

TSLEIL-WAUTUTH NATION

ZONING AMENDMENT #13 TO 'BURRARD INDIAN BAND ZONING BYLAW NO 1, 1992'

WHEREAS we the Chief and Council of the Tsleil-Waututh Nation (the "Nation") enacted the 'Burrard Indian Band Zoning Bylaw No. 1, 1992' on June 25, 1992;

AND WHEREAS the Chief and Council of the Nation deem it advisable and in the best interests of the Nation to further amend the Bylaw;

AND WHEREAS the Tsleil-Waututh Nation ("TWN") has taken control of the management of its reserve lands and resources pursuant to the Framework Agreement on First Nation Land Management and the First Nations Land Management Act, S.C. 1999, c. 24, and has enacted the Tsleil-Waututh Nation Land Code ("Land Code") which came into force and effect on June 6, 2007;

AND WHEREAS the Land Code states in Part 3 – Section 29.1 as follows:

Council shall enact Tsleil-Waututh Laws in accordance with this Part consistent with the Land Code.

NOW THEREFORE the Council of the Tsleil-Waututh Nation hereby enacts an amendment to 'Burrard Indian Band Zoning Bylaw No 1, 1992' pursuant to Part 3 – Law Enactment Procedures of the Land Code to amend 'Burrard Indian Band Zoning Bylaw No 1, 1992' as follows:

PART 1
Introduction

Short Title

1. This Bylaw may be cited as the *TWN Zoning Amendment #13, 2019*.
2. This Bylaw comes into place and takes effect on the date of its enactment.
3. Where any federal Act or regulation or provincial Act or regulation or any other Tsleil-Waututh Law may apply to any matter covered by this Law, compliance with the Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.
4. If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this Law.

5. The headings given to the sections and paragraphs in this Law are for reference only. They do not form part of this Law and will not be used in the interpretation of this Law.

PART 2 **DEFINITIONS**

Definitions

6. Unless otherwise specified, the definition of the terms shall be the same as in the Tsleil-Waututh Nation Land Code.
7. All words and phrases used in this Law shall have the meanings set out below:

“accessory” means ancillary and subordinate to principal;

“aisle space” means the area of a parcel which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

“assembly” means the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes;

“Band Council Resolution” means a formal motion moved by a Council member, seconded by another Council member and passed by a quorum of Council at a duly convened meeting;

“building” means a structure used or intended for supporting or sheltering a use or occupancy;

“child care facility” means any premises used for group day care, family day care, kindergarten, preschool, out of school care, or child minding;

“Council” means the lawfully elected governing body of Tsleil-Waututh Nation and includes the Chief;

“cultural and recreational use” means a use catering to the knowledge, customs, heritage, arts and culture of people and includes museums, art galleries, libraries, and traditional medicinal and community gardens;

“elevation” means, with respect to the definition of ‘finished grade’, a measurement of the height of land above assumed datum;

“fence” includes arbor, archway, gate, pergola, screen, and trellis;

“Floor Space Ratio” or “FSR” means that figure obtained when the gross floor area of all buildings and structures, except those areas exempted as described below is divided by the lot area upon which the buildings and structures are situated.

The Floor Space Ratio calculation excludes from floor space ratio calculations:

- open spaces below elevated buildings and structures;
- parking structures below front yard grade and ancillary uses thereto such as a maintenance, utility, and electrical rooms.
- trellises, pergolas and similar incidental open-sided structures not exceeding in total area 18 m² (194 ft²) and having overhead framing members spaced to leave not less than 80% of the horizontal surface open to the sky.

“front” means the Western property line of Lot 158, Plan 108392 CLSR, Burrard Inlet IR No. 3.

“grade” means the ground level that existed at the time of the subdivision that created the parcel;

“height” means the vertical distance from the average grade at the perimeter of a structure to the highest point of the roof surface, in the case of a structure without a roof, to the highest point of the structure;

“highway” includes a street, road, lane, bridge, and any other way open to public use, but does not include a private right of way on private property or on a leasehold;

“lane” means a highway which provides a second access to a parcel; and is more than 3.0 m (9.8 ft.) wide, but less than 10 m (32.8 ft.) wide as dedicated;

“motor vehicle” means a device in or by which a person or thing is or may be transported on a highway, except a device designed to be moved by human power or used exclusively on stationery rails or tracks, that is designed to be self-propelled;

“office purposes” means the administration and operation of companies, partnerships, federal and provincial offices, business or professional offices, police stations, post offices and libraries;

“office support services” means land and buildings used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating or photographic processing; the provision of office custodial, maintenance or security services; the sale, the provision of clerical, secretarial employment or telephone answering services which may include training. Typical uses would include: printing and photographic processing establishments; janitorial and

security firms; office equipment sales, servicing and repair establishments; and, clerical services;

“parcel” means any lot, including a strata lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

“parking space” means an area on a parcel identified for the parking of one motor vehicle and does not include aisle space;

“retail food services” means land, buildings and structures used for the provision of prepared foods and beverages for either on or off-site consumption with a seating capacity of not more than 10 persons. Typical uses would include: delicatessens; cafes; refreshment stands; sandwich bars; and take-out food services.

“retaining wall” means a vertical structure used to retain soil for the construction of an artificial grade by either excavating from or adding fill to natural grade. The construction of artificial grade, whether by a retaining wall or otherwise, is governed by the TWN Building Bylaw and other applicable TWN Laws and Bylaws.

“setback” means the minimum permitted distance between a building or structure and a property line;

“social-gathering use” means the use of land, buildings, and structures for socializing and gathering on a not-for-profit basis, and may include but is not limited to: assembly, non profit clubs, reading rooms, and meeting spaces, but does not include: elementary or high schools

“storey” means the portion of a building that is situated between the top of any floor and the top of the floor next above it; or the ceiling above it where there is no floor above the ceiling;

“structure” means any construction fixed to, supported by, or sunk into land or water, but excludes a fence and a retaining wall less than 1.2 m (3.9 ft) and includes a building;

“subdivision” means the division of land or the building (strata) into two (2) or more subleased parcels, whether by plan, description, words, or otherwise.

“Tsleil-Waututh Lands Office” means the office established by the Council to assist in the management and administration of Tsleil-Waututh Lands;

“utility” describes broadcast transmission, electrical, internet, telephone, sewer or water services established by the Tsleil-Waututh Nation, another government, or a company and does not include oil or gas storage tanks or a public storage and works yard;

“**wall**” means any vertical structure used as an enclosure or screen where the thickness is greater than 75 millimetre (2.95 in.), excluding rails and posts. Thinner structures are considered fences,

“**watercourse**” means a depression with a bed 0.6 metres (2.0 ft.) or more below the average natural elevation of surrounding land serving to give direction to a current of water for an average of at least six months of a year; or having a drainage area of 2 km² (494 acres) or more; and

“**zone**” – means a zoning district established by this Law.

PART 3 APPLICATION

Lands Affected

8. Burrard Indian Band Zoning Bylaw No 1, 1992 Special Development Zone is hereby amended with respect to its application to: Lot 158 Plan 108392 CLSR only.

PART 4 PERMITTED LAND USE

Zone Designation

9. The lands affected are designated as Comprehensive Development Zone 13.

Uses

10. All uses of land, buildings, and structures are prohibited except the use of such buildings and structures for:

Principal Use:

- i. Office purposes.

Accessory Uses:

Permitted accessory uses may include, but are not necessarily limited to:

- i. Business/office support services
- ii. Retail food services;
- iii. Child care facility;
- iv. Social-gathering use; and
- v. Cultural and recreational use.

Use Conditions

11. Floor space used for accessory purposes shall not exceed 40% of the total gross floor area of the building.

PART 5 **GENERAL PROVISIONS**

Setbacks for Comprehensive Development Zone 13

12. The following setbacks are required for Comprehensive Development No. 13 Zone, unless otherwise approved by Band Council Resolution:

Setback	Buildings and Structures
Front	Minimum: 8.5 metres (27.9 ft.)
Rear	Minimum: 8.5 metres (27.9 ft.)
Side	Minimum: 4 metres (13.1 ft.)

Building Height

13. Notwithstanding any other provision of this Law, where soil or other material has been deposited on a parcel, the maximum permitted height of a building or structure shall be measured from the mean elevation of the permitted building site prior to deposit of the soil or other material, as determined by the TWN Lands Office.
14. Buildings or structures shall not exceed a height of 6 storeys.
15. Notwithstanding section 14 of this Law, roof mounted masts, antennae, or dishes for the purpose of the reception of radio, television or other communication signals, and also including roof mounted flagpole shall not exceed a height of 35 metres (115 ft.) from finished grade.

Siting & Floor Space Ratio

16. Buildings shall not exceed a floor space ratio of 2.25
17. Buildings shall not occupy more than 65% of the lot area, excluding that part of the structure that is for underground parking.
18. Buildings shall be sited in accordance with an approved development permit.

Fences and Retaining Walls

- 19. The height of a fence, retaining wall or hedge shall be determined by measurement from the ground level at the average finished grade within 0.9 metres (2.95 ft) of both sides of the fence, retaining wall or hedge.
- 20. On a corner site contiguous to a street intersection, no fence, retaining wall, wall, hedge or other vegetation shall be allowed at height greater than 0.9 m (2.95 ft.) above the established elevation of the centre point of intersecting streets, at or within a distance of 4.5 m (14.8 ft.) from the corner of the site at the intersection of the streets.
- 21. No fence shall exceed 1.8 m (6 ft.) in height.

Parking

- 22. A minimum of two (2) spaces per 100 m² (1076 ft.²) of gross floor area is required for off-street parking spaces.
- 23. Each off-street parking space and required loading space shall comply with the dimensions indicated in the following table:


Type of parking space	Width	Length	Clear Height
Standard Space	2.7 m (8.86 ft.)	5.7 m (18.7 ft.)	2.1 m (6.89 ft.)
Small Car Space	2.6 m (8.5 ft)	4.9 m (16.1 ft.)	2.1 m (6.89 ft.)
Disabled Space	3.7 m (12.1 ft.)	5.7 m (18.7 ft.)	2.1 m (6.89 ft.)
Loading Space	3 m (9.8 ft.)	9 m (29.5 ft.)	4 m (13.1 ft.)

- 24. The width of parking stalls is measured between the centre lines of painted stripes or between the centre line of a painted stripe and the edge of an abutting curb, fence, wall or landscaped area.
- 25. Support columns in parking structures are not permitted to encroach into the required width of parking spaces.
- 26. The width of parking spaces abutting a wall or fence shall be increased by 0.2 m (0.66 ft.) for the entire length of the space.
- 27. The required height of parking spaces and loading spaces shall be maintained over the entire area of the space.


- 28. Each parking, passenger drop-off area, and loading space shall be suitably marked.
- 29. A driveway shall be not less than 6 m (19.7 ft.) wide for two-way traffic or 4.6 m (15 ft.) wide for one-way traffic.
- 30. No parking of vehicles with a combined Gross Vehicle Weight exceeding 4500 kg is permitted except in the loading area.

This bylaw is hereby enacted at a duly convened meeting of the Council of the Tsleil-Waututh Nation this 17 day of December, 2019.
Voting in favour of this Bylaw are the following Members of the Council.


Chief Leah George-Wilson


Councillor Curtis Thomas


Councillor Justin George


Councillor Vanessa Gonzalez


Councillor Deanna George


Councillor Jennifer Thomas

Read a first time the	<u>17</u>	day of	<u>September</u>	<u>2019</u>
Special Membership Meeting held the	<u>15</u>	day of	<u>October.</u>	<u>2019</u>
Read a second time the	<u>15</u>	day of	<u>October</u>	<u>2019</u>
Read a third time the	<u>17</u>	day of	<u>December</u>	<u>2019</u>