

**TSLEIL-WAUTUTH NATION  
LAW.**

**ZONING LAW - COMPREHENSIVE DEVELOPMENT #14**

**WHEREAS:**

- A. 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;
- B. Pursuant to Part 3 of the Land Code, the TWN can make laws with respect to the development, management and use and possession of Tsleil-Waututh Lands.
- C. Pursuant to a Band Council Resolution the TWN Council amended the Burrard Indian Band Zoning By-Law No. 1, 1992 on June 25, 1992 (the “Zoning By-Law”) to exclude Lot 155 from the Special Development Zone (as defined in the Zoning By-Law); and
- D. The TWN Council deem it advisable and in the best interests of the Nation to enact this Zoning Law - Comprehensive Development #14 to govern the zoning of Lot 155.

**NOW THEREFORE** TWN hereby enacts the following Zoning Law - Comprehensive Development #14 for Lot 155.

**PART 1 – TITLE**

- 1.1 This Law may be cited as the *TWN Zoning Law - CD #14*.

**PART 2 – DEFINITIONS**

- 2.1 Unless otherwise specified, the definition of the terms shall be the same as in the Land Code. Otherwise, all words and phrases used in this Law shall have the meanings set out below:

“**Accessory Use**” means a use that is ancillary and subordinate to principal use;

“**Adaptable Dwelling Unit**” means a unit designed in conformance with Subsection 3.8.5 of the 2018 BC Building Code;

**“Access Aisle”** means a space for accessible path of travel from and to a vehicle adjacent to an accessible Parking Space;

**“Aisle Space”** means the area of a Parcel which provides space for Motor Vehicle access and maneuvering in respect of parking but does not include the space for Motor Vehicle parking;

**“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 Council meeting;

**“Building”** means a structure wholly or partly enclosed with walls and a roof used or intended for supporting or sheltering a use or occupancy;

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

**“Developer”** means a person required to obtain a development permit, or one that has possession of a Development Permit;

**“Development Permit”** means a permit issued by the TWN that specifies how development is to occur on a given parcel;

**“Director of Public Works”** means the person appointed by Council to hold the principal non-political management position in the Tsleil-Waututh Nation Department of Public Works and includes their designates;

**“Dwelling Unit”** means one or more habitable rooms for residential accommodation containing not more than one kitchen;

**“Fence”** Includes an arbor, archway, gate, guardrail, pergola, screen and trellis;

**“Finished Grade”** means the lowest of the average levels of the finished ground created by human action adjoining each exterior wall of a Building or structure, excluding any localized depressions;

**“Floor Space Ratio” or “FSR”** means that figure obtained when the gross floor area of all Buildings, except those areas as described below, is divided by the lot area upon which the Buildings are situated. The Floor Space Ratio calculation excludes:

- open spaces below elevated Buildings or structures;
- Parking Structures, including staircases, stairwells, Aisle Space and corridors appurtenant thereto;
- open-sided balconies, patios and rooftop decks; and
- trellises, pergolas and similar incidental open-sided structures;
- Exterior wall thickness in excess of 0.165 meters (6.5 inches) up to a maximum exclusion of 0.305 (12 inches) provided that the wall thickness is

utilized for the provision of insulating materials and/or protection against wind, water, and vapor;

**“Front”** means the southern surveyed property line of Lot 155, Plan 107656 CLSR, Burrard Inlet IR No. 3;

**“Gross Floor Area”** means the total floor area of a Building measured to the exterior of its walls;

**“Height”** means the vertical distance from the Finished Grade 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 it does not include a private right of way on leasehold property;

**“Home-based Business”** means any occupation or profession conducted for gain in a Dwelling Unit, and which is clearly Ancillary to the residential use of the property, of which the proprietor is also a resident of the Dwelling Unit where the Home-based Business occurs. Social escort services and pet care establishments are prohibited as Home-based Businesses, and a total of not more than two persons shall be engaged in the Home-Based Business in the Dwelling Unit;

**“Included or Including”** means inclusive of but not limited to;

**“Lot 155”** means Lot 155 Plan 107656 CLSR Burrard Inlet Reserve No. 3;

**“Motor Vehicle”** means a motorized 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;

**“Natural Grade”** means the ground level that existed immediately before the Subdivision that created the Parcel;

**“Parcel”** means any lot of land, including a subleased lot, block or other surveyed 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 but does not include the Aisle Space or Access Aisle;

**“Parking Structure”** means a structure or portion of a structure above and/or below Finished Grade, but not more than one Storey above the Finished Grade exclusive of stairwells appurtenant thereto, used for the parking of Motor Vehicles and which may include the following and other similar uses: garbage, recycling and composting facilities; stormwater detention facilities; Utility infrastructure and

facilities; security, mechanical, sprinkler and electrical equipment and facilities; bicycle storage, storage lockers, and other storage areas and facilities; bicycle service facilities; and Motor Vehicle and/or bicycle cleaning facilities;

**“Principal Use”** means the primary use and purpose for which land, Buildings or structures are ordinarily used;

**“Rear”** means the northern surveyed property line of Lot 155, Plan 107656 CLSR, Burrard Inlet IR No. 3;

**“Recreational Amenity”** means the use of an outdoor or indoor space in a multiple unit residential development for all its residents for cultural, social, and/or recreational activities;

**“Residential”** means the use of land and Buildings for housing consisting of one or more Dwelling Units in a building;

**“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 the Natural Grade;

**“Show Home”** means a permanent Dwelling Unit being used for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a Subdivision or development area. Show Homes may contain offices for the sale of other sites or dwellings on the Reserve;

**“Side (east)”** means the eastern surveyed property line of Lot 155, Plan 107656 CLSR, Burrard Inlet IR No. 3;

**“Side (west)”** means the western surveyed property line of Lot 155, Plan 107656 CLSR, Burrard Inlet IR No. 3;

**“Storey”** means that portion of a Building which is situated between the surface of any floor and the surface of the floor next above it, and if there is no floor above it, that portion between the surface of such floor and the roof above it;

**“Subdivision”** means the division of land or the Building (sublease) into two (2) or more subleased Parcels by survey plan;

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

**“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.

### **PART 3 – APPLICATION OF THE LAW**

3.1 This Law applies to Lot 155 and is designated as Comprehensive Development #14 or CD #14.

### **PART 4 – PERMITTED USES FOR CD #14**

4.1 All uses of land, Buildings, and structures are prohibited except the use of such Buildings and structures for:

- a) Principal Use:
  - i. Residential.
- b) Permitted Accessory Uses may include, but are not necessarily limited to:
  - i. Recreational Amenities;
  - ii. Home-based Businesses occupying up to thirty percent (30%) of a Dwelling Unit's floor area;
  - iii. Show Homes, subject to section 4.2.

4.2 A Show Home shall not operate for a period greater than thirty-six (36) months unless the Developer applies for and receives an extension from the Manager of Lands.

### **PART 5 – GENERAL PROVISIONS – CD #14**

#### **Setbacks**

5.1 The following Building Setbacks are required for Comprehensive Development 14:

<b>Setback</b>	<b>Buildings and Structures</b>
Front (South)	Minimum: 5 metres (16.4 ft.)
Rear (North)	Minimum: 6 metres (19.7 ft.)
Side (West)	Minimum: 6 metres (19.7 ft.)
Side (East)	Minimum: 9 metres (32.8 ft.)

5.2 Retaining walls, Fences, fitness and/or playground equipment and Parking Structures (Including staircases and stairwells appurtenant thereto) may be sited on any portion of Lot 155 subject to section 5.8 of this Law.

### Building Height

- 5.3 Buildings or structures shall not exceed a Height of 25 metres (82.0 ft.). No Building or structure shall exceed six (6) Storeys in Height above Finished Grade.
- 5.4 Notwithstanding section 5.3 of this Law, mechanical penthouses and fully screened heating, cooling, ventilation and mechanical equipment may extend no more than 2.4 metres above the highest point of any roof surface.
- 5.5 Notwithstanding section 5.3 of this Law, roof mounted masts, antennae, or dishes for the purpose of the reception of radio, television or other communication signals may extend above the highest point of any roof surface but shall not exceed a Height of 30 metres (98.4 ft.) from Finished Grade.

### Siting & Floor Space Ratio

- 5.6 Buildings shall not exceed a floor space ratio of 2.00.
- 5.7 Buildings shall not occupy more than sixty-five percent (65%) of the Parcel area, excluding the Parking Structure.
- 5.8 Buildings and structures shall be sited in accordance with an approved Development Permit.

### Parking

- 5.9 A minimum of 1.6 spaces per Dwelling Unit is required for off-street Parking Spaces, inclusive of 0.1 visitor spaces per Dwelling Unit including one accessible visitor Parking Spaces, and one accessible Parking Space per Adaptable Dwelling Unit.
- 5.10 Accessible Parking Spaces shall be located near an accessible Building entrance.
- 5.11 Each off-street Parking Space and required loading space shall comply with the dimensions indicated in the following table:

Type	Width	Length	Clear Height
Standard	2.7 m (8.86 ft.)	5.7 m (18.70 ft.)	2.1 m (6.89 ft.)
Small Car	2.6 m (8.53 ft.)	4.9 m (16.08 ft.)	2.1 m (6.89 ft.)
Accessible	2.4 m (7.87 ft.)	5.7 m (18.70 ft.)	2.1 m (6.89 ft.)
Loading	3.0 m (9.84 ft.)	9.0 m (29.52 ft.)	4 m (13.12 ft.)

- 5.12 The width of Parking Spaces is measured between the centre of the painted stripes or between the centre of a painted stripe and the edge of an abutting curb, Fence, wall or landscaped area.

- 5.13 Accessible Parking Space will have an accessible Access Aisle of 1.5 metres (4.92 ft.) in addition to the width identified in section 5.11.
- 5.14 The Access Aisle for accessible Parking Space will extend the full length of the space.
- 5.15 Where two accessible Parking Spaces are provided adjacent to each other, they may share an Access Aisle.
- 5.16 The Access Aisle must be clearly identified with diagonal pavement markings.
- 5.17 Support columns in Parking Structures are not permitted to encroach into the required width of Parking Spaces.
- 5.18 The width of Parking Spaces abutting a wall or Fence shall be increased by 0.2 metres (0.66 ft.) for the entire length of the space.
- 5.19 The required Height of Parking Spaces and loading spaces shall be maintained over the entire area of the space.
- 5.20 Each parking, passenger drop-off area, and loading space shall be suitably marked.
- 5.21 A driveway shall be not less than 6 metres (19.7 ft.) wide for two-way traffic or 4.6 metres (15 ft.) wide for one-way traffic.
- 5.22 Aisle Space for right-angle parking shall be not less than 6.6 metres (21.7 ft.) wide.
- 5.23 Small car Parking Spaces shall not exceed thirty-five percent (35%) of the required Parking Spaces.
- 5.24 All Parking Spaces required by this Law shall be used exclusively for the parking of Motor Vehicles
- 5.25 No parking of vehicles with a combined gross vehicle weight exceeding 4,500 kg is permitted except in the loading area.

### **Bicycle Parking & Storage**

- 5.26 A minimum of one secure bicycle/storage locker which must be a minimum of 2.22 square metres (24 square ft.) in area shall be provided for each Dwelling Unit.
- 5.27 A minimum of sixteen (16) ground-level visitor bicycle parking spaces shall be provided by way of bicycle racks located near the Building entrances.

## **Minor and Major Variances**

- 5.28 The Director of Public Works is hereby authorized to permit minor variances to this Law, in the sole discretion of the Director of Public Works, provided such variances are not a material departure from the provisions of this Law, including minor variances to:
- a. Setbacks;
  - b. Building Height;
  - c. Building siting;
  - d. total number, length, width and clear height of Parking Spaces, excluding the minimum visitor and accessible Parking Space requirements noted in section 5.9;
- 5.29 Applications for minor variances will be made in a form approved by the Director of Public Works.
- 5.30 Additional uses and major variances must be referred to Council for approval by Band Council Resolution.

## **PART 6 – OFFENCES, PENALTIES AND ENFORCEMENT**

### **Offences**

- 6.1 It is an offence for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended or used or land to be used in contravention of this Law or otherwise to contravene or fail to comply with this Law.

### **Penalties**

- 6.2 A person who contravenes this Law, the terms or conditions of an authorization issued under this Law, or an order made by a Court pursuant to this Law, is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than three months, or to both.
- 6.3 A fine payable under paragraph 6.2 shall be remitted to the TWN by the Court, after reasonable Court costs have been deducted.

## **PART 7 – GENERAL**

- 7.1 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.



- 7.2 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.
- 7.3 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 8 – COMING INTO FORCE**

- 8.1 This Law shall come into force and effect on the date it is enacted by Band Council Resolution after complying with the requirements of the Tsleil-Waututh Land Code.


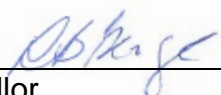





READ a first time by Council at a duly convened meeting held the 9 day of June, 2021.

PRESENTED to the Membership at a Special Membership Meeting held on the 20 day of July, 2021.

READ a second time by Council at a duly convened meeting held on the 20 day of July, 2021.

READ a third time and enacted by Council at a duly convened meeting held on the 3 day of August, 2021.

Voting in favour of this Law are the following members of the Council.

	 _____ Chief	
 _____ Councillor		 _____ Councillor
 _____ Councillor		 _____ Councillor
 _____ Councillor		 _____ Councillor