

TSLEIL-WAUTUTH NATION

ZONING LAW – Comprehensive Development #15

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 Nations Land Management (“Framework Agreement”) and the *Framework Agreement on First Nation Land Management Act, S.C. 2022, c. 19, s.121*, 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 Council Resolution the TWN Council amended the Burrard Indian Band Zoning By-Law No. 1, 1992 on November 14, 2023, to exclude Lot 166 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 #15 to govern the zoning of Lot 166.

NOW THEREFORE TWN hereby enacts the following Zoning Law - Comprehensive Development #15 for Lot 166.

PART 1 - INTRODUCTION

- 1.1 This Law may be cited as the *TWN Zoning Law – CD #15*

PART 2 – DEFINITIONS

- 2.1 Unless otherwise specified, the definition of the capitalized terms will be the same as the TWN Land Code.
- 2.2 In this Law,
 - “**Accessory Use**” means a use that is ancillary and subordinate to Principal Use;
 - “**Access Aisle**” means a space for an accessible path of travel from and to a vehicle neighbouring an Accessible Parking Space;
 - “**Accessible Parking Space**” means a Parking Space for the use of a person who has a loss, or a reduction, of functional ability and activity and includes a person in a wheelchair and a person with a sensory disability which includes visual impairment;
 - “**Average Grade**” means the average of: a) The highest finished ground level within 3.05 metres of the Structure; and b) The lowest finished ground level at the perimeter outside Wall of the Structure (excluding sunken patios to a combined maximum 9.29 m² and window wells);

"Bicycle Parking Spaces, Secure" means a bicycle rack space for the storage of one bicycle in a fully enclosed and secured space within a Structure or Building;

"Bicycle Parking Spaces, Short-Term" means a bicycle rack space for the short-term parking of one bicycle and must include a device that is anchored to an immovable hard surface;

"Building" means a Structure designed or intended for the support, enclosure, shelter, or protection of persons or property;

"Common Amenity Area" means an outdoor or indoor space that is accessory to a Multiple Residential Use and is specifically designed for use by all its residents for cultural, social, and/or recreational activities. This area will not be used for commercial purposes and will not contain Dwelling Unit(s). Such spaces may include amenities such as community meeting space, sports and fitness facilities, cultural facilities, artist studios, workshops, tennis courts, swimming pool, community garden, and children's play areas;

"Council" means the lawfully elected governing body of TWN and includes the Chief;

"Court" means the Supreme Court of British Columbia and the Federal Court of Canada, Trial Division;

"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 to hold a non-political management position for the TWN with the job title Director of Public Works;

"Dwelling Unit": means one or more habitable rooms which constitute one self-contained unit used or intended to be used for living and sleeping purposes for which is provided:

- a. cooking equipment or the facilities for the installation of cooking equipment; and
- b. one or more bathrooms with a toilet, sink and shower or bath tub;

"Exception" means a variance of the standards of this Law in accordance with Part 5;

"Fence" means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land and includes an arbor, archway, gate, hedges, pagoda, screen, trellis, and Wall;

"Finished Grade" The lowest finished ground level at the perimeter outside Wall of the Structure (excluding sunken patios to a combined maximum 9.29 m² and window wells);

"Floor Space Ratio" means when the Net Floor Area of all Buildings and Structures is divided by the area of the Parcel upon which the Buildings and Structures are situated;

"Green Building System" means a) equipment that converts, stores, transfers (or combination thereof) energy from a renewable energy source. This includes equipment used to support solar collectors, small wind energy systems, heat pump systems, waste heat recovery systems and biomass systems; or b) equipment that stores and treats (if necessary) rainwater, grey water, or both, on site;

"Front" means the northern surveyed property line of Lot 166, Plan 110725 CLSR, Burrard Inlet IR No. 3;

"Gross Floor Area" means the total floor area of a Building measured to the exterior of its Walls in accordance with section 5.4;

"Height" means the vertical distance in metres between the highest point of the Structure and the Average Grade; or the total number of Storeys in the Structure;

"Highway" means a dedicated public road right-of-way available for motorized and non-motorized travel;

"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 not more than two persons shall be engaged in the Home-Based Business in the Dwelling Unit;

"Lot 166" means Lot 166, Plan 110725 CLSR Burrard Inlet Indian Reserve No.3;

"Manager of Lands" means the person appointed by Resolution to oversee the day-to-day operations of the TWN Lands Office in relation to the Land Code;

"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, which is designed to be self-propelled;

"Natural Grade" means the ground level that existed immediately before the Subdivision that created the Parcel;

"Net Floor Area" means the Gross Floor Area minus those areas exempted by section 5.5 of this Law;

"Off-Street Parking Space" means an area on a Parcel identified for the parking of one Motor Vehicle and includes all types of parking but does not include an Access Aisle;

"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 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;

"Porch" means an open area covered by a roof supported by column, which forms part of the access/egress to a Building;

"Principal Use" means the primary use of land, Buildings, and Structures, and includes all aspects of that use that are necessary to performing that primary use, but excludes Accessory Uses;

"Private Amenity Area" shall mean an amenity area with direct access from an individual Dwelling Unit and intended for exclusive use of the residents of that Dwelling Unit, such as unenclosed Porches, verandas, patios, balconies, roof gardens, and decks;

"Residential Use" means the use of land and Buildings for housing consisting of one or more Dwelling Units in a Building;

"Residential Use, Multiple" means a Residential Use containing three or more Dwelling Units;

"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;

"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;

"Setback" means the minimum permitted distance between a Building or Structure and a Parcel Line;

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

"Structure" means any construction fixed to, supported by, or sunk into land or water, but excludes a Fence or a Retaining Wall less than 1.2 metres;

“Subdivision” means the division of land or the Building into two (2) or more Parcels;

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

“Utility” describes broadcast transmission, electrical, internet, telephone, sewer, or water services established by the TWN, 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 millimeters, excluding rails and posts. Thinner structures are considered Fences;

PART 3 – APPLICATION

- 3.1 This Law applies to Lot 166 is designated as Comprehensive Development Zone 15.

PART 4 – PERMITTED USES FOR CD #15

- 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 Use, Multiple
 - b. Permitted Accessory Uses may include, but are not necessarily limited to:
 - i. Common Amenity Area;
 - ii. Off-Street Parking Use;
 - iii. Home-Based Businesses occupying up to thirty percent (30%) of a Dwelling Unit’s floor area; and
 - iv. Accessory Uses, customarily ancillary to any Principal Use.

PART 5 – GENERAL PROVISIONS

Setbacks

- 5.1 Principal and Accessory Buildings and Structures shall be set back from property lines to the closest Building face to a minimum of 4.00 metres.

Building Height

- 5.2 Buildings or Structures shall not exceed a Height of 18 metres. No Building or Structure shall exceed six (6) Storeys in Height above Finished Grade.

5.3 Notwithstanding section 5.2 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.

Siting and Floor Space Ratio

5.4 The following will be included in the measurement of Gross Floor Area:

- a. all Storeys having a minimum ceiling Height of 1.2 metres, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the Building.

5.5 For the purposes of Lot 166, the following will be excluded from the Gross Floor Area:

- a. Open spaces below elevated Buildings and Structures;
- b. Private Amenity Area and Common Amenity Area;
- c. Areas used exclusively for Off-Street Parking Use and loading, storage, or service to the Building, provided that the finished floor of those areas or portions thereof so used, is at or below grade;
- d. Canopies, overhangs, architectural elements and awnings;
- e. Floor area used for Green Building Systems, and shared public corridors;
- f. Exterior Wall thickness in excess of 0.165 metres, provided that the Wall thickness is utilized for the provision of insulating materials and/or protection against wind, water and vapour;
- g. Tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture.

5.6 Buildings shall not exceed a Floor Space Ratio of 1.252.

5.7 Buildings shall not occupy more than fifty percent (50%) of the Parcel Area.

5.8 Buildings and structures shall be sited in accordance with an approved Development Permit.

Parking

5.9 A minimum of 1.0 spaces per Dwelling Unit is required for Off-street Parking Spaces

5.10 Each Off-street Parking Space shall comply with the dimensions indicated in the following table:

Type	Width	Length	Clearance
Standard	2.7 m (8.86 ft.)	5.7 m (18.70 ft.)	2.1 m (6.89 ft.)
Small	2.6 m (8.53 ft.)	4.9 m (16.08 ft.)	2.1 m (6.89 ft.)

- 5.11 The required clearance of Off-street Parking Spaces will be maintained over the entire area of the space.
- 5.12 Support columns in parking Structures are not permitted to encroach into the required width of Off-street Parking Spaces.
- 5.13 The width of Off-street Parking Spaces 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.
- 5.14 All Off-street Parking Spaces shall be used exclusively for the parking of Motor Vehicles.

Accessible Parking

- 5.15 Accessible Parking Spaces will be clearly designated and marked.
- 5.16 A portion of the required Off-Street Parking Spaces will be dedicated as Accessible Parking Space and will be provided in accordance with the following table:

Number of Parking Spaces Required	Minimum Number of Standard Accessible Parking Spaces	Minimum Number of Large Accessible Parking Spaces
0-5 spaces	n/a	n/a
6-25 spaces	0	1
26-50 spaces	1	1
51-75 spaces	2	1
76-100 spaces	3	1

- 5.17 Notwithstanding section 5.10, Accessible Parking Spaces must at a minimum comply with the dimensions in the following table:

Type of Accessible Parking Space	Width	Length	Clearance
Standard Accessible Parking Space	2.6 m (8.53 ft.)	5.5 m (18.04 ft.)	2.3 m (7.55 ft)
Parallel Standard Accessible Parking Space	2.6 m (8.53 ft.)	7.3 m (23.95 ft.)	2.3 m (7.55 ft)
Large Accessible Parking Space	3.4 m (11.15 ft)	5.5 m (18.04 ft.)	2.3 m (7.55 ft)
Parallel Large Accessible Parking Space	3.4 m (11.15 ft)	7.3 m (23.95 ft.)	2.3 m (7.55 ft)

- 5.18 Accessible Parking Spaces will have an accessible Access Aisle of 1.5 metres in addition to the width identified in section 5.17.
- 5.19 Where two Accessible Parking Spaces are provided adjacent to each other, they may share an Access Aisle.
- 5.20 A required Access Aisle must be clearly identified with diagonal pavement markings.
- 5.21 Accessible Parking Spaces must be near an accessible Building entrance.
- 5.22 The Access Aisle will extend the full length of the Accessible Parking Space.

Garbage and Recycling

- 5.23 No driveway ramp shall exceed a slope of 10% (1:10) in the first 6.096 metres (20 feet) from the property line, and 12.5% beyond the first 6.096 metres (20 feet).
- 5.24 All Buildings will have space on the Parcel sufficient to allow for garbage pick-up to occur without obstructing public roadways.
- 5.25 All Buildings shall provide a recycling and garbage storage facility which is screened, wildlife-proof, and accessible from a driveway.

Bicycle Parking & Storage

- 5.26 The minimum number of off-street Bicycle Parking Spaces required for all Buildings and uses will be provided in accordance with the following table:

Use	Secured Bicycle Parking Spaces	Short-Term Bicycle Parking Spaces
Multiple Residential Use	1.0 per Dwelling Unit.	A minimum of 2 spaces for any development containing at least 20 Dwelling Units, and one additional space for every 20 additional Dwelling Units.

- 5.27 Secure Bicycle Parking Space must be a minimum of 2.22 square metres (24 square ft.) in area.
- 5.28 Secured Bicycle Parking Spaces will be provided in the form of a secured waterproof bicycle locker, secured bicycle room, or other secured area within a Building, complete with bicycle racks.
- 5.29 Short-Term Bicycle Parking Spaces shall be provided in the form of bicycle racks located within 15.0 m of a principal Building entry.

Exceptions

- 5.30 A Person may, by application to the Director of Public Works, request an Exception to the following standards prescribed in this Law:

- a. Setbacks;
 - b. Total number of Off-Street Parking Spaces, excluding the minimum Accessible Parking Space requirements noted in Part 5 of this Law; and
 - c. The length, width, and clearance of Off-Street Parking Spaces required by Part 5 of this Law.
- 5.31 The Director of Public Works may, at their sole discretion,
- a. Approve an Exception;
 - b. Reject an Exceptions;
 - c. Request additional information from the applicant; or
 - d. Refer the decision to Council.

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 section 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 Council Resolution after complying with the requirements of the Land Code.

This law is hereby enacted at a duly convened meeting of the Council of the Tsleil-Waututh Nation this November day of 17 2023 and will come into force as stated in section 8.1 of this Law.

Read a first time the _____27_____ day of _____March_____, 2023.
Special Membership Meeting held the _____23_____ day of _____May_____, 2023.
Read a third time the _____14_____ day of _____November_____, 2023.

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



Chief



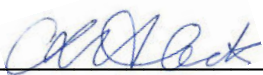
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