EFFECT

12.1 This law shall take effect upon its adoption by the Beecher Bay First Nation by Council Resolution after having complied with the Land Code requirements for passing laws.

Recommended to Chief and Council by Beecher Bay First Nation Lands Office this 8th day of June, 2022.

Approved by Chief and Council 14th day of July, 2022.

ADOPTED this 2nd day of August, 2022.

(BCR# **2022-07-14_01**)

Chief Russ Chipps: _____

Councillor Traci Pateman: _____

Councillor Bernice Millette: _____

Quorum: 2

SCHEDULE '1'

DEFINITIONS

ACCESSORY BUILDING means a building, the use or intended use of which is ancillary to that of the principal building situated on the same lot;

AMENITIES BUILDING means a use providing for the meeting, social or recreational activities of members of a non-profit, Homeowners Corporation Association, philanthropic, social service, athletic, business or fraternal organization, without on-site residences except one dwelling unit for caretaker or manager; may include rooms for eating, drinking and assembly;

AMUSEMENT FACILITY, INDOOR means a use or structure providing for various games and activities played by patrons for entertainment within an enclosed building, and where patrons are the primary participants; and without limiting the generality of the foregoing includes amusement parks, go-cart tracks, driving ranges, and miniature golf establishments;

APARTMENT means a dwelling unit contained in an apartment building;

APARTMENT BUILDING means a building divided into not less than three dwelling units other than Townhouses; specifically excludes a building used for a Hotel or Motel;

APPROVAL means approval in writing from the authority having jurisdiction;

AQUACULTURE means the growing and cultivation of aquatic plants or fish, for commercial purposes, in any water environment or in man-made containers of water and includes but is not limited to the growing and cultivation of shellfish on in or under the foreshore or in water and may include the cleaning, icing and storage of fish grown on the same lot but excludes:

(a) the rendering, canning, smoking, cooking and processing not included in this definition, of fish;

(b) the manufacture of fish feed or the mixing of fish offal with fish feed;

(c) the disposal on the lot of fish offal; and

(d) the outdoor storage of fish offal, unless ensiled and mixed with quantities of acid as recommended by the Ministry of Agriculture, Fisheries and Food, Agriculture and Commercial Fisheries Branch;

BASEMENT means a ground floor room in a structure whose average height is less than 60% underground;

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy;

BUILDING AREA means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls; includes the entire building footprint including non-habitable areas, garages, and carports;

BUILDING LINE means the extended line of the exterior wall of a building including roof or deck overhangs, and in particular;

(a) FRONT BUILDING LINE means the extended line of the exterior wall of a building which faces the front lot line;

(b) REAR BUILDING LINE means the extended line of the exterior wall of a building which faces the rear lot line;

(c) SIDE BUILDING LINE means the extended line of the exterior wall of a building which faces the side lot line; All including roof or deck overhangs;

COMMERCIAL USE means an activity or use carried out for financial gain;

COMMUNITY CARE FACILITY means a facility licensed pursuant to the Community Care and Assisted Living Act;

CONVENIENCE STORE means a retail store contained under one roof, having a floor area not exceeding 280m2 and providing for the sale of items regularly used by households, including books, magazines or household accessories, video cassette and video cassette recorder rentals, and food and beverage takeout service;

DESIGN GUIDELINES mean the most recent design guidelines approved by Council based on recommendations from the Lands Advisory Committee and, where possible, with input from the Spirit Bay leaseholders and a planner or designer retained by Beecher Bay;

DETACHED ACCESSORY SUITE means a dwelling unit not smaller than 33.42 (360ft2) and not exceeding 90m2 in floor area; with a separate entrance, capable of being occupied year-round including permanent provisions for living, sleeping, cooking, sanitation, food storage and preparation and detached from the principal building;

DWELLING UNIT means a self-contained room or set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen; and the principal use of such dwelling unit is or is capable of being a permanent residence; includes mobile homes, and modular homes or prefabricated dwellings meeting CSA-A277 standards or equivalent, but not recreation vehicles, tents, buses, travel trailers, or other vehicles;

FLOOR AREA means the space on any storey and/or basement of a building from exterior wall to exterior wall, that excludes garages, carports and sundecks, and

includes all habitable areas;

GARAGE OR CARPORT means a detached accessory building, or a portion of a principal building, whose principal or intended use is for the parking or shelter of vehicles;

GAS BAR means a premises containing not more than three fuel pumping islands and which is used solely for the retail sale of motor fuels, fluids and lubricants as its principal use; may include the ancillary sale of automobile accessories directly to the users of vehicles;

HABITABLE AREA means any space or room, including a manufactured home, that is used for dwelling purposes, business, or alternatively for the storage of goods which are susceptible to damage by floodwater;

HEALTH SERVICES means uses and buildings providing for physical and mental health services on an out-patient basis; services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature; includes medical and dental clinics and offices, health clinics and counselling services;

HEAVY EQUIPMENT SALES, RENTALS AND/OR CONTRACTING means uses and buildings for the sale or rental or contracting out of heavy equipment or vehicles typically used in building, roadway, pipeline, mining, construction or agriculture;

HEIGHT means the average vertical distance from natural grade at the outermost corners of a building or structure to the highest point of the roof surface of a flat roof, or to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure. Where it is not possible to determine natural grade, the height shall be measured from average grade;

HIGHWAY includes a street, road, lane, bridge, viaduct, and any other way open to public use but does not include a private right-of-way on private property;

HOME BASED BUSINESS means an occupation, service, commercial enterprise, craft, or profession conducted for gain, either (a) in or from a dwelling unit by the resident, which is incidental to the residential use of the dwelling unit, or (b) from an accessory building as permitted elsewhere in this Law, in full compliance with all Building Code, safety and zoning requirements and any necessary permits from Beecher Bay, and includes solely the following:

(a) the provision of professional services such as accounting, consulting or legal services;

(b) 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;

(c) creation and sale of carvings, crafts, and other art work;

(d) small-scale home-based Personal Services such as hair cutting where there is no more than one chair or station; and

(e) any other business authorized by Council by regulation;

but excludes

(f) restaurants;

(g) retail stores;

(h) animal breeding, grooming, sitting, kennelling or walking services,

(i) vehicles and or equipment repair,

(j) industrial uses;

(k) light industrial uses including body shops or metal fabricating, paint booths, auto-wrecking, recycling;

(l) any occupation or use requiring a waste management permit;

(m) any business or service that brings more than five (5) clients per day or more than one vehicle at any one time; and

(n) any other business prohibited by Council by regulation;

HOTEL means a building or buildings providing accommodation for the travelling public only, in units without cooking facilities each of which has its own sanitary facilities including water closet and wash basin, in respect of which a public dining room or cafe, or a public house or lounge licensed under the *Liquor Control and Licensing Act*, may be operated in conjunction therewith;

KENNEL means a lot where more than four dogs and/or cats are kept, trained, cared for, bred and/or boarded and where a kennel license has been approved under the relevant bylaw or law;

KITCHEN means an area within a building used for preparing and cooking food for eating and includes facilities for washing utensils, and may include food storage, serving facilities;

LANDS MANAGER means the person designated by the Beecher Bay First Nation Chief and Council;

LANE means a highway less than 10m in width open to vehicular traffic;

LICENSED ESTABLISHMENT has the same meaning as in the B.C. Liquor Control and Licensing Act;

LOT means any lot, block, parcel or other area in which real property is held or into which real property is subdivided;

LOT COVERAGE means the Building Areas of all the buildings and structures on a lot, expressed as a percentage of the lot area;

LOT LINE means a line which marks the boundary of a lot and in particular:

(a) FRONT LOT LINE means the lot line that divides the lot from the highway, provided that in the case of a lot having more than one lot line abutting a highway, the shortest lot line shall be deemed to be the front lot line. In the case of a double fronting lot, the shortest lot line abutting a highway shall be considered as the front lot line. In the case of a through lot, both lot lines abutting the highway shall be considered as front lot lines;

(b) FRONT LOT LINE – PANHANDLE LOT means any lot line adjoining and approximately perpendicular to the access strip, but excluding any extension of the lot line in the access strip;

(c) SIDE LOT LINE means a lot line other than the front or rear lot line;

(d) REAR LOT LINE means the lot line opposite to and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection;

MANUFACTURED HOME has the same meaning as Mobile Home defined elsewhere in the law;

MINIMUM LOT SIZE means size of a lot created by subdivision;

MOBILE HOME has the same meaning as manufactured home as defined in the *Manufactured Home Act*; excludes non-factory additions;

MOTEL means a building or buildings providing temporary accommodation primarily for the automobile travelling public, each unit of which has its own sanitary facilities including water closet and wash basin; may include kitchenettes;

NATURAL BOUNDARY means

(a) the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself and

(b) the edge of dormant side channels of any lake, river, stream, or other body of water;

NATURAL GRADE means the average ground level recorded at the outermost corners of a building or proposed building as determined by survey and referenced bench mark prior to site preparation;

PANHANDLE LOT means any lot, the building area of which is serviced and gains access and road frontage by means of a relatively narrow strip of land which is an integral part of the lot (thereinafter called the "access strip"); the area of the access strip is not included in the minimum lot area calculations;

PARCEL means a lot, block or other area in which land is held or into which land is subdivided;

PARKING, NON-ACCESSORY means a principal use providing vehicular parking which is not required or primarily intended for the use of occupants, employees or client of a particular development; includes surface parking lots and parking garages;

PERSONAL SERVICES mean uses or structures for the provision of services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects; includes the sale of goods where the sale of goods is accessory to the provision of that service; includes barber shops, beauty shops, tailors, dressmakers, shoe repair shops, and dry cleaning establishment and laundry service; but excludes

(a) health services,

(b) escort services,

(c) massage parlours, and

(d) tattoo or body piercing unless specifically authorized in a business permit or license from Beecher Bay;

PRINCIPAL BUILDING means a building which is the chief or main one among the buildings on a lot;

PRINCIPAL USE means the chief or main purpose or function to which land, buildings and structures are designed, intended to be put, or put;

PUBLIC UTILITY USE means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is established by one of the levels of government, including the Beecher Bay First Nation, a Crown Corporation or by a company regulated by a government commission; includes but is not limited to plants, equipment and offices;

RECREATION VEHICLE means any vehicle, trailer or combination of vehicle and accessories used or designed to be used primarily for accommodation during travel or recreation; does not include mobile homes;

RECYCLING DEPOT means a use providing for the collecting, buying and temporary storage of bottles, plastics, metals, organics, cans, newspapers and similar goods for reuse;

RESIDENTIAL USE means human occupancy or use of a building or part thereof as a dwelling unit;

RESTAURANT means a commercial use, whether permanent or temporary, fixed or movable, in which prepared food is served to the public, or any place to which the public have access for the purpose of purchasing prepared food for human

consumption on the premises or elsewhere;

RETAIL SALES mean goods, wares, merchandise, substances, articles or things offered or kept for sale at retail; excludes Retail Stores;

RETAIL STORE means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of the goods, wares, substances, articles or things, sufficient only to service the store, but does not include any other retail use specifically permitted by this Law except Retail Sales;

RETAINING WALL means a wall designed and used to maintain differences in ground elevations by holding back a bank of material;

SECONDARY SUITES mean an accessory dwelling unit not exceeding 90m2 in floor area, capable of being occupied year-round with living facilities, including provision for sleeping, cooking, sanitation, food storage and preparation, contained within a single family dwelling;

SERVICE STATION means a use providing for the retail sale of motor fuels and lubricants as its principal use; may include the servicing and mechanical and/or electrical repairing of vehicles, the sale of automobile accessories and the ancillary sales of retail products; does not include wholesale sales or vehicle structural or body repairs or painting or vehicle sales;

SETBACK means the distance that a use or building or structure or a specified portion of it, must be set back from a lot line;

SHOPPING CENTRE means a commercial use incorporating a group of commercial establishments planned, constructed, or managed as an entity having common or shared parking available to all customers and employees;

SIGN means any symbol, identification, description, illustration or device which is visible from any public place or highway and which directs attention to a product, service, place, activity, person, institution or business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pendant, placard or temporary device intended to advertise, identify or convey information but does not include national flags, traffic control devices erected by Provincial or First Nation Authorities or architectural symbols or graphics which are an integral part of the architectural design of a building;

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;

STREET means any road, boulevard, square or other right of way 10m or more in width, which has been dedicated or deeded for public use, and is accessible to fire department vehicles and equipment;

STRUCTURE means anything which is constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, and includes a satellite dish antenna and retaining walls; but excludes concrete or asphalt or similar surfacing of a lot, fences, signs under 0.6m in height, and underground utility facilities;

SUBDIVISION means the division of land into two or more lots, whether by plan, apt descriptive words, or otherwise, and includes a plan consolidating two or more lots into the same or a lesser number of lots;

TEMPORARY ACCOMMODATION means a total length of stay of not more than 30 consecutive days;

TEMPORARY STORAGE means a time period not to exceed one year;

THEATRE means a building or structure designed to stage live or recorded public performances;

TOTAL FLOOR AREA means the sum of the floor areas of each storey and Basement of a structure;

TRAVEL TRAILER means a recreation vehicle designed to be towed behind a vehicle and meeting CSA Standards;

UNENCLOSED means not contained within a building or structure;

USE means the purpose or function to which land, the surface of water, buildings, or structures are designed, intended to be put, or put;

VEHICLE means a device in, on or by which a person or thing is or may be transported or drawn upon a highway except a device designed to be moved by human power or used exclusively on stationary rails or tracks;

VEHICLE AND/OR EQUIPMENT REPAIR means a use or building providing for the servicing and mechanical repair of vehicles, boats, farm, gardening or construction equipment, and recreational vehicles or the sale, installation or servicing of related accessories and parts; includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops; specifically excludes wrecking yards;

VEHICLE SALES/RENTALS mean a use or building providing for the retail sale or rental of new or used automobiles, motorcycles, trucks, mobile homes, tent trailer, recreational vehicles, motor homes, boats, travel trailers or similar light recreational vehicles or craft, together with incidental maintenance services and sale of parts; includes automobile dealerships, car rental agencies; excludes Heavy Equipment Sales/Rentals;

VETERINARY CLINIC means a use which provides for the veterinary care of dogs, cats, and household pets principally on an out-patient basis, and which may provide

accommodation for short term care incidental to the Veterinary Clinic use; may include agriculture and aquaculture diagnostic services;

WIDTH OF A LOT means the mean distance, measured perpendicularly between the two boundaries intersecting a highway of a lot fronting on a highway, but excluding access strips of panhandle lots;

WRECKING YARD means a use providing for the towing, unenclosed storing, and/or dismantling from time to time, of more than one unlicensed vehicle, which may include sale of parts;

YARD means any part of a lot unoccupied and unobstructed by principal buildings or other structures except as provided elsewhere in this Law; and in particular;

(a) FRONT YARD means a yard extending across the full width of the lot from the front lot line to the front building line of the principal building;

(b) SIDE YARD means a yard extending from the front yard to the rear yard and measured between the side line of the lot and the side building line of the principal building;

(c) FLANKING YARD means that side yard of a corner lot which abuts a street; all requirements for flanking yards are "clear to the sky" unless otherwise stated in this Law;

(d) REAR YARD means a yard extending across the full width of the lot from the rear line of the lot to the rear building line of the principal building;

BEECHER BAY FIRST NATION

SPIRIT BAY ZONING LAW, 2014 (AMENDED)

SCHEDULE 2

LANDS WITHIN SPIRIT BAY ECONOMIC DEVELOPMENT ZONE

Legally Described in the Canada Land Survey Registry (CLSR) as:

Lot 30, Lot 31, and Lot 32, Becher Bay Indian Reserve No. 1,

Section 49, Metchosin District, British Columbia.